



Havering

LONDON BOROUGH

REGULATORY SERVICES COMMITTEE AGENDA

7.30 pm

**Thursday
9 January 2014**

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

Members 11: Quorum 4

COUNCILLORS:

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

For information about the meeting please contact:

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AGENDA ITEMS

1 CHAIRMAN'S ANNOUNCEMENTS

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

The Chairman will announce the following:

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

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

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

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

2 APOLOGIES FOR ABSENCE AND ANNOUNCEMENT OF SUBSTITUTE MEMBERS

(if any) - receive.

3 DISCLOSURE OF PECUNIARY INTERESTS

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

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

4 PLANNING APPLICATIONS - SEE INDEX AND REPORTS (Pages 1 - 20)

Reports attached

5 P0945.13 - THREE HORSESHOES FARM, NOAK HILL ROAD, ROMFORD (Pages 21 - 44)

Report attached

- 6 P1388.13 - LAND AT HAYDOCK CLOSE, HORNCHURCH** (Pages 45 - 60)
Report attached
- 7 P1054.13 - LAND NORTH OF 8 JACKSON CLOSE, HORNCHURCH** (Pages 61 - 78)
Report attached
- 8 P1357.13 - FORMER PETROL STATION, ADJACENT TO 2A SUTTONS LANE, HORNCHURCH** (Pages 79 - 100)
Report attached
- 9 P1159.13 - LAND REAR OF 4-12 TANSY CLOSE, 10-50 DEWSBURY ROAD AND 1-9 WOODLANDS HOUSE** (Pages 101 - 116)
Report attached
- 10 P1134.13 - 17 BOXMOOR ROAD** (Pages 117 - 126)
Report attached
- 11 P1136.12 - 1A HILLVIEW AVENUE** (Pages 127 - 144)
Report attached
- 12 P1137.13 - 55 WHITE HART LANE, ROMFORD** (Pages 145 - 154)
Report attached
- 13 P1405.13 - CAR PARK, REAR OF TOWN HALL, MAIN ROAD, ROMFORD** (Pages 155 - 164)
Report attached
- 14 URGENT BUSINESS**
- To consider any other item in respect of which the Chairman is of the opinion, by reason of special circumstances which will be specified in the minutes, that the item should be considered at the meeting as a matter of urgency

**Andrew Beesley
Committee Administration
Manager**

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Agenda Item 4

Regulatory Services Committee

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Page No.	Application No.	Ward	Address
1-7	P0721.13	Havering Park	Hill View, Bower Farm Road, Havering-atte-Bower
8-13	P1095.13	Pettits	89 Main Road, Romford
14-17	P1238.13	Havering Park	3 Festival Cottages, North Road, Havering-atte-Bower, Romford

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APPLICATION NO:	P0721.13	
WARD :	Havering Park	Date Received: 3rd July 2013 Expiry Date: 28th August 2013
ADDRESS:	Hill View Bower Farm Road Havering -Atte- Bower Romford	
PROPOSAL:	Replacement stables with tack room, hay store and WC additional Information Received 11.11.2013	
DRAWING NO(S):	2849.01 layout -Rev A	
RECOMMENDATION :	It is recommended that planning permission be GRANTED subject to the condition(s) given at the end of the report given at the end of the report.	

SITE DESCRIPTION

The application site originally formed part of the larger area of Hill View Farm which contains stables, a lawful residential dwelling, storage buildings and a paddock. It is understood that the site will be separated from the adjacent farm by way of legal transfer to the applicant.

The application site comprises a stables and a paddock adjacent to the road with a concreted yard area beyond that. The yard area does not appear from previous site visits to be used separately in connection with the stables/paddock although there appears to be some overlap in its use, mainly for the parking of commercial vehicles. There is a direct vehicle access onto Bower Farm Road from the south-western corner of the application site with an access via the yard area, also onto Bower Farm Road to the east of the application . The site is within the Metropolitan Green Belt.

The existing stable block, the subject of this application, is located close to the western boundary of the application site and comprises 6 stables with a small, possibly, tack room to the far end away from the road. It opens out onto a small area of hardstanding to the western side of the related paddock.

The surrounding area is open to the west, north and south. There is a significant tree screen on the western boundary of the application site and there is a wooded area to the south on the opposite side of Bower Farm Road. Further west is an outcrop of farm buildings, Bower Farm. To the east beyond a small open area lie the outskirts of the small village of Havering-atte-Bower which is a conservation area.

DESCRIPTION OF PROPOSAL

The proposal is for a replacement stables to provide 6 (larger) stables, a hay store, tack room and W.C in an L-shape arrangement. It would be 30m long with a maximum width to the "L" section of 7m. The main part of the building would have a hip, pitched roof with the L-section finishing with a gabled-end. The ridge would be a maximum of 4m above existing ground levels.

The tack room would have doors opening onto the paddock area as well as double doors opening onto the yard. The hay store would open onto the yard and into the tack room.

While no Very Special Circumstances Case has been formally submitted, the applicant asks that

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the following is taken into account:

- that this would replace an existing stables
- that it would be for personal/family use only
- that the existing stables are old and dilapidated and in need of urgent replacement
- that the proposal includes additional features - hay store and specified tack room and WC in line with more modern stable facilities
- that the proposed building is of a similar scale to that which it replaces
- that it would be an essential facility in the Green Belt
- that it would have no greater impact on openness than the existing stables
- that the materials and the form of development is in character with other similar development in the Green Belt

The applicant was requested to provide detailed floorspace and volume calculations for the existing building but declined referring to a 1:500 scale plan originally submitted in 2007 (in relation to another scheme) and photos then submitted and floorspace details submitted on the Mayoral CIL form.

RELEVANT HISTORY

Existing agricultural buildings at Hill View have been converted internally into a dwelling which became lawful over time. In determining this application consideration will be given to the imposition of conditions which prevent a similar future conversion of the stable buildings.

D0125.07 - Certificate of Lawfulness for use of part of the site for residential purposes NOW
UNDER REF E0021.07

Withdrawn 08-01-2008

E0021.07 - Certificate of Lawfulness for use of part of the site for residential purposes

PP not required 01-09-2008

E0009.07 - Certificate of lawfulness for use of part of the site for residential purposes

Withdrawn 15-08-2007

CONSULTATIONS/REPRESENTATIONS

Adjoining and nearby occupiers were notified of the application. A site notice was posted and a press notice was placed in a local newspaper. No representations were received.

LFEPA - The Brigade is satisfied with the proposals

Highways Authority - The access road to the site is a private road and the Highway Authority have no objection to the proposals.

RELEVANT POLICIES

LDF

CP14 - Green Belt

CP17 - Design

DC22 - Countryside Recreation

DC45 - Appropriate Development in the Green Belt

DC61 - Urban Design

OTHER

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OTHER

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

STAFF COMMENTS

The main issues are the principle of the development, impact on the open character of the Metropolitan Green Belt, design and impact in the streetscene, impact on residential amenity and parking/highways.

PRINCIPLE OF DEVELOPMENT

Policy DC45 indicates that development is unacceptable in principle in the Green Belt unless it is in connection with one of the uses which are specifically referred to, including outdoor recreational use.

The NPPF provides that inappropriate development within the Green Belt is harmful and should not be approved except in very special circumstances. It further advises that such 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.

The NPPF defines inappropriate development in the Green Belt and states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this 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;
- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;

In this case the proposed stables would be required in connection with an outdoor recreational use i.e. horseriding. It should also be noted that the proposals will replace an existing stable block, although the new stable block will be larger than that which it replaces. It is therefore a matter of judgement as to whether the proposals are judged to maintain the character of the Green Belt or are disproportionately larger than the buildings they replace.

Full details of the existing stable block have not been submitted by the applicant. However, based on the information available, an estimate has been made as to both the floorspace and volume of the existing building. Clarification has been sought from the applicant due to discrepancies relating to footprint.

The CIL form indicates that the existing building has a gross internal floorspace of 100 sq.m and that the proposal would increase this by an additional internal floorspace of 60 sq.m. On this basis, while the proposed use would be the same as for the building to be replaced, the proposed development would have an internal floorspace of 160 sq.m, which is more than 50% larger than the building which would be replaced. On this basis, the proposed replacement building is judged to be materially larger than the one it replaces. On balance therefore staff have considered the replacement stables to constitute inappropriate development, in principle, within the Green Belt.

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In terms of the volumetric increase of the building, this is more difficult to judge based on the information submitted with the application. The volume of the existing building is however judged not to exceed 190 square metres (based on an assumed floorspace of 95 square metres and a maximum building height of 2m). The proposal, taken from the same 1:100 plan indicates a floorspace of approximately 170sq.m. Eaves height is 2.9m above ground level. Therefore the volume up to eaves height would be 510 cu.m. The proposed pitched roof adds a further approximately 97 cubic metres, i.e., a total volume of 607 cu.m. In any event the proposed building is taller than the existing stables. Staff therefore consider the proposal should be judged as inappropriate development in the Green Belt and very special circumstances to justify the development will be required.

Before looking at any special circumstances case, consideration is given as to whether any other harm arises below.

GREEN BELT IMPLICATIONS

The proposal is to replace an existing 6 stable block with 6, somewhat larger stables, a hay store, tack room and a WC on a site of 0.17 hectares. The application site has historically been used for 6 stables with a paddock and partial use of the yard area to the rear.

The proposed tack room is considered to provide reasonable storage space for ancillary items and the hay store would provide space for feed. It is considered that the stables/tack room would be essential to provide shelter for the horses to use together with a small store for tack. There is no objection in principle to the inclusion of a small w.c. facility.

The proposed replacement stables represent a larger development than the existing relatively unobtrusive flat roof, timber-framed linear building at the application site. However, given the fact that the stable building already existing, the overall impact of the additional length and height of the building would not have a significantly greater impact in the character and openness of the Green Belt compared to the existing structures. The new section of footprint, which lies perpendicular to the existing block, is set well back from the boundary of the site with the highway at Bower Farm Road and it is considered this would help to mitigate its degree of visual intrusion from outside the site. To the west of the site are screening boundary trees.

Staff consider that, despite the increased footprint and change in height compared to the existing stable block, overall the proposal does not have a significant adverse impact on the character and openness of the Green Belt, particularly as a stable block already exists on this part of the site.

DESIGN/IMPACT ON STREET/GARDEN SCENE

The stables would be single-storey. They would re-provide the existing 6 stables, albeit larger, and a tack room/hay store and WC. This is considered to be of a design and scale which is in character with other buildings at Hill View Farm.

The stables are/would be located in the south-western corner of the site such that they would be visible in views from highway only. They would be located to the side/front of other building on the site including the converted buildings which form a dwelling, but at some minimum distance of 15m away from the dwelling and its garden area to the north. It is not considered that the proposed stables would have any significant impact on visual amenity in the streetscene or on the garden scene.

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IMPACT ON AMENITY

The nearest residential property is at Hill View. Otherwise, there are properties on the edge of the Village. The stable block would be located at least 15m from the "on site" dwelling, such that it is considered there would be no adverse impact on this neighbour's amenity.

Natural smells arising from horses using the field would fall under Environmental Health Acts and it is not therefore inappropriate for planning to place controls on this. It is nonetheless appropriate that waste awaiting collection is located away from existing residential development and a suitable condition will be attached to any approval to require submission of details.

HIGHWAY/PARKING

There is an existing hardstanding area (the yard) suitable for vehicles and there is an existing access onto the highway. It is considered that this would be acceptable. No highways objection has been raised to the proposals.

OTHER ISSUES

No case demonstrating the very special circumstances to support this application has been formally submitted. However, the applicant has requested that the following is taken into account:

- that this would replace an existing stables
- that it would be for personal/family use only
- that the existing stables are old and dilapidated and in need of urgent replacement
- that the proposal includes additional features - hay store and specified tack room and WC in line with more modern stable facilities
- that the proposed building is of a similar scale to that which it replaces
- that it would be an essential facility in the Green Belt
- that it would have no greater impact on openness than the existing stables
- that the materials and the form of development is in character with other similar development in the Green Belt

Staff consider that the lack of material harm to the character and openness of the Green Belt and the need for the proposal to support an outdoor recreational use and indeed replace existing, lower quality stabling facilities would comprise the very special circumstances necessary to outweigh the presumption against new development in the Green Belt.

Staff are aware that there is history of other buildings within the Hillside Farm complex being converted to residential use and therefore suggest that a condition restricting the use of the new structure to stabling only be imposed.

KEY ISSUES/CONCLUSIONS

The proposal would provide stables at the application site.

While stables are considered generally to be acceptable in the green belt, the proposal would result in a significantly larger block than this which it replaces, so is judged to be inappropriate in principle in the Green Belt.

Staff however consider that very special circumstances exist to outweigh the harm identified in principle.

It is considered that the proposed building would remain relatively small scale and essential to stable up to 6 horses and that it would have an acceptable impact on the open character and

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nature of the green belt. It is considered that the proposal would not have any adverse impact on residential amenity.

The proposal would therefore be acceptable in respect of Policies DC45, DC48, DC61 and DC33 of the LDF Core Strategy and Development Control Policies DPD and the NPPF.

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 (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. SC09 (Materials) (Pre Commencement Condition)

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

Reason:-

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

4. waste burning restriction

There shall be no burning of waste products on the site at any time.

Reason:

In order to protect the amenity of the area.

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5. Management of animal soil

Details of the arrangements for the management and disposal of animal waste and soiled bedding shall be submitted to the Local Planning Authority with 3 months of the date of this decision. The submitted scheme shall include details of the method and location of waste storage, together with arrangements of waste disposal. Once approved in writing, the arrangements shall be carried out thereafter in accordance with the approved scheme.

Reason:

In order to protect the amenity of the area.

6. SC19 (Restricted use) ENTER DETAILS

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 the use hereby permitted shall be stables/hay store/tack room/WC only and shall be used for no other purpose(s) whatsoever, unless otherwise agreed in writing by the Local Planning Authority.

Reason:-

To restrict the use of the premises to one compatible with the surrounding area and to enable the Local Planning Authority to exercise control over any future use not forming part of this application, and that the development accords with the Development Control Policies Development Plan Document Policies DC45 and DC61.

INFORMATIVES

1 Approval - No negotiation required

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

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APPLICATION NO:	P1095.13	
WARD :	Pettits	Date Received: 10th September 2013 Expiry Date: 5th November 2013
ADDRESS:	89 Main Road Romford	
PROPOSAL:	Change of use from Retail (A1) to Hot Food Takeaway (A5) and installation of extract ducting.	
DRAWING NO(S):	13-076/01; -02; -03; -10	
RECOMMENDATION :	It is recommended that planning permission be REFUSED for the reason(s) given at the end of the report given at the end of the report.	

CALL-IN

Councillor Fredrick Thompson had called the application in to a committee meeting if it is not refused under delegated powers for the following reasons. This area already has 8 restaurants (one due to open soon but primarily as a takeaway) and two of which already do takeaways and a further takeaway quite close to this application. Despite the contents of the Planning Statement, I believe it is unrealistic for the business to maintain that customers will use the pay & display at the Harvester Unicorn or any of the free parking after 18.00 hours but will probably bump up over the kerb to the left of the tree in front or to the frontage to the right of the tree via the Unicorn's driveway and on the road in the evenings. These customers will then be a danger to pedestrians or moving traffic on Main Road.

SITE DESCRIPTION

The application site is located on the northern side of Main Road, approximately 40 metres from the junction with Balgores Lane which is on the opposite side of the road. The site falls within a Major Local Centre and forms part of a parade of shops with commercial units at ground floor level and residential flats on two floors above. The application site currently has a retail use (A1) with its main access from the front, off Main Road and service access towards the rear. There is a highways tree towards the front of the application site. The site is within the Gidea Park Conservation Area.

The character of this part of the Main Road frontage is that of commercial units with 2, Public Houses within close proximity with The Harvester directly east of the site across an access road. Further north-west, along Heath Drive are residential dwellings. Directly north of the site is the rear garden of these residential dwellings and a private pay and display car park which is also behind The Harvester. At the time of the site visit, a house was being constructed to the rear of the application site/rear of houses in Heath Drive.

DESCRIPTION OF PROPOSAL

The application seeks planning permission for a change of use of the ground floor unit from a retail use (A1) to a takeaway (A5) with associated extract equipment.

The proposed ducting would be located to the rear of the building.

Proposed opening hours would be between 08:00 and 23:00 Mondays to Saturdays with no opening on Sundays and Bank holidays.

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The use will employ 3 full and 1 part-time staff members.

RELEVANT HISTORY

P1575.10 - Change of use from retail (A1) to a restaurant (A3) with associated extract equipment
Refuse 23-12-2010

P0261.97 - Single storey rear extension
Aprv with cons 28-04-1997

CONSULTATIONS/REPRESENTATIONS

Neighbour notification letters have been sent to 57 neighbouring properties and the application advertised by means of a press and site notice. 1 Letter has been received objecting on the grounds of increase in litter and noise, too many takeaway/food uses, not in keeping in the conservation area, detrimental to the environment and lack of parking and increase in traffic.

Gidea Park and District Society - Members of Society would prefer a retail outlet as currently but recognise that it is important that premises do not become/remain vacant. There are never any vacant premises to Main Road, except during refurbishment. They are concerned that there is a lack of parking and also that kerbside parking on the heavily trafficked Main Road towards Gallows Corner would be dangerous, particularly after dark.

Highways Authority - The Highway Authority are aware that the application has no parking provision. However the parking provision required by Havering for a takeaway food store is the same standard as for a food store, which is the current use. We therefore have no objection to the proposals.

RELEVANT POLICIES

LDF

CP17 - Design
CP18 - Heritage
CP4 - Town Centres
DC16 - Core and Fringe Frontages in District and Local Centres
DC23 - Food, Drink and the Evening Economy
DC32 - The Road Network
DC33 - Car Parking
DC36 - Servicing
DC55 - Noise
DC61 - Urban Design
DC68 - Conservation Areas
SPD2 - Heritage SPD

OTHER

LONDON PLAN - 2.15 - Town Centres
LONDON PLAN - 4.7 - Retail and town centre development
LONDON PLAN - 4.8 - Supporting a successful and diverse retail sector
LONDON PLAN - 6.13 - Parking
LONDON PLAN - 7.4 - Local character
LONDON PLAN - 7.8 - Heritage assets and archaeology

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OTHER

LONDON PLAN - 8.3 - Community infrastructure Levy
NPPF - National Planning Policy Framework

MAYORAL CIL IMPLICATIONS

The proposal is for a change of use and is therefore not liable for Mayoral CIL.

