



# Havering

LONDON BOROUGH

## REGULATORY SERVICES COMMITTEE AGENDA

7.30 pm

Thursday  
30 January 2014

Havering Town Hall,  
Main Road, Romford

Members 11: Quorum 4

### COUNCILLORS:

<b>Conservative ( 6 )</b>	<b>Residents' ( 2 )</b>	<b>Labour ( 1 )</b>	<b>Independent Residents' ( 1 )</b>	<b>UKIP 1</b>
Barry Oddy (Chairman) Barry Tebbutt (Vice-Chair) Rebecca Bennett Jeffrey Brace Roger Evans Steven Kelly	Linda Hawthorn Ron Ower	Paul McGeary	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 MINUTES (Pages 1 - 14)**

To approve as a correct record the minutes of the meeting of the Committee held on 5 December 2013 and to authorise the Chairman to sign them.

### **5 PLANNING APPLICATIONS - SEE INDEX AND REPORTS (Pages 15 - 56)**

- 6 **P1290.13 - THE SQUIRRELS PUBLIC HOUSE 420 BRENTWOOD ROAD ROMFORD** (Pages 57 - 72)
- 7 **P1330.13 - 13 BURNTWOOD AVENUE EMERSON PARK HORNCHURCH** (Pages 73 - 90)
- 8 **P1430.13 - 179 CROSS ROAD ROMFORD** (Pages 91 - 116)
- 9 **P1493.13 - SCARGILL INFANT AND JUNIOR SCHOOL MUNGO PARK ROAD SOUTH HORNCHURCH** (Pages 117 - 128)
- 10 **P1380.13 - 6 HACTON PARADE HORNCHURCH** (Pages 129 - 138)
- 11 **P1321.13 - 27 HORNFORD WAY ROMFORD** (Pages 139 - 150)
- 12 **P1367.13 - ROYAL JUBILEE COURT MAIN ROAD ROMFORD** (Pages 151 - 160)
- 13 **P1134.13 - 17 BOXMOOR ROAD ROMFORD** (Pages 161 - 170)
- 14 **P1388.13 - LAND AT HAYDOCK CLOSE HORNCHURCH** (Pages 171 - 186)
- 15 **P1053.13 - LAND OFF HARLOW GARDENS ROMFORD** (Pages 187 - 202)
- 16 **AVELEY MARSHES - ALLEGED BREACH OF PLANNING CONTROLS** (Pages 203 - 214)
- 17 **URGENT BUSINESS**

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

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

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**MINUTES OF A MEETING OF THE  
REGULATORY SERVICES COMMITTEE  
Havering Town Hall, Main Road, Romford  
5 December 2013 (7.30 - 9.30 pm)**

**Present:**

**COUNCILLORS:** 10

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

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

**Labour Group** Paul McGeary

**Independent Residents  
Group**

**UKIP Group** Fred Osborne

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

+ Substitute members Councillor Osman Dervish (for Rebecca Bennett) and Councillor Clarence Barrett (for Ron Ower)

Councillors Lesley Kelly, Eric Munday, June Alexander and Pat Murray were also present for parts of the meeting.

12 members of the public were present.

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

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

## 151 **DECLERATIONS OF INTEREST**

*Councillor Clarence Barrett declared a prejudicial interest in Agenda Item 13 Planning Application P1135.13 – 99 Front Lane, Upminster by way of pre-determination.*

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

152 **P0469.13 - LAND AT OAK FARM, MAYLANDS FIELDS ROMFORD**

Officers advised that the application had been withdrawn by the applicant prior to the meeting.

153 **P0151.13 - FORMER COACH DEPOT, REGINALD ROAD HAROLD WOOD**

This report before members concerned an application for the demolition of the existing coach works buildings and the associated bungalow and the erection of nine dwellings in the form of eight houses and one flat over garages. The proposal would also involve the removal of extensive hard landscaping and the creation of an open space and flood alleviation measures adjoining the Ingrebourne River.

Officers advised that the flood risk posed by the development did not meet the sequential test but met the terms of the exceptional test.

Members were advised that a letter of representation had been received from LFCDA requesting that the access road be of a minimum width of 4.7 metres.

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

The objector raised concerns over waste collection and the development of Unit 9 as this unit fell within open Green Belt land and was considered to be out of keeping with the streetscene. The objector suggested that units 1-8 would be consistent with the design of other properties in the area.

Speaking in response the applicant confirmed that the intention of the development was to improve the area through the removal of the coach depot and the return of a significant proportion of the site to open Green Belt land.

During the debate members received clarification on the historic use of the site; the site's proximity to neighbouring properties; provision for refuse storage; and protection of that part of the site to be retained as undeveloped Green Belt land.

Members commented that the current use of the land was not in keeping with the streetscene and felt that the proposed development would improve the site.

Members noted that the proposed development would be liable for a Mayoral CIL payment of £8,960 and it was **RESOLVED** that the proposal was unacceptable as it stood but would be acceptable subject to the applicant entering into a Section 106 Legal Agreement under the Town and Country Planning Act 1990 (as amended), to secure the following:

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

That staff be authorised that upon the completion of the legal agreement that planning permission be granted subject to the conditions as set out in the report and to include an additional condition requiring the demolition of the existing coach depot buildings prior to the occupation of Unit number 9.

The vote for the resolution to grant planning permission was carried by 9 votes to 0 with 1 abstention.

Councillor Barrett abstained from voting.

154 **P1062.13 - SOUTH ESSEX CREMATORIUM**

The planning application before members was for a Council owned site that proposed the erection of an extension to an existing café to provide additional capacity.

With its agreement Councillor Lesley Kelly addressed the Committee.

Councillor Kelly commented that the café was very popular and was well used by visitors to the crematorium. Councillor Kelly also commented that

the proposal was an appropriate development and asked that the Committee grant planning permission for the proposed development.

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

155 **P0988.13 - 3 MOUNTBATTEN HOUSE, ELVET AVENUE**

The application before members sought full planning permission for reconfiguration and refurbishment and creation of a new office involving a change of use from C3 (Residential dwelling) to B1 (Office).

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

Members noted that the application had been called in by Councillor Eric Munday on the grounds that the proposal was contrary to the Council's Housing policy.

Members were presented with a late letter of representation which objected to the application on the grounds that there was a greater need for the property to remain in residential use.

With its agreement Councillors Eric Munday and Lesley Kelly addressed the Committee.

Councillor Munday commented that a similar proposal on the same estate had previously been submitted concerning Victoria House which had subsequently been refused planning permission. Councillor Munday also advised that the DELTA Tenant Management Organisation (TMO) had successfully operated for a period of approximately seven years from a portacabin situated on the estate. Councillor Munday stated that the flat had last been occupied by tenants in December 2007 from when it was used for storage purposes. Councillor Munday questioned the loss of a residential unit and the storage use of the property. Councillor Munday commented that granting planning permission would not stand up to scrutiny and that granting planning permission would also be a breach of the Council's Housing Policy.

In reply Councillor Lesley Kelly commented that the Right to Manage legislation placed an onus on local authorities to provide facilities for TMOs. Councillor Kelly confirmed that investigations had taken place looking into the possibility of replacing the existing portacabin but quotes received had been in the region of £220,000 to £250,000 and it would be preferable to invest this money in new family homes. Councillor Kelly also advised members that it was important for TMO officers to be able to talk to residents from the estate in private surroundings and therefore a new office facility was of great importance.



During the debate members received clarification on other TMO office provision within the borough and the planning history of the portacabin.. Members noted the Council's obligations to provide suitable office space for the TMO. Members noted that the removal of the existing portacabin would remove an eyesore on the estate.

A member questioned whether the provision of office accommodation to the TMO was an exceptional situation to justify the loss of housing.

Following a motion to refuse planning permission which was not seconded it was **RESOLVED** that planning permission be granted subject to the conditions as set out in the report and to include a further condition that the new office would not be occupied until and unless a programme for vacation and complete removal of the current portacabin was submitted to and agreed in writing with the Local Planning Authority and that the office approved above should not continue in use unless the above programme for the removal of the portacabin had been implemented as agreed.

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

Councillor McGeary voted against the resolution to grant planning permission.

156 **P1135.13 - 99 FRONT LANE CRANHAM**

The application before members related to a Council owned premises and proposed the change of use from an existing vacant retail (A1) unit to a hot food takeaway (A5) and the addition of a rear external extract duct.

Members noted that the application had been called in by Councillor Gillian Ford for the following reasons:

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

With its agreement Councillor June Alexander, speaking on behalf of Councillor Ford who was not able to attend the meeting, addressed the Committee.

Councillor Alexander commented that there were already six fast food takeaways in the parade of shops containing the application site and that adding another would be at odds with the rest of the shops. Councillor Alexander also commented that the Council should be encouraging different uses for shopping areas. Councillor Alexander re-iterated Councillor Ford's points regarding noise, litter and anti-social behaviour and also advised that

the glazing supplies business situated in the parade of shops had concerns regarding possible grease build up from the extract duct. Councillor Alexander also made mention of the Council's Health and Wellbeing document and stressed that the Council should be tackling child obesity levels and should not be encouraging takeaways to be opened in close proximity to schools.

During the debate members discussed the importance of filling vacant retail units and the parking provision at the site.

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

The vote for the resolution was carried by 8 votes to 0 with 1 abstention.

Councillor Hawthorn abstained from voting.

*As mentioned previously in the minutes Councillor Clarence Barrett declared a prejudicial interest in application P1135.13 by way of pre-determination.*

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

157 **P1072.13 - TOMKYNS MANOR, TOMKYNS LANE**

The report before members concerned an application for the retention of a building to be used as stables and agricultural storage of hay, straw and machinery and for the retention of an access road.

During a brief debate members received clarification on when enforcement action had been taken with regards to the residential property.

Members noted that the proposed development would be liable for a Mayoral CIL payment of £4,220 and it was **RESOLVED** that planning permission be granted subject to the conditions as set out in the report.

The vote for the resolution was carried by 9 votes to 0 with 1 abstention.

Councillor Brace abstained from voting.

158 **P0611.13 - 225 RUSH GREEN ROAD ROMFORD**

The application before members was for the change of use from C3 (Dwelling) to D1 (Day nursery). The nursery would employ 5 full time members of staff at a single time and would cater for up to twenty 3 month - 5 year old children, and offer a breakfast/after school facility for children of 5 years and over, up to 11 years old. The proposed opening hours would be

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

Members noted that the application had been called in by Councillor Robert Benham on the grounds of resultant traffic, parking problems and the nature of the proposed use.

With its agreement officers read a prepared statement, from Councillor Benham, to the Committee. In the statement Councillor Benham commented that he had concerns over the changing character of residential roads through the conversion of residential properties into those of a commercial nature. Councillor Benham also commented on the neighbouring property to the application site which was occupied by recently retired couple whose amenity would be affected by the proposal. Councillor Benham also re-iterated his points regarding extra traffic and parking provision and advised that following brief checks other childcare facilities in the area had spaces available.

During the debate members received clarification on the exact location of the site. Members were advised by officers that due to the location of the site should planning permission be granted a separate application for planning permission would also need to be submitted to the London Borough of Barking and Dagenham.

Members also received clarification on the staff to children ratio and of the drop off zone/parking provision at the site.

Members questioned whether the figures for the number of staff and children attending the facility could be accurate as it was not clear how many children would attend. Members noted that the more children attending the facility would lead to a consequential increase in staffing numbers and any increase in staff may have an adverse effect on parking in the area. Members also noted the potential effect to the residential amenity of neighboring occupiers through noise disturbance and over development of the site. Members also questioned the workability of the parking arrangements on the site.

The report recommended that planning permission be granted however, following a motion to refuse planning permission which was carried by 9 votes to 1 it was **RESOLVED** that planning permission be refused on the grounds of:

- Loss of a residential unit;
- Inadequate parking and drop off facilities likely to adversely affect the adjoining highways both in terms of safety and amenity;
- Excessive mass/bulk and overbearing impact of the extended building within the streetscene;
- Excessive levels of activity on a limited size site causing noise and disturbance to the locality through intensive use;

- Noise and disturbance to shared semi-detached neighbour

Both the vote for the motion and resolution to refuse planning permission were carried by 9 votes to 1.

Councillor McGeary voted against the motion and resolution to refuse planning permission.

159 **P1152.13 - 67 CORBETS TEY ROAD, UPMINSTER**

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

During the debate members received clarification on the possible provision of a sprinkler system and to the access/egress arrangements for the site.

Members also sought clarification on the possible safety measures that would be implemented at the entrance to the site.

Members noted that the proposed development would be liable for a Mayoral CIL payment of £16,650 and it was **RESOLVED** that the proposal was unacceptable as it stood but would be acceptable subject to the applicant entering into a Section 106 Legal Agreement under the Town and Country Planning Act 1990 (as amended), to secure the following:

- The sum of £54,000 towards the costs of infrastructure associated with the development in accordance with the Planning Obligations SPD;
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council;
- The Council's reasonable legal fees for completion of the agreement shall be paid prior to the completion of the agreement irrespective of whether or not it is completed;
- The Council's planning obligation monitoring fees shall be paid prior to completion of the agreement.

That staff be authorised to enter into a legal agreement to secure the above and upon completion of that agreement, which shall be secured within 2 months of the committee date, grant planning permission subject to the conditions as set out in the report and to add two further conditions covering a fire sprinkler system and a traffic management scheme covering the use of the access between the site and Corbets Tey Road.

The vote for the resolution to grant planning permission was carried by 6 votes to 4.

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

160 **P1014.13 - HAROLD WOOD PARK PAVILLION, HAROLD VIEW**

The application before members related to a Council owned site that sought planning permission for a shed and change of use of the sports pavilion to a mixed D1/D2 use (including a pre-school nursery).

During a brief debate members received clarification that the existing use of the facility would be continued in line with the proposed activity.

It was **RESOLVED** that planning permission be granted subject to the conditions as set out in the report and to include an additional condition that was to be carried forward from the existing pavilion planning permission that:

“With the exception of 12 social functions per annum the premises should not be used for the purposes permitted above other than between the hours of 8.00am and 9.30pm Mondays to Sundays unless otherwise agreed in writing by the Local Planning Authority for the reason of the residential amenity of the adjoining residents”.

161 **P1061.13 - SITE AT RONEO CORNER, JUNCTION OF ROM VALLEY WAY AND RUSH GREEN ROAD - VARIATION OF CONDITIONS 3,4,6,9,14,17,19, 21,22 AND 23 OF P1918.11 IN ORDER TO ALLOW FOR PHASING OF DEVELOPMENT**

The Committee considered the report and without debate **RESOLVED** that the proposal was unacceptable as it stood but would be acceptable subject to the applicant entering into a Deed of Variation under Section 106A of the Town and Country Planning Act 1990 (as amended) to vary the legal agreement completed on 30 March 2012 (the original agreement) in respect of planning permission P1918.11 by varying the definition of Proposed Development in Recital E, Planning Application and Planning Permission in Clause 1 of the original agreement which would mean either Proposed Development planning permission P1918.11 as originally granted or planning permission P1061.13.

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

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

That staff be authorised that upon the completion of the Deed of Variation that planning permission be granted subject to the conditions as set out in the report.