STAFF COMMENTS

The issues arising from this application are the principle of change of use, the proposal's visual impact, impact on amenity, parking and highway issues.

PRINCIPLE OF DEVELOPMENT

The application site falls within one of Romford's Major Local Centre where Policy DC16 states that planning permission for Class A2 - A5 (Services) will be granted where:

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

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

The relevant frontage is not defined in Policy DC16 however staff are of the view that the relevant frontage is between 77 and 89 Main Road as at these points in the frontage natural breaks in the parade occur. At the present time the percentage of non retail uses in this frontage is approximately 42.5%, which is significantly greater than the 33% maximum advised by policy. The proposal would further increase this to approximately 57.5%. In terms of numbers of units, there are seven units in the relevant frontage. The proposal would result in four of the seven units being in non-retail use.

Staff acknowledge that the Council has been more flexible recently in particular due to the current economic climate. While in 2010 the site inspection showed that the unit was vacant, at the time of the site visit in connection with the current application, the unit was in operation.

In light of the non-retail frontage which would be significantly exceeded and the lack of marketing details to support such a departure in policy, Staff are of the view that the proposal would seriously undermine the retailing function of the Major Local Centre. Indeed staff are of the view that the retail core area of the centre should be protected for uses with a retail function. The retail cores have been defined in such a way as to protect the primary shopping frontages. Staff are of the view that in these areas the proportion of non-retail uses should be restricted otherwise the discontinuity of the shopping frontage will seriously undermine the retailing function of the centre as a whole. Staff are of the opinion that a further non-retail use in this location would be materially harmful on shopping grounds, contrary to the aims and objectives of Policy DC16 of the LDF Development Control Policies DPD.

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DESIGN/IMPACT ON STREET/GARDEN SCENE

The proposed would involve no alterations to the external appearance of the front of the building and would therefore pose no adverse or detrimental issues to the character of the street scene or the Gidea Park Conservation Area. Any changes to the shop front or advertisements would be assessed by a separate application(s).

The proposal involves the introduction of extraction equipment to the rear of the building for the proposed cooking facilities. The introduction of such equipment including a flue and ducting could potentially appear incongruous in the Conservation Area. The rear yard area of the subject site is however enclosed by other buildings and as such the rear wall of the building is largely screened from the street scene. With many other A3/A5 uses within close proximity, extract equipment is not uncommon towards the rear of commercial buildings. The ducting would be visible from the house under construction, nonetheless it would be viewed against the backdrop of the commercial centre.

Staff are of the opinion that the proposed extract ducting would not be harmful to the character of the area or the street scene or rear garden environment and would be acceptable.

IMPACT ON AMENITY

The nearest residential properties are above the commercial units fronting onto Main Road, to the north-west fronting onto Heath Drive and the property under construction at the rear of the frontage properties (with access onto Heath Drive).

The application premises forms part of a three-storey terrace of shops with residential above. To the east of the application site is The Harvester (A3 use) with The Ship (A3 / A5 use) directly east of The Harvester. Directly opposite the application site is a further terrace of commercial premises which also forms part of the Major Local Centre with the Archers Pub at No. 196 - 204.

Above several of the commercial premises fronting onto Main Road there are residential flats at first and second floor levels. The application proposes the use of the ground floor as a restaurant. The site's most recent use is one as a retail use with unrestricted opening hours. The main issue, in respect of residential amenities, is whether the hours of opening and the nature of the proposed use would give rise to unacceptable worsening of residential amenity.

The applicant has indicated that it is intended to open the premises daily between 08:00 and 23:00 on Mondays to Saturdays and not at all on Sundays or Bank Holidays. Given existing background noise levels from Main Road and given that there are a number of existing late night uses in the locality - two public houses, various restaurants including the Harvester and a takeaway and the car park - Staff do not consider that the proposals would materially increase noise and disturbance above that of the existing environment during the evening period.

In terms of smells and fumes, the plans indicate an extract duct towards the rear of the property, facing north towards residential dwellings along Heath Drive and that under construction to the rear. Nonetheless Staff consider that suitable filters and anti-vibration equipment (secured through suitably-worded conditions) can be fitted to prevent undue harm to residential amenity.

Appropriate conditions can be used to ensure that the applicant provides a suitable waste management scheme for the site which seeks to protect the amenity of the occupiers of surrounding properties.

HIGHWAY/PARKING

The Council's car parking standard as contained within Policy DC33 recommends the provision of one space per 10 square metres of floor space. The application property has a floor space of

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87 square metres, requiring 8 - 9 parking spaces.

In October 2007 planning permission was refused for a change of use to Class A3 / A5 at 216-218 Main Road (reference P2138.07). An appeal was lodged and dismissed on the basis that the application proposed no suitable off street car parking. In dismissing the appeal the Inspector was of the view that on street parking should not be encouraged in this location given the busy nature of this section of Main Road. Central Government guidance contained in the NPPF encourages Local Planning Authorities to be flexible with parking standards. In dismissing the appeal for the above application the Inspector stated, "Policy DC33 suggests some flexibility in the application of its standards. In the particular circumstances of the appeal site, where there is no off street public car parking and on street is prohibited for most of the day, there is in my opinion no reason to accept a lower standard than that set out in the policy".

There is a pay and display car park to the rear of the Harvester public house adjoining the application site and this could be used by people visiting the centre and the takeaway in particular. However, it is not well signed and as it is not a public car park could revert back to sole use by the Harvester Pub's customers at any time. The parking area does not form part of the application site and is therefore outside of the applicant's control.

Highways recognise that there would be no parking provision either before or after the change of use. They indicate that parking provision required for a takeaway outlet is the same as for a food store, which is the current use and they therefore have no objection to the proposals.

In light of the above however, Staff are of the view that the application is unacceptable on parking grounds and due to the lack of parking, would result in an overspill of parking onto the adjoining roads, contrary to the requirements of Policy DC33 of the LDF Development Control Policies DPD.

Servicing of the proposed restaurant could take place from a rear service yard area. The proposal would not create any other highway issues.

Suitable refuse storage and collection arrangements can be dealt with via suitably-worded planning conditions.

KEY ISSUES/CONCLUSIONS

In conclusion, Staff consider that the change of use of the property to a non-retail use continues to be unacceptable on shopping policy grounds, harmful to the vitality and viability of this part of the Major Local Centre. In view of an appeal decision at No. 216 - 218 Main Road and 2 refusals at No. 188 for a similar change of use, Staff are of the view that the application is also unacceptable on parking grounds.

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 the resultant reduction of the number of units in retail use in the relevant frontage of the core area of the Gidea Park Major Local Centre would, adversely impact on the vitality and viability of the retail function of the Centre as a whole, contrary to Policy DC16 of the Development Control Policies Development Plan

REGULATORY SERVICES COMMITTEE

9th January 2014

Document.

2. Reason for refusal

The proposed development would, by reason of the inadequate on site car parking provision, result in unacceptable overspill onto the adjoining roads to the detriment of highway safety and residential amenity and contrary to Policies DC32 and DC33 of the Development Control Policies Development Plan Document.

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.

REGULATORY SERVICES COMMITTEE

9th January 2014

APPLICATION NO:	P1238.13	
WARD :	Havering Park	Date Received: 15th October 2013 Expiry Date: 10th December 2013
ADDRESS:	3 Festival Cottages North Road Havering-atte-Bower	
PROPOSAL:	Single storey rear extension	
DRAWING NO(S):	Ordnance survey map 047.13.10 047.13.01	
RECOMMENDATION :	It is recommended that planning permission be GRANTED subject to the condition(s) given at the end of the report given at the end of the report.	

SITE DESCRIPTION

The application site is a two storey, semi-detached dwelling at 3 Festival Cottages in North Road, Havering-atte-Bower. The site is located in the Metropolitan Green Belt. Ground levels in North Road fall from south west to north east. There is a raised patio area to the rear of the dwelling with steps down to the rear garden. There is a timber paling fence and a wire fence on the south western boundary of the site. There is a brick wall and timber fence approximately 1.8m high and a wire fence on the north eastern boundary of the site. There is a timber paling fence on the rear boundary.

DESCRIPTION OF PROPOSAL

The application seeks planning permission for a single storey rear extension, with a depth of 3.5 metres, a width of 10.4 metres and a height of 2.8 metres to the eaves and 3.7 metres to the ridge (with four roof lights).

RELEVANT HISTORY

P0620.00 - Two storey side and single storey front extension - Approved.

P0395.88 - Two storey side extension - Approved.

ES/ROM/180/49 - 1 of 4 agricultural cottages - Approved.

CONSULTATIONS/REPRESENTATIONS

The proposal was advertised by way of a site notice and in the local press as development which is contrary to the Metropolitan Green Belt Policies of the LDF Core Strategy and Development Control Policies Development Plan Document. 7 neighbouring occupiers were consulted and no letters of representation were received.

English Heritage - In view of the limited ground works involved in the scheme, there is not a need for archaeological intervention through the planning system in this case.

RELEVANT POLICIES

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

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

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

MAYORAL CIL IMPLICATIONS

The application is not liable for Mayoral CIL.

STAFF COMMENTS

The main issues in this case are the impact on the character and openness of the Metropolitan Green Belt, the streetscene, the impact on residential amenity and any highway and parking issues.

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

PRINCIPLE OF DEVELOPMENT

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

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

GREEN BELT IMPLICATIONS

The original dwelling had a volume of approximately 323 cubic metres. The two storey side and single storey front extension (approved under application P0620.00) had a volume of approximately 140 cubic metres. The proposed single storey rear extension has a volume of approximately 106 cubic metres.

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

The Case Officer calculated the volume of the proposed single storey rear extension and it would result in an increase in cubic capacity of the existing dwelling by approximately 32% (or a volume of 106 cubic metres). Therefore, the combined volume of the two storey side and single storey front extension and the proposed single storey rear extension would increase that of the original dwelling by approximately 76%, (as per staff calculations). Having carefully considered the merits of this planning application, the proposed single storey rear extension is considered to be acceptable. The extension would not extend beyond the rear building line set by the adjacent dwellings at nos. 1 and 2 Festival Cottages and are judged therefore not to adversely affect the open nature and character of the Green Belt. Overall, it is Staff's view that the proposed development would not be disproportionate to the existing dwelling and therefore, would be in accordance with Chapter 9 of the NPPF.

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DESIGN/IMPACT ON STREET/GARDEN SCENE

The single storey extension would be located to the rear of the dwelling and therefore, would not be visible from the streetscene. With regards to the rear garden environment, it is considered that the single storey rear extension would not have an adverse impact on this area, as its depth adheres to the Residential Extensions and Alterations SPD. It is considered that the extension would integrate well with the existing dwelling.

IMPACT ON AMENITY

It is considered that the proposal would not result in a loss of amenity to No. 4 Festival Cottages, as its depth of 3.5 metres is less than the maximum 4 metres stated in the Residential Extensions and Alterations SPD. No. 4 Festival Cottages has a single storey rear extension (approved under application P0027.04), which will help to mitigate the impact of the proposal.

It is considered that No. 2 Festival Cottages would not be adversely affected by the proposal, as it has a staggered building line whereby the front of this dwelling is in general alignment with the rear building line of No. 3 Festival Cottages. In addition, the proposed single storey rear extension has a depth of 3.5 metres, which is less than the maximum depth of 4 metres stated in the Residential Extensions and Alterations SPD. In addition, No. 2 Festival Cottages has a single storey side and rear extension and two storey rear extension, which will help to mitigate the impact of the proposal. No. 2 Festival Cottages has a ground floor flank window in the single storey side extension, which serves a shower room, is not a habitable room and is screened by a brick wall approximately 1.8 metres high on the north eastern boundary of the application site.

It is considered that the proposal would not add to the overlooking that presently exists.

HIGHWAY/PARKING

It is considered that the proposal would not create any parking or highway issues. There is space for a minimum of three vehicles on hardstanding to the front of the dwelling.

KEY ISSUES/CONCLUSIONS

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

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

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:-

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2. SC10 (Matching materials)

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

Reason:-

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

3. SC32 (Accordance with plans)

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

Reason:-

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

4. SC46 (Standard flank window condition)

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

Reason:-

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

INFORMATIVES

1 Approval - No negotiation required

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

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**REGULATORY
SERVICES
COMMITTEE**

REPORT

9 January 2013

Subject Heading:

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

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

Report Author and contact details:

Helen Oakerbee (Planning Control
Manager) 01708 432800

Policy context:

Local Development Framework
London Plan
National Planning Policy

Financial summary:

None

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

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

SUMMARY

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

The application was brought before Members on 24th October, 2013 (see Appendix A.) Members resolved to defer the application to allow for a committee site visit and for clarification relating to several issues. The applicants have subsequently decided to appeal against non-determination; Members are therefore asked to give a determination as to the Council's case at appeal.

RECOMMENDATIONS

Mindful that the applicant has lodged an appeal to the Secretary of State against non-determination within the statutory period, that:-

- A) The proposal be supported, subject to the use of the conditions, and the applicant entering into the Section 106 Legal Agreement outlined in Appendix A.

Or,

- B) In the absence of a completed legal agreement, the Council object to the proposal on the grounds that there would be inadequate provision made for the securing of contributions towards infrastructure costs, contrary to Policy DC72 of the LDF, or the removal of existing structures benefitting from certificates of lawfulness, contrary to Policy DC61 of the LDF and the Green Belt guidance contained in the NPPF.

REPORT DETAIL

1. Report Detail

1.1 The application was brought before Members on 24th October, 2013 (see Appendix A.) Members resolved to defer the application to allow for a committee site visit and for clarification relating to several issues. The applicants have subsequently decided to appeal against non-determination; Members are therefore asked to give a determination as to the Council's case at appeal.

1.2 In relation to those matters that Members were seeking clarification on, Staff comments are as follows:

- *Detail of the enforcement history especially in the period immediately preceding and since the first creation of the 4 lawful residential units. (Aerial photo shows building that may have been subject of a refused application)*

The enforcement history for this site is as follows:

ENF/458/06/HT (2006) – Erection of three unauthorised buildings – Enforcement notice issued. Appeal (APP/B5480/C/09/2102568) dismissed.

ENF/475/06/HT (2006) – Alleged unauthorised chalet structures under construction – case closed.

ENF/486/06/HT (2006) – Erection of three unauthorised buildings – case closed.

The above three cases related to the same breach of planning control reported to officers by separate complainants. The buildings were removed by July 2010.

ENF/332/09/HT (2009) – Alleged additional building – Enforcement notice served in 2010 – Notice complied with in 2011.

ENF/93/12/HT (2012) – Alleged unauthorised erection of three residential buildings – Application (E0020.12) submitted and certificate of lawfulness for 4 residential units subsequently granted.

- *Basis of evidence submitted to gain the 4 Lawful Use Certificates?*

The evidence considered included aerial photographs, a written statement, and statutory declarations. Officers also visited the site and took photographs, both inside and outside the four residential units. Officers considered the submitted evidence to be sufficient to justify the granting of the certificates, having regard to Government guidance and case law, in particular *Gabbitas v Secretary of State for the Environment and London Borough of Newham* (1985) on the burden of proof. The relevant certificates of lawfulness have been granted by the Council. The process involved in determining the application for certificates of lawfulness is not a material consideration in the determination of this application.

- *Is access road wide enough to enable 2 vehicles to pass?*

The proposed access road would be approximately 6m in width, which it is considered would be sufficient to permit the passing of two typical cars. There would, in any case, be passing places at the entrance and developed end of the access road, so users of the access road would be able to negotiate a passage along the road. In any case, it is considered that the current use of the site and access is likely to be more intense than the proposed residential use.

- *Explanation of the LDC process and detail of the dates of submission/approval, including details of agreed curtilage.*

Building operations, including change of use to residential units, that have been undertaken without the benefit of planning permission may, under the provisions of the Town and Country Planning Act 1990, become immune from planning control after a period of four years. Under these circumstances, a landowner is entitled to have this immunity from planning control confirmed by means of a Certificate of Lawfulness for Existing Use and Development. As discussed, the process involved in determining the application for certificates of lawfulness is not a material consideration in the determination of this application. However, for information, the certificates for each of the four units are as follows:

Certificate Reference E0029.12 (a) application received 30 July 2012,
issued on 6 December 2012
Certificate Reference E0029.12 (b) application received 30 July 2012,
issued on 6 December 2012
Certificate Reference E0029.12(c) application received 30 July 2012,
issued on 6 December 2012
Certificate Reference E0029.12 (d) application received 30 July 2012,
issued on 6 December 2012.

The Certificates made no determination on curtilage.

- *When was the hardstanding laid?*

This information is unknown.

- *Is front car park in the proposal and can it be reverted to Green Belt land.*

The area being referred to, at the junction between the main access road and the public highway, does form part of the proposal and would act as a vehicle passing place. It is considered, given the useful function of this space, and the negligible benefits to the Green Belt of removing such a small area of hardstanding, that it would not be desirable for it to be returned to Green Belt.

- *Need plan edged red/blue so can clearly identify current and proposed land in applicant control.*

This information has not been submitted by the applicants.

- *Clearly identify which buildings/car parking and areas of hardstanding currently exist.*

The existing development is detailed in the submitted information. Further clarification may have been gained through the undertaking of a Member site visit, but this was cancelled following the submission of the planning appeal.

- *Will access road be adopted?*

The applicants may or may not apply to have the access road adopted should planning permission be granted. Confirmation has not been provided either way, and adoption is not a planning consideration.

- *Precise details of proposed boundary treatment (suited to Green Belt).*

No additional details have been received since the submission of the planning appeal.

- *Allegation that one of the LDC residential units now accommodates horses.*

We do not have information about this matter. Further clarification may have been gained through the undertaking of a Member site visit, but this was cancelled following the submission of the planning appeal.