162 **P0203.13 - THE ALBANY COLLEGE, BROADSTONE ROAD**

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

The proposed vehicular access to the nursery comprised of Council owned land being grass verge on a piece of land adjoining the eastern side corner of Hartland Road and Broadstone Road, which ran to the north of adjoining properties 36-42 Hartland Road, and to the south of property 55 Broadstone Road. The planning merits of the application were to be considered separately from the land interest.

The application was reported back to the committee following deferral from the 14 November 2013 meeting.

During a brief debate members received clarification on the number of children that would be attending the nursery and the parking arrangements on site.

Officers also advised members that the reason for the application was due to the re-location of the nursery from the former Dukes Hall site. Members raised concerns relating to parking congestion and the effect on the amenity of occupiers of neighbouring properties.

The report recommended that planning permission be granted however, following a motion to refuse which was carried on the Chairman's casting vote it was **RESOLVED** that planning permission be refused on the grounds that the application was:

- An overdevelopment of the school site
- Noise and disturbance to neighbouring rear garden environments
- Possible harm to residential amenity from vehicular parking/traffic and activity in adjoining roads

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

Councillors Hawthorn, Barrett and McGeary voted against the resolution to refuse planning permission.

163 **P1250.13 - CORBETS TEY SCHOOL - TWO STOREY FLAT ROOF EXTENSION WITH ADJOINING SINGLE STOREY FLAT ROOF EXTENSION AND A MONO PITCH GLASS ROOF PORCH ENTRANCE FACING THE SWIMMING POOL BUILDING**

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

164 **P1215.13 - TOWERS JUNIOR SCHOOL - ERECTION OF AN EXTENSION TO THE EXISTING JUNIOR SCHOOL BUILDING TO INCREASE THE CAPACITY OF THE SCHOOL FROM 2 FORM ENTRY TO 3 FORM ENTRY. DEMOLITION OF EXISTING SCHOOL CARETAKER'S HOUSE, ERECTION OF TIMBER DECKING, RECONFIGURATION OF CAR PARKING SPACES, AND NEW LANDSCAPING WORKS**

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

165 **STOPPING UP ORDER - THE ARCADE HAROLD HILL - APPLICATION FOR THE STOPPING UP (UNDER SECTION 247 OF THE TOWN AND COUNTRY PLANNING ACT 1990) OF HIGHWAY AT THE ARCADE, HAROLD HILL BETWEEN EAST DENE DRIVE AND FARNHAM ROAD SHOWN ZEBRA HATCHED ON THE PLAN**

The Committee considered the report and without debate **RESOLVED** that subject to the payment of the disbursements costs pursuant to advertising notices that:-

- The Council made a Stopping Up Order to stop up highway under the provisions of s.247 Town and Country Planning Act (as amended) in respect of Public Footpath Number 40 (highway) zebra hatched black on the plan ("the Public Footpath Stopping Up Plan") as the land was required to enable development for which the Council had granted planning permission under planning reference P0875.13 to be carried out to completion.
- In the event that no relevant objections were made to the proposal or that any relevant objections that were made are withdrawn then the Order be confirmed without further reference to the Committee.
- In the event that relevant objections were made, other than by a Statutory Undertaker or Transport Undertaker and not withdrawn, that the application be referred to the Mayor for

London to determine whether or not the Council could proceed to confirm the Order.

- In the event that relevant objections were raised by a Statutory Undertaker or Transport Undertaker and were not withdrawn the matter may be referred to the Secretary of State for their determination unless the application was withdrawn.

166 **PLANNING OBLIGATIONS/LEGAL AGREEMENTS**

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

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

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

167 **PLANNING AND ENFORCEMENT APPEALS RECEIVED, PUBLIC ENQUIRIES/HEARINGS AND SUMMARY OF APPEAL DECISIONS**

The report accompanied a schedule of appeals and a schedule of appeal decisions, received between 27 July 2013 and 1 November 2013.

The report detailed that 29 new appeals had been received since the last meeting of the Monitoring Committee in September 2013.

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

168 **SCHEDULE OF ENFORCEMENT NOTICES**

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

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

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



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

169 **PROSECUTIONS UPDATE**

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

The Committee **NOTED** the report.

170 **EXCLUSION OF THE PUBLIC**

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

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

The report before the Committee compiled a schedule listing, by Ward, all the complaints received by the Planning Control Service over alleged planning contraventions for the period from 27 July 2013 and 1 November 2013.

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

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**Chairman**

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## Regulatory Services Committee

30 January 2014

<b>Page No.</b>	<b>Application No.</b>	<b>Ward</b>	<b>Address</b>
1-7	P1268.13	Romford Town	Buddha Lounge, Ground Floor 36-38 & First Floor 30-34 North Street, Romford
8-16	P1270.13	Romford Town	Buddha Lounge, 36-38 (Ground Floor) and 30-44 (First Floor), North Street, Romford
17-40	P1331.13	Brooklands	Queen's Hospital, Rom Valley Way, Romford

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## REGULATORY SERVICES COMMITTEE

30th January 2014

<b>APPLICATION NO:</b>	<b>P1268.13</b>	
<b>WARD :</b>	Romford Town	<b>Date Received:</b> 18th October 2013 <b>Expiry Date:</b> 13th December 2013
<b>ADDRESS:</b>	Buddha Lounge, Ground Floor 36-38 & First Floor 30-34 North Street Romford	
<b>PROPOSAL:</b>	To extend permission for current hours of operation of the night club under approval P0781.11 until 1st October 2020 and to reduce the closing time on Fridays from 04.00 to 03.30am the following morning until 1st October 2020.  Application Correspondence received 22.12.13	
<b>DRAWING NO(S):</b>	SITE PLAN	
<b>RECOMMENDATION :</b>	It is recommended that <b>planning permission be GRANTED</b> subject to the condition(s) given at the end of the report given at the end of the report.	

### CALL-IN

Councillor Frederick Thompson has called in the application (and its sister application P1270.13) for reasons that the operation is not conducive to proper living conditions with quiet night times for those resident in Rubicon Court or to the potential occupants of the block on the corner of North Street, which he understands may be being worked on with a view to completing the project.

### SITE DESCRIPTION

The application site comprises a Night Club use at first floor level above ground floor shop units to the southern side of North Street. The night club, Buddha Lounge was previously known as Opium Lounge. A roof garden/smokers roof-top area was added in 2008. There is vehicular access to the service area to the rear of the site, known as The Mews which contains public parking spaces. The site is within the Core Retail Area of Romford Town Centre.

The surrounding area is characterised by mainly two- and three-storey commercial development some with residential above, also within the core retail area of Romford Town Centre. An 8-storey block of 24 flats (with commercial and residential parking on the ground floor) - 'Rubicon Court' is directly opposite the application site in North Street. To St Edward's Way is a large office block and the former 'Tokyo Blue' night club site where 24 flats with commercial on the ground floor have been completed, now known as "Emma House" (P2279.04). On the Eastern side of Market Link is a seven-storey 80-bed hotel and 24 residential units (P0012.05). To the south of the application site, planning permission was granted for second and third floor extensions to form 6 residential units at 12-18 North Street (P2138.05). In 2006 planning permission was granted on appeal (Planning ref.: P0403.05) for the redevelopment of 23-55 North Street for 86 flats and shops/restaurants to the ground floor fronting North Street and while some works began, this was before some key conditions had been submitted or discharged and the scheme is therefore considered to be unauthorised. The site has recently been sold and it is understood that the new owner is likely to submit a planning application shortly. At 7 Market Place, the first and second floors have been converted from offices into 4 flats following a recent approval.

**REGULATORY SERVICES COMMITTEE**  
**30th January 2014**

The application site (barring the most northerly part) is within the Romford Conservation Area and backs onto the rear of St Edward the Confessor Church which is a Grade II\* Listed Building built in 1849 and Church House, Grade II Listed.

**DESCRIPTION OF PROPOSAL**

The proposal is for full planning permission to extend the hours of use from those approved in 2011, which was itself a variation of the hours of use condition attached in 1996 (planning approval P0823.96). The hours approved in 1996 for the night club were between 9am and 11pm every day (Condition 2). In 2006, an application sought the extension of those hours delaying morning opening until 11am but varying closing time to between 3am and 5am the following day. This was granted temporary consent for two years.

In June 2011, permission was granted until 1st October 2014 for the following hours:

09:00 to 23:00 Mondays to Wednesdays;

09:00 to 03:00 Thursdays;

09:00 to 04:00 Fridays and Saturdays;

09:00 to 03:30 on Sundays preceding an annual Bank Holiday;

and 09:00 to 04:00 Christmas Eve, Boxing Day, New Years Eve without the prior consent in writing of the Local Planning Authority

The proposal is to retain the hours approved in 2011 until 1st October 2020, except on Fridays when it is proposed to change the closing time from 4am to 3.30am on Saturday mornings.

The applicant was advised that the proposal to keep the extended hours for a further 6 - 7 years would be likely to be unacceptable. In response, the applicant has offered to enter into a legal agreement that they would return to the hours originally granted in 1996 from 30th September 2020, prior to closing the Club at the end of the current lease on 1st October 2020. Unless the Council should subsequently grant planning permission to extend the hours, the applicant asserts that this offer would effectively preclude the continued operation of the premises as a nightclub, given the reduced opening hours.

**RELEVANT HISTORY**

There is significant history for the application site. The most relevant are as follows:

P0823.96 - Change of use of basement/ground floor entrance hallway, staircase and first floor area from Financial Use (A2) to Assembly and Leisure (D2) - Approved

P0201.99 - Relaxation of Condition 2 of Planning permission P0823.96 to opening hours 9am to 12 midnight Mon - Wed and 9am to 1.30am Thursday - Sat and two fire escapes - Approved 30/4/99 (temporary until 30th April 2000 or one year from the date of first trading at the approved hours)

P0020.01 - Retention of two fire escapes; retrospective application for front extension and façade changes; extension of trading hours - deemed refused 17/04/02.

P1838.05 - Variation of Conditions 3 and 6 to planning approval P0201.99 to change temporary period to a permanent extension of operating hours - temporary permission granted until 18th November 2006; appeal against temporary period dismissed.

P0015.06 - To extend the approved hours (P1838.05) under a temporary planning application on Saturday nights only so that opening would be from 21:00 to 05:00 hours the following day

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(Sunday) -Refused

P0162.06 - Rear canopies and lobbies to the top of two external escape stairs - Approved  
16/3/06

P1825.06 - Variation of Condition 2 of planning permission P0823.96 to extend opening hours -  
Temporary approval until 15/11/08

P2450.07 - Extension of the existing fire escape staircase and erection of roof top fencing to  
enable use of roof as terrace - refused

P0134.08 - Variation of Condition 2 of planning permission P823.96 to extend opening hours  
Withdrawn 7/3/08

P0110.08 - Variation of Condition 2 of planning permission P823.96 to extend opening hours -  
Approved for temporary period expiring on 01.10.11

P1756.08 - Retention of an extension of the existing fire escape staircase and the erection of  
roof-top fencing to enable use of the roof as a terrace in connection with the night club use -  
Approved for temporary period expiring on 04.12.11

P0781.11 - Proposed 5yr extension of existing planning permission P1110.08 granted for a  
limited period expiring on 1st October 2011 and being a variation of planning conditions with  
approved application P0823.96 to allow extended opening hours - Approved for a temporary  
period expiring on 01.10.14

P1816.11 - Temporary retention of smokers roof terrace and 13 benches, 4 oversize  
umbrellas, 4 infra-red directional heaters, 4 emergency light units, 4 corner lights &  
11 planters & landscaping. Approved for a temporary period expiring on 07.06.17

P1270.13 - Extension of temporary time period to approval P1816.11 (the temporary  
permission for a "Smoker's Roof Terrace" comprising 13 benches, 4 oversize  
umbrellas, 4 infra-red directional heaters, 4 emergency light units, 4 corner lights &  
11 planters & landscaping) until 1st October 2020. See elsewhere on this agenda.

### **CONSULTATIONS/REPRESENTATIONS**

Consultations/Representations: Adjoining and nearby neighbouring occupiers were notified of  
the proposal. 2 objections have been received on the following grounds:

- noise, particularly on Thursdays, Fridays and Saturdays when the club is open until well into  
the following day
- noise is so loud it wakes sleeping children
- noise is from the roof garden as well as from the club
- the flats to be built further along North Street will also suffer from the noise the club creates
- it is a drug hangout which will continue
- the Club is forcing people to move out of the town centre
- people who go to the club behave anti-socially towards local residents
- damage has been caused to surrounding buildings by club-goers
- Club Management is not in control
- it is questionable how the club gets its licence to operate
- now building works are to start on the big flat development in North Street, there will be no  
respite from noise during the day or at night
- it was outrageous that planning permission was granted last time despite the strong and valid

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objections of the residents and a recommendation from Police Officers to reject the scheme.

The Metropolitan Police's Borough Crime Prevention Design Advisor advises that he has consulted with the Licencing Inspector for Havering Police and that the proposal for a 5-year extension for the longer hours to continue does not raise significant crime prevention or designing for community safety issues as crime and disorder issues associated with this venue have improved.

Andrew Rosindell M.P. has written in support of a constituent who is a neighbour of the night club.

Environmental Health have no objections.

### **RELEVANT POLICIES**

#### LDF

CP4 - Town Centres

#### OTHER

LONDON PLAN - 2.15 - Town Centres

LONDON PLAN - 4.6 - Support for and enhancement of arts, culture, sport and ente

LONDON PLAN - 4.7 - Retail and town centre development

LONDON PLAN - 6.13 - Parking

LONDON PLAN - 7.3 - Designing out crime

NPPF - National Planning Policy Framework

### **STAFF COMMENTS**

The main issues are whether the development is acceptable in principle and the proposal's impact on existing and future residential amenity.

### **BACKGROUND**

In dismissing the appeal against the 2006 condition restricting the extended hours to a temporary period consent (Ref: P1838.05), the Planning Inspector stated that "this is an example of a case in which the Council's detailed local knowledge and experience - backed up by advice from the Metropolitan Police - is best placed to judge what precise controls are necessary in order to protect local residential amenity" and that she was not "inclined to delete (or vary) the temporary planning condition." She also clarified that, as the appeal sought only to remove the temporary period, that no consideration was given to the appropriateness, or otherwise, of these particular permitted opening hours as such.

This current application has been submitted two years into the current temporary period. The temporary consent was implemented to enable new occupiers to have occupied new developments in North Street and for them to have the opportunity to comment on how their residential amenity would be affected. While the largest of the approved residential redevelopment schemes for 86 flats (at 23-55 North Street) has not been completed, objections have been received from current residential occupiers and are addressed within this report.

The Premises Licence (No. 002141) issued by the Licensing Authority enables the club to open until 3am Mondays to Thursdays, until 4am on Fridays, until 5am on Saturdays and on Sundays until 2.30am or 4am for Bank Holiday weekends in May, at Whitsun and August Bank Holidays. Hours from 11am until 5am (the following day) on Christmas Eve, Boxing Day and New Years Eve.



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Premises Licences do not take account of future residential amenity through mixed-use schemes in the town centre. A Premises Licence can be revoked at any time if there are any problems including noise and disturbance.