- *Further explanation of considerations around argument that 4 small LDC residential units can justify 5 large houses in Green Belt terms. Also clarify how existing commercial development in Green Belt can justify change to residential properties.*

These matters are discussed in detail in the committee report previously considered by Members (Appendix A.) The removal of the four authorised residential units does not, in itself, justify the proposed development. It is the removal of these units, along with a number of substantial commercial buildings that, in the opinion of officers, makes the proposal acceptable in planning terms. As discussed in the previous committee report, the guidance contained in the NPPF states that the redevelopment of existing sites need not be inappropriate development in the Green Belt providing redevelopment would not be more harmful to the openness of the Green Belt, or conflict with the purposes of including land in the Green Belt.

The report set out below is the same as that previously presented to committee. As the applicant has now submitted an appeal against non-determination, Members are invited to resolve what decision they would have made if the Council still had the ability to determine the application.

REGULATORY SERVICES COMMITTEE

REPORT

24 October, 2013

Subject Heading:

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

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

Report Author and contact details:

Helen Oakerbee (Planning Control
Manager) 01708 432800

Policy context:

Local Development Framework
London Plan
National Planning Policy

Financial summary:

None

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

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

SUMMARY

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

RECOMMENDATIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Reason:-

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

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

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

12. Construction methodology - Before development is commenced, a scheme shall be submitted to and approved in writing by the local planning authority making provision for a Construction Method Statement to control the adverse impact of the development on the amenity of the public and nearby occupiers. The Construction Method statement shall include details of:

- a) parking of vehicles of site personnel and visitors;
- b) storage of plant and materials;
- c) dust management controls
- d) measures for minimising the impact of noise and, if appropriate, vibration arising from construction activities;
- e) predicted noise and, if appropriate, vibration levels for construction using methodologies and at points agreed with the local planning authority;
- f) scheme for monitoring noise and if appropriate, vibration levels using methodologies and at points agreed with the local planning authority; siting and design of temporary buildings;

- g) scheme for security fencing/hoardings, depicting a readily visible 24-hour contact number for queries or emergencies;
- h) details of disposal of waste arising from the construction programme, including final disposal points. The burning of waste on the site at any time is specifically precluded.

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

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

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

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

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

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

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

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

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

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

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

Reason:

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

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

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

15. Permitted Development Rights - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) Order 2008, Article 3, Schedule 2, Part 1, Classes A to E, no enlargements, improvements or other alteration shall take place to the dwellinghouses and no outbuildings or other means of enclosures shall be erected within the garden areas of the dwellinghouses, unless permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

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

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

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

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

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

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

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

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

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

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

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

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

Reason:-

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

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

Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

Reason:-

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

INFORMATIVES

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

Planning Obligations

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

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

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

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

REPORT DETAIL

1. Site Description

- 1.1 The proposed area of development is located approximately 75m to the north of Noak Hill Road, and is accessed by a private track leading to the public highway. The Site is in use as an equine stabling business but includes four residential units that benefit from certificates of lawfulness. The site is located within the Green Belt and the Havering Ridge Area of Special Character. A Borough Site of Nature Conservation Importance is located immediately to the west, whilst the Whitworth and Broxhill Site Specific Allocation is located approximately 30m to the west.
- 1.2 The development site comprises an irregular area of land with areas of hardstanding and buildings, along with two open areas of land used for exercising horses. The built development is mainly concentrated at the southern end of the Site and includes stable blocks, storage buildings, an office, and a residential unit. A further cluster of smaller buildings, comprising three residential units and a storage building, are located at the northern end of the Site. The Site is mainly bounded by open countryside although the western side of the access track runs alongside a residential property known as The Bungalow.
- 1.3 The existing buildings at the site, of which there are nine, range in area from around 31sqm to 345sqm, with the tallest building being approximately 6m in height, although the remainder are around 3m in height. The existing built development covers a total area of 1154sqm and has a total volume of 3819m³. The proposed buildings would be in excess of 100m from the nearest neighbouring dwellings located to the south of the site along Noak Hill Road.

2. Description of Proposal

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

would have five. Existing hedgerows and trees would be retained, and new planting undertaken.

- 2.3 The proposed buildings, including the garages, would have a combined footprint of approximately 700sqm and a combined volume of approximately 3554m³. Each of the dwellings would have a maximum height of around 7.5m.

3. Relevant History

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

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

P2492.07 - Retention of outbuildings – Refused.

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

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

4. Consultations/Representations

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

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

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

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

- 4.3 Comments have also been received from the following:

The Environment Agency
No objections.

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

Thames Water
No objections.

London Fire Brigade
No objections on planning grounds.

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

Highway Authority
No objections.

5. Relevant Policies

5.1 National Planning Policy

National Planning Policy Framework (“the NPPF”)

5.2 Regional Planning Policy

The London Plan (2011)

5.3 Local Planning Policy

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

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

6. Staff Comments

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

7. Principle of Development

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

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

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

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

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

“limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purposes of including land within it than the existing building.” (Paragraph 89)

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

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

7.1.5 Given that the proposal would result in a significantly less extensive development than is existing in terms of ground coverage, and would also be less voluminous, and given the siting, scale, and design of the proposal, it is considered that it would not have a greater impact on the openness of

the Green Belt or the purposes of including land in the Green Belt. Given the existing condition of the site, it is considered that the proposal would, in fact, result in a significant improvement to its visual and overall condition. As will be discussed below, it is considered that the proposal would not result in any significant harm, and that it would not therefore constitute inappropriate development in the Green Belt.

7.2 Design Considerations

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

7.3 Layout and Amenity Considerations

- 7.3.1 Policy DC2 of the LDF stipulates the appropriate residential densities in given areas of the borough. Policy DC61 states that planning permission will not be granted for proposals that would significantly diminish local and residential amenity. The Residential Design SPD provides guidance in relation to the provision of adequate levels of amenity space for the future occupiers of new dwellings. Neighbouring occupiers have objected to the proposal on the grounds that it would result in an over development of the site.
- 7.3.2 The development would result in a low site density of approximately 10 dwellings per hectare, which is considered to be appropriate to what is a semi-rural location in the Green Belt.
- 7.3.3 Policy 3.5 of the London Plan advises that housing developments should be of the highest quality internally, externally and in relation to their context and to the wider environment. To this end Policy 3.5 requires that new residential development conform to minimum internal space standards set out in the plan. In this instance the proposed dwellings would each exceed the stipulated minimum standards and officers therefore consider that the proposal would provide an acceptable standard of living accommodation for future occupiers.
- 7.3.4 In terms of the site layout, all of the proposed dwellings would have adequate access to sunlight and daylight. In relation to amenity space provision, the Council's Residential Design SPD does not prescribe amenity space standards but rather seeks to ensure that amenity space is provided in a high quality, functional and well designed manner. Amenity space should also be private and not unreasonably overshadowed. The proposed dwellings would be accompanied by private gardens. All of the dwellings are considered to be provided with acceptable amenity space provision, which accords with the aims of the SPD.
- 7.3.5 In terms of how they relate to one another, it is considered that the proposed dwellings would not result in any unacceptable levels of overlooking, overshadowing, or outlook. It is considered that the proposed development would provide an adequate level of amenity for the future occupiers of the development. The separation distances between the units are considered to be acceptable. Two of the units would directly face one another with a separation distance of just under 12m. Whilst this separation distance is not ideal from an amenity perspective, it is considered acceptable as both units have significant open spaces to the rear, and the close proximity to the front contributes to a more intimate, rural, mews character, which is considered suitable in this location. The proposed dwellings would not include flank windows. It is therefore considered that there would not be any significant adverse impacts between units in terms of outlook and overlooking.
- 7.3.6 It is recommended that a condition be imposed requiring the submission of details relating to the proposed boundary treatment to ensure an adequate

amount of privacy would be provided both within the site, and between the site and the surrounding area. A further condition should remove permitted development rights to prevent the insertion of flank windows and other extensions in future, which may be harmful to neighbouring amenities.

7.3.7 In relation to the impact the proposal would have on existing, neighbouring occupiers, the proposed dwellings would be in excess of 100m from the nearest neighbouring properties. Given the siting of the proposed units, along with their scale and design, it is considered that there would be no significant adverse impacts on the amenities of existing occupiers in the surrounding area.

7.3.8 Officers consider that in terms of the standard of accommodation and amenity space to be provided, and the amenity of existing neighbouring occupiers, and the amenity of the future occupiers of the development, that the proposal is acceptable and would be in accordance with Policy DC61 of the LDF and guidance contained in the Residential Design SPD.

7.4 Environmental Impact

7.4.1 Neighbouring occupiers have objected to the proposal on the grounds that it would adversely affect drainage arrangements in the area. It is considered unlikely that the proposal would have a worse impact on drainage than the existing development. The site is located in Flood Zone 1 and the Environment Agency has raised no objections.

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

7.4.3 Based on the information submitted, it is considered that the proposal would not result in any significant harm to nature conservation interests. A bat survey has identified no bat roosts within the existing building and this report will be reliable for a year, after which further survey work is recommended. The general ecology survey submitted identifies no protected species on site, but does make recommendations to avoid harm to nature conservation interests. Conditions are recommended to ensure that further bat survey work is undertaken if demolition occurs more than a year from the date of the submitted survey. A condition is also recommended requiring a scheme to indicate how the ecological recommendations will be adhered to. It is also considered that a scheme of bat bird box installations should be required.

7.5 Parking and Highway Issues

7.5.1 The application proposes the retention of the site's existing access onto Noak Hill Road. Neighbouring occupiers have objected to the proposal stating that it would result in an increase in traffic congestion in the local area and diminish highway safety.

7.5.2 The proposal development would be accessed along a private internal road connecting with the public highway. Each of the proposed dwellings would be accompanied by a parking garage and at least one additional parking space. The proposal is likely to result in a significant reduction in vehicle movements at the site compared to the existing use. Access would be allowed for vehicles needing to access the agricultural fields to the north and west of the site, and bin lorries would be able to manoeuvre within the site using a proposed turning head, with refuse being collected from outside the proposed dwellings.

7.5.3 The Council's Highway officers have raised no objections to the proposal and it is therefore considered that the proposal would have an acceptable highway impact, and be in accordance with Policy DC32 of the LDF.

7.6 Community Infrastructure

7.6.1 Given the amount of floor space to be created (1,027sqm) and that to be removed (1,154sqm), which has been in use for at least six of the past twelve months, the proposed development would not give rise to a contribution as part of the Mayor's Community Infrastructure Levy (CIL) .

7.6.2 This planning application is subject to the Council's tariff under the Planning Obligations SPD. The proposal would give rise to a contribution of £30,000 towards infrastructure costs. This payment should be secured by a legal agreement, and planning permission should not be granted until this agreement has been completed.

7.7 Other Considerations

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

8. Conclusion

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

IMPLICATIONS AND RISKS

Financial implications and risks:

None.

Legal implications and risks:

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

Human Resources implications and risks:

None.

Equalities implications and risks:

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

BACKGROUND PAPERS

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

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**REGULATORY
SERVICES
COMMITTEE**

REPORT

9 January 2014

Subject Heading:

P1388.13 - Land at Haydock Close, Hornchurch - The erection of 9 no. flats (1 no, 1-bed and 8 no. 2-bed) with associated landscaping and off street parking (Application forms and plans received 25/11/13, revisions received on 19/11/13 and again on 19/12/13.)

Report Author and contact details:

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

Policy context:

Local Development Framework
The London Plan
National Planning Policy Framework

Financial summary:

None

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

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

SUMMARY

The application proposes the erection of 9 no. flats which would consist of 1 no. 1-bed flat and 8 no. 2-bed flats. 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 755m² and amounts to £15,100.

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

- A financial contribution of £54,000 to be used towards infrastructure costs 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.
- 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 14 no. off-street car parking spaces within the site of which 1 would be a disabled space and 2 visitor spaces, 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 their 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 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 (DOCOs), the development shall be carried out in accordance with the agreed details.

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. Noise insulation: The buildings 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.

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. Lighting: Before the building (s) hereby permitted is first occupied, a scheme for lighting within the development 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.

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

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

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

Reason: In the interest of privacy.

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 755m² which, at £20 per m², equates to a Mayoral CIL payment of £15,100 (subject to indexation).

REPORT DETAIL

1. Site Description

- 1.1 The application site is located towards the end of a cul-de-sac towards the south of Haydock Close. The site is rectangular in shape and measures approximately 820m². The majority of the site falls within Flood Zone 2.
- 1.2 Directly south of the site is an area designated as parks, open spaces and allotments. This area also forms part of the Metropolitan Green Belt, Thames Chase Community Forest and falls within Flood Zone 3.
- 1.3 The character of the surrounding area is mainly 2-storey residential dwellings towards the west along Haydock Close. Towards the north of the site is Hacton Social Hall and approximately 25m east is Hacton Lane. Access to the site is via Haydock Close.

2. Description of Proposal

- 2.1 The application seeks permission for the erection of 9 no. flats with associated parking and amenity. The proposed dwellings would consist of 1 no. 1-bed flat and 8 no. 2-bed flats. The proposed building would be located to the western part of the site, approximately 0.8m to the boundary at its closest point
- 2.2 The proposed building consists of two sections measuring 11.7m in depth and 13.8m in width. The sections would be staggered with the one furthest to the east set approximately 1m forward. The two sections would measure 5.2m in height to eaves and 9.1m to the top of the hipped ended roofs.
- 2.3 The development proposes 6 no. front dormers and 6 no. rear dormers. The front dormers would measure 1.8m in width, 2.9m in depth and 2.5m in

height to the top of the hipped roofs. The rear dormers would measure 3.4m and 2.3m in width respectively, 3.3m in depth and 2m in height to the top of the flat roofs.

- 2.4 The proposed flats would consist of a kitchen/living room, bathroom and 1 or 2 bedrooms.
- 2.5 There would be a bin storage area along the northern boundary of the site, approximately 6m from the edge of the highway.
- 2.6 Parking provision for 14 vehicles, 1 for each dwelling, 1 disabled bay and 4 visitor spaces would be provided on a hardstanding to the front of the proposed western block and along the eastern boundary.
- 2.7 The proposed building would have a communal amenity area to the rear of approximately 172 m².

3. History

- 3.1 P0695.11 - Construction of one pair of semi-detached properties (1x3 bed & 1x2 bed) one 3 bed detached property and one 2 bed detached property - Approved

4. Consultation/Representations

- 4.1 Notification letters were sent to 31 neighbouring properties and 2 letters of objections were received raising the following concerns:

- Loss of privacy
- Loss of light as a result of the height of the development
- Loss of outlook
- Cause additional parking problems in Haydock Close

- 4.2 The Environment Agency has not raised an objection and has referred to their Flood Risk Standing Advice.

- 4.3 The Highway Authority has raised no objection to the proposal.

- 4.4 The Borough Designing Out Crime Officer requires a Secured by Design condition.

- 4.5 The Environmental Health department has requested conditions for sound insulation and limited construction and delivery hours.

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 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 50m² for a 1-bed 2-person flat and 61m² for a 2-bed 3-person. The proposed flats are 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 The proposed development would provide 172m² of communal amenity space. The amenity space provision is also supplemented by balconies to the southern elevation at first floor level. Staff are of the opinion that the communal 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 a usable garden area. As a result, it is considered that the proposed amenity areas would comply with the requirements of the Residential Design SPD and is acceptable in this instance.
- 6.3.3 The residential density range for this site is 30 - 50 units per hectare (PTAL 1-2). The proposal would result in a density of approximately 109 units per hectare. Although the density range is above the recommended range it is considered acceptable given the flatted nature and siting of the development, which inherently brings about higher densities.
- 6.3.5 In terms of the general site layout, the application site itself is separated from neighbouring buildings with the nearest residential dwelling approximately 11m towards the west. It is considered that the proposed blocks would have sufficient spacing between the site boundaries and neighbouring buildings to not appear cramped or overdeveloped. The proposal would have a sufficient set-back from the edge of Haydock Close. The general layout and relationship with surrounding properties are 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 be at the end of a cul-de-sac and would therefore only be visible when the end of the close is approached. The building would be set back from the edge of Haydock Close by approximately 6m at its closest point. The buildings would also be set behind the building line of dwellings towards the west and have the same eaves and ridge height. Staff are of the opinion that due to the layout and positioning of the proposed building on the site, it would not appear as a prominent feature in the street scene.

6.4.3 Irrespective of the proposal's negligible impact on the street scene, Staff consider their design to blend in with the overall character of other dwellings in the vicinity. The proposals would not be overly bulky or visually obtrusive and are considered to be acceptable in terms of their appearance in the street scene.

6.4.4 Overall, the proposals are considered to be acceptable in terms of their design, scale, character and visual impact within this part of the street scene and therefore consistent with the aims and objectives of Policy DC61 of the LDF Development Control Policies Development Plan Document.

6.5 *Impact on Amenity*

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

6.5.2 The proposed development is only bordered by residential properties to the west with the nearest residential property is situated at approximately 11m away. Two windows, one at ground floor and one at first floor serving bathrooms are proposed to the western flank of the development. A condition would be imposed to have these windows obscure glazed and fixed shut with the exception of the top hung fanlight. Balconies are also proposed to the rear of the proposed development. Given the orientation of the proposed building further back into the site and the rear building line of the development lining up with that of the rear boundary of the western neighbour it is not considered that the balconies would result in an unacceptable impact in terms of overlooking.

6.5.3 With regards to the proposal's proximity to the social club and the club's potential impact on future occupiers, it was noted upon site inspection that this building is single storey in height and has low-level windows. With appropriate screen fencing and vegetation, it is not considered that any overlooking would occur. Although there may be some noise impact, Staff are of the opinion that there is a "buyers beware" situation in this instance and any future occupiers would be aware of the current site circumstances.

6.5.4 In terms of vehicular activity and the proposed parking arrangement, Staff are of the opinion that 9 No. flats 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 9 flats would give rise to any undue levels of noise and disturbance to the surrounding neighbouring properties.

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 14 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. The Highways Authority has not raised an objection to the proposed development.
- 6.6.3 A condition would be added to provide storage for 2 no. cycle spaces per flat 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 755m² which equates to a Mayoral CIL payment of £15,100.

6.8. *Planning Obligations*

- 6.8.1 In accordance with the Planning Obligations Supplementary Planning Document a financial contribution of £54,000 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, the proposed bin storage area would be 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 As part of the approval in 2011 a wildlife / protected species report was submitted. The report concluded that no evidence of protected species have been found on the site itself, although the site forms part of a much larger "wildlife corridor". At the time of the site visit it became apparent that most of the dense vegetation has already been cleared.