On 5th April 2012 an Abatement Notice in respect of Noise Nuisance was served on the Buddha Lounge for "Amplified music played at an excessive volume and amplified voices". This was resolved satisfactorily.

### **PRINCIPLE OF DEVELOPMENT**

The NPPF and Policy ROM8 of the Romford Area Action Plan DPD are relevant.

The NPPF indicates that it is the vitality and viability of town centres which is of paramount importance and that the main town centres uses are for retail, sport facilities, offices and arts culture and tourism as well as including night-clubs. In addition, housing is considered to be an important element in most mixed-use, multi-storey developments in town centres.

The NPPF further indicates that planning policies help manage the evening and night-time economy and that there should be an integrated approach so that they complement the Statement of Licensing Policy and the promotion of licensing objectives under the Licensing Act 2003.

Romford Action Area DPD Policy ROM8 indicates that

'The daytime and evening economy of Romford will be diversified by:

- Seeking to reduce the concentration of licensed premises in South Street and counting restaurants as A1 uses in numbers 72-116 (even) and 87-131 (odd) South Street for the purpose of retail core policy ROM10;
- Working with developers and operators to secure more restaurants in the town centre;
- Controlling the impacts of food, drink and evening entertainment facilities by the implementation of DC23;
- Controlling the noise or vibrations from developments by the implementation of DC55; and
- Working with landowners to investigate alternative uses for existing pubs and nightclubs'

The proposed development would therefore be acceptable in principle.

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

Staff consider that, as the application is for a change to the hours of use only, that it would have no material impact on visual amenity in the streetscene, on nearby Listed Buildings or their settings or on the character and appearance of Romford Conservation Area along North Street.

### **IMPACT ON AMENITY**

It is recognised that a night-club is an acceptable form of development within a town centre and that people choosing to live in a town centre would not generally expect the same level of residential amenity as people living outside.

The proposed hours are the same as those granted in 2008 for a 3-year period; and again in 2011, bar the half hour reduction on a Friday night/Saturday morning to 3.30am (from 4am). The 3-year consent was fixed on the basis that residential development in the area close to the application site would be mainly completed and occupied such that impact on residential amenity of these occupiers could be assessed via the public consultation process and in looking at any

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Environmental Health complaints.

The proposed scheme is to allow the hours of opening agreed in 2008/2011 to continue for a further 7 years. It is recognised that the proposed hours on Mondays to Wednesdays at 11pm are not excessively late and would continue to provide some respite from noise and disturbance arising from the use of the night-club.

The Police have previously indicated that they have no concerns with the proposed hours.

Staff consider that there are objections which have previously been supported by noise complaints to Environmental Health, due to the noise caused at the club. The objections particularly relate to noise and disturbance due to the use of the roof as a smokers terrace and general roof garden and by club-goers leaving the club up until 5am in morning. Environmental Health have advised that there are no current investigations and that previous complaints mainly related to amplified noise from within the venue and that this has been resolved. Environmental Health indicate that following an investigation that there is no statutory noise nuisance caused by the use of the smokers roof terrace.

Staff consider that some noise and disturbance from the night club is inevitable and that anyone choosing to live near the night club would be aware of these consequences. The roof garden appears to cause some of the noise and disturbance identified by the objections. The roof garden is the subject of its own application to extend to 2020 (see elsewhere on this agenda).

Nonetheless there are no other similar facilities in Romford Town Centre which have been granted planning permission for such late hours. While some issues have been raised by adjoining residential occupiers, as a previous temporary consent was granted to enable all the residential development in the vicinity to have been completed, it needs to be taken into account that the most significant residential development opposite the site for 86 residential units has not. The scheme is however unauthorised and will require a new planning approval. It is expected that new owners will be likely to make a submission shortly. The build-time has been indicated to be 18 months. Under these circumstances Staff consider that a further consent period is appropriate. Staff consider that a further temporary period of 5 years (a further 4 years beyond the existing temporary consent) would be sufficient to enable at least some people to have occupied the 86 flats and to then consider whether the proposal would have a significant adverse impact on residential amenity due to the proposed late opening hours.

#### **HIGHWAY/PARKING**

There is no on-site parking provision. However, in the Town Centre with high public transport levels, it is considered that this would be acceptable. There are no objections on highway grounds to the proposal for increased hours at the club.

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

The main concern is that the impact of the extended hours upon residential amenity for a period of 7 years would be excessive. Staff consider that in order to confirm that the hours of use would not result in significant harm to residential amenity, that a period of 5 years is necessary to enable evaluation. The proposal to enable a longer period would be unreasonably long to ascertain the impact on residential amenity, if in 3-5 years there are a large number of residential neighbouring occupiers in close proximity to the night club. The applicants' offer of a legal agreement to revert to the originally imposed opening hours does not, in Staff's view, ameliorate that harm that would otherwise potentially result.

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**RECOMMENDATION**

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

**1. M SC15 (Temporary access) INSERT DATE**

This permission is for a limited period only, expiring on 10th December 2018 on or before which date the hours of use shall revert to those set out on condition 2 of the planning permission P0823.96 unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To enable the impact of the proposal to be controlled and in the interests of amenity.

**2. Non standard condition**

The premises shall not be used for the purposes hereby permitted other than between the hours of 09:00 to 23:00 Mondays to Wednesdays; 09:00 to 03:00 Thursdays; 09:00 to 03:30 Fridays and 09:00 to 04:00 on Saturdays; 09:00 to 03:30 on Sundays preceding an annual Bank Holiday; and 09:00 to 04:00 Christmas Eve, Boxing Day, New Years Eve without the prior consent in writing of the Local Planning Authority (Other than Mondays to Wednesdays, all end times relate to the following day).

Reason:

To enable the Local Planning Authority to retain control in the interests of amenity, and in order that the development accords with Havering Unitary Development Plan Policies ROM3 and ROM10 and Supplementary Planning Guidance Romford Town Centre Entertainment Uses, Policy DC61 of the LDF Development Control Policies Development Plan Document and ROM8 of the Romford Area Action Plan Submission Development Plan Document.

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**INFORMATIVES**

**1 Approval - No negotiation required**

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

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<b>APPLICATION NO:</b>	<b>P1270.13</b>	
<b>WARD :</b>	Romford Town	<b>Date Received:</b> 4th November 2013 <b>Expiry Date:</b> 13th December 2013
<b>ADDRESS:</b>	Buddha Lounge 36-38 (Ground Floor) and 30-44 (First Floor) North Street Romford	
<b>PROPOSAL:</b>	Extension of temporary time period to approval P1816.11 (the temporary permission for a "Smoker's Roof Terrace" comprising 13 benches, 4 oversize umbrellas, 4 infra-red directional heaters, 4 emergency light units, 4 corner lights & 11 planters & landscaping) until 1st October 2020  Application Correspondence received 22.12.13	
<b>DRAWING NO(S):</b>	1:1250 Site Plan; C07109/1	
<b>RECOMMENDATION :</b>	It is recommended that <b>planning permission be GRANTED</b> subject to the condition(s) given at the end of the report given at the end of the report.	

### **CALL-IN**

The application has been called-in by Councillor Frederick Thompson on the the grounds that the operation is not conducive to proper living conditions with quiet night times for those resident in Rubicon Court or to the potential occupants of the block on the corner of North Street, which he understands may be being worked on with a view to completing the project.

Councillor Thompson indicates that the terrace has long been a source of complaint from residents living in the blocks on The Mews off Market Link, such as Emma House, as the elevated nature of the smoking terrace means that noise can travel unimpeded to any building unfortunate to overlook it including off course Rubicon Court.

### **SITE DESCRIPTION**

The application site comprises a Night Club use at first floor level above ground floor shop units to the eastern side of North Street. The night club, Buddha Lounge was previously known as Opium Lounge. A smokers roof-top area was added in 2008. There is vehicular access to the service area to the rear of the site, known as The Mews which contains public parking spaces. The site is within the Core Retail Area of Romford Town Centre.

The surrounding area is characterised by mainly two- and three-storey commercial development to this side of North Street with some residential accommodation above, also within the core retail area of Romford Town Centre. An 8-storey block of 24 flats (with commercial and residential parking on the ground floor) - 'Rubicon Court' is directly opposite the application site in North Street. To St Edward's Way is a large office block and 'Emma House' which has 24 flats (planning permission has recently been granted for an additional residential unit at ground floor level). On the Eastern side of Market Link is a seven-storey 80-bed hotel and 24 residential units. To the south of the application site, the conversion of the upper floors of 7 Market Place into 4 flats has been undertaken. In 2006 planning permission was granted for the redevelopment of 23-55 North Street for 86 flats and shops/restaurants to the ground floor fronting North Street and while some works began, this was before some key conditions had been submitted or discharge and the scheme is therefore considered to be unauthorised. The

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site has recently been sold and it is understood that the new owner is likely to submit a planning application shortly. At 7 Market Place, the first and second floors have been converted from offices into 4 flats following a recent approval.

The application site (barring the most northerly part) is within the Romford Conservation Area and backs onto the rear of St Edward the Confessor Church which is a Grade II\* Listed Building built in 1849 and Church House, Grade II Listed.

### **DESCRIPTION OF PROPOSAL**

The proposal is for the extension of the temporary period approved in 2011 and is for the retention of the smokers roof terrace, landscaping and surrounding fencing and for the hours of use of the smokers area to match those being sought for the night club itself, until 1st October 2020.

The existing approval P1816.11 allows the smokers roof terrace to be used until 7th June 2017, in three and a half years time. Nonetheless the applicant is concurrently seeking a temporary hours of use extension for the whole building until 2020 (P1268.13) and is looking to have the two tied together for the next 7 years. The applicant indicates that this is to provide a period of stability so that investment in other works can be undertaken, for example new enclosed fire escape stairs which provide access to the smokers roof terrace (which would be subject of a separate planning application if the time extension is granted).

There are no specific hours for the smoking terrace such that they are no different to those for the club as a whole. The hours approved for the night club as a whole under planning approval P0781.11 until 1st October 2014 are as follows:

Mondays - Wednesdays: 11am - 11pm

Thursdays: 11am - 3am (the following day)

Fridays: 11am - 4am (the following day)

Saturdays: 11am - 4am (the following day)

Sunday (preceding bank holiday only): 11am - 3:30am (on the Bank Holiday)

Christmas Eve, Boxing Day, New Year's Eve: 11am - 4am (the following day)

The concurrent planning application P1268.13 is for the same hours as above with the exception that on Fridays the closing time would be reduced from 4am to 3.30am the following day. These hours are also to be applied to the smoker's roof terrace.

The applicant was advised that the proposal to keep the extended hours for a further 6 - 7 years would be likely to be unacceptable. In response, the applicant has offered to enter into a legal agreement that they would return to the hours originally granted in 1996 from 30th September 2020, prior to closing the Club at the end of the current lease on 1st October 2020. Unless the Council should subsequently grant planning permission to extend the hours, the applicant asserts that this offer would effectively preclude the continued operation of the premises as a nightclub, given the reduced opening hours.

### **RELEVANT HISTORY**

There is significant history for the application site. The most relevant are as follows:

P0823.96 - Change of use of basement/ground floor entrance hallway, staircase and first floor area from Financial Use (A2) to Assembly and Leisure (D2) - Approved

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P1756.08 - Retention of an extension of the existing fire escape staircase and the erection of roof-top fencing to enable use of the roof as a terrace in connection with the night club use - Approved for temporary period expiring on 04.12.11

P1816.11 - Temporary retention of smokers roof terrace and 13 benches, 4 oversized umbrellas, 4 infra-red directional heaters, 4 emergency light units, 4 corner lights and 11 planters and landscaping). Approved for a temporary period expiring on 07.06.17

P1268.13 - To extend permission for current hours of operation of the night club under approval P0781.11 until 1st October 2020 and to reduce the closing time on Fridays from 04.00 to 03.30am the following morning until 1st October 2020.  
Awaiting Decision

P0204.13 - To amend the hours of operation for Mondays, Tuesdays and Wednesdays to 09.00 to 02.00 (the following day); no change to Thursdays (ie. 09.00 to 03.00 the following day); no change to Fridays and Saturdays (ie. 09.00 to 04.00 the following day); and amend those for Sundays to 11.00 to 01.30 the following day.  
Withdrawn 18-10-2013

P1816.11 - Temporary retention of smokers roof terrace and 13 benches, 4 oversized umbrellas, 4 infra-red directional heaters, 4 emergency light units, 4 corner lights & 11 planters & landscaping.  
Apprv with cons 08-06-2012

P0781.11 - Proposed 5yr extension of existing planning permission P1110.08 granted for a limited period expiring on 1st October 2011 and being a variation of planning conditions with approved application P0823.96 to allow extended opening hours  
Apprv with cons 05-08-2011

Q0013.09 - Discharge of Condition No3 of P1756.08  
Withdrawn - Invalid 25-02-2013

P1756.08 - Temporary retention of smokers roof terrace and 16 benches and provision of 4 oversized umbrellas, 4 infra-red directional heaters, 4 emergency light units, 4 corner lights, 11 planters and landscaping  
Apprv with cons 08-12-2008

P1110.08 - Variation of condition 2 of planning application P0823.96 to extend opening hours  
Apprv with cons 02-10-2008

D0005.08 - Placing of decorative fencing to roof area.  
Lapsed application 08-12-2011

P2450.07 - Extension of the existing fire escape stair case and erection of roof top fencing to enable use of roof as terrace  
Refuse 01-05-2008

P0134.08 - Variation of condition 2 of planning application P0823.96 to extend opening hours to 23:00 to 03:00 Mon-Thurs, 23:00 to 04:00 Fri, 23:00 to 05:00 Sat, 23:00 to 03:00 Sunday preceding a bank holiday and 23:00 to 05:00 Christmas Eve, Boxing Day and New Year's Eve.  
Withdrawn 07-03-2008

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- P1825.06 - Variation of condition 2 of planning application P0832.96 to extend opening hours  
Apprv with cons 22-11-2006
- P0162.06 - Rear canopy & lobbies to the top of two external escape stairs  
Apprv with cons 16-03-2006
- P0015.06 - Variation of condition 2 to planning approval No. P1838.05 to vary the hours of opening on Saturday night from "21.00pm-3.00am" to "21.00pm-5.00am"  
Refuse 01-03-2006
- P1838.05 - Variation of Condition 3 and 6, Planning Application no. P0201.99 to change the temporary period to a permanent extension of operating hours.  
Apprv with cons 18-11-2005
- P0020.01 - A. Retention of two fire escapes. B. Retrospective application for front extension & facade changes. C. Extension of trading hours.  
Deemed Refused 17-04-2002

### **CONSULTATIONS/REPRESENTATIONS**

Adjoining and nearby neighbouring occupiers were notified of the proposal. A site Notice was displayed and a press notice was published in a local newspaper. Four letters have been received raising objections on the following grounds:

- noise during opening hours is currently unacceptable particularly on weekend nights
- anti-social behaviour by drunk customers
- litter
- bodily fluids left in side streets
- this is a real problem for all the residents who live nearby now, not just those who might be in the future
- there must be an alternative to the current open air terrace facility
- Residents who purchased flats at Rubicon Court did so before there was a roof terrace. The roof terrace prevents hard-working residents from getting a restful weekend.
- the roof terrace has to go
- Rubicon Court is beginning to empty of residential occupiers due to the on-going approvals for the nightclub with large losses being incurred
- the local shops in will be affected by the loss of residential occupiers
- It will prove difficult to sell units in the adjoining property if the night club is allowed to continue and objections are ignored by the Council
- the roof terrace is extremely disruptive
- drugs are used by customers and paraphernalia is obvious in the street - highlighted in the Romford Recorder on 11th October 2013
- Double-decker busses park illegally on the access road adjacent to Rubicon Court resulting in more customers and more aggravation to residents
- some residents are vulnerable - elderly and young mums and children which is a worry

The Metropolitan Police's Borough Designing Out Crime Advisor has previously advised that the smokers terrace does not raise significant crime prevention or designing for community safety issues.