6.10 *Trees*

6.10.1 With regards to the loss of trees and vegetation on the site. Whilst the site is adjacent Green Belt land, it does not in itself form part of the Green Belt. The site is not designated as a Site of Importance for Nature Conservation, does not fall within a Conservation Area or have any Tree Preservation Orders on any of the trees. The only trees of significance are located outside of the southern boundary of the subject site and would not be affected by the proposal.

6.11 *Flood Risk*

6.11.1 The majority of the site is located in a Flood Zone 2. At the time of writing this report a Flood Risk Assessment (FRA) was still outstanding, however members will be verbally updated on the outcome of the FRA at the Committee meeting.

6.11.2 Although Officers were still awaiting the FRA it should be noted that an FRA was done on the subject site as part of a previous residential approval. The Flood Risk Assessment at the time concluded that the development is unaffected by the 1 in 100 year flood level or the 1 in 1000 year flood level and that there was therefore a very low risk in terms of flooding.

7. **Conclusion**

7.1 Overall, it is considered that the proposed development by reason of its design, scale and siting, would result in an acceptable development within the street scene. It is not considered that the proposal would give rise to any overlooking or invasion of privacy and would further, due to its orientation in relation to other neighbouring properties, not result in any overshadowing. It is not considered that any highway or parking issues would arise as a result of the proposal. The development is not considered to result in an increased risk of flooding. No protected trees are located on the site. No adverse biodiversity or ecological issues are raised and subject to implementation of acceptable conditions, this part of the proposal is considered acceptable.

7.2 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:

Financial contributions are required through a legal agreement.

Legal Implications and risks:

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

Human Resource Implications:

None

Equalities and Social Inclusion Implications:

None

BACKGROUND PAPERS

1. Application forms and plans received 25/11/13, revisions received on 19/11/13 and again on 19/12/13.

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**REGULATORY
SERVICES
COMMITTEE**

REPORT

9 January 2014

Subject Heading:

P1054.13 - Land north of 8 Jackson Close, Hornchurch - The erection of 6 no. dwellings (received 21/08/13)

Report Author and contact details:

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

Policy context:

Local Development Framework
The London Plan
National Planning Policy Framework

Financial summary:

None

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

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

SUMMARY

This application relates to Council owned undeveloped land. The application proposes the erection of 6 no. 4 bed dwellings. 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 137.5m² per dwelling and amounts to £16,500.

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), to secure the following:

- A financial contribution of £36,000 to be used towards infrastructure costs associated with the development in accordance with the Planning obligation 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.
- 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 12 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 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 (DOCOs), the development shall be carried out in accordance with the agreed details.

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. Air quality assessment: 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 full air quality assessment for the proposed development to assess the existing air quality in the study area (existing baseline)
 - b) The air quality assessment shall include a prediction of future air quality without the development in place (future baseline).
 - c) The air quality assessment shall predict air quality with the development in place (with development).

d) The air quality assessment should also consider the following information:

- A description containing information relevant to the air quality assessment.
- The policy context for the assessment- national, regional and local policies should be taken into account.
- Description of the relevant air quality standards and objectives.
- The basis for determining the significance of impacts.
- Details of assessment methods.
- Model verification.
- Identification of sensitive locations.
- Description of baseline conditions.
- Assessment of impacts.
- Description of the construction and demolition phase, impacts/mitigation.
- Mitigation measures.
- Assessment of energy centres, stack heights and emissions.
- Summary of the assessment of results.

For further guidance see the leaflets titled, 'EPUK Guidance Development Control: Planning for Air Quality (2010 update), EPUK Biomass and Air Quality Guidance for Local Authorities.

Reason: To protect public health, those engaged in construction and occupation of the development from potential effects of poor air quality.

14. 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 for Plot 6 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.

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 B and C, 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 for Plot 1 to 5 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.

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. Levels: Prior to the commencement of the development details of the existing and proposed finished ground levels of the site, shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

Reason: To ensure that the work is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, amenities of adjoining properties, and appearance of the development. Also in order that the development complies with Policy DC61 of the LDF Development Control Policies Development Plan Document

20. Sound insulation: The building(s) 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.

21. Prior to the commencement of any development an assessment shall be undertaken of the impact of road noise emanating from Southend Arterial Rd 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 relating to community noise and BS8233:1999. Following this, a scheme detailing measures, which are to protect occupants from road traffic noise shall be submitted to, and approved in writing by the Local Planning Authority and shall be implemented prior to occupation.

Reason: To protect future residents against the impact of road noise.

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 825m² which, at £20 per m², equates to a Mayoral CIL payment of £16,500 (subject to indexation).

REPORT DETAIL

1. Site Description

- 1.1 The application site is an empty piece of land which is located at the end of Jackson Close, abutting the A127 to the northeast, allotment gardens to the northwest, residential dwellings to the southwest and The Campion School to the southeast. The ground increases gradually in height from southwest to northeast. The site has an overall area of approximately 2515m².

- 1.2 Residential development in the vicinity is characterised by 2-storey residential dwellings which have a brick finish.

2. Description of Proposal

- 2.1 The application seeks permission for the erection of 6 no. dwellings with associated parking and amenity. The proposed dwellings would consist of 3 no. semi-detached pairs which could be seen as an extension of the properties along Jackson Close. The proposed dwellings would have a staggered front building line with the first semi-detached pair set back approximately 5.8m from the front building line of No. 8 Jackson Close and the remaining pairs set back approximately 2.2m from the front building line of that of the preceding semi-detached pair.
- 2.2 The dwellings would measure 22m in width and 21.5m in depth. They would each have a gable ended dual pitched roof and would measure 5.5m to the eaves and 9.7m to the ridge height. The dwellings would be located towards the middle of the site and will be set 2.2m off the closest boundary.
- 2.3 The proposed dwellings would consist of a kitchen/dining room, living room and wc at ground floor; three bedrooms, a bathroom and an en-suite bathroom at first floor and a bedroom and en-suite bathroom in the loft space.
- 2.4 There would be a bin collection point along the access road, approximately 35m from the front of the furthest proposed dwelling and 16m from the edge of the highway.
- 2.5 The development proposes an extension of Jackson Close in order to provide access to the new dwellings. Parking provision for 12 vehicles, 2 for each dwelling, would be provided on a hardstanding to the front of the proposed dwellings.
- 2.6 The dwellings would have a northwest-southeast orientation with garden spaces towards the rear (southeast), measuring approximately 245m² for plot 1, 200m² for plot 2, 195m² for plot 3, 173m² for plot 4, 169m² for plot 5 and 141m² for plot 6.

3. History

- 3.1 No recent, relevant planning history.

4. Consultation/Representations

- 4.1 Notification letters were sent to 12 neighbouring properties and 2 letters of objections were received raising the following concerns:
 - Not enough parking in Jackson Close
 - Disruption and noise during construction period

- Road not wide enough for construction vehicles
 - Highway safety concerns
 - Possibility of parking in the close would restrict access to emergency vehicles.
- 4.2 The Council's Environmental Health Service requested a full air quality assessment, road noise assessment, sound insulation and construction hours conditions.
- 4.3 The Highway Authority has raised no objection to the proposal.
- 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 provided that the parking facility to the front of plot 6 is enlarged to form a turning head for a pump appliance and indicated as a no parking area.
- 4.6 Transport for London has not raised an objection to the proposal however they have suggested that the Local Authority consider whether the level of sound insulation and mitigation of air pollution proposed is appropriate to ensure an acceptable level of amenity for future residents.

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 113m² for a 4-bed 6-person dwelling. The proposed dwellings have individual internal floor space of 137.5sq.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), measuring approximately 245m² for plot 1, 200m² for plot 2, 195m² for plot 3, 173m² for plot 4, 169m² for plot 5 and 141m² for plot 6. 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 (PTAL 1-2). The proposal would result in a density of approximately 24 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 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 form an extension of the properties along Jackson Close with a side-to-side separation distance of 5.5m between no. 8 Jackson Close and the closest proposed dwelling. The proposal would also have sufficient separation distances between the 3. No pairs of semi-detached dwellings and 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 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 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 result in an extension of Jackson Close in order to provide an access road to the proposed development. The proposed dwelling are considered to be acceptable within the Jackson Close streetscene as they would be seen as an extension of the building line of the dwellings situated on the southeastern side of Jackson Close. Although slightly higher, the proposed dwellings are of similar design to those situated in Jackson Close.
- 6.4.3 In terms of design and visual appearance, Staff are of the opinion that the development of the proposed semi-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 The proposed development is only bordered by residential properties to the southwest. The nearest residential property is situated at No. 8 Jackson Close. Although the proposed dwelling adjacent No. 8 Jackson Close would extend approximately 7.7m beyond the rear building line of this neighbouring dwelling any potential impact is mitigated by the 5.5m separation distance between these two dwellings and the favourable southern orientation of the rear garden of No. 8 Jackson Close. Any potential impact in term of loss of light is therefore considered acceptable. Although there would be some loss of outlook to No. 8 Jackson Close, Staff do not consider it to be unacceptable.
- 6.5.3 In terms of overlooking, no impact would result as there are no windows proposed to the flank elevations of the new dwellings.
- 6.5.4 In terms of vehicular activity and the proposed parking arrangement, Staff are of the opinion that 6 No. dwellings would not give rise to an unacceptable level of vehicular activity given that the properties to the southwest of Jackson Close are well set back from the road and that the new development would be an extension of the road and the properties along Jackson Close.
- 6.5.5 In terms of general noise and disturbance, it is not considered that the addition of 6 no. dwellings would give rise to any undue levels of noise and disturbance to the surrounding neighbouring properties.
- 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 dwellings in relation to the resultant plot space and close proximity to the A127, 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 12 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. The Highways Authority has not raised an objection to the proposed development.
- 6.6.2 The London Fire and Emergency Planning Authority have raised no objection to the proposal provided that the parking facility to the front of plot 6 is enlarged to form a turning head for a pump appliance and indicated as a no parking area. Staff are of the opinion that pump appliances will be able to access the site in forward gear and given the short distance into the site would be able to back out again. However, the potential for the hard surfaced area in front of plot 6 to be enlarged to accommodate a turning head sufficient for a fire appliance to turn, alongside the parking spaces, is being explored with the applicant. Members will be updated on the outcome of this at the meeting.
- 6.6.3 A condition would be added to provide storage for 2 No. cycle spaces per dwelling 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 137.5m² which equates to a Mayoral CIL payment of £16,500.
- 6.8. *Planning Obligations*
- 6.8.1 In accordance with the Planning Obligations Supplementary Planning Document a financial contribution of £36,000 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 35m from the front of the furthest proposed dwelling and 16m 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 noise and disturbance during the construction period and construction vehicles accessing the site are not material planning considerations.

6.9.3 Given the close proximity of the development a major road (A127) Environmental Health has requested a full air quality assessment to be undertaken prior to the commencement of any works.

6.9.4 Although the close proximity of the development to the A127 would result in some noise impact to the occupiers of the new development, Staff are of the opinion that this would not be sufficient justification for the refusal of the development as it would be a buyer beware situation. Also any potential noise impact could be mitigated by tree planting along the boundary with the A127. Environmental Health has requested an assessment to be undertaken of road noise emanating from Southend Arterial Road (A127) upon the development.

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. 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 21/08/13, revision received on 10/12/13.

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REGULATORY SERVICES COMMITTEE

REPORT

9 January 2014

Subject Heading:

P1357.13 – Former Petrol Filling Station, adjacent to 2a Suttons Lane, Hornchurch - Mixed use development comprising retail store on the ground floor with 5 no. flats over at first and second floors. Provision of on site parking: 5 car spaces for flats and 11 for retail. Formation of a new service lay-by off Suttons Lane (received 6/11/13)

Report Author and contact details:

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

Policy context:

Local Development Framework
The London Plan

Financial summary:

None

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

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

SUMMARY

This report concerns an application for a mixed use development comprising of a retail store on the ground floor with 5 no. flats over the first and second floors. The provision for on site parking comprises of 5 car spaces for the flats and 11 car spaces for the retail store. The proposal includes the provision of a new service lay-by off Suttons Lane. A Section 106 Legal Agreement is required to secure a financial contribution in accordance with the Planning Obligations Supplementary Planning Document. Staff consider that the proposal would accord with the residential, environmental and highways policies contained in the Local Development Framework Core Strategy and Development Control Policies Development Plan Document. It is recommended that planning permission be granted subject to conditions and the completion of a Section 106 Legal Agreement.

Councillor Morgon requested this application be called in to committee, on the grounds of the impact on parking in the local area, visual and noise impact and delivery arrangements.

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 would be £17,680.08. This is based on the creation of 888sqm 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:

- A financial contribution of £30,000 to be used towards infrastructure costs in accordance with the Planning Obligations Supplementary Planning Document.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the agreement, prior to completion of the agreement, irrespective of whether the agreement is completed;
- The Developer/Owner to pay the appropriate planning obligation/s monitoring fee prior to completion of the agreement.

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

1. Time limit - The development hereby permitted shall not be commenced later than three years from the date of this permission.

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

2. Materials - 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.

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

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

4. Flank windows - 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 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.

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. Refuse and recycling - Before the development hereby permitted commences, details of the proposed refuse storage and recycling facilities to be provided at the site for the use, together with arrangements for refuse disposal and details of recycling and collection shall be submitted to and approved in writing by the Local Planning Authority. The facilities as approved shall then be provided at the site prior to the commencement of the use and retained at the site thereafter in accordance with the approved drawings at all times.

Reason: In order to ensure that any such facilities respect the visual amenity of the locality, and the amenity of surrounding residents.

7. Cycle storage – Prior to the first occupation of the development hereby permitted, provision shall be made for cycle storage shown on drawing No. 22 Revision B and permanently retained unless otherwise agreed in writing by the Local Planning Authority.

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

8. Sight lines - The proposals should provide a 2.1 by 2.1 metre pedestrian visibility splay on either side of the altered accesses, 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.

9. Car parking - Before the building(s) hereby permitted is first occupied, the area set aside for car parking shall be laid out and surfaced to the satisfaction of the Local Planning Authority and retained permanently thereafter for the accommodation of vehicles visiting the site and shall not be used for any other purpose and details of measures to be employed to ensure that the residential parking spaces are kept as such shall be submitted prior to the first occupation of the retail unit.

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

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

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

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

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

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

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

12. Boundary 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 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.

13. Contamination - (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. Contamination - (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. 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 approved details shall be implemented in full prior to the 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.

16. 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, 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.

17. Obscure glazing - The proposed first floor windows on the northern elevation of the building serving the en-suite shower room and bathroom of flat 1 shall be permanently glazed with obscure glass and with the exception of top hung fanlight(s) shall remain permanently fixed shut and thereafter be maintained to the satisfaction of the Local Planning Authority.

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

18. Obscure glazing - The proposed first floor window on the southern elevation of the building serving the en-suite shower room of flat 2 and the first floor window on the rear façade of the building serving the bathroom of flat 2 shall

be permanently glazed with obscure glass and with the exception of top hung fanlight(s) shall remain permanently fixed shut and thereafter be maintained to the satisfaction of the Local Planning Authority.

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

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

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

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

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

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

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

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

Reason: To prevent noise and odour nuisance to adjoining properties.

23. Noise levels - Before the commercial use commences a scheme for any new plant or machinery shall be submitted to the Local Planning Authority to

achieve the following standard. Noise levels expressed as the equivalent continuous sound level LAeq (1 hour) when calculated at the boundary with the nearest noise sensitive premises shall not exceed LA90 -10dB and shall be maintained thereafter to the satisfaction of the Local Planning Authority.

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

24. Noise and vibration – Before the use 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.

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

Reason: To prevent noise to adjoining properties.

26. Hours of Use - The retail store hereby permitted shall not be used for the purposes hereby permitted other than between the hours of 07:00 and 23:00 on any day 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 the LDF Development Control Policies Development Plan Document Policy DC61.

27. Provision of an area for delivery and service vehicles - Before the retail store hereby permitted is first occupied, a layby shall be provided within the highway to the front of the site for the loading and unloading of delivery and service vehicles, in accordance with Drawing No. 22 Revision B. Thereafter such provision shall be made permanently available for use to the satisfaction of the Local Planning Authority unless otherwise agreed in writing with the Local Planning Authority. No loading or unloading of goods from vehicles arriving at or departing from the premises shall be carried out otherwise than within the approved area. There shall be no storage of goods or other obstructions within the approved area without prior consent in writing of the Local Planning Authority.

Reason: To avoid obstruction of the surrounding streets and to safeguard the amenities of occupiers of neighbouring property, and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC33.

28. Details of trolley bays - Prior to first occupation of the retail store hereby permitted, details of any external trolleys and trolley bays shall be submitted to

and approved by the Local Planning Authority. Once approved, they shall be implemented in accordance with the approved details and retained thereafter.

Reason: To protect residential amenity and on highway safety grounds in accordance with Policies DC61 and DC32 of the LDF Development Control Policies Development Plan Document.

29. Delivery and servicing hours - No deliveries or servicing shall take place other than between the hours of 06:00 and 22:00 any day 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 the LDF Development Control Policies Development Plan Document Policy DC61.

30. Delivery and servicing plan – Notwithstanding the details contained in the Delivery Servicing Plan dated November 2013, prior to the first occupation of the development hereby approved a delivery and servicing plan (DSP) shall be submitted to and agreed in writing by the Local Planning Authority. The DSP shall include details of the servicing arrangements including the exact location, times and frequency of deliveries. The development shall thereafter be operated strictly in accordance with the agreed details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of pedestrian and highway safety and in order that the development accords with the LDF Development Control Policies Development Plan Document Policies DC32 and DC36.

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. In aiming to satisfy condition 16 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).

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

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

5. 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.

6. 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.

Planning Obligations

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

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

REPORT DETAIL

1. Call in

- 1.1 Councillor Morgon requested this application be called in to committee, on the grounds of the impact on parking in the local area, visual and noise impact and delivery arrangements.

2. Site Description:

- 2.1 The site comprises of a parcel of land, which is a former petrol filling station. Hornchurch Nursing Home at 2a Suttons Lane, is located to the north of the site, with a communal garden and parking area to the west of the site. A two storey detached office building entitled Spectrum House at 2b Suttons Lane is located to the south. Two storey residential properties are located to the east.

3. Description of development:

- 3.1 The application is for a mixed use development comprising of a retail store (A1 use) on the ground floor with 5 no. flats over the first and second floors. There are three, two bedroom and two, one bedroom flats. The building would be two and a half storeys in height with accommodation in the roof space. Flats 1, 2 and 3 would be located on the first floor and flats 4 and 5 would be located within the roof space. There is a communal entrance for the flats on the northern flank of the building. The provision for on site parking comprises of 5 car spaces for the flats and 11 car spaces for the retail store. The proposal includes the provision of a new service lay-by off Suttons Lane.
- 3.2 The building would measure 24.2 metres in width by 21.2 metres in depth. The building would measure 6.9 metres to the eaves and 11.1 metres to the ridge. The proposed building has a hipped roof. External materials are indicated to be brickwork, plain roof tiles and powder coated aluminium windows and doors. A shop front is provided to the front elevation of the building. Any signage displayed on this shop front would be subject to a separate application for Advertisement Consent.
- 3.3 The store will employ up to 20 employees, in a combination of part and full-time work.

4. Relevant History:

- 4.1 P0865.06 – Redevelopment including new sales building, forecourt, canopy and pumps and installation of new underground fuel tanks and ATM – Refused.

A0040.06 – Various illuminated and non-illuminated signage – Refused.

P1903.05 – Ramp to sales building and extension to rear of sales building to accommodate accessible sanitary facilities – Approved.

5. Consultations/Representations:

- 5.1 The occupiers of 45 neighbouring properties were notified of this proposal. At the time of drafting this report, the neighbour notification period had yet to expire. Members will be verbally updated of any further representations received. Six letters of objection were received with detailed comments that have been summarised as follows:
- The impact of the retail unit on local businesses.
 - Queried if the retail unit would have an off licence and refreshments.
 - Parking.
 - Traffic.
 - Access.
 - Congestion.
 - Highway safety.
 - The opening hours are too long.

- Litter and the provision of litter bins for the proposal.
- The lay-by may be used by vehicles trying to park there.
- Noise and disturbance from deliveries.
- Anti-social behaviour.
- The proposal should not affect the future development potential of 2b Suttons Lane.
- Noise from the air conditioning units.
- Party Wall procedures.
- It was suggested that this development could be incorporated as part of any redevelopment of the St George's hospital site.
- Lack of consultation.
- It is alleged that another supermarket in Hornchurch is not required.
- Height and position of the new development.
- Loss of light.
- Light pollution from the shop front and any future advertisements on the building.

- 5.2 In response to the above, comments regarding the impact of the retail unit on local businesses and the requirement for another supermarket are not material planning considerations. Environmental Health has recommended conditions regarding the transmission of noise from any mechanical ventilation system and any new plant or machinery. Comments regarding party wall agreements are not material planning considerations. The Council has a statutory obligation to consult neighbouring properties that adjoin the common boundary of the application site or are located in very close proximity to the site. The Council uses its discretion to undertake a wider level of consultation where appropriate. Comments regarding advertisements are not material planning considerations, as any advertisements would be subject to separate advertisement consent. The remaining issues will be covered in the following sections of this report.
- 5.3 The Fire Brigade is satisfied with the proposals.
- 5.4 Environmental Health - Recommend six conditions if minded to grant planning permission.
- 5.5 Designing Out Crime Officer - Recommends conditions in respect of cycle storage, external lighting and secured by design and an informative if minded to grant planning permission.
- 5.6 The Highway Authority has no objection to the proposals; it is recommended that the residential parking spaces are clearly marked out as such and that any redundant footway left after the alteration/extension of the vehicle crossovers is returned to footway at the applicant's expense. Secure cycle parking facilities should be provided for a minimum of one bicycle for up to two-bedroom homes. Recommends four conditions and two informatives if minded to grant planning permission.

6. Staff Comments:

6.1 Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP4 (Town centres), CP17 (Design), DC2 (Housing Mix and Density), DC3 (Housing Design and Layout), DC11 (Non-designated sites), DC15 (Locating retail and service development), DC32 (The road network), DC33 (Car Parking), DC34 (Walking), DC35 (Cycling), DC36 (Servicing), DC40 (Waste recycling), DC53 (Contaminated land), DC55 (Noise), DC61 (Urban Design), DC62 (Access), DC63 (Delivering Safer Places) and DC72 (Planning Obligations) of the LDF Core Strategy and Development Control Policies Development Plan Document are considered material together with the Design for Living Supplementary Planning Document, the Shopfront Design Supplementary Planning Document, the Landscaping Supplementary Planning Document, the Planning Obligations Supplementary Planning Document and Policies 2.15 (town centres), 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 4.7 (Retail and town centre development), 4.8 (Supporting a successful and diverse retail sector), 6.13 (parking), 7.1 (building London's neighbourhoods and communities), 7.13 (safety, security and resilience to emergency), 7.4 (local character) and 8.3 (Community infrastructure levy) of the London Plan are relevant. Chapters 1 (Building a strong, competitive economy), 2 (Ensuring the vitality of town centres), 4 (Promoting sustainable transport), 6 (Delivering a wide choice of high quality homes), 7 (Requiring good design), 8 (Promoting healthy communities) and 11 (Conserving and enhancing the natural environment) of the National Planning Policy Framework are relevant.

6.2 Principle of Development

6.2.1 Policy CP1 indicates that a minimum of 535 new homes need to be built each year on sites which are not designated for other purposes. The site is non-designated land and the Council generally requires the redevelopment for housing of commercial sites which become available for development in accordance with Policy DC11. Although the site is not within a retail area, it is considered that a mixed use scheme comprising of a retail unit (A1 use) on the ground floor with residential accommodation above is acceptable in principle. A Retail Planning Statement was submitted with this application, which states that the proposals are acceptable in terms of the sequential assessment and impact tests. The Statement concludes that the proposal adheres to the requirements of the NPPF, as there are no other sites or buildings in retail use within a 500 metre catchment that would be sequentially preferable, available or appropriate in terms of their size to accommodate a convenience store.

6.3 Density and site layout

6.3.1 The Density Matrix in Policy DC2 seeks to guide higher density of development to those parts of the Borough having good access to public transport. Policy DC2 indicates a density requirement of 30-65 dwellings per hectare. The proposal achieves a density of some 46 units per hectare on this

0.108 hectare site, which is within the range indicated by Policy DC2 and by national planning policy.

- 6.3.2 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.
- 6.3.3 The proposed amenity space for the flats would comprise a communal roof terrace with an area of 47 square metres on the second floor and private balconies. The front perimeter of the second floor communal terrace would have a 1.8 metre high obscured glass screen with planters behind to prevent undue overlooking of the gardens of Hornchurch Nursing Home. The Residential Design SPD Document states that balconies should be incorporated into all flatted developments and should as a minimum be 1.5 metres in depth and 5 square metres in overall size to allow adequate space for a table and chairs. All of the proposed balconies would have a depth and area which complies with policy. There would be a louvered hardwood screen on the flank wall of the balcony for Flat 3 to prevent undue overlooking of the gardens of Hornchurch Nursing Home at first floor level.
- 6.3.4 In terms of layout Policy DC4 states that subdivided or converted residential units should have a safe secure access from the street and decent outlook and aspect. There is a side entrance for the residential units which provides safe and secure access. It is considered that the flats would have a reasonable outlook and aspect.
- 6.3.5 Policy 3.5 of the London Plan advises that housing developments should be of the highest quality internally, externally and in relation to their context and to the wider environment. To this end Policy 3.5 seeks that new residential development conforms to minimum internal space standards set out in the plan. Table 3.3 states provides the following standards for flats: 1 bed, 2 person units, 50 square metres. 2 bed, 3 person units, 61 square metres and for 2 bed, 4 person units, 70 square metres. The floor area of the flats is in accordance with the London Plan standards and are therefore acceptable.
- 6.3.6 The remaining 'public' area within the development is largely hard surfacing and consists of parking provision with some soft landscaping. The proposal includes the provision of a new service lay-by off Suttons Lane. It is considered that the layout of the site is acceptable.

6.4 Design/impact on street/Garden scene

- 6.4.1 Council policy and guidance seeks to ensure that all new developments are satisfactorily located and are of a high standard of design and layout. In this regard, it is important that the appearance of new developments is compatible with the character of the local street scene and the surrounding area. The site is located between detached, two and two/three storey buildings. In street scene terms, the provision of a two and a half storey building with accommodation in the roof space is considered to be acceptable. It is considered that the building would integrate satisfactorily with the prevailing scale and character of development within the locality. It is noted that the front building line for Spectrum House and Hornchurch Nursing Home is staggered and the proposal respects this.
- 6.4.2 The proposed hipped roof along with a low eaves line minimises the bulk of the building. In addition, the first floor of the building is recessed 2.3 metres from the ground floor retail unit, which further minimises bulk and articulates its front and flank elevations. It is considered that the height of the building is acceptable and would appear in character with neighbouring properties. The size and siting of the dormer windows adhere to the Residential Extensions and Alterations SPD and are contained well within the roof space.
- 6.4.3 The proposed building would utilise a mixture of materials including facing brickwork, reconstituted stone blocks and plain roof tiles. Staff are of the view that the proposed materials would be compatible with those to be found on neighbouring buildings. Full details of the samples of materials will be secured by condition if minded to grant planning permission.

6.5 Impact on amenity

- 6.5.1 Spectrum House is occupied by 'Johal & Company' chartered accountants and registered auditors. There is a ground floor window with roller shutters on the northern flank of Spectrum House, which is adjacent to a 2m high timber paling fence on the southern boundary of the application site. It is considered that the proposal would not result in a loss of amenity to Spectrum House given the commercial use of the property.
- 6.5.2 Hornchurch Nursing Home is located to the north of the site, with a communal garden and parking area to the west of the site. There is one ground floor window, one first floor window and one second floor roof light on the southern flank of the nursing home (adjacent to the northern boundary of the application site) which serve bathrooms and are not habitable rooms. There are three ground and first floor windows on the eastern flank of the nursing home, (from left to right) one serves an en-suite and two serve a corridor, all of which are not habitable rooms. There are two second floor windows on the eastern flank of the nursing home (adjacent to the western boundary of the site) that serve a corridor, which is not a habitable room. There are two ground and first floor windows on the southern elevation of the nursing home (fronting its communal garden), which each serve a bedroom.

- 6.5.3 It is considered that the proposal would not result in a significant loss of amenity (including overlooking) to the Hornchurch Nursing Home for the following reasons. Firstly, there would be a separation distance of between approximately 20 and 21.4 metres between the southern flank of the nursing home (adjacent to the northern boundary of the application site) and the northern flank of the proposed building. Secondly, the rear façade of the building would be recessed 2 metres at first floor level from the western boundary of the site. Thirdly, the accommodation on the second floor is contained well within the roof space. There would be a separation distance of approximately 6 metres between the perimeter of the communal terrace and the western boundary of the site. Furthermore, the front perimeter of the second floor communal terrace would have a 1.8 metre high obscured glass screen with planters behind, which would provide screening and mitigate any overlooking of the nursing home. There would be a louvered hardwood screen on the flank wall of the balcony for Flat 3 to prevent undue overlooking of the gardens of Hornchurch Nursing Home at first floor level.
- 6.5.4 Staff consider that the proposal would not result in a significant loss of amenity to residential dwellings located opposite the application site (namely No.'s 35 to 45A-G Suttons Lane), as there would be a front to front distance of approximately 27 metres between the front façade of the proposed building and the front façade of No.'s 35 to 45A-G Suttons Lane.
- 6.5.5 This proposal is for the creation of a retail shop. It is considered that the traffic, both via car and foot, and general activity at and within the vicinity of the site from the proposed retail use, would be similar to that generated by the previous use of the site as a petrol station. From this, it could also be reasonably concluded that the use of the premises along with customers entering and leaving the site, would give rise to a similar degree of impact in terms of noise and general disturbance, as its former use as a petrol station. When reviewing the merits of this application, consideration was given to the fact that Suttons Lane is a relatively busy main road which is served by bus routes with fairly high ambient noise levels throughout the week. Given the nature of this road, there is no reason to believe that these observations are unusual. It is considered that the opening hours are acceptable and do not result in a significant loss of amenity to neighbours.
- 6.5.6 The operation of the retail unit during the core daytime hours is unlikely, in staff's view, to be materially harmful to residential amenity given the ambient noise levels already present in this location. The proposed opening hours for the retail unit are between 07.00 and 23.00 seven days a week. Staff consider that the opening hours are acceptable taking into account the former use of the site as a petrol filling station. It is noted that the Tesco store at 495-405 Brentwood Road, Romford has the same opening hours as this proposal (approved under application P0636.11). Members may however wish to apply their judgement to this aspect of the scheme.

- 6.5.7 Another form of noise which would be likely to result from this proposal is from deliveries and the associated unloading. Daily deliveries are required, as fresh produce deliveries are needed each day to maintain supply. A Delivery Servicing Plan has been submitted with this application regarding the management of delivery and servicing activity for the proposed convenience store. Deliveries to the store will not take place outside of the hours 06.00 to 22.00 Monday to Sunday. The Delivery Servicing Plan states that the occupiers has forecast that two depot (main) deliveries per day via an 11 metre rigid vehicle will be sufficient for daily customer trade. The use of vehicles up to 11m allows the occupiers to transport recyclable materials in empty vehicles back to their depot, which reduces servicing trips. In addition to depot deliveries, it is likely that there will be approximately five direct deliveries made each day by third-party suppliers, such as bread, milk and newspapers and these are often undertaken from panel or box vans. Also, there would be one weekly delivery of cigarettes. Therefore, the combined total of depot and direct deliveries is likely to be seven per day.
- 6.5.8 The Delivery Service Plan states that the occupiers approach to deliveries is to organise time windows, whereby staff know when to expect a delivery and so are in place to process it efficiently. Thus, service vehicles should not arrive at the same time. All delivery vehicles are in contact with each store where servicing is to take place via automated radio communications. The store manager will be responsible for the monitoring, implementation and updating of the delivery schedule. Subject to the imposition of conditions limiting opening, delivery and servicing hours and requesting details of a servicing and delivery plan, it is considered that any noise impact arising would not be unduly harmful.
- 6.5.9 Environmental Health has recommended conditions regarding the transmission of noise from any mechanical ventilation system and any new plant or machinery to ensure that this equipment does not result in noise nuisance.

6.6 Highway/parking issues

- 6.6.1 Policy DC36 seeks to ensure that new developments make adequate provision for servicing. The retail store would be serviced by a new lay-by off Suttons Lane as part of this application. The proposed layby is intended for use by vehicles making deliveries to the proposed retail unit. Staff raise no objection to the provision of a layby in this location and the Council's Highway Authority has no objection to the proposal. In the event that this application were to be approved the layby would, upon completion, be incorporated into the public highway allowing the Council to introduce any parking or loading restrictions deemed appropriate using its Highway powers.
- 6.6.2 Car parking standards contained within the LDF recommend the provision of one off street parking space per 30 square metres of floor space for a retail shop in the rest of the borough location. The proposal would result in a retail floor space of 418 square metres which equates to a recommended maximum

parking provision of 13 spaces. The proposal would provide 11 off street parking spaces for the proposed retail unit and the Council's Highway Authority have no objection to the proposal. Members will be aware that the Council's parking standards are maximum standards and as such it is appropriate to apply them flexibly having regard to site specific circumstances. Consideration should also be given to Government planning policy which encourages local planning authorities to be flexible with parking standards in areas where effective on-street parking control is present or can be secured. Consideration has been given to the location of the site being fairly well served by public transport, including Hornchurch Underground Station and bus routes. Staff are of the view that the parking and servicing arrangements for the retail unit are acceptable.

- 6.6.3 Policy DC2 of the LDF indicates that in this part of the Borough parking provision for residential development should be a maximum 1.5 to 2 spaces per unit. The proposal complies with Policy DC2, as there would be 1 space per dwelling.
- 6.6.4 There is provision for 6 cycle spaces for the retail unit and 5 spaces for the flats within a residential bike store. Staff consider the arrangement to be acceptable, but would require further details by condition if planning permission were to be granted.
- 6.6.5 The agent has advised that retail refuse and recycling collection will be provided by a private contractor.

7. The Mayor's Community Infrastructure Levy

- 7.1 The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. 420 square metres of new floor space is proposed for the retail unit and 468 square metres is proposed for the five dwellings. On this basis, the CIL liability equals $888 \times \text{£}20 \text{ per sq.m} = \text{£}17,760$. $\text{£}17,760 \times 0.9955 = \text{£}17,680.08$. Therefore, CIL would be payable up to $\text{£}17,680.08$ (subject to indexation).

8. Planning Obligations

- 8.1 A Section 106 Legal Agreement is required to secure a financial contribution of $\text{£}30,000$ to be used towards infrastructure costs in accordance with Policy DC72 and the Planning Obligations Supplementary Planning Document.

9. Conclusion

- 9.1 Staff consider the site to be acceptable in principle for a mixed use scheme comprising of a retail unit at ground floor and residential above. It is considered that the siting, design and scale of the proposed building is compatible with the prevailing scale and character of development within the locality. Staff are of the view that the proposal would have an acceptable relationship to adjoining properties and would provide suitable amenity

provision for future occupiers. The proposal is judged to be acceptable in respect of potential impact on adjacent residential properties subject to the imposition of planning conditions. In respect of parking and highway matters the proposal would provide a lay by off Suttons Lane, which would be capable of accommodating delivery vehicles. There would be a financial contribution of £30,000 towards infrastructure improvements. Subject to the completion of a legal agreement the scheme is considered to be acceptable. The proposal is considered to be in accordance with the aims and objectives of the LDF Development Control Policies Development Plan Document and approval is recommended accordingly.

IMPLICATIONS AND RISKS

Financial implications and risks:

None.

Legal implications and risks:

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

Human Resources implications and risks:

None.

Equalities implications and risks:

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

BACKGROUND PAPERS

Application forms and plans received 6/11/2013.