Andrew Rosindel M.P. has written supporting a constituent who is a neighbour of the application site.

Environmental Health have no objections.

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### **RELEVANT POLICIES**

#### LDF

CP18 - Heritage  
CP4 - Town Centres  
DC23 - Food, Drink and the Evening Economy  
DC61 - Urban Design  
DC63 - Delivering Safer Places  
DC67 - Buildings of Heritage Interest  
DC68 - Conservation Areas

#### OTHER

LONDON PLAN - 2.15 - Town Centres  
LONDON PLAN - 4.6 - Support for and enhancement of arts, culture, sport and ente  
LONDON PLAN - 4.7 - Retail and town centre development  
LONDON PLAN - 7.3 - Designing out crime  
LONDON PLAN - 7.8 - Heritage assets and archaeology  
NPPF - National Planning Policy Framework

### **STAFF COMMENTS**

The main issues are whether the development is acceptable in principle and the proposal's impact on the character and appearance of the Romford Conservation Area and the setting of nearby Listed Buildings, visual impact in the streetscene and impact on existing and future residential amenity.

### **BACKGROUND**

In dismissing the appeal against the 2006 condition restricting the extended hours at the night club to a temporary period consent (Ref: P1838.05), the Planning Inspector stated that "this is an example of a case in which the Council's detailed local knowledge and experience - backed up by advice from the Metropolitan Police - is best placed to judge what precise controls are necessary in order to protect local residential amenity" and that she was not "inclined to delete (or vary) the temporary planning condition."

This current application has been submitted during a period of temporary consent which extends until 7th June 2017. The temporary consent was implemented to enable new occupiers to have occupied new developments in North Street and the vicinity and for them to have the opportunity to comment on how their residential amenity would be affected. While the largest of the approved residential redevelopment schemes for 86 flats (at 23-55 North Street) has not been completed, objections have been received from current residential occupiers and are addressed within the report.

The Premises Licence (No. 002141) issued by the Licensing Authority enables the club to open until 3am Mondays to Thursdays, Until 4am on Fridays, until 5am on Saturdays and on Sundays until 2.30am or 4am for Bank Holiday weekends in May, at Whitsun and August Bank Holidays. Hours from 11am until 5am (the following day) on Christmas Eve, Boxing Day and New Years Eve.

Premises Licences do not take account of future residential amenity through mixed-use schemes in the town centre.

A Premises Licence can be revoked at any time if there are any problems including noise and disturbance. The proposal is for temporary retention of the roof garden for smokers only for 3



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years.

On 5th April 2012 an Abatement Notice in respect of Noise Nuisance was served on the Buddha Lounge for "Amplified music played at an excessive volume and amplified voices". This was resolved satisfactorily.

### **PRINCIPLE OF DEVELOPMENT**

The NPPF indicates that it is the vitality and viability of town centres which is of paramount importance and that the main town centres uses are for retail, sport facilities, offices and arts culture and tourism as well as including night-clubs. In addition, housing is considered to be an important element in most mixed-use, multi-storey developments in town centres. It further indicates that planning policies help manage the evening and night-time economy and that there should be an integrated approach so that they complement the Statement of Licensing Policy and the promotion of licensing objectives under the Licensing Act 2003.

Romford Action Area DPD Policy ROM8 indicates that

'The daytime and evening economy of Romford will be diversified by:

- Seeking to reduce the concentration of licensed premises in South Street and counting restaurants as A1 uses in numbers 72-116 (even) and 87-131 (odd) South Street for the purpose of retail core policy ROM10;
- Working with developers and operators to secure more restaurants in the town centre;
- Controlling the impacts of food, drink and evening entertainment facilities by the implementation of DC23;
- Controlling the noise or vibrations from developments by the implementation of DC55; and
- Working with landowners to investigate alternative uses for existing pubs and nightclubs'

Staff consider that any application which potentially may affect residential amenity must be considered in the light of either prejudicing the Council's housing policy and/or its impact on both the existing and future residential amenity.

Extensions to hours of use of existing non-retail uses in the retail centre are acceptable in principle. However, control is to be exercised to ensure that it would not result in disturbance and loss of amenity to other uses, including residential.

The proposed development would therefore be acceptable in principle, subject to the details having an acceptable impact.

### **CONSERVATION AREA**

The proposal is clearly visible in the street scene both from ground level in North Street (Conservation Area) and from ground level in The Mews, adjoining the Listed Building, St Edward's Church. The proposal is for roof level development. Whilst the fencing is 2.5m high, the fenced area is located back from the parapet edge of the building and the trellis allows views through so that it is somewhat permeable from ground level views. Opposite the site is a 10 storey high flatted development and other development has been approved which would be significantly taller.

Staff consider that while the materials chosen appear somewhat flimsy, the proposal does not result in harm to the visual amenities of the street scene nor does it have an adverse impact in the Conservation Area or on the setting of the Listed Building to the rear.

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

Staff consider that, as the roof garden's railings and lighting is visible in the streetscene, that it would have material impact on visual amenity in the streetscene. Nonetheless, it has previously been considered that the impact in respect of the streetscene is acceptable. There is no change to the physical appearance of the roof garden and therefore this consideration carries forward.

**IMPACT ON AMENITY**

It is recognised that a night-club is an acceptable form of development within a town centre and that people choosing to live in a town centre would not generally expect the same level of residential amenity as people living outside it in quiet residential only areas.

The Police have indicated that they have no concerns with the proposal which removes club goers who smoke from being on the public street outside the club facility.

In addition, Environmental Health officers have previously confirmed that the use of the roof top smoking area is not causing the noise problem which resulted in the service of the Noise Nuisance Abatement Notice and that there are no noise or other environmental health objections to extending the temporary planning permission.

The objections received particularly raise issues of noise and disturbance due to the use of the roof as a smokers terrace and general roof garden and by club-goers leaving the club up until 5am in morning.

Staff consider that some noise and disturbance from the night club is inevitable and that anyone choosing to live near the night club would be aware of these consequences. The roof garden appears to cause some of the noise and disturbance identified by the objections.

While some issues have been raised by adjoining residential occupiers, as a previous temporary consent was granted to enable all the residential development in the vicinity to have been completed, it needs to be taken into account that the major residential development opposite the site for 86 residential units has not yet been completed. There has been a recent change of ownership and it is likely that a planning application would need to be submitted to rationalise the current works which do not comply with the approved plans, before development can proceed, however, it is envisaged that providing the works get the go-ahead, that it would take less than two years to complete the works and lettings begin.

It is recognised that conditions may be attached to any grant of planning permission to overcome some planning issues. It is recognised that noise on an open rooftop can travel some distance outside the boundaries of the site. The management of the club have submitted a Management Scheme for the rooftop area which includes restricting smokers to a maximum of 30 people at any one time and the length of stay to 10 minutes per person with staff patrolling the smokers terrace and the prevention of club goers bringing alcoholic beverages onto the roof. A suitable condition can be attached to ensure that the Management Scheme is adhered to, nonetheless staff consider that upto 40 people would not result in an unacceptable level of noise and disturbance and a separate condition therefore indicates that this would be the maximum number.

Given the Management Scheme outlined and the lack of Police or Environmental Health objection, it is considered that a further consent period is appropriate.

While the applicants have asked for a nearly 7 year period as this would coincide with a current Lease, Staff consider that a temporary period of 5 years would be sufficient to enable at least

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some people to have occupied the 86 flats and to then consider whether the proposal would have a significant adverse impact on residential amenity. It is for the Council to decide whether harm would arise and it is considered that 7 years would be excessive and cannot be justified on planning grounds.

**HIGHWAY/PARKING**

There is no on-site parking provision. However, in the Town Centre with high public transport levels, it is considered that this would be acceptable. There are no objections on highway grounds to the proposal for the retention of the smokers roof level terrace at the club.

**KEY ISSUES/CONCLUSIONS**

The proposal would be acceptable in terms of its impact in the street scene and on the character and appearance of the Conservation Area/setting of the Listed Buildings. It is considered as an open air night club facility open until 3 or 4 am, that noise could occur, however providing the Management Scheme is adhered to, this should be limited to a degree.

The main concern is that the impact of the extended hours upon residential amenity for a period of 7 years would be excessive. Staff consider that in order to confirm that the hours of use would not result in significant harm to residential amenity, that a period of 5 years is necessary to enable evaluation. The proposal to enable a longer period would be unreasonably long to ascertain the impact on residential amenity, if in 3-5 years there are a large number of residential neighbouring occupiers in close proximity to the night club. The applicants' offer of a legal agreement to revert to the originally imposed opening hours does not, in Staff's view, ameliorate that harm that would otherwise potentially result.

**RECOMMENDATION**

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

**1. M SC16 (Temporary permission) INSERT DATE**

This permission shall be for a limited period only expiring on 10th December 2018 on or before which date the use of the roof terrace area hereby permitted shall be discontinued and any works carried out under this permission shall be removed and the site reinstated to its former condition to the satisfaction of the Local Planning Authority.

Reason: In the interests of amenity.

**2. Non standard condition**

The total number of people using the terrace area hereby approved shall not exceed 40 persons at any one time without the prior written consent of the Local Planning Authority.

Reason:- To enable the Local Planning Authority to retain control in the interests of amenity.

**3. Non standard condition**

The Management Scheme submitted under planning application reference P1816.11 identified as "Potential Intrusion and Management Control" shall continue to be

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**INFORMATIVES**

**1 Approval - No negotiation required**

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

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<b>APPLICATION NO:</b>	<b>P1331.13</b>	
<b>WARD :</b>	Brooklands	<b>Date Received:</b> 6th November 2013 <b>Expiry Date:</b> 5th February 2014
<b>ADDRESS:</b>	Queen's Hospital Rom Valley Way Romford	
<b>PROPOSAL:</b>	Proposed alterations and extension to existing multi storey car park to provide up to 256 additional car parking spaces to serve Queens Hospital, Romford, together with revised access, landscaping and associated infrastructure.	
<b>DRAWING NO(S):</b>	12816/JD/1 - Existing Site Layout 61754 - 19 : Proposed Site Plan 61754 - 02 : Proposed Ground Floor Plan 61754 - 03 : Proposed First Floor Plan 61754 - 04 : Proposed Second Floor Plan 61754 - 05 : Proposed Third Floor Plan 61754 - 07 : Proposed North, South & West Elevations 61754 - 08 : Proposed East Elevation & Section 47067924_LD_001 Rev A : Landscape Proposals	
<b>RECOMMENDATION :</b>	It is recommended that <b>planning permission be GRANTED</b> subject to the condition(s) given at the end of the report given at the end of the report.	

### **SITE DESCRIPTION**

Queens Hospital is located on the west side of Rom Valley Way centrally located within a surrounding linear park. The site of this application lies immediately to the north of the existing multi-storey car park, south of the Hospital's bus station, east of the main hospital building and to the west of the existing surface level staff car park and access road. The site is currently occupied by the hospital's surface level 75 space blue badge holder car park.

The existing multi-storey car park (MSCP) is a four storey steel framed building with red facing brick clad end walls and stair/lift towers, plus silver powder coated aluminium louvred panels to the front and rear elevations. Vehicular access and egress to the MSCP is located on the northern side of the car park at its eastern end.

A total of 1,321 car parking spaces are currently provided at Queen's, 946 of these within the MSCP. The ground and first floor provide 465 parking spaces for patients and visitors and the second and third floors provide 481 spaces for staff.

### **DESCRIPTION OF PROPOSAL**

The proposal is for a full height extension on the northern side of the MSCP set back 46m from the north-west corner of the existing MSCP where the main hospital entrance is located. The 33.7m long east and west walls would be splayed to follow the alignment of the existing east wall, with the 82.5m long northern side parallel to the northern side of the existing MSCP.

The existing car and ambulance drop off area and parking facility for 12 ambulances close to the hospital entrance would be retained to the west of the MSCP extension.

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Revised access and egress arrangements are proposed from the internal hospital/ice rink roundabout to the north east of the application site, incorporating an additional lane in each direction and an enlarged roundabout adjacent to the creche. The enlarged roundabout will maintain access to the surface level staff car park to the east as well as providing access/egress to the existing MSCP and to the drop off and ambulance parking area to the west of the MSCP extension and the ground floor of the MSCP extension.

The ground floor of the proposed extension would be accessed from its western end and would be designated as an area for a free 30 minute stay for the use of motorists dropping off and collecting visitors and patients, with no return. Access and egress would be barrier controlled and long term parking would not be permitted.

The vehicular access/egress route to the existing MSCP and the upper levels of the extension would be via the eastern end of the building. A new entry opening for two lanes of cars is proposed in the east wall of the existing building and a further ground floor opening for one entry lane and two exit lanes in the east wall of the extension. The existing fire track around the hospital would be upgraded up to the new access point in the eastern end of the MSCP, beyond which access would be limited to fire appliances. Vehicular access to the upper floors of the extension would be provided through a new opening on each floor from the existing car park to the extension.

It is proposed to convert 105 standard spaces into 70 new blue badge spaces adjacent to the existing ones on the ground and first floor of the existing MSCP. In total the car parking capacity of the hospital would be raised by 256 spaces. As with the existing MSCP, the first floor would be for patient and visitor parking with the second and third floors for staff. It is also proposed to provide 52 electric vehicle charging points within the ground floor of the car park and an additional 50 covered cycle parking spaces adjacent to the north-west corner of the proposed MSCP extension. An additional 45no motorcycle spaces will also be provided within the existing and proposed MSCP.

The existing pedestrian route to the hospital main entrance along the northern edge of the existing MSCP will be diverted to a route along the southern edge of the bus station. The public footpath which currently follows a route along the eastern edge of the blue badge parking area will need to be diverted to a route along the western edge of the surface level staff car park.

The construction of the MSCP extension would use the same steel frame and concrete deck assembly system as the existing. Externally a buff brick is proposed for the ground floor with the majority of the exterior beyond this formed by panels of anodized extruded mesh. The central stair tower on the northern edge is shown with a proprietary glass block with dark grey metal framing finish with horizontal hardwood boarding either side. The north eastern corner of the building would feature a full height living green wall with its own irrigation system, plant room and maintenance programme.

Landscape mounding and planting is proposed to supplement the existing and to ensure replacement for any that is lost to the proposed extension and remodelled access arrangements.