1. The planning application as submitted or subsequently revised including all forms and plans.
2. The case sheet and examination sheet.
3. Ordnance survey extract showing site and surroundings.
4. Standard Planning Conditions and Standard Green Belt reason for refusal.
5. Relevant details of Listed Buildings, Conservation Areas, Article 4 Directions.

6. Copy of all consultations/representations received and correspondence, including other Council Directorates and Statutory Consultees.
7. The relevant planning history.

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REGULATORY SERVICES COMMITTEE

REPORT

9 January 2014

Subject Heading:

P1159.13 – Land rear of 4-12 Tansy Close, 10-14 Dewsbury Close, 50-82 Dewsbury Road and 1-9 Woodlands House, Harold Hill - Demolition of existing garages and construction of 5 new dwellings, private amenity space, parking and an access road (received 29/10/13)

Report Author and contact details:

Helen Oakerbee
Planning Manager (Applications)
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01708 432800

Policy context:

Local Development Framework
The London Plan

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	[]

SUMMARY

This report relates to land in the ownership of the Council. This report concerns an application for the demolition of the existing garages and the erection of 5 new dwellings, private amenity space, parking and an access road. A Section 106 Legal Agreement is required to secure a financial contribution in accordance with the Planning Obligations Supplementary Planning Document. Staff consider that the proposal would accord with the residential, environmental and highways policies contained in the Local Development Framework Core Strategy and Development Control Policies Development Plan Document. It is recommended that planning permission be granted subject to conditions and the completion of a Section 106 Legal 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 would be £5,276.15. This is based on the creation of 265 square metres 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:

- A financial contribution of £30,000 to be used towards infrastructure costs in accordance with the Planning Obligations Supplementary Planning Document.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the agreement, prior to completion of the agreement, irrespective of whether the agreement is completed;
- The Developer/Owner to pay the appropriate planning obligation/s monitoring fee prior to completion of the agreement.

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

1. Time limit - The development hereby permitted shall not be commenced later than three years from the date of this permission.

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

2. Materials - 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.

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

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

4. Flank windows - 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 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.

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

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

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

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

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

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

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 - 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. Permitted Development - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 Article 3, Schedule 2, Part 1, as amended by the Town and Country Planning (General Permitted Development) (Amendment)(no. 2)(England) Order 2008 Classes A - E, or any subsequent order revoking or re-enacting that order, no extensions, roof extensions or alterations shall take place to the dwellinghouses and no outbuildings shall be erected in the rear garden area of the dwellings, with the exception of ancillary structures up to 10 cubic metres in volume, unless permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

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

12. Boundary 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 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.

13. Contamination – (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. Contamination – (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. 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 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.

16. 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, 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.

17. Obscure glazing - The proposed first floor window on the west flank elevation of the dwellings in plot E shall be permanently glazed with obscure glass and with the exception of top hung fanlight(s) shall remain permanently fixed shut and thereafter be maintained to the satisfaction of the Local Planning Authority.

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

18. Site levels - Prior to the commencement of the development, a drawing showing the proposed site levels of the application site and the finished floor levels of the proposed dwellings 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.

Reason: To protect neighbouring amenity.

19. Surfacing materials - Before any of the development hereby permitted is commenced, surfacing materials for the access road and parking area shall

be submitted to and approved in writing by the Local Planning Authority and thereafter the access road shall be constructed with the approved materials. Once constructed, the access road shall be kept permanently free of any obstruction (with the exception of the car parking spaces shown on the approved plans) to prevent their use for anything but access.

Reason: To ensure that the appearance of the proposed development will harmonise with the character of the surrounding area and in the interests of highway safety.

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

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

INFORMATIVES

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

2. In aiming to satisfy condition 16 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.

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

4. 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.

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

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 application site comprises land and garages to the rear of 4-12 Tansy Close, 10-14 Dewsbury Close, 50-82 Dewsbury Road and 1-9 Woodlands House, Harold Hill. The site is split into two areas. The area to the east of the site currently has 26 single storey lock-up garages. To the north west of the site is an unused allotment. The latter area adjoins 4-12 Tansy Close, two storey terraced properties with rear gardens backing onto the site. There is a right of way in between No. 4 and 5 Tansy Close. A scout hall is located in between the allotment and the garages, which will remain.
- 1.2 The rear gardens of two storey dwellings in Dewsbury Road and Dewsbury Close back onto the site to the east, west and south. Woodlands House is a three storey block of flats located north east of the application site. Ground levels fall from west to east across the site with a steep grassed area to the western corner of the site.

2. **Description of development:**

- 2.1 The application is for demolition of the garages and redevelopment to provide five dwellings. The development consists of two three bed semi-detached dwellings located in the north western part of the site and three, three bed terraced dwellings in the south eastern part of the site. The existing Scout hall will be retained.
- 2.2 The pair of semi-detached dwellings in plots D and E would have a width of 10.4 metres, a depth of 9.5 metres and a height of 7.6 metres to the ridge of the gabled roofs. The three terraced properties would have a width of 15.4

metres, a depth of 9.5 metres and a height of 8 metres to the ridge. The roofs of the dwellings in Plots A and C are hipped. External materials are indicated to be brickwork and concrete roof tiles.

- 2.3 The proposal includes an access road and areas of hardstanding, creating a total of 10 parking spaces.

3. Relevant History:

- 3.1 No relevant planning history.

4. Consultations/Representations:

- 4.1 The occupiers of 70 neighbouring properties were notified of this proposal. At the time of drafting this report, the neighbour notification period had yet to expire. Members will be verbally updated of any further representations received. Three letters of representation were received with detailed comments that have been summarised as follows:

- Overlooking from the side elevation windows.
- Concerns that the trees in front of plots D and E may restrict access to the rear of Tansey Close properties if planted too close to the corner of the plot.
- Drainage.
- Parking.
- Access.
- Development would restrict access to existing garage in rear garden.

- 4.2 In response to the above, comments regarding drainage are not material planning considerations and is a building control matter.

- 4.3 The Fire Brigade is satisfied with the proposals.

- 4.4 Environmental Health - Recommend conditions if minded to grant planning permission.

- 4.5 Designing Out Crime Officer - Recommends conditions in respect of boundary treatments, cycle storage, external lighting and secured by design and an informative if minded to grant planning permission.

- 4.6 The Highways Authority does not object to the proposals. The Authority would however prefer a Bin Store within 25 metres of the public highway so that the bin collection can be completed without the need for smaller refuse vehicles. Secure cycle parking facilities should be provided for a minimum of one bicycle for up to two-bedroom homes and for two bicycles for three-bedroom homes.

5. Staff Comments:

- 5.1 Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP8 (Community Needs), CP17 (Design), DC2 (Housing Mix and Density), DC3 (Housing Design and Layout), DC11 (Non-designated sites), DC32 (The road network), DC33 (Car Parking), DC34 (Walking), DC35 (Cycling), DC36

(Servicing), DC40 (Waste recycling), DC53 (Contaminated land), DC55 (Noise), DC61 (Urban Design), DC62 (Access), DC63 (Delivering Safer Places) and DC72 (Planning Obligations) of the LDF Core Strategy and Development Control Policies Development Plan Document are considered material together with the Design for Living Supplementary Planning Document, the Landscaping Supplementary Planning Document, the Planning Obligations Supplementary Planning Document and Policies 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 6.13 (parking), 7.1 (building London's neighbourhoods and communities), 7.13 (safety, security and resilience to emergency), 7.4 (local character) and 8.3 (Community infrastructure levy) of the London Plan are relevant. Chapters 6 (Delivering a wide choice of high quality homes) and 7 (Requiring good design) of the National Planning Policy Framework are relevant.

5.2 Principle of Development

5.2.1 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.

5.2.2 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 86m² for a 3-bed 4-person dwelling. The proposed dwellings have individual internal floor space of 87m² which is in line with the recommended guidance and considered acceptable.

5.2.3 Policy CP1 indicates that outside town centres and the Green Belt, priority will be made on all non-specifically designated land for housing. The application site is previously developed land. It is within a predominately residential area and is considered to be suitable in principle for residential development, subject to the detailed design of the proposals. 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.

5.3 Density and site layout

5.3.1 The Density Matrix in Policy DC2 seeks to guide higher density of development to those parts of the Borough having good access to public transport. Policy DC2 indicates a density requirement of 30-50 dwellings per hectare.

5.3.2 The proposal achieves a density of some 22.4 units per hectare on this 0.2231 hectare site, which is below the range indicated by Policy DC2 and by national planning policy. It is considered however that the relatively low density of development on this site is acceptable in principle owing to the constraints presented by the form of the site and relatively small developable

area, which would prevent the site from being successfully developed at a higher density.

5.3.3 In respect of amenity space the Supplementary Planning Document (SPD) for Residential Design does not prescribe fixed standards for private amenity space or garden depths unlike previous guidance. Instead the SPD places emphasis on new developments providing well designed quality spaces that are usable. In terms of amenity space provision, the rear garden areas of the dwellings have private amenity space ranging between some 55-112 square metres. Staff are of the view that the proposed garden areas are acceptable in terms of area and would provide future occupiers with a useable external space for day to day activities such as outdoor dining, clothes drying and relaxation.

5.3.4 The remaining 'public' area within the development is largely hard surfacing and consists of the highway and parking provision. It is considered that the layout of the site is acceptable.

5.4 Design/impact on street/Garden scene

5.4.1 Council policy and guidance seeks to ensure that all new developments are satisfactorily located and are of a high standard of design and layout. In this regard, it is important that the appearance of new developments is compatible with the character of the local street scene and the surrounding area. The locality is typified by two storey dwellings with gabled roofs and blocks of flats.

5.4.2 Policy DC61 states that new properties should respond to distinctive local building forms and patterns of development and respect the scale, massing and height of adjoining properties. It is considered that the external design and appearance of the dwellings would integrate satisfactorily with the streetscene. Staff consider that the height and scale of the dwellings proposed is compatible with the prevailing scale and character of development within the locality.

5.4.3 The proposed houses would utilise a mixture of materials including facing brickwork and concrete roof tiles. Staff are of the view that the proposed materials would be compatible with those to be found on neighbouring dwellings. Full details of the samples of materials will be secured by condition if minded to grant planning permission.

5.5 Impact on amenity

5.5.1 The semi-detached dwellings in plots D and E back onto the rear boundary of dwellings in Dewsbury Close. There would be a back to back distance of between 23 and 29 metres between the dwellings in plots D and E and the neighbouring houses in Dewsbury Close. The impact of the dwellings is partly mitigated by the change in ground levels. No.'s 10 to 14 Dewsbury Close are located at a higher ground level than the application site, which will help to mitigate the impact of the new dwellings. Having regard to the change in ground levels, which mitigates potential intrusiveness of the impact, and the back to back distances, staff consider that this relationship is acceptable.

- 5.5.2 In respect of the relationship with No.'s 5 to 12 Tansy Close, the north western flank wall of the dwelling in plot E is set in 2 metres from this boundary. There would be a rear to flank distance of approximately 18 metres between the north western flank of the dwelling in plot E and the rear façade of No.'s 5 to 12 Tansy Close. The relationship between the new dwellings and No.'s 5 to 12 Tansy Close is considered to be acceptable owing to the distance between the dwelling and the back and flank relationships. No.'s 5 - 12 Tansy Close are located at a higher ground level than the application site, which will help to mitigate the impact of the new dwellings.
- 5.5.3 It is considered that the new dwellings in plots D and E would not result in a significant loss of amenity to No. 4 Tansy Close, as there is a separation distance of approximately 17 metres between the front façade of the dwellings in plots D and E and the north eastern boundary of 4 Tansy Close. Given this separation distance, Staff consider that this relationship is acceptable.
- 5.5.4 The terraced dwellings in plots A, B and C back onto the rear boundary of dwellings in Dewsbury Road. There would be a back to back distance of approximately between 26 and 27 metres between the dwellings in plots A, B and C and the neighbouring houses in Dewsbury Road. Given the back to back distances, Staff consider that this relationship is acceptable.
- 5.5.5 The terraced dwellings in plots A, B and C front onto the parking bays adjacent to No.'s 1-9 Woodlands House. There would be a front to front distance of approximately between 23 and 25 metres between the dwellings in plots A, B and C and the front façade of Woodlands House. Given the front to front distances, Staff consider that this relationship is acceptable.
- 5.5.6 In respect of the relationship with No.'s 50 to 60 Dewsbury Road, the eastern flank wall of the dwelling in plot A is set in 1 metre from this boundary. There would be a flank to rear distance of approximately between 14 and 16 metres between the western flank of the dwelling in plot A and the rear façade of No.'s 50 to 60 Dewsbury Road. Following negotiations with the agent, the dwellings in Plots A and C have been changed from gabled to hipped roofs to minimise their bulk and help mitigate their impact on neighbouring properties. Given the flank to rear distances and the hipped roofs of the dwellings in plots A and C, Staff consider that this relationship is acceptable.
- 5.5.7 Overall, no harmful levels of overshadowing or overlooking are considered to occur as a result of the proposed dwellings.
- 5.5.8 It is considered that there would not be materially greater impact in respect of noise and disturbance compared to that previously generated by the 26 garages on the site. The proposal creates an access road and parking bays to the front of the proposed dwellings. It is not considered that this arrangement would be materially harmful to amenity owing to the limited numbers of parking bays and subject to adequate boundary treatment.
- 5.5.9 It should however be noted that although Staff consider the proposal to be acceptable in its current form, given the size of the proposed residential

development in relation to the resultant limited plot space, any additions, extensions or alterations to the dwelling may result in harm to the character of the surrounding area and neighbouring amenity. In light of this, Staff are of the opinion that all Permitted Development Rights for the proposed development should be removed in order to safeguard the appearance of the street scene and amenities of neighbouring occupiers.

5.5.10 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.

5.6 Highway/parking issues

5.6.1 Policy DC33 in respect of car parking refers to the density matrix in Policy DC2. Policy DC2 of the LDF indicates that in this part of the Borough parking provision for residential development should be a maximum 1.5 to 2 spaces per unit. The development would provide a total of 10 No. parking spaces. In terms of the number of spaces proposed, the provision of off-street parking spaces would comply with the requirements of Policy DC33 and no issues are raised in this respect. The proposal includes the provision of an access road, which is deemed to be acceptable.

5.6.2 Strategic Property Services has confirmed that there are currently 9 garages occupied out of a total of 26. Strategic Property Services has confirmed that the garages which are occupied at the moment are on tenancy agreements, which can be terminated with one week's notice. Existing tenants will be offered alternative garages at the following sites: Tansy Close (1 garage available), Leyburn Road (1 garage available), Kingsbridge Road (3 garages available) and Petersfield Avenue (2 garages available). In addition, five more garages could be repaired and cleared on these sites. It is considered that there are a sufficient number of alternative garages to offset the loss of car parking spaces.

5.6.3 Details of cycle storage can be secured by condition if minded to grant planning permission. The Fire Brigade has no objection to the proposal. A condition will be placed in respect of storage of refuse and recycling awaiting collection if minded to grant planning permission.

5.6.4 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.

5.7 Other Issues

5.7.1 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.

5.7.2 One of the objections related to access to a garage in the rear garden of No. 58 Dewsbury Road, which has a set of double gates leading from the garden to the application site. The occupier would lose access as a result of the development. Strategic Property Services advises that the access through the garage site is not supported by an access licence and their use, is therefore unauthorised.

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

6.1 The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The CIL payment is applicable as the proposal is for five new dwellings. The twelve garages with a floor area of 150 square metres are being demolished. According to the CIL form, the new dwellings would have a combined floor space of 415 square metres. On this basis, the CIL liability equals $415 - 150 = 265$. The CIL form states that twelve garages have been in use for 6 months of the 12 previous months when the planning application was submitted on 29th October 2013. On this basis, the CIL liability would be payable up to £5,276.15 (subject to indexation).

$£20\text{sq.m} \times 265 = £5,300.$

$£5,300 \times 0.9955 = £5,276.15$

7. **Planning Obligations**

7.1 A Section 106 Legal Agreement is required to secure a financial contribution of £30,000 to be used towards infrastructure costs in accordance with Policy DC72 and the Planning Obligations Supplementary Planning Document.

8. **Conclusion**

8.1 Staff consider the site to be acceptable in principle for residential development. It is considered that the siting, design and scale of the dwellings proposed is compatible with the prevailing scale and character of development within the locality. Staff are of the view that the proposal would have an acceptable relationship to adjoining properties and would provide suitable amenity provision for future occupiers. It is considered that the proposal would not create any parking or highway issues. There would be a financial contribution of £30,000 towards infrastructure improvements. Subject to the completion of a legal agreement the scheme is considered to be acceptable. The proposal is considered to be in accordance with the aims and objectives of the LDF Development Control Policies Development Plan Document and approval is recommended accordingly.

IMPLICATIONS AND RISKS

Financial implications and risks:

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

Legal implications and risks:

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

Human Resources implications and risks:

None.

Equalities implications and risks:

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

BACKGROUND PAPERS

Application forms and plans received 29/10/2013.

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

REGULATORY SERVICES COMMITTEE

9 January 2013

REPORT

Subject Heading:

P1134.13 17 Boxmoor Road, 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
Planning Manager (Applications)
Helen.oakerbee@havering.gov.uk
01708 432800

Policy context:

Local Development Framework

Financial summary:

None

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

Ensuring a clean, safe and green borough	[]
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:

3040_PL01, 3040_PL02, 3040_PL03, 3040_PL03a, 3040_PL04B,
3040_PL05, 3040_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 permitted use commences details of a waste management scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme, which shall thereafter be permanently maintained, 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. 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. Extract Ventilation - Before the use commences suitable equipment to remove and/or disperse odours and odorous material should be fitted to the extract ventilation system in accordance with a scheme to be approved in writing by the Planning Authority. Thereafter, the equipment shall be properly maintained and operated within 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. Noise and Odour Reduction Before the hot food takeaway use commences, that part of the building shall be insulated in accordance with a scheme which shall previously have been approved by the Local Planning Authority in order to secure a reduction in the level of noise and vibration emanating from it and it shall be effectively sealed to prevent the passage of odours through the structure of the building to other premises and dwellings.

Reason:-

To prevent noise and odour nuisance to adjoining properties.

8. Plant and Machinery Before any works commence, a scheme for any new plant or machinery shall be submitted to the Local Planning Authority to achieve the following standard. Noise levels expressed as the equivalent continuous sound level LAeq (1 hour) when calculated at the boundary with nearest noise sensitive premises shall not exceed LA90 - 110dB and shall be maintained thereafter to the satisfaction of the Local Planning Authority.

Reason:-

To prevent noise nuisance to adjoining/adjacent properties

9. 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 any 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 of 17 Boxmoor Road which is a vacant A1 Retail unit.
- 1.2 The property is mid-terrace, situated within a row of three properties. To the north of the site is a semi-detached pair of properties. These five properties

combined are designated as a Minor Local Centre. The upper floors of the parade comprise of residential properties.

- 1.3. To the south of the site is a terrace row of three properties which falls outside the designated centre.
- 1.4 To the east of the site are residential properties.
- 1.5 To the front of the site is a layby that provides on street car parking provision.

2. Description of Proposal

2.1 The application seeks planning permission for the change of use of 17 Boxmoor Road from an A1 (Retail unit) to an A5 (Takeaway) and the installation of an associated extract 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 floor plans which indicate the provision of a waiting area, service bar and kitchen area.

2.4 In order to provide suitable extraction to the kitchen area a 0.5 metre square by 5m high extraction duct is proposed on the flank rear wall of the building. The duct has been revised during the course of the application to make it smaller in size.

3. Relevant History

3.1 No relevant history

4. Consultations/Representation

4.1 7 letters have been received objecting to the proposal on the following grounds:

- Odour and noise
- Visual impact of the flue
- Increased litter
- Noise and disturbance from youths and possible anti-social behaviour
- Existing takeaways less than 1 mile away should be a chemist/grocers instead
- Increased traffic
- Refuse disposal and vermin

4.2 A petition with 66 signatures has also been submitted in objection on the same grounds as those detailed above at 4.1

4.2 Environmental Health raised no objections subject to conditions

4.5 The Highways Authority has no objections

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. Planning permission will be granted for A1 uses at ground floor level together with service uses A2, A3, A4 and A5.

6.2.2 The application is for an A5 "Hot Food Takeaway".

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 wholly 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. Takeaways are usually found in minor local centre locations and on commercial parades. No. 15 – 27 is designated as the Minor Local Centre. However, the visual form of the parade reads as no. 3 to no. 27. No. 21 is also currently vacant.

- 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".
- 6.27 Subject to the proposal safeguarding the character and appearance of the area, neighbours amenity and not 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 Boxmoor Road or harmful to the street scene, as it would be located to the rear the building. Details of the colour and external finish of the extraction flue will be secured by condition if minded to grant planning permission to ensure that the duct does not have an unduly harmful visual impact within the rear garden environment.
- 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 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 application property lies within a parade of commercial premises which forms part of the Boxmoor Road Minor Local Centre. All of the properties within the parade have an A1 use which currently attracts patrons that travel by foot, public transport and by car. It is considered that the proposed 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 Planning conditions would be attached to any approval that mitigates odour and noise nuisance in order to safeguard the amenity of neighbouring occupants.
- 6.4.7 Subject to safeguarding conditions, it is considered that 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 and there is unrestricted on street car parking within the immediate vicinity.
- 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 would not 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:

The planning merits of the proposal are considered independently of the Council's interest as landowner.

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

9 January 2014

Subject Heading:

**P1136.12 – 1A Hillview Avenue,
Hornchurch**

**Single storey house - Outline
(Application received 24 June 2012)**

Report Author and contact details:

Helen Oakerbee
Planning Manager (Applications)
01708 432800

Policy context:

Local Development Framework, London
Plan
National Planning Policy

Financial summary:

None

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

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

SUMMARY

The application was originally reported to Committee on 3 October 2013, where it was resolved to grant permission subject to the completion of legal agreement.

The application is being re-reported to Committee to seek authority to alter the obligation wording in connection with the provision of visibility splays.

As before, the application seeks outline permission for a single storey 2 bedroom dwelling for details regarding access, layout and scale. Landscaping and

appearance would be subject to reserved matters. This application is considered to be acceptable in all material respects and, subject to the prior completion of a S106 legal agreement to secure the payment of the Planning Obligations Contribution, it is recommended that planning permission is granted subject to conditions.

RECOMMENDATIONS

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

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

- Prior to commencement of the proposed dwelling in question, the land to the south-east corner of the adjoining church and the south-west corner of No.1 Hillview Avenue as indicated in the submitted 'Private Access and pedestrian visibility splay plan' and plan number 910/03A, both dated 10 September 2013, shall remain as clear and unobstructed pedestrian visibility splays for the lifetime of the development. No obstruction above 0.6 meters in height shall be placed within these visibility splays.
- A financial contribution of £6k per dwelling unit towards the infrastructure costs arising from the development would be required at the time of the reserved matter application to fulfil the requirements of the Planning Obligations SPD.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the Legal Agreement prior to the completion of the agreement irrespective of whether the agreement is completed.
- Payment of the appropriate planning obligations monitoring fee prior to the completion of the agreement.

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

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

1. Approval of details: The development hereby permitted may only be carried out in accordance with detailed plans and particulars which shall previously have been submitted to and approved by the Local Planning Authority, showing the appearance of the buildings and landscaping, including all matters defined as "landscaping" in the Town and Country Planning (Development Management Procedure) (England) Order 2010 (herein after called "the reserved matters").

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

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

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

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

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

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

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

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

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

6. Screen fencing: Before the building hereby permitted is first occupied, screen fencing of a type to be submitted to and approved in writing by the Local

Planning Authority, 2 metres (6ft. 7ins.) high shall be erected to the front, side and rear boundaries of the application site and shall be permanently retained and maintained thereafter to the satisfaction of the Local Planning Authority.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10. Construction methodology: Before development is commenced, a scheme shall be submitted to and approved in writing by the local planning authority making provision for a Construction Method Statement to control the adverse impact of the development on the amenity of the public and nearby occupiers. The Construction Method statement shall include details of:
- a) parking of vehicles of site personnel and visitors;
 - b) storage of plant and materials;
 - c) dust management controls
 - d) measures for minimising the impact of noise and, if appropriate, vibration arising from construction activities;
 - e) predicted noise and, if appropriate, vibration levels for construction using methodologies and at points agreed with the local planning authority;
 - f) scheme for monitoring noise and if appropriate, vibration levels using methodologies and at points agreed with the local planning authority; siting and design of temporary buildings;

- g) scheme for security fencing/hoardings, depicting a readily visible 24-hour contact number for queries or emergencies;
- h) details of disposal of waste arising from the construction programme, including final disposal points. The burning of waste on the site at any time is specifically precluded.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Reason: In the interests of Highway safety.

19. Cycle Storage: Prior to completion of the works hereby permitted, cycle storage of a type and in a location previously submitted to and agreed in

writing by the Local Planning Authority shall be provided and permanently retained thereafter.

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

INFORMATIVES

1. Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.
2. The applicant is advised that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted considered and agreed. The Highway Authority requests that these comments are passed to the applicant. Any proposals which involve building over the public highway as managed by the London Borough of Havering, will require a licence and the applicant must contact Street Care, Traffic & Engineering on 01708 433750 to commence the Submission/ Licence Approval process.
3. In aiming to satisfy condition 7 the applicant should seek the advice of the Police Crime Prevention Design Advisor. The services of the local Police CPDA are available free of charge through Havering Development and Building Control. It is the policy of the local planning authority to consult with the Borough CPDA in the discharging of community safety condition.
4. The planning obligations recommended in this report have been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the obligations are considered to have satisfied the following criteria:-
 - (a) Necessary to make the development acceptable in planning terms;
 - (b) Directly related to the development; and
 - (c) Fairly and reasonably related in scale and kind to the development.
5. A fee is required when submitting details pursuant to the discharge of conditions. In order to comply with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which came into force from 22.11.2012, a fee of £97 per request or £28 where the related permission was for extending or altering a dwellinghouse, is needed.

Report Detail

1. Background

- 1.1 The application was originally reported to Committee on 3 October 2013, where it was resolved to grant permission subject to the completion of legal agreement
- 1.2 The application is being re-reported to Committee to seek authority to alter the obligation wording to state that the applicant would enter into an legal agreement together with the adjoining land owners to ensure clear unobstructed visibility splays are retained in perpetuity. The original wording of the obligation required the applicant to purchase land to provide the visibility splays.
- 1.3 The original obligation wording stated:

Prior to the first occupation of the proposed dwelling in question, the land to the south-east corner of the adjoining church and the south-west corner of No.1 Hillview Avenue as indicated in the submitted 'Private Access and pedestrian visibility splay plan' and plan number 910/03A, both dated 10 September 2013, to be acquired by the applicant. This is to ensure clear and unobstructed pedestrian visibility splays.

The revised obligation wording would state:

Prior to the first occupation of the proposed dwelling in question, the land to the south-east corner of the adjoining church and the south-west corner of No.1 Hillview Avenue as indicated in the submitted 'Private Access and pedestrian visibility splay plan' and plan number 910/03A, both dated 10 September 2013, shall remain as clear and unobstructed pedestrian visibility splays for the lifetime of the development. No obstruction above 0.6 meters in height shall be placed within these visibility splays.

- 1.4 The report set out below is largely the same as that presented to the earlier committee, save for paragraph 10.5 which has been amended in light of the above.

1. Site Description

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

and the site falls just outside the Emerson Park Policy Area boundary to the east.

2. Description of Proposal

- 2.1 This outline planning application requests assessment of access, layout and scale and proposes the demolition of the existing workshop and garages on site and the erection of a replacement 2 bedroom bungalow.
- 2.2 The bungalow would measure at its maximum 8.7m deep by 11m wide, set 5.3m from the common boundary with no. 1 Hillview Avenue and 500mm away from the common boundary with the church. The bungalow is proposed approximately 700mm from the rear boundary and railway embankment. Amenity space towards the rear is approximately 80 sq metres.
- 2.3 Access to the site is proposed via the existing 25m long driveway adjoining no. 1 Hillview Avenue. The scheme will make provision for 2 No. parking spaces with one space allowing vehicles to manoeuvre and turn around on site.

3. Relevant History

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

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

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

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

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

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

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

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

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

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

4. Consultations/Representations

- 4.1 25 neighbouring occupiers were notified of the proposal by individual letter.
- 4.2 One letter of representation was received from an adjoining resident, objecting to the proposal on the following grounds: parking and highway issues, this is addressed below in paragraph 10. They also commented on a nearby Tesco planning application, this is noted, however it is considered it would not form part of a material consideration in determining this particular outline application.
- 4.3 The adjoining Church commented that they are not against this application but would like to point out that access to the site over church Land will not be accepted by them and that the dwelling and the construction of the dwelling should not impinge on the church or restrict the church and its work. In response to the above comments, the proposed development would not be within their land.
- 4.4 Highway Authority –commented that the applicant is not in control of the land required for the pedestrian visibility splays. Resulting in the possibility of obstructions being erected on the land required for the splays. that the adjacent plots on the side of the entrance/exit adjoining the open drive to The Emerson Park Evangelical Church and the other side of the entrance/exit to

the neighbouring parking space, in that either neighbour may erect boundary fences and walls over 0.6metres without the requirement of a permission. However as mentioned below in the highways paragraph, the applicants are now subject to completing a legal agreement requiring them to own a corner of their property to ensure that this section of the boundary remains available to maintain a suitable visibility splay.

- 4.5 Crime Prevention Design Advisor – No objections subject to a condition that a plan be submitted to comply with a secure by design condition.
- 4.6 London Fire and Emergency Planning authority – The brigade is satisfied with the proposals.
- 4.7 Environmental Health (Pollution) - raise no objection subject to the imposition of a condition requiring the a) A Phase II (Site Investigation) Report AND A Phase III (Risk Management Strategy).

5. Relevant Policies

- 5.1 Policies CP1 (Housing supply), CP17 (Design), DC11 (Non-Designated sites), DC33 (Car parking) DC61 (Urban Design) DC69 (Other areas of Special Townscape or Special Character) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Documents are material planning considerations. In addition, Policies 3.3 (Increasing Housing Supply), 3.4 (Optimising housing Potential), 3.5 (Quality and Design of Housing Developments), 3.8 (Housing Choice). 6.13 (Parking) and 7.4 (Local character) of the London Plan and Chapters 7 (Requiring good design) and 8 (Promoting healthy communities) of the National Planning Policy Framework are relevant. SPD1 - Designing Safer Places SPD, SPD3 - Landscaping SPD and SPD9 - Residential Design SPD.

6. Staff Comments

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

7. Principle of Development

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

- 7.2 The proposal is to demolish two outbuildings being an existing garage and workshop and erection of a new dwelling. The application site is located within an existing residential area and, in land use terms, residential development on the site is acceptable in principle and compliant with Policy CP1 of the LDF. The detailed impacts of this planning application are considered further below.
- 7.3 At the heart of the NPPF is a presumption in favour of sustainable development (the 'presumption') is central to the policy approach in the Framework, as it sets out the Government's changes to the planning system and emphasizes the need to plan positively for appropriate new development; so that both plan-making and development management are proactive and driven by a search for opportunities to deliver sustainable development, rather than barriers.

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

- 8.1 The application would comprise the demolition of the existing outbuildings on the site. It is considered that the removal of the existing workshop and garage to be replaced by a single dwelling would be beneficial in appearance of the backhand area and no in principle objection is therefore raised to its demolition. The floor area of the two buildings to be demolished in total would be 130 square metres (measured externally), and would be replaced by a dwelling of 79.5 square metres external floor area which is significantly less.
- 8.2 Council policy and guidance seeks to ensure that all new developments are satisfactorily located and are of a high standard of design and layout. In this regard, it is important that the appearance of new developments is compatible with the character of the local street scene and the surrounding area.
- 8.3 In density terms Policy DC2 states that residential densities of this type of development in this part of the borough should be in the range of 30-65 units per hectare. The proposed development would total 29 units per hectare on this 0.034 hectare site which is marginally below the density range indicated by policy DC2 and national policy but considered acceptable for this type of development due to the character of the surrounding area.
- 8.3 The character of the surrounding area and more specifically houses along Hillview Avenue, is typified by semi-detached houses set in average sized gardens with extensive tree planting to the rear.
- 8.4 From a layout perspective, the existing open frontage of the plot would be retained and the existing workshop and garages demolished in order to accommodate the proposed bungalow.
- 8.5 Although the indicative layout is for a bungalow which would be relatively close in relation to the site boundaries (700mm from the southern boundary and 500mm from the northern boundary with the church), Staff are of the opinion that the single storey nature of the bungalow would prevent the scheme from appearing cramped and over developed on the site. The

southern boundary is defined by an embankment and the railway line which has mature trees and shrub planting and would aid in maintaining an open and spacious character towards the south of the site. The proposal would be located at a sufficient distance from its western and eastern boundaries whilst the majority of the northern boundary is defined by the church's parking area.

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

9. Impact on amenity

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

10. Access, highway/parking issues

- 10.1 In respect of car parking, the density matrix contained in Policy DC2 of the LDF advises that 2 to 1.5 car parking spaces should be provided where new detached houses are proposed within Hornchurch suburban areas.
- 10.2 Despite removing the existing garages, the scheme makes provision for 2 car parking spaces immediately east of the proposed bungalow. Previously, concerns were raised in respect of an insufficient turning area which would not allow for vehicles to be able to manoeuvre on the site without difficulty and vehicles would therefore not be likely to exit the site in forward gear.
- 10.3 One of the main reasons for dismissing the appeal on both planning application P1286.08, P1602.09 and the Inspector placed emphasis on the need (in accordance with the Manual for Streets) for visibility splays along the edge of the private drive. The Council's guidance is that a 2.1 metre by 2.1 metre visibility splay should be provided on each side of the access in the interest of pedestrian safety. It should be noted that there is currently visibility available at the site access however, as per the Inspector's observation in the conclusion;
- '...visibility splays would be needed so as to allow emerging drivers to take proper account of people on the footway. None is provided and so the access would be unsafe. This would be contrary to Planning Policy Guidance 13 Transport. The arrangements for parking and access would be unsatisfactory.'*
- 10.4 Staff are of the opinion that the current visibility relies on the absence of obstruction on land belonging to the neighbouring properties on each side of the access.
- 10.5 The applicants have stated they are willing to enter a legal agreement with the adjacent land owners to ensure both corners of the adjoining sites in question are kept clear of obstruction no greater than 0.6m in height to ensure that appropriate visibility splays would be maintained for the life of the proposed development.
- 10.6 Subject to the acceptable legal agreement, staff are of the opinion that visibility splays would be suitable to take proper account of people on the footway. The appropriate pedestrian visibility can be provided and the proposal would therefore comply with Policy DC32 of the LDF as pedestrian / highway safety.

11. The Mayor's Community Infrastructure Levy

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

12. Conclusion

- 12.1 The current application is in outline form only, with approval sought for access, layout and scale.
- 12.2 The principle of residential development is acceptable on the site and it is considered by Staff that the access, layout and scale of the proposed bungalow in relation to the plot size is acceptable and would not be detrimental to the character and appearance of the street scene nor would it result in an overdevelopment of the site. It is considered that the development would not have any harmful impact on the amenities of neighbouring dwellings.
- 12.3 It is acknowledged that the frequency of vehicles entering and leaving the site would not be significantly high, the satisfactory access to the site would be subject to a legal agreement to ensure a suitable visibility splay, and this would mitigate potential hazards to highway and pedestrian safety, to comply with LDF Policy DC32 which addresses the previous refusals. It is therefore recommended that planning permission would be granted SUBJECT TO LEGAL AGREEMENT set out in this report.
- 12.4 The proposal is considered to be in accordance with the aims and objectives of the National Planning Policy Framework, Policies 3.3, 3.4, 3.5, 3.8, 6.13, 7.4 and 8.2 of the London Plan and Policies CP1, CP17, DC11, DC33, DC61, DC69 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Documents are material planning considerations.

IMPLICATIONS AND RISKS

Financial implications and risks:

None directly arising from this application.

Legal implications and risks:

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

Human Resources implications and risks:

None.

Equalities implications and risks:

None directly arising from this application.