The application is accompanied by a suite of documents as follows:

- Planning Statement
- Design and Access Statement
- Transport Assessment
- Archaeological Desk-Based Assessment

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- Arboricultural Implication Assessment
- Phase 1 Geo Environmental Statement
- Flood Risk and Surface Water Drainage Assessment
- Construction Management Plan
- Extended Phase 1 Habitat Survey
- Noise and Vibration Assessment
- Air Quality Assessment

### **RELEVANT HISTORY**

Extensive history, most relevant

P0477.03 - Further revised details of District General Hospital pursuant to P1427.98 (amendments to rooftop plant areas, energy centre, Hospital office building, landscape, nursing unit, fenestration, diagnostic podium massing and fenestration) - Approved

P2143.02 - Erection of hospital multi-storey car park on 4 levels to provide parking provision for 66 No. accessibility and 856 No. standard spaces - Approved

P1398.02 - Partial revision of reserved matters including rooftop plant areas, energy centre, hospital office building, surface and multi storey car park, landscape, nursing unit fenestration, diagnostic podium, massing and fenestration - Approved

P0283.02 - District General Hospital and renovation of retained public open space - Approved

P1427.98 - District General Hospital and renovation of retained public open space - Approved

### **CONSULTATIONS/REPRESENTATIONS**

Consultees and 130 neighbouring properties and addresses have been notified of the application. The application has been advertised on site and in the local press.

Two letters of representation has been received one from a neighbour and the other from the agent acting for the potential developers of the Ice Rink site. Neighbour objections relate to:

- The existing car park was given permission for an additional floor during the construction of the hospital and the condition about the management of the car park and its lighting was later approved on the basis that the upper level could be illuminated all night despite assurances given that night time illumination would be limited. Increasing the size of the car park would make this worse.
- The lighting of the car park and its stairwell causes light pollution for residents of Norwood Avenue and the planting within the park provides insufficient screening.
- Increased traffic levels with resultant noise.
- The rear of the car park would benefit from additional planting.
- Loss of existing planting to the north of the car park and open space to the east.

Objections raised by the agent can be summarised as:

- The development proposals to significantly increase the parking on the site conflicts with National and Local Planning Policies which seek to reduce car use;
- There are discrepancies between the allocation of staff and patient parking spaces proposed within the new MSCP;
- The traffic impact of the development proposals has very much been 'glossed' over with no

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detailed junction capacity assessments be undertaken to fully assess the implications of the proposals on the local highway network and the approved Morrison's highway improvements;

· The Travel Plan accompanying the application is incomplete and until the full Plan is available it cannot be evaluated to determine whether it is likely to be any more successful in encouraging sustainable travel at the Hospital site than the current plan.

The applicants agents responded to these points but the objector has reiterated that insufficient justification has been provided for the additional parking, that detailed junction modelling should have been provided and that the need for the parking reflects a failure of the Travel Plan and the new Travel Plan should be given a chance to work before any new parking is created.

### Consultee Responses

Borough Designing Out Crime Advisor - Advises that the proposed car park extension should be built and maintained to ParkMark standards and requests a condition to this effect.

Environment Agency -. No objection subject to the imposition of conditions relating to contamination and the design of piled foundations.

LFEPA - Access will need to comply with standards.

London Fire Brigade - No objections, the need for additional fire hydrants is considered.

Natural England - No objection. The Council's obligation to assess and consider the possible impacts arising from the development and to seek biodiversity enhancement is reiterated.

Thames Water - no observations.

Essex and Suffolk Water - No objections

Transport for London - Have advised that a car parking management plan should be required by condition to demonstrate how the restricted time parking areas will operate. The proposed provision of electric vehicle charging points should be proportionately spread over blue badge and unrestricted parking bays and 20% passive provision should be made. The level of cycle provision should be increased beyond the additional 50 spaces proposed. It is noted that in order to accommodate the level of cycle use proposed by the Travel Plan that 424 spaces should be provided for staff whereas the total level of provision, including the 50 spaces proposed would only be 160 spaces. The provision of a Construction Management Plan is welcomed but needs to ensure that there will be minimal disruption to the movement of traffic, pedestrians and cyclists and that the bus operations from the adjacent bus terminus should not be adversely affected during construction.

Environmental Health - Request a conditions requiring that contamination assessment be carried out and any findings addressed and mitigation implemented and verified.

Streetcare/Highways - No objection to the development providing a roundabout, designed to the latest standards and with an inscribed circular diameter of not less than 40m, is provided prior to the increase of any parking at the hospital site. Conditions and informatives are requested.

### **RELEVANT POLICIES**

#### LDF

CP10 - Sustainable Transport

CP15 - Environmental Management



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### **LDF**

CP17 - Design  
CP8 - Community Facilities  
DC32 - The Road Network  
DC33 - Car Parking  
DC34 - Walking  
DC35 - Cycling  
DC48 - Flood Risk  
DC49 - Sustainable Design and Construction  
DC50 - Renewable Energy  
DC51 - Water Supply, Drainage and Quality  
DC52 - Air Quality  
DC55 - Noise  
DC56 - Light  
DC58 - Biodiversity and Geodiversity  
DC59 - Biodiversity in New Developments  
DC61 - Urban Design  
DC62 - Access  
DC63 - Delivering Safer Places  
SPD1 - Designing Safer Places SPD  
SPD10 - Sustainable Design and Construction SPD

### **OTHER**

LONDON PLAN - 3.17 - Health and social care facilities  
LONDON PLAN - 5.7 - Renewable energy  
LONDON PLAN - 6.10 - Walking  
LONDON PLAN - 6.13 - Parking  
LONDON PLAN - 6.9 - Cycling  
LONDON PLAN - 7.15 - Reducing noise and enhancing soundscapes  
LONDON PLAN - 7.3 - Designing out crime  
LONDON PLAN - 7.4 - Local character  
LONDON PLAN - 7.6 - Architecture  
NPPF - National Planning Policy Framework

### **MAYORAL CIL IMPLICATIONS**

As a development related to the hospital the development is exempt from Mayoral CIL

### **STAFF COMMENTS**

Queens Hospital opened in December 2006 with a maximum total level of parking provision for staff, patients and visitors of 1,350 spaces. Despite the operation of a Travel Plan this level of parking has proved insufficient from the outset with resultant congestion and frustration, illegal and on street parking by staff, visitors and patients. The implementation of the Health for North-East London Plan will see additional health care services transferred to Queens from other sites in addition to the expansion of services and facilities which has already taken place since it opened. The impending loss of the Ice Rink car park, which has been used for hospital staff parking for several years, has led to active consideration of a permanent increase in parking levels for the hospital and this application for an extension to the existing multi-storey car park.

The main issues for consideration are the principle of development, the justification for the extension of terms of highways and parking policy, the impact upon traffic and the highway, the

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design and appearance of the extension together with environmental and amenity considerations.

### **PRINCIPLE OF DEVELOPMENT**

The Proposals Map for the Local Development Framework shows that the application site is not allocated for any particular use, being designated as unallocated white land. However, the site falls wholly within the site of the hospital as set out in the original plans and as such its use for hospital related purposes is acceptable in principle providing all other matters can be satisfactorily addressed.

Furthermore, the provision of new facilities required to support important local community services and healthcare provision and which address issues that compromise the effectiveness of service provision are supported by LDF and London Plan Policies. Notwithstanding the presence of a Travel Plan, the level of parking provided at Queen's has been a source of concern and frustration for users since the hospital opened and as the proposal is aimed at addressing this issue it is supported in principle

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

The location and design of the proposed car park extension and the amendments to vehicular access and circulation have been developed over time by a series of feasibility studies. The area of surface level blue badge parking was identified as the only one within the confines of the site where a sizeable extension could be located. The existing surface level staff car park to the east, for example, was dismissed as an option owing to the presence of underground surface water attenuation tanks.

Whilst it is accepted that the location of the car park extension will reduce the extent of views towards the entrance from Rom Valley Way, Staff are satisfied that such views will be maintained to a satisfactory degree. This has been achieved by locating the extension as far to the east as possible which maintains a minimum 40m gap between the extension and the closest part of the hospital building. The parallelogram shape of the extension following the splayed alignment of the east wall of the existing MSCP further aids the preservation of views towards the main entrance which is important for users and the legibility of the site.

The brick and hardwood cladding proposed for the external elevations have been chosen to more closely match the main hospital building than the existing car park. An anodized extruded mesh system would enclose the decks whilst allowing the free flow of air in the same manner as the aluminium louvre facade of the existing car park. The latter system was specified largely to ensure that vehicle headlights did not cause problems for properties in Norwood Avenue to the north. This is not a consideration on the northern side of the car park and subject to the materials being agreed, it is considered that an acceptable appearance will result.

Staff are also satisfied that the "living green wall" proposed for the corner of the building facing the entrance approach will provide an attractive feature which will help to integrate the extension with the wider landscaping, both existing and proposed. The proposed landscaped area to the north of the extension will further enhance the setting of the hospital. A suitable landscaping condition is suggested.

### **IMPACT ON AMENITY**

The potential impact upon residential amenity would be limited by the location of the proposed extension to the north of the existing car park. The main residential areas which might be

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affected are located to the south of the existing car park so any noise or light from the proposed extension would be further away with the existing MSCP inbetween. The proposal to move the main vehicular entrance to the car park to the southern end of the eastern elevation will bring vehicles entering the car park closer to residential properties. However, the existing boundary treatment to the hospital perimeter which comprises a beech hedge inside a secure fence, will largely negate any potential glare from headlights and vehicles will still be 55m from the closest residential boundary and over 70 from the closest property. At such distance it is not considered that any material harm to residential amenity would occur.

### **HIGHWAY/PARKING**

The various alterations proposed to the access into both the MSCP and the ground floor of the extension are designed to alleviate existing congestion and bottlenecks as well as enabling easier access. The existing two way access from the ice rink roundabout and along the eastern section of the perimeter access to the south of the surface blue badge parking area are commonly congested, particularly at peak hours. The main source of the bottleneck has been identified where vehicles trying to access the pick-up/drop off area and surface level blue badge parking area conflict with vehicles trying to gain access and egress from the MSCP.

The proposal to widen the main access from the ice rink roundabout to two lanes in each direction should help to reduce tailbacks. The construction of a new internal roundabout will also allow the separation of traffic accessing the pick-up/drop off area from the access and egress to the ground level of the existing MSCP and the upper levels of the existing MSCP / proposed extension. These measures are supported by the Council's Highways Team and are in accordance with Policy DC32.

As has previously been stated, the impending loss of the ice rink car park, which has for several years provided 150 additional spaces for hospital staff, plus the acknowledged difficulties with parking and access at Queens, has led to the development of these proposals. In terms of additional traffic, the submitted Transport Assessment explains that there will be no net increase in vehicular trips on the local highway network. The 256 spaces proposed will provide replacement for those to be lost from the ice rink site, with the other 106 spaces to be used by staff, patients and visitors who currently park in neighbouring streets or in locations where they impede access around the existing surface level car parks. Accordingly, it is only the additional 106 spaces which will cause any impact beyond current levels upon the existing hospital access and the existing junction/proposed new roundabout on Rom Valley Way.

Policy DC32 is aimed at ensuring that new development does not have an adverse impact on the functioning of the road network and it is acknowledged that the existing junction with Rom Valley Way is operating at or beyond its designed capacity. Even the relatively modest increase in traffic levels that the proposed MSCP extension would entail would have a negative impact upon the function of the existing junction. However, Members will be aware that planning permission P1468.12 has now been granted for the redevelopment of the ice rink site for retail and residential purposes and that as part of that development a new roundabout is to be constructed on Rom Valley Way to replace the existing junction. The new roundabout will include the provision of an additional "inbound" lane from Rom Valley Way to the ice rink/hospital access roundabout to provide a dedicated hospital car park lane. The Transport Assessment that accompanied P1468.12 demonstrated that the new roundabout would operate well within its design capacity and staff are satisfied that the modest increase resulting from the proposed MSCP extension could be accommodated without adverse effect. Accordingly, should members be minded to approve the application it is suggested that a "Grampian" style condition be imposed requiring that the roundabout should be constructed prior to any increase in the

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parking capacity of the Hospital becoming operational.

The level of parking to be provided at the hospital will be increased by 256 spaces and staff are satisfied that this additional parking is necessary to enable the hospital to function effectively. The number of staff employed at the hospital is now 12% greater than that which was envisaged when the hospital opened and the range of facilities provided has expanded, with still further expansion being required to facilitate the implementation of the "Health for North East London Plan". A wide range of measures have been taken to reduce car dependency, but on-site parking facilities at the Hospital have been strained from the outset. There is no set parking standard for Hospitals in either the LDF or London Plan, with parking levels to be determined on an individual basis using a transport assessment. This was the case with the original parking level, but operational experience has demonstrated that the amount of parking provided is inadequate. A new Travel Plan has been submitted, a draft of which accompanied the Transport Assessment and over time it is anticipated that this will reduce car dependency and encourage the uptake of alternative forms of transport further. However, the Transport Assessment concludes that additional parking is required alongside the operation of the Travel Plan. Staff are satisfied that the low PTAL rating of the site, increased staffing and expanded level of health care provision are sufficient to justify the additional parking alongside the operation of the Travel Plan, and that as such, there is no demonstrable conflict with policies DC33 of the LDF or 3.16 of the London Plan.

The proposed new access along the eastern side of the existing MSCP will entail the upgrade and use of the existing fire track. No adverse comment on this has been received from the LFEPA and it is understood that the proposals have been developed in conjunction with the Hospital's fire safety advisor. Nevertheless, in order to ensure that there is no adverse impact upon fire safety a condition is suggested to ensure that access to the fire track is provided to the satisfaction of the Council and the LFEPA and to demonstrate how unauthorised access to it will be prevented.

The proposal makes provision for an additional 50 cycle parking spaces. This has been assessed against the current uptake of cycle parking for staff and visitors for which 110 spaces are provided and is intended to make provision for increased cycle usage as a result of the operation of the new Travel Plan. The LDF and London Plan have the same standard for cycle parking at hospitals which require 1 space per 5 staff and 1 space per 10 visitors. On the basis of the current levels of staff and visitors this would require that 900 cycle parking spaces be provided. Whilst the level proposed is clearly well below the adopted standard, the attainment of the level of cycle use necessary to justify such a high level of provision would require a sea change in the current levels. At the present time it is considered that the increased level of cycle parking proposed will be sufficient and that there are sufficient areas to the north of the MSCP extension to accommodate additional cycle parking as and when this is shown to be required through the operation and monitoring of the Travel Plan.

The changes proposed to the pedestrian routes will only adversely affect those accessing the site on foot who use the footpath along the northern side of the MSCP. This will affect staff that use the western surface parking area and anyone using the pedestrian entrance from Rom Valley Way in the south east corner of the linear park. This route will be diverted to the north where pedestrians will have to cross the main hospital access road to gain access to the footpath on the southern side of the bus terminus. However, there would be good visibility at such point and a central refuge would be provided and no objections are raised.

The new vehicular access proposals will require a small diversion of the existing Public Right of Way linking Oldchurch Rise to Hornford Way, incorporating a crossing of the access road. This

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would be subject to a formal modification procedure.