BACKGROUND PAPERS

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

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**REGULATORY
SERVICES
COMMITTEE**

REPORT

9 January 2013

Subject Heading:

P1137.13 55 White Hart Lane, 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
Planning Manager (Applications)
Helen.oakerbee@havering.gov.uk
01708 432800

Policy context:

Local Development Framework

Financial summary:

None

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

Ensuring a clean, safe and green borough	[]
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:

3055_PL01, 3055_PL02, 3055_PL03, 3055_PL04, 3044_PL04C,
3055_PL05, 3055_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 permitted use commences details of a waste management scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme, which shall thereafter be permanently maintained, 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. 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. Extract Ventilation - Before the use commences suitable equipment to remove and/or disperse odours and odorous material should be fitted to the extract ventilation system in accordance with a scheme to be approved in writing by the Planning Authority. Thereafter, the equipment shall be properly maintained and operated within 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. Noise and Odour Reduction Before the hot food takeaway use commences, that part of the building shall be insulated in accordance with a scheme which shall previously have been approved by the Local Planning Authority in order to secure a reduction in the level of noise and vibration emanating from it and it shall be effectively sealed to prevent the passage of odours through the structure of the building to other premises and dwellings.

Reason:-

To prevent noise and odour nuisance to adjoining properties.

8. Plant and Machinery Before any works commence, a scheme for any new plant or machinery shall be submitted to the Local Planning Authority to achieve the following standard. Noise levels expressed as the equivalent continuous sound level LAeq (1 hour) when calculated at the boundary with nearest noise sensitive premises shall not exceed LA90 - 110dB and shall be maintained thereafter to the satisfaction of the Local Planning Authority.

Reason:-

To prevent noise nuisance to adjoining/adjacent properties

9. 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 any works.

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 of 55 White Hart Lane which is a vacant A1 Retail unit.

- 1.2 The property is mid-terrace, situated within a row of 12 units. These properties combined are designated as a Minor 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 garages and a service area situated to the rear of the parade.
- 1.5 To the north east of the site are residential properties.

2. Description of Proposal

- 2.1 The application seeks planning permission for the change of use of 55 White Hart Lane from an A1 (Retail unit) to an A5 (Takeaway) and the installation of an associated extract 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 kitchen area.
- 2.4 In order to provide suitable extraction to the kitchen area a 0.5 metre square by 7m high extraction duct is proposed on the flank rear wall of the building. The duct has been revised during the course of the application to make it smaller in size.

3. Relevant History

- 3.1 No relevant history

4. Consultations/Representations

- 4.1 4 letters have been received objecting to the proposal on the grounds of:
 - The existing number of food premises within the parade and the competition this unit will create
 - The Council should be more active in supporting local businesses that are already established and should fill the empty units with a more diverse range of businesses
 - Anti-social behaviour
 - Traffic levels and parking problems.

4.2 In response to the above, competition between existing and proposed businesses is not a material planning consideration which can be taken into account.

4.3 Environmental Health raised no objections subject to conditions

4.4 The Highways Authority has no objections.

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. Planning permission will be granted for A1 uses at ground floor level together with service uses A2, A3, A4 and A5.

6.2.2 The application is for an A5 "Hot Food Takeaway".

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. Takeaways are usually found in minor local centres and on commercial parades. The neighbouring properties from no. 37-59 largely fall within an A1 use class, with the exception of no. 37

and 51 which are in A5 use and no. 45-47 which is in A2 use. No. 55 is currently vacant.

- 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".
- 6.27 Subject to the proposal safeguarding the character and appearance of the area, neighbours amenity and not 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 White Hart Lane or harmful to the street scene, as it would be located to the rear of the building. Details of the colour and external finish of the extraction flue will be secured by condition if minded to grant planning permission to ensure that the duct does not have an unduly harmful visual impact within the rear garden environment.
- 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 and orientation from habitable rooms of first floor residential properties would not result in any significant

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 application property lies within a parade of commercial premises which forms part of the White Hart Minor Local Centre. The parade contains a mixture of uses which currently attracts patrons that travel by foot, public transport and by car. It is considered that the proposed 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.
- 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 commercial parade and would not 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:

The planning merits of the proposal are considered independently of the Council's interest as landowner.

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

9 January 2014

Subject Heading:

**P1405.13 – Car Park, rear of Town Hall,
Main Road, Romford – emergency
power generator (received 13
November 2013)**

Report Author and contact details:

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

Policy context:

Local Development Framework
The London Plan
National Planning Policy Framework

Financial summary:

None

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

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

SUMMARY

This report concerns a planning application for the erection of a single-storey structure to accommodate an essential emergency back-up generator within its own fenced off section in the existing car park at the rear of the Town Hall. The application site comprises Council owned land. Staff consider that the proposal generally accords with policies relating to Listed Buildings and with the Local Development Framework Core Strategy and Development Control Policies Development Plan Document, and it is therefore recommended that planning permission be granted.

RECOMMENDATIONS

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

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

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

2. 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 detailed on page 1 of the decision notice.

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

3. External materials: The extension shall be erected in the materials specified on the planning application form and on drawing Town Hall – GEN01 rev B approved by the Local Planning Authority.

Reason: To ensure that the appearance of the proposed development will harmonise with the character of the surrounding area and to mitigate the proposed development's effect on the setting of the Grade II listed Town Hall in particular.

4. Noise mitigation: The development hereby permitted is only to be used for the purpose of an emergency stand-by power generator facility, which is to be operated as follows:

- Standby mode: Diesel engine to be switched off under normal, non-emergency circumstances
- Regular test mode: Diesel engine to be switched on, for a duration of up to one hour, to occur up to one time every month; the engine may only be switched on for this purpose within the hours of 8:00AM and 6:00PM.
- Maintenance mode: Diesel engine switched on for a maximum period of 3 hours, and only for the purposes of periodical servicing and non-major repairs; the engine may only be switched on for this purpose within the hours of 8:00AM and 6:00PM. In case of repairs that would require the engine to be run for a period in excess of 3 hours, the generator unit should be taken off-site for repair works to be undertaken.
- Emergency supply mode: Diesel engine switched on as required, in the event of and pending the resolution of, a mains power supply failure. Generator to revert to Standby mode, as soon as the mains power supply has been reliably restored.

Reason: To ensure that the proposed development would not result in material harm to surrounding residential occupiers in terms of noise.

INFORMATIVES

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

Mayoral CIL

The proposed development comprises under 100 sqm of floorspace and therefore no Mayoral CIL is payable.

REPORT DETAIL

1. Site Description

- 1.1 The application site forms part of the operational Town Hall complex, which is located within Romford Town Centre, to the north of the highway junction between Main Road and St Edwards Way, and consists of Havering Town Hall and its associated outbuildings and car parks.

- 1.2 The part of the site to which this application relates is a 20.5 sq.m plot, which sits at the eastern corner of the existing car park within the western part of the complex, to the rear of the Town Hall building.
- 1.3 The proposed generator site is surrounded by a fenced off car park that extends to its west, and to the south, east and north soft landscaped strips are separated by metal railings. The Town Hall building is set behind the landscaped strips. Immediately north of the site, there is an access gate from the car park to the eastern landscaped area.
- 1.4 A single storey pre-fabricated outbuilding has been positioned within the landscaping area, in between the application site and the Town Hall's north wing. The landscaped area also contains two large cylindrical perspex bicycle stores.
- 1.5 The application sits within the setting of the Town Hall building, which is a flat roofed Grade II Listed Building of two/three stories in height in grey brick with black window frames. It has an imposing south-facing frontage and a number of non-original extensions and outbuildings, respectively to the west and the rear.

2. Description of Proposal

- 2.1 The proposal is for the erection of a single-storey flat roofed structure to accommodate an essential diesel-fuelled emergency power generator within a dedicated fenced off section in the existing car park at the rear of the Town Hall.
- 2.2 The proposed generator is being procured by the London Borough of Havering Asset Management (Technical Services) under directive from the Corporate Management Team, as part of the Corporate Office Property Strategy, to improve the Council's business resilience.
- 2.3 The proposed location has been selected due to the need for the generator to be close to the electrical intake point within the west wing.
- 2.4 The proposed development has been specified in discussion with Staff and the Council's Heritage Officer, which has resulted in a number of changes to the scheme during the application submission stage. The final proposed structure would be 1.14m wide by 3.45m long with a roof height of 2.3m above ground level, it would be finished in forest green powder coated metal and it would be accessed via a door on the north-west elevation. The rectangular structure would be placed with its short elevation facing the north-western Town Hall wing and it would be set within its own 20.5 sqm rectangular plot within the eastern corner of the car park. This dedicated plot is proposed to be surrounded by the car park's existing 1.2m high black metal perimeter fence to the east, plus two new sections of matching fencing to the west, with a north-west facing gate for refuelling and maintenance access.

3. **History**

- 3.1 P1938.07: Erection of 1500mm high black vertical bar fencing system, Approved, 3 December 2007.

4. **Consultation/Representations**

- 4.1 12 neighbouring occupiers and the following statutory consultees were notified of the proposal:

- London Fire Brigade Water Team
- London Fire Brigade
- English Heritage

- 4.2 A site notice was posted and a press notice was placed in a local paper.

- 4.3 No responses have been received from neighbours.

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

- 4.5 The Council's Emergency Planning & Business Continuity Manager has responded in support of the proposals, also providing a detailed explanation of the reasons for the proposal.

- 4.6 The Council's Heritage Officer has confirmed that the proposed development is generally acceptable, despite its location within the setting of the listed building, in light of the mitigation that has been incorporated within the proposal's specification (building proportion, orientation, materials and colour, and potential landscaping).

- 4.7 StreetCare (Highways Authority) have confirmed there is no objection on grounds of transportation.

- 4.8 The Council's Head of Asset Management has responded regarding the potential loss of car parking space, but raising no objection. Confirmation has been received that a scheme to resurface and reline the affected car park is being considered. If implemented the scheme would rationalise parking and make better use of available space in the car park. The scheme could offset the loss of parking spaces resulting from the approval of this application.

- 4.9 The Council's Environmental Health Officer has responded that based on the data sheet provided the noise level from the new emergency generator would be low to mid 40dB(A) at the nearest residential premises. Given that this would only be for restricted periods, the EHO would have no objection. The only stipulation that is sought is that routine testing takes place only between the hours of 8am and 6pm.

4.10 At the time of drafting the report the consultation period had not yet ended so any further objections and representations received will be reported orally at the Committee Meeting.

5. **Staff Comments:**

5.1 The main planning issues in this case are the principle of the proposed development, its impact on the setting of Listed Buildings, its impact on the streetscene, on surrounding occupiers, and on parking/highways. As such, Policies CP8, CP17, CP18, DC12, DC26, DC27, DC33, DC36, DC49, DC50, DC55, DC61 DC67, ROM6, ROM16, ROM20, SPD1, SPD2, SPD3 and SPD10 of the Local Development Framework are relevant. Also relevant are London Plan Policies 3.16, 4.2, 6.13, 7.4, 7.6 and 7.8 and the NPPF.

5.2 *Principle of development*

5.2.1 The proposal is for an ancillary development to the existing Town Hall to provide a power backup facility to ensure the continuity of essential Council Services.

5.2.2 The importance of the proposed development has been explained by the Council's Emergency Planning and Business Continuity officer, including that the backup power generator is essential for the continued operation of the Council's computer systems, and it is considered that the proposed generator would underpin the existing facilities at the Town Hall and therefore the Council's ability to undertake its role as a provider of essential services to the local community. This is in accordance with the objectives of policies DC27, ROM16, LP7.3 and paragraph 70 of the NPPF. Staff consider that the proposal would be acceptable in principle, subject to an assessment of the proposals' impact on historical buildings, its design and any resulting effect on the amenity of the local area as well as neighbouring occupiers, and any effect on highways / parking.

5.3 *Impact on Historical Buildings.*

5.3.1 The application site is within the vicinity of two listed sites: St Edward the Confessor Catholic Church on Park End Road (Grade II, listed 23 February 2010), and; the old Romford Town Hall, now the London Borough of Havering Town Hall (Grade II, listed 17 February 1999).

5.3.2 The St Edward the Confessor Catholic Church has various external features of special interest, while the site's presbytery, former school, church hall and all boundary walls are not of special interest. It is considered that due to the proposed development's relative position at a distance of well over 50m and on the opposite side of the road and large car park, set well inside the Town Hall compound, there is no likelihood that this heritage asset's setting will be affected by the proposed development.

- 5.3.3 The proposed generator has a footprint of 4 sqm and would be located within the existing car park at a distance of 4.1m from the rear elevation of the south-west wing and a distance of 18.4m from the western flank elevation of the north wing of the old Romford Town Hall. At 2.3m high, this proposed structure is well below a normal single storey height. In addition, it employs unobtrusive design, materials and colour scheme. The narrow elevation faces the Town Hall's northwest wing, and it would utilise the existing car park fencing as well as new fencing of materials consistent with the existing perimeter fence.
- 5.3.4 One of the NPPF's core planning principles is to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.
- 5.3.5 The applicant has submitted a Design and Access and Heritage Statement document with the application, which refers to the Town Hall's listing.
- 5.3.6 The Town Hall's listing description explains that the majority of the special interest of the building is concentrated around the formal frontal/central parts of the building. The setting for these prominent features is provided by the Town Hall's forecourt, which would remain entirely unaffected by the application scheme.
- 5.3.7 The existing conditions at the rear of the Town Hall can be described as generally less formal, and significant building alterations and extensions have occurred since the original Town Hall building was constructed. The courtyard area where the generator is to be located has a functional nature due to the existing car park and, although the north wing borders onto a landscaped strip, the single storey prefabricated structure and large bicycle shelters within it also dominate the utilitarian character.
- 5.3.8 The listing description includes that in respect of the rear aspect of the Town Hall that faces the proposed generator site, the 1988 west extension, which is extruded further southwest from the original central and south-western parts of the building, is not of special interest. The relevant setting of the listed building for which potential harm should be considered, would relate to features of special interest along the facing flank elevation of the north wing of the Town Hall, which are noted to comprise tripartite windows apart from tall staircase windows. The existing setting of the significant windows comprises the 18m landscaped strip, including the prefabricated building and bicycle shelter and then, further away from it, the car park with the proposed generator site.
- 5.3.9 The proposed generator structure would be more sympathetically proportioned and aligned compared to the existing prefabricated building that would sit in between the proposed generator structure and the Town Hall north wing.
- 5.3.10 The Council's Heritage Officer has conducted an assessment of the proposal and has responded in support, particularly in terms of the

proposed siting and orientation of the structure, with its short elevation facing the north wing, its proposed dark green colour scheme that matches the south western extension's windows and that relates to the adjacent landscaping strips, and the new fencing being consistent with the existing fencing, which would all ensure that the structure would blend as much as possible into the surrounding developments. It is therefore considered that the proposed development would result in a negligible effect on the setting of the listed Town Hall, which is not irreversible.

5.3.11 The NPPF places great importance on the continued and appropriate use of heritage assets such as the Town Hall, and the contributions that such assets can make to sustainable communities. As explained, the proposed generator is essential to the Town Hall's intended use as a facility that serves the local community and therefore the proposal is in line with the NPPF's specific objectives for historical buildings.

5.3.12 Finally, English Heritage has been consulted on account of a proposal on the Council's own land, within the setting of a listed building. No response had been received at the time of writing this report and any further responses and objections received in relation to built heritage issues will be reported to the Committee meeting.

5.4 Design/Impact on Street/Garden Scene

5.4.1 The proposed development's design features are detailed above. The proposed design is considered to be relatively unobtrusive and it generally matches the character of the existing rear area of the Town Hall.

5.4.2 The scale of the proposed development and its proposed location approximately 40m away from the nearest public street mean that its visual effect and its effect on the local streetscape are both negligible.

5.5 Impact on Amenity

5.5.1 The nearest residential properties are situated along Park End Road, north of the junction with Church Lane, at a minimum distance of 44m from the application site. Apart from Nos 11-17 (odd) there are no properties that have potential sightlines onto the application site, although these properties' cross views are long distance and at the very least they are partially obscured. Therefore, it is considered that no harm to residential occupier's amenity would result from the proposed development in terms of daylight/sunlight, privacy, sense of overbearing or outlook.

5.5.2 The nearest occupiers to the application site would be workers and visitors inside the town hall building (west wing and north wing). Although there is no specific planning design requirement in respect of daylight/sunlight, privacy, sense of overbearing or outlook for the employment areas within the Town Hall, it is considered that the proposed development would not materially harm those occupiers' amenity in relation to such issues.

5.5.3 The proposed development's noise and air quality amenity effects have been carefully reviewed in conjunction with the Council's Environmental Health team. The Environmental Health officer has commented that a residual issue may be the timing of the periodical testing, which should only occur during the daytime (between 8am and 6pm) in order not to harm nearby occupants. A related planning condition should therefore be added in case planning permission is granted.

5.6 Highway/Parking/Servicing

5.6.1 There is no specific parking requirement for this particular use, but the proposed development would lead to a negligible net loss of two existing car parking bays that fall within its site area.

5.6.2 A response was received from the Council's StreetCare department confirming that there are no highways objections to this scheme.

5.6.3 The Council's Head of Asset Management has also responded regarding the potential loss of car parking space, raising no objection. The space has notionally been allocated for a future staff carpooling scheme, however, confirmation has been received that the scope to get the car park surfaced and lined is currently under consideration, which may offset the loss by encouraging staff to park in a more efficient configuration than sometimes occurs at present.

6. Conclusions

6.1 Staff consider that the proposal is acceptable in principle, that it would enable the sustained and appropriate use of a heritage asset, that it would not have an unacceptably harmful impact on the setting of Listed Buildings or on residential amenity, that it would be acceptable on environmental health and highways grounds, and it would therefore be in general accordance with the relevant policies contained in the LDF, London Plan and NPPF.

IMPLICATIONS AND RISKS

Financial Implications and risks:

None

Legal Implications and risks:

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

Human Resource Implications:

None

Equalities and Social Inclusion Implications:

The Council's planning policies are implemented with regard to Equalities and Diversity. The backup generator would contribute to business continuity for the Council, who is a provider of essential services to the local community.

BACKGROUND PAPERS

1. Application forms and plans were received on 13/11/2013 and subsequent revisions, including 12/12/2013.