The construction of the extension will require the temporary closure and relocation of some existing parking facilities, most notably the existing 75 space blue badge parking area. It is proposed that this would be reprovided on the ground and first floor of the existing MSCP to ensure that disabled patients and visitors can continue to park conveniently close to the hospital entrance. The applicants advise that they are currently negotiating with the Council for off-site staff parking to be provided at Angel Way, with a shuttle "Park and Ride" bus being provided by the Trust during peak hours. A pre-commencement condition for a detailed Construction Method Statement to cover these and other constructional/operational requirements is suggested.

### **OTHER ISSUES**

**Contamination** - The site is known to be contaminated from its previous use as a landfill site. Although vast quantities of material were excavated from the overall hospital site it is not clear whether this included the site now proposed. A condition is suggested to ensure that the matter is properly addressed and to safeguard construction workers.

**Secure By Design** - It is the stated intention that the new car park extension would be designed to achieve the "ParkMark" standard and that it would be intended that this be extended to the entire car park over time. An appropriate condition is suggested to ensure this happens.

**Sustainability** - The use of sustainable materials is emphasised in the applicants supporting statements and the use of a substantial Living Green Wall and additional landscaping and tree planting will all assist with integrating the development and enhancing the biodiversity of the site.

The proposed construction of the new main stair core will employ materials designed to minimise solar heat gain in summer and heat loss in winter, whilst the extensive glazing will minimise the need for artificial lighting. The proposal to install electric vehicle charging points is welcomed, but a condition is suggested to ensure that these are spread throughout the ground floor rather than being concentrated in one area.

### **KEY ISSUES/CONCLUSIONS**

The proposed extension to the multi-storey car park would be constructed on land entirely within the confines of the existing hospital site and is acceptable in principle. The extension is intended to address long standing issues relating to the level of car parking and access and is considered to be acceptable in terms of highways and parking policy. The design and appearance of the building would be acceptable in terms of its impact on the surrounding area and would maintain the legibility of the site for users. There are no anticipated adverse impacts arising from the development in terms of neighbouring amenity. It is accordingly recommended that planning permission be granted.

### **RECOMMENDATION**

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

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

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

Reason:-

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**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. Grampian Condition**

Prior to the first use of the car park extension hereby permitted which results in an increase in the number of car parking spaces on the hospital site beyond the 1,321 spaces which are currently available, a roundabout to serve the Rom Valley Way/Hospital Access junction designed to the latest standards and with an Inscribed Circular Diameter of not less than 40m, shall be provided.

Reason:-

To ensure that the junction of the Hospital access road and Rom Valley Way has sufficient capacity to accommodate increased levels of traffic, to ensure the free flow of traffic in order to comply with Policy DC32 of the LDF Core Strategy and Development Control Policies Development Plan Document.

**4. 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 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. Piling and Foundation Design**

Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority. Any request to use piling or penetrative methods shall be accompanied by a piling method statement which should demonstrate that there is no resultant unacceptable risk to groundwater, 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 ensure that any piling will be carried out appropriately and will not pose a risk to groundwater quality by creating a pathway for contamination to the underlying aquifer.

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**6. SC11 (Landscaping) (Pre Commencement Condition)**

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

**7. Green Wall Method Statement**

Within 3 months of the commencement of the development a method statement for the planting and maintenance of the Living Green Wall shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to first use of the car park extension and maintained in perpetuity thereafter.

Reason:-

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

**8. SC82 (External lighting) (Pre Commencement)**

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 amenity and in order that the development accords with the LDF Development Control Policies Development Plan Document Policies DC61 and DC63.

**9. Alterations to the Public Highway**

The proposed alterations to the Public Highway shall be submitted in detail for approval prior to the commencement of development. The alterations shall thereafter be carried out in accordance with the approved details.

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 DPD.

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**10. Highways Agreement**

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

Reason:-

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

**11. Car Parking Management Scheme**

Before the development is first used a car parking management scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall give details of the measures to be employed to ensure that vehicle queuing is minimised and how the limited time parking bays on the ground floor of the extension will be managed and enforced. The scheme shall be implemented as approved upon the commencement of the use of the car park and maintained thereafter.

Reason:-

In the interests of highway safety and to ensure proper management of the car park facility.

**12. Designing for Community Safety - Car Parking**

Prior to the commencement of the development hereby approved a scheme shall be submitted in writing providing details of how the car parking provided shall comply with Secured by Design standards. Once approved in writing by the Local Planning Authority in consultation with the Metropolitan Police Designing Out Crime Officers, the development shall be carried out in accordance with the agreed details.

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

**13. Fire Brigade Access**

Before any of the development hereby permitted is commenced a scheme for fire brigade access, demonstrating how access will be maintained to the fire track, how unauthorised access to it will be prevented, and how unauthorised parking in the area to the south of the new car park entrance will be prevented, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

Reason :-

In the interests of fire and public safety.

**14. SC59 (Cycle Storage)**

Prior to completion of the works hereby permitted, cycle storage for 50 cycles, 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:-



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**15. SC65 (Contaminated land condition No. 2) (Pre Commencement)**

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

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

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

c) A Phase III (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 procedures for dealing with previously unidentified 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 after remediation.

d) Following completion of measures identified in the approved remediation scheme mentioned in 1(c) above, a "Verification Report" that demonstrated 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 DC53.

**16. Previously Unidentified Contamination**

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 by 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 protect groundwater and to ensure that any previously unidentified contamination

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**17. Electric Vehicle Charging Points**

Within 3 months of the commencement of development a scheme for the provision of electric vehicle charging points shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the first use of the car park extension and maintained thereafter.

Reason:-

In the interests of providing a range of facilities for motor car users, in the interests of sustainability.

**18. SC63 (Construction Methodology) (Pre Commencement)**

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 and Management Statement to control the adverse impact of the development on the amenity of the visiting public, nearby occupiers and car users. 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.
- j) temporary access and parking arrangements for staff, the public and fire brigade

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

Reason:-

To protect residential amenity and for the convenience and safety of the public and staff, and in order that the development accords the Development Control Policies Development Plan Document Policy DC61.

**19. SC62 (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.

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### **20. SC57 (Wheel washing) (Pre Commencement)**

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.

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### **INFORMATIVES**

#### **1 Approval - No negotiation required**

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

#### **2 Fee Informative**

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

#### **3 Highways Informatives**

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

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

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

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<b>APPLICATION NO:</b>	<b>P1415.13</b>	
<b>WARD :</b>	St Andrew's	<b>Date Received:</b> 18th November 2013 <b>Expiry Date:</b> 13th January 2014
<b>ADDRESS:</b>	134 Upminster Road Hornchurch	
<b>PROPOSAL:</b>	Change of use from A1 use class Sandwich Shop to A5 use class Take Away Shop together with installation of extract duct at rear	
<b>DRAWING NO(S):</b>	Site Plan Block Plan 13.0184.01 13.0184.06 13.0184.03 13.0184.04 13.0184.05	
<b>RECOMMENDATION :</b>	It is recommended that <b>planning permission be GRANTED</b> subject to the condition(s) given at the end of the report given at the end of the report.	

### **CALL-IN**

The application is called in by Cllr Mylod on the grounds of impact to the amenities of local residents.

### **SITE DESCRIPTION**

The application site concerns the ground floor unit of No.134 Upminster Road which is currently operating as a A1 sandwich kiosk. It is part of a terraced 3 storey building which consists of 5 units on the ground floor with residential flats above. It is located to the south of Upminster Road and to the west of Upminster Bridge underground station.

It is part of Upminster Bridge minor local centre.

During site inspection it was noted that there are several parade of shops within close proximity of the application site which are also characterised by commercial units on the ground floor and residential units on the upper floors (No.1-6 Taybridge House). The rear of the site consists of a private road with access to the rear tyre storage and repair garage and parking.

### **DESCRIPTION OF PROPOSAL**

The application is sought for the change of use from A1 to take away (A5), and installation of extraction flue system to rear side of building.

The proposed opening hours are 7.15am (Revised from 6am)to 10pm each day on Monday Saturdays and 9am to 9pm on Sundays and Bank Holidays, it is proposed to have 1 part-time and 1 full time staff.

The only external alteration proposed within this application as mentioned is the extraction ventilation pipe which would be attached to the three storey flat roof rear projection. This would measure at 4.7 metres vertically and 0.5 metres projection from the rear wall on the first floor

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wall above the unit.

### **RELEVANT HISTORY**

No particular planning history related to this proposal and site.

### **CONSULTATIONS/REPRESENTATIONS**

53 notification letters were sent to neighbouring properties, 2 letters of objection and one petition with 21 signatures, is as summarised as follows;

- Likely to create traffic congestion
- Proposal would create noise

The above issues area addressed within the Highways and amenity of development paragraphs elsewhere in this report.

- Proposal would create litter, potential burden on police resources
- There is already too many A5 units within the area

The above issues are not a material planning consideration to determine this particular application, and may be dealt with outside the jurisdiction of development management.

Highways did not raise any objection to the proposal.

Environmental Health did not raise an objection to the proposal providing that a suitable condition be added for odour control

Food Safety- No objections subject to suitable odour condition

London Fire and emergency - No objections

London fire brigade Water team -No objections

### **RELEVANT POLICIES**

Policies CP17 (Design), DC16 (Core and fringe frontages in district and local centres), DC33 (Car parking), DC55 (Noise) and DC61 (Urban Design) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Documents are material planning considerations. In addition, Policies 6.13 (Parking) and 7.4 (Local character) of the London Plan and Chapters 7 (Requiring good design) and 8 of the National Planning Policy Framework are relevant.

### **MAYORAL CIL IMPLICATIONS**

The proposal would not be creating additional floor space, the CIL contributions would be zero.

### **STAFF COMMENTS**

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

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highways implications. 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**

Policy CP1 of the LDF states that outside town centres and the Green Belt, priority will be made on all non-specifically designated land for housing. The application proposes creation of a new residential unit on unallocated land. The proposal is considered to be acceptable in principle, in accordance with Policy CP1.

Weight should also be given to the NPPF which emerged recently in 2012, which states within paragraph 14;

'At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking'.

'Where the development plan is absent, silent or relevant policies are out of date, granting permission unless:

-- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole'

The application site falls within the Upminster Road South Minor Local Centre where Policy DC16 states that planning permission for retail uses (A1) and other uses appropriate to a shopping area (A2, A3, A4, A5) in the borough's Minor Local Centres will be granted at ground floor level.

Exceptions may be made where the applicant can demonstrate, through twelve months marketing information, that the premises have proved difficult to dispose of for any such use. All shop fronts in retail core and fringe areas must be active and maintain the impression of a visual and functional continuity to aid in enhancing the vitality of the town centre. Shop fronts located in Conservation Areas will be required to meet the guidelines within the Havering Conservation Areas Shopfront Design Guide Supplementary Planning Document.

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

For these reasons Staff consider that the proposal to be acceptable in principle in land use terms.

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

Policy DC61 seeks to ensure that all new developments are satisfactorily located and are of a high standard of design and layout. In this regard it is important that the appearance of any new development is compatible with the character of the local street scene and the surrounding area.

As mentioned above, the only external alteration proposed within this application as mentioned is the extraction ventilation pipe which would be attached to rear residential flat on the first floor.

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Any changes to the shop front or advertisements would be assessed by a separate application(s).

Following a site inspection, the rear of properties of this particular parade of shops, it is noted that there is an existing ventilation flue to the rear of Bamboo House takeaway and the end of the parade. Their flue is substantially larger than the one proposed. It is also noted that there are many existing flues to the rear of the A3 and A5 units listed above. Such proposal is considered to not be out-of-character or unique to the area.

The extract duct would be towards the rear of the premises and is considered small in comparison to other extract ducts approved throughout the Borough. As such, this part of the proposal would not be unacceptable when viewed from the street scene and would not have any impact in this respect. If permission were to be granted, a condition would be recommended requiring additional details of the extract equipment.

Considering the minor nature of the proposal in terms of size and scale, and is not within public view points, such installation is considered to be acceptable. Staff are satisfied that the development is considered to be acceptable and accords with the principles of Policy DC61.

### **IMPACT ON AMENITY**

Policy DC55 recognises that noise pollution can have a significant effect on someone's quality of life. Planning permission will not be granted if it will result in exposure to noise or vibrations above acceptable levels affecting a noise sensitive development such as all forms of residential accommodation.

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

With regard to the impact upon neighbouring properties consideration must be given to potential implications in terms of operating hours and noise and disturbance, particularly in view of the fact that the wider area is predominantly in residential use despite the relatively small parade with ground floor commercial uses, which includes the application site and across the road from the application site. Consequently, the use is in a relatively noise sensitive location

There has been objections from neighbours received in regards to noise. It is accepted by staff that A5 uses attract a high proportion of car-borne customers, who will generally seek to park as close as possible to the premises. In an area characterised by a number of residential properties, such as this, this can often lead to excessive disturbance to local residents by way of noise from additional vehicular activity.

There are several A3 restaurants and A5 takeaways on Upminster Road with residential properties directly above, and their opening times were noted;

No.99 Fish & Chip shop - A5 Unit to north side of Upminster Road (Everyday 12-2pm and 5pm-10.30pm)

No.107 Masala - (Everyday 5pm-10.30pm)

No.130 Bamboo House - A5 Unit which is on the same parade (Everyday 5pm-11pm)

No.140 Little India - A3 single storey Unit adjacent to the Underground station (Mon-Thur,

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Sunday 5pm-10.30pm and 11pm(Friday and Saturday))

No.199 Passage to India - A3 Unit to north side of Upminster Road (Everyday 12pm-2.30pm, 6pm-Midnight and 5.30pm-Midnight (Friday and Saturday))

It should also be noted that, the property to the rear is also a commercial premises which store and sells tyres and at.No128A Mini cab service, which has late night opening.

The proposed opening times for the A5 use would be 7.15am to 10pm Monday to Saturdays and 9am to 9pm on Sundays and Bank Holidays, this would exceed the existing opening hours of the existing sandwich/coffee shop.

Considering that many of the above units open later than proposed A5 opening time of 10pm at latest. Such proposed opening time is considered acceptable and not-out of-character to the area to create material harm to the nearby residents.

The opening hours were initially proposed from 6am opening, however this was considered that it may have an impact to the nearby residents and that other units in this area are not open at this time. A revised opening time at 7.15am is proposed, the applicant confirms that there would not be any deliveries or collections of stock prior to 8am and that they would be only selling breakfast items (rather than hot cooked food) such as coffee to customers which would be incidental to the commuters going to and from Upminster Bridge Underground station. The station opens from around 5.30am, which has an existing degree of noise from people and rail track that runs to the south and east of Upminster road.

It should be noted that there is the most of noise and disturbance would occur in the evenings where there is the potential for such uses to attract people who may be likely to congregate outside such premises. Such activity may be less intrusive during the day, the nature of an A5 use and their opening hours is such that this would take place during the evening which is already established that the proposed closing time would only be until 10pm at the latest and this would be conditioned to not be opened any later than this..

The extract duct in itself is not considered harmful to neighbouring amenity, provided that the applicant can comply with the proposed anti-vibration rubber mounts, carbon filters and the Catered Institution of Building Services Engineers (CIBSE) guidance.

The third floor on Taybridge House is set away from the facade of each elevation of the building, this recess, is the outdoor terraced area above the roof of the second floor. Such design, would mean that the proposed external flue would be set away at approximately 2-3 metres away from these windows. Furthermore, the design of the flue is designed to position its emissions to be released away from this terraced area towards the rear tyre garage area and is a minimum of 600mm away from the nearest windows.

Should the proposal be granted permission, the extraction ventilation system would be conditioned to require the applicant to submit detailed information about the specifications and mitigation measures for odours and noise to be approved by the LPA prior to the commencement of the proposed use. In addition to the above, it would also be conditioned to restrict the opening hours of 6.30 am to 10pm each day and to create noise levels to a minimum.

It is noted that the potential for additional noise to be created from the extractor system and the people within, entering and leaving the premises would increase. However, as it is considered that the resulting level of noise and disturbance would not be above and beyond that expected to



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emit from a commercial nature of Upminster Road, especially with the existing opening hours of the units listed above, the proposed change of use is considered acceptable subject to the above conditions. The development is considered to be acceptable and accords with the principles of Policies D16, DC55 and DC61.

### **HIGHWAY/PARKING**

It is noted that there were neighbouring objections in regards to additional traffic.

Due to the nature of a local takeaway, it is anticipated the majority of the customers to the proposed take-away is likely to come by foot, however a bus stop nearby adjacent to Hacton Lane which serves the local area to and from Romford is within close proximity metres from the application site if the potential customers would be travelling by bus.

The proposal would not impact on the existing parking arrangements. The extended day hours of operation of the unit would have a degree of increasing the amount of vehicular activity, however this would be spread across these extended hours rather than any concentrated period similar to a community use.

However considering that the proposed use is within a commercial parade, such proposed takeaway would likely to demand a similar amount of vehicular comings and going to the premises, but these would only be of a short term parking. As such, it is considered the proposal would not create would not have a major impact on traffic or parking requirements.

With the above taken into consideration and a no objection offered by the highways authority , it is considered that the proposal considered being acceptable and accords with the principles of Policy DC33.

### **KEY ISSUES/CONCLUSIONS**

Having regard to all relevant factors and material planning consideration staff are of the view that this proposal change of use and external flue would be acceptable. Staff are of the view that the proposal would not have an impact on the streetscene or result in a loss of amenity to neighbouring occupiers. The proposal is considered to be acceptable in all other respects and it is therefore recommended that planning permission be granted subject to conditions. The takeaway is therefore contrary to the Designing Safer Places SPD and Policies DC16, and DC61 of the LDF Core Strategy and Development Control DPD.

### **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)**

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**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. SC42 (Noise - New Plant) (Pre Commencement Condition)**

Before any works commence a scheme for the 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 property shall not exceed LA90-10B and shall be maintained thereafter to the satisfaction of the Local Planning Authority.

Reason:-

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

**4. SC49 (Waste disposal A3 uses) (Pre Commencement Condition)**

Before the uses 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. SC62 (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:-

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**30th January 2014**

**6. SC50 (Extract ventilation for A3 uses) (Pre Commencement)**

Before the use commences suitable equipment to remove and/or disperse odours and odorous material should be fitted to the extract ventilation system in accordance with a scheme to be designed and certified by a competent engineer and after installation a certificate to be lodged with the Planning Authority. Thereafter, the equipment shall be properly maintained and operated within design specifications during normal working hours.

The level of dispersion has been calculated based upon an estimation of intended use scale and nature of the business and has been determined as Discharging 1m above ridge at 15 m/s.

Odour control should be implemented as described in guidance issued by the environmental health department to the level required by the level of likely nuisance.

Reasons: 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. SC51 (Noise & vibration of A3 uses)(Pre Commencement)**

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 shall be effectively sealed to prevent the passage of odours through structure of the building to other premises and dwellings.

Reasons: 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.

**8. SC22 (Hours of operation) ENTER DETAILS**

The premises shall not be used for the purposes hereby permitted other than between the hours of 7:15 and 20:00 Mondays to Saturdays and 9.00 and 21.00 on Sundays and Bank Holidays without the prior consent in writing of the Local Planning Authority.

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

**9. SC58 (Refuse and recycling)**

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

Reason:-

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

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**INFORMATIVES**

## **REGULATORY SERVICES COMMITTEE**

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### **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 Approval - No negotiation required**

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

**REGULATORY  
SERVICES  
COMMITTEE**

**REPORT**

30 January 2014

**Subject Heading:**

P1290.13 – The Squirrels Public House, 420 Brentwood Road, Romford - Demolition of public house and construction of 7 x four bedroom houses and 2 x two bedroom flats (received 23/10/13; revisions received 31/10/13; 26/11/13)

**Report Author and contact details:**

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01708 432800

**Policy context:**

Local Development Framework  
The London Plan  
National Planning Policy Framework

**Financial summary:**

None

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

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

## SUMMARY

This planning application relates to the demolition of The Squirrels Public House and the construction of 7 no. 4-bedroom dwellings and 2 no. 2-bedroom flats. The planning issues include the principle of development, design and street scene impact, parking and highway matters and amenity issues. These issues are set out in detail in the report below. Staff consider the proposal to be acceptable. The application is recommended for approval subject to conditions and the applicant entering into a Section 106 Agreement.

## RECOMMENDATIONS

-That the committee notes that the 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 1026m<sup>2</sup>. This equates, at £20 per sq.m, to a Mayoral CIL payment of £20,520 (subject to indexation).

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

- A financial contribution of £54,000 to be used towards infrastructure costs and paid prior to the commencement of the development in accordance with the Planning Obligations Supplementary Planning Document.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 Agreement to the date of receipt by the Council.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the preparation of the Agreement, prior to completion of the Agreement, irrespective of whether the Agreement is completed.
- The Developer/Owner to pay the appropriate planning obligation/s monitoring fee prior to completion of the Agreement.

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

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

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

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

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

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

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

4. Parking standards: Before the development hereby permitted is first occupied, provision shall be made for 14 no. off-street car parking spaces 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.

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 Development Control Policies Development Plan Document Policy DC61.

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

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

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

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

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

**Reason:** To protect the visual amenities of the development and to prevent undue overlooking of adjoining properties and in order that the development accords with Policies DC61 and DC63 of the LDF Development Control Policies Development Plan Document.

9. External 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 prior to the first occupation of the development.

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

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

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

11. Landscaping Scheme: Prior to commencement, a landscaping plan shall be submitted showing all hard and soft landscaping. Once approved in writing by the Local Planning Authority, all planting, seeding or turfing shall be



carried out in the first planting season following completion of the development and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with other similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

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

12. 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, 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.

13. 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.

14. 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.

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

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

16. Obscure glazing: The proposed stairwell, hallway and bathroom windows to the ground and first floor flat overlooking the rear gardens shall be permanently glazed with obscure glass and with the exception of top hung fanlight(s) shall remain permanently fixed shut and thereafter be maintained to the satisfaction of the Local Planning Authority.

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

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

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

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

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

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

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

d) Following completion of measures identified in the approved remediation scheme mentioned in 1(c) above, a "Verification Report" that demonstrates the effectiveness of the remediation carried out, any

requirement for longer-term monitoring of contaminant linkages, maintenance and arrangements for contingency action, must be produced, and is subject to the approval in writing of the Local Planning Authority.

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

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

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

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

## INFORMATIVES

### 1. Fee Informative:

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

### 2. The 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. The Highway Authority requests that these comments are passed to the applicant. Any proposals which involve building over the public highway as managed by the London Borough of Havering, will require a licence and the applicant must contact StreetCare, Traffic & Engineering on 01708 433750 to commence the Submission/ Licence Approval process.

4. The developer, their representatives and contractors are advised that planning permission does not discharge the requirements under the New Roads and Street Works Act 1991, the Road Traffic Regulation Act 1984 and the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works) required during the construction of the development.
5. The applicant is advised that if construction materials are proposed to be kept on the highway during construction works then they will need to apply for a license from the Council.
6. With regards to surface water drainage it is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.
7. Community Safety - Informative:  
  
In aiming to satisfy condition 12 the applicant should seek the advice of the Police Designing Out Crime Officers (DOCOs). The services of the Police DOCOs are available free of charge and can be contacted via docomailbox.ne@met.police.uk or 0208 217 3813. It is the policy of the local planning authority to consult with the DOCOs in the discharging of community safety condition(s).
8. Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: Improvements required to make the proposal acceptable were negotiated and submitted, in accordance with para 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 1026m<sup>2</sup> which, at £20 per m<sup>2</sup>, equates to a Mayoral CIL payment of £20,520 (subject to indexation).

## REPORT DETAIL

### 1. Site Description

1.1 The application site is located on the southern side of Squirrels Heath Lane at the junction with Brentwood Road and Station Road. The site is occupied by a two storey detached building comprising a public house with residential accommodation above. To the south of the public house is a patron's car park. The character of the area surrounding the subject site is predominantly residential in nature. Indeed residential dwellings adjoin the site boundary to the east.

1.2 The application site is L-shaped, comprising 0.175ha with the plot itself measuring (at its maximum) 49m wide by 53m deep. The site is relatively level.

### 2. Description of Proposal

2.1 The proposal is for the demolition of the existing public house building and the construction of 7 no. four bedroom houses and 2 no. two bedroom flats.

2.2 The proposed development would be a terraced arrangement with the bulk of the proposal (5 houses) fronting onto Brentwood Road. The proposed flats would be situated on the corner of Brentwood Road and Squirrels Heath Lane with a further 2 dwellings adjacent, fronting Squirrels Heath Lane.

2.3 The dwellings would consist of a wc, living/dining room and kitchen at ground floor, 3 no. bedrooms and a bathroom at first floor and a bedroom in the loft space. The flats would consist of a living room/kitchen, bathroom and 2 no. bedrooms.

2.4 The proposed dwellings would have rear amenity areas ranging between 61m<sup>2</sup> and 70m<sup>2</sup>. The flats would have an amenity area to the rear of 26.8m<sup>2</sup> and a front garden area of 73m<sup>2</sup>. Two balconies, measuring approximately 1.74m<sup>2</sup> and 2m<sup>2</sup> respectively, would also be provided to the front elevation of the first floor flat.

2.5 Parking would be provided to the rear of the site and will be accessed by means of an existing 3.45m wide access road off Brentwood Road. Parking at the rear would be provided for 12 vehicles with an additional 2 spaces, 1 no. each to the two end units.

2.6 Bins for refuse and recycling are located within the front gardens of the dwellings and flats. Cycle storage would be provided in sheds in the rear gardens.

### **3. History**

3.1 No recent, relevant planning history.

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

4.1 Notification letters were sent to 70 neighbouring properties and 5 letters of representation were received of which 2 letters are objecting to the proposal on the following grounds:

- Loss of light to neighbouring flank windows
- Overdevelopment of the site
- Concerns with additional vehicle movement onto Squirrels Heath Lane and Brentwood Road
- Location of litter bins will cause unwanted litter in the area.
- Development would put existing infrastructure under further pressure.
- Cause additional parking problems

4.2 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 ground contamination, 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 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 public house 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.

6.2.2 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 107m<sup>2</sup> for a 4-bed 6-person 2-storey house and 70m<sup>2</sup> for a 2-bed 4-person flat. The proposal is in line with the recommended guidance and considered acceptable.

### *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 dwellings would have rear amenity areas ranging between 61m<sup>2</sup> and 70 m<sup>2</sup>. The flats would have an amenity area to the rear of 26.8m<sup>2</sup> and a front garden area of 73 m<sup>2</sup>. Balconies would also be provided to the front elevation of the first floor flat. Staff are of the opinion that the amenity space and 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 - 65 units per hectare (PTAL 3-4). The proposal would result in a density of approximately 51 units per hectare which is in line with the recommended density and therefore considered acceptable.



6.3.4 In terms of the general site layout, the application site itself is separated from neighbouring buildings with the nearest residential dwelling approximately 1.6m towards the east. To the north and west and the proposed buildings abuts Squirrels Heath Lane, Brentwood Road and Barnfield Walk respectively. It is considered that the proposed blocks would generally 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 Squirrels Heath Lane and Brentwood Road. 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 situated on the corner of Squirrels Heath Lane and Brentwood Road and would therefore have a presence within the streetscene. The surrounding area and the properties across the intersection from the application site consist of 3-storey flatted development with both pitched roof and flat roof designs. The proposed development would therefore not be out of keeping with the surrounding area. Also the proposed development would only be 50mm higher than that of the neighbouring dwelling at No. 2 Squirrels Heath Lane. The proposal is sufficiently set back from both Squirrels Heath Lane and Brentwood Road and would not be set forward of the building lines of structures along these two roads. Staff are of the opinion that due to the layout and positioning of the proposed buildings 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 the surrounding area. 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 east with the nearest residential property situated at No. 2 Squirrels Heath Lane, approximately 1.6m away. No windows are proposed to the eastern elevation of the development. No impact would therefore result in terms of overlooking. This neighbouring occupier has a first window serving a landing and a ground floor window serving a kitchen located in the western elevation. Staff do acknowledge that there would be some loss of light to the kitchen window at ground floor but consider any potential loss of light to be mitigated by the forward orientation of the proposed building in relation to the existing public house and the kitchen window now being in line with the rear building line of the proposed development. This forward orientation and the location of the neighbouring window is considered to sufficiently mitigate any unacceptable impact in terms of loss of light.
- 6.5.3 The proposal would be set approximately 1.1m forward of the building line of No. 2 Squirrels Heath Lane. Staff consider this forward orientation acceptable given the separation distance of 1.6m between the 2 buildings.
- 6.5.4 The proposal would be bordered by Squirrels Heath Lane, Brentwood Road and Barnfield Walk respectively to the north, west and south. The proposal would therefore be well removed from residential properties in these directions and would not result in an impact to neighbouring amenity.
- 6.5.5 In terms of vehicular activity and the proposed parking arrangement, Staff are of the opinion that 9 No. units would not give rise to an unacceptable level of vehicular activity, in comparison to the former use of the site as a Public House.
- 6.5.6 In terms of general noise and disturbance, it is not considered that the addition of 9 units 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 3 and therefore requires 1.5 - 1 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 unit 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 1026m<sup>2</sup> which equates to a Mayoral CIL payment of £20,520 (subject to indexation).

#### 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 areas would be to the front of the properties within an acceptable distance from the highway. Staff consider the refuse arrangements to be acceptable, without a vehicle having to enter into the site to collect it.

6.9.2 The proposed dwellings would front onto Brentwood Road and Squirrels Heath Lane and would therefore not require separate Fir Brigade access to the rear

#### 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 an unacceptable impact on loss of light. It is not considered that any highway or parking issues would arise as a result of the proposal.

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 23/10/13; revisions received 31/10/13 and 26/11/13.

**REGULATORY  
SERVICES  
COMMITTEE**

**REPORT**

30 January 2014

**Subject Heading:**

P1330.13 – 13 Burntwood Avenue, Emerson Park, Hornchurch - Demolition of the existing care home and the erection of 4 dwellings and an access road (outline application) (received 12/11/13)

**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 [ ]
- Valuing and enhancing the lives of our residents [x]
- Delivering high customer satisfaction and a stable council tax [ ]

**SUMMARY**

This report concerns an outline planning application for the demolition of the existing care home and the erection of 4 new dwellings 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.

Councillor Ramsey requested this application be called in to committee, on the grounds of its impact on surrounding properties and density. Councillor Ower requested this application be called in to committee, on the grounds of traffic implications and the local Emerson Park special Planning Policy.

<b>RECOMMENDATIONS</b>
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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. As scale is a reserved matter, there are no definitive gross internal floor areas for the dwellings, so the applicable fee is not known.

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

- A financial contribution of £24,000 to be used towards infrastructure costs in accordance with the Planning Obligations Supplementary Planning Document and Policy DC72.
- 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. 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 scale and 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. 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. Accordance with plans - The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans as listed on page 1 of this decision notice 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.

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 prior to first occupation of the development for residential purposes 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 the approved boundary screening measures shall be implemented prior to first occupation of the development for residential purposes 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. 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 development hereby approved 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.

14. Surfacing materials - Before any of the development hereby permitted is commenced, surfacing materials for the access road 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 uses of the access road 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.

15. Alterations to the 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 of the Core Strategy and Development Control Policies, namely CP10, CP17 and DC61.

16. 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.

17. Vehicular access – The approved development shall not be implemented until the developer has demonstrated to the Local Planning Authority that it can secure adequate vehicular access to and egress from the application site and thereafter the buildings shall not be occupied until a means of vehicular access has been constructed in accordance with the approved plans.

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

18. Precautionary bat survey - An internal survey of the building(s) for bats must be undertaken by a licensed bat worker prior to any demolition works.

Evidence that the survey has been undertaken in the form of an ecological report including any recommendations shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of demolition of the existing care home. The proposed development shall be implemented in accordance with the ecological report, including any recommendations.

**Reason:** To ensure compliance with the Habitats Regulations and the Wildlife & Countryside Act 1981 (as amended), Chapter 11 of the NPPF and [Policies DC58 & DC59 of the LDF]

19. Timing of demolition/vegetation clearance (breeding birds) - Demolition and/or removal of trees, hedgerows, shrubs, scrub or tall herbaceous vegetation shall be undertaken between September and February inclusive. If this is not possible then a suitably qualified ecologist shall check the areas concerned immediately prior to demolition and/or vegetation clearance works to ensure that no nesting or nest-building birds are present. If any nesting birds are present then the demolition and/or vegetation shall not be removed until the fledglings have left the nest.

**Reason:** All wild birds, their nests and young are protected during the nesting period under The Wildlife and Countryside Act 1981 (as amended), Chapter 11 of the NPPF and [Policies DC58 & DC59 of the LDF].

19. Preserved trees - No building, engineering operations or other development on the site, shall be commenced until a scheme for the protection of preserved trees (those protected by tree preservation orders) on the site has been submitted to and agreed in writing by the Local Planning Authority. Such scheme shall contain details of the erection and maintenance of fences or walls around the trees, details of underground measures to protect roots, the control of areas around the trees and any other measures necessary for the protection of the trees. Such agreed measures shall be implemented before development commences and kept in place until the approved development is completed to the satisfaction of the Local Planning Authority.

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

21. 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.

#### 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 promoting the delivery of safer, stronger, sustainable places the Local Planning Authority fully supports the adoption of the principles and practices of the Secured by Design Award Scheme and Designing against Crime. Your attention is drawn to the free professional service provided by the Metropolitan Police Designing Out Crime Officers for North East London, whose details can be found by visiting <http://www.securedbydesign.com/professionals/details.aspx?forcecode=met>. They are able to provide qualified advice on incorporating crime prevention measures into new developments.

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.

6. 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.

#### 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 Ramsey requested this application be called in to committee, on the grounds of its impact on surrounding properties and density. Councillor Ower requested this application be called in to committee, on the grounds of traffic implications and the local Emerson Park special Planning Policy.

### 2. Site Description:

- 2.1 The application site comprises of a former care home entitled Saint Mary's Convent, which is located on the northern side of Burntwood Road, Emerson Park. There are residential properties surrounding the site. There is a Tree Preservation Order - TPO 8-71, which applies to the site. The application site lies within Sector 6 of the Emerson Park Policy Area.

### 3. Description of development:

- 3.1 The application is for demolition of the existing care home and the erection of four dwellings and an access road. The development consists of two detached dwellings located on a north to south axis in the northern part of the site and two detached dwellings that would front onto Burntwood Road on the southern part of the site. The access road would be located adjacent to the western boundary of the site. The application is for outline permission seeking approval for access and layout. Appearance, landscaping and scale are reserved matters.

### 4. Relevant History:

- 4.1 No relevant planning history.

### 5. Consultations/Representations:

- 5.1 The occupiers of 29 neighbouring properties were notified of this proposal. One letter of support was received. Eight letters of objection were received, (including one from the Emerson Park & Ardleigh Green Residents' Association), with detailed comments that have been summarised as follows:
- This infill development will not produce plot sizes equivalent to surrounding properties.
  - Increase in density.
  - St Mary's Convent is an established part of the heritage of Burntwood Avenue and the wider Emerson Park and given its size, appearance and attractiveness, any development to replace it should be of equal stature and style. Two large properties fronting Emerson Park would be an ideal replacement and consistent with the streetscene. The introduction of a service road fronting Burntwood Avenue to the properties at the rear is not in keeping with this.

- There is no demand for an increase in housing stock in Emerson Park.
- The impact of the proposal on the trees in the site.
- Requested that TPOs be attached to four mature woodland trees along the front boundary and a Scots pine further back.
- Two properties in the centre and rear of the current garden would have a detrimental impact on the openness of the area and impact the surrounding properties.
- This is a back garden development and cannot be acceptable in principle.
- The proposal is contrary to paragraph 53 of the NPPF and the Emerson Park Policy Area SPD.
- Traffic noise, disturbance and pollution in the rear garden.
- Loss of amenity including loss of privacy.
- Flooding.
- Overlooking including level differences.
- Reference was made to a planning application at 44 Herbert Road.
- The houses at the back of the site are out of scale and character in respect of their setting, orientation and plot sizes.
- The frontages to each house are 18m which is far below the required 23m and is not similar to other dwellings in the road.
- Fire Brigade access.
- Access and highway safety.
- Parking.
- The convent is a longstanding landmark in the area.
- Noise and inconvenience during construction.
- The dwellings to the front of the site would appear cramped.
- Would set an undesirable precedent.
- Impact on birds and wildlife.
- Impact on local amenities.
- It is suggested that there should only be two dwellings on the site.
- The plan is out of date as it doesn't take into account planning applications for 11 Burntwood Avenue.
- Loss of light.

5.2 In response to the above, the site is not in a Flood Risk Zone. Each planning application is determined on its individual planning merits. Noise and disturbance during construction can be addressed by appropriate planning conditions 9 and 10. The impact on trees and wildlife can be addressed by appropriate planning conditions 18, 19 and 20. Five large trees at the front of the site (two horse chestnuts, a beech, an oak and a scots pine are subject to a Tree Preservation Order (TPO 8/71). The remaining issues are addressed in the following sections of this report.

5.3 The Fire Brigade is satisfied with the proposals.

5.4 The Highways Authority has not objection to the proposals. Secure cycle parking facilities should be provided for a minimum of two bicycles for three or more bedroom homes.

5.5 English Heritage has concluded that the proposal is unlikely to have a significant effect on heritage assets of archaeological interest.

5.6 Essex and Suffolk Water – Existing apparatus does not appear to be affected by the proposed development. There is no objection to the proposed development. Consent is given to this development on the condition that a new water connection is made onto our Company Network for each new dwelling for revenue purposes.

## 6. **Staff Comments:**

6.1 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), DC55 (Noise), DC61 (Urban Design), DC62 (Access), DC63 (Delivering Safer Places), DC69 (Other areas of special townscape or landscape character) 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, the Emerson Park Policy Area 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.

## 6.2 **Principle of Development**

6.2.1 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. There is no objection in principle to the demolition of St Mary's Convent, which has been vacant since December 2012. The proposal is therefore acceptable in principle and in accordance with Policy CP1 and Policy 3.3 of the London Plan and National Planning Policy Framework which seeks to increase London's housing supply.

## 6.3 **Density and site layout**

6.3.1 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 a minimum of approximately 598 to a maximum of 1166 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.

- 6.3.2 The remaining area within the development is largely hard surfacing and consists of the access road and parking provision. It is considered that the layout of the site is acceptable.
- 6.3.3 The site is located within Sector 6 of the Emerson Park Policy Area. The Emerson Park Policy Area SPD states that new dwellings in this sector will be limited to infill development of existing frontages at plot sizes equivalent to immediately surrounding properties. Redevelopment will not be permitted where it will materially increase the existing density of the immediately surrounding area. Proposals will be of detached, single family, large and architecturally varied dwellings and provide a minimum plot width of 23m which should be achieved at both the road frontage and building line.
- 6.3.4 Based on the site layout plan, the proposed dwellings would be detached, large architecturally varied dwellings which adheres to the Emerson Park Policy Area SPD. The dwelling fronting Burntwood Avenue to the west of the site would have a plot width of 20 metres at the road frontage and 22.5 metres at the building line. It is considered that the plot width of this dwelling would not be materially harmful to the open and spacious character of Emerson Park, as the access road and landscaped area would provide a separation distance of approximately 9.5 metres from the western boundary of the site. Also, Staff consider that a plot width of 22.5 metres at the building line for this dwelling would ensure a sufficient degree of spaciousness in the site.
- 6.3.5 The dwelling fronting Burntwood Avenue to the east of the site would have a plot width of 22.5 metres at the road frontage and building line. Staff consider that the shortage of 0.5 metres for the plot widths at the building line of these two dwellings would not result in material harm to the character and appearance of the surrounding area, when viewing the proposal as a whole and taking into account the width of the access road and landscaped area adjacent to the western boundary of the site.
- 6.3.6 The two dwellings to the north of the site would have a minimum plot width of approximately 27.5 and 34 metres, which adheres to the Emerson Park Policy Area SPD.
- 6.3.7 In this case, existing local character is drawn largely from large detached two storey dwellings. It is noted that the dwellings on the northern side of Burntwood Avenue have a plot depth of approximately 70 metres. The dwellings on the southern side of Burntwood Avenue opposite the application site (No.'s 10-16) have a plot depth of between approximately 51 and 62 metres. The proposed dwellings fronting Burntwood Avenue have a plot depth of between approximately 65 to 68 metres which is comparable with the neighbouring dwellings in the vicinity of the site and is considered to be acceptable.
- 6.3.8 The two dwellings to the north of the site are located at 90 degrees to the dwellings to the south and have a plot depth of approximately 45 and 51



metres. It is considered that the plot depth of these two dwellings is acceptable as they are located in the context of the properties in Porchester Close and Tall Trees Close that adjoin to the rear of the site, which have plot depths of approximately 40 and 55 metres.

- 6.3.9 The proposed dwellings fronting Burntwood Avenue and to the north of the site would have a separation distance of 2 and 3 metres at ground and first floor from the common party boundaries respectively, which adheres to the Emerson Park Policy Area SPD.

#### **6.4 Design/impact on street/Garden scene**

- 6.4.1 The application would comprise the demolition of St. Mary's Convent. While the building appears to be in a structurally sound condition, it is not of any particular architectural or historic merit and no in principle objection is therefore raised to its demolition.

- 6.4.2 Landscaping is a reserved matter. A tree survey has been submitted with this application and the plans show the trees to be retained. It is considered that the proposal can achieve an acceptable level of landscaping given the proposed layout.

- 6.4.3 Scale is a reserved matter. It is considered that the footprint and siting of the dwellings are acceptable.

- 6.4.4 Appearance is a reserved matter. It is deemed possible to construct dwellings that would be appropriate.

#### **6.5 Impact on amenity**

- 6.5.1 No. 15 Burntwood Avenue has two ground floor flank windows adjacent to the eastern boundary of the site. One serves a garage and is not a habitable room and the other serves a W.C. It is considered that the proposed dwelling adjacent to the eastern boundary of site would not result in a significant loss of amenity to No. 15 Burntwood Avenue, as it would be located 2 metres from this common boundary. It is noted that No. 15 Burntwood Avenue has a substantial single storey rear projection comprising of a swimming pool enclosure and its double garage is located adjacent to the eastern boundary of the site, which will help to mitigate the impact of the proposal and Staff consider that this relationship is acceptable.

- 6.5.2 It is considered that the proposal would not result in a significant loss of amenity to No. 11 Burntwood Avenue, as there would be a flank to flank distance of approximately 26 metres between the western flank of the proposed dwelling located adjacent to the access road and the eastern flank of 11 Burntwood Avenue. It is noted that planning permission has been granted for a granny annexe to the rear of No. 11 Burntwood Avenue (application P0765.13), which has not been implemented. It is considered that the proposal would not result in a significant loss of amenity to the granny annexe, as it would be located 3.5 metres from the eastern boundary of the site and does not have any windows on its eastern flank wall. There is a

timber paling fence along the eastern boundary of No. 11 Burntwood Avenue, which provides some screening. A Certificate of Lawfulness has been granted for an outbuilding to the rear of 11 Burntwood Avenue (application D0085.13), which has not been implemented. It is considered that the proposal would not result in a significant loss of amenity to the outbuilding, as it would be located 3 metres from the eastern boundary of the site and does not have any windows on its eastern flank wall.

- 6.5.3 It is considered that the proposal would not result in a significant loss of amenity to No. 3 Tall Trees Close, as there is a separation distance of approximately 41 metres between the two storey rear façade of this neighbouring property and the front façade of the proposed dwelling adjacent to the northern boundary of the site. There are some mature trees adjacent to the eastern boundary of No. 3 Tall Trees Close, which would provide some screening. Given this separation distance, Staff consider that this relationship is acceptable.
- 6.5.4 It is considered that the proposal would not result in a significant loss of amenity to No. 4 Porchester Close, as there would be a separation distance of approximately 16 metres between the flank of the dwelling to the north of the site and the southern boundary of this neighbouring property. There are some mature trees adjacent to the southern boundary of No. 4 Porchester Close, which would provide some screening. Given this separation distance, Staff consider that this relationship is acceptable.
- 6.5.5 It is considered that the proposal would not result in a significant loss of amenity to No. 22 Woodlands Avenue, as there would be a separation distance of approximately 64 metres between the rear façade of this neighbouring property and the northern boundary of the application site. There are some mature trees adjacent to the southern boundary of No. 22 Woodlands Avenue, which would provide some screening. Given this separation distance, Staff consider that this relationship is acceptable.
- 6.5.6 It is considered that the proposal would not result in a significant loss of amenity to No. 6 Porchester Close, as there would be a separation distance of approximately 29 metres between the western flank of this neighbouring property and the rear façade of the dwelling to the north of the application site. Given this separation distance, Staff consider that this relationship is acceptable.
- 6.5.7 Overall, no harmful levels of overshadowing or overlooking are considered to occur as a result of the proposed dwellings.
- 6.5.8 From a noise and disturbance perspective, the siting of the access drive enables the provision of a landscaped buffer strip adjacent to the western boundary of the site. This will help to absorb any noise and light spillage resulting from vehicles using the drive and turning head. The provision of appropriate fencing together with a landscaping scheme would also afford reasonable protection to those who live adjacent to the site from the more active use of the site. It is considered that the use of the access road and turning head would not result in undue noise and disturbance as it serves two

dwellings. When considering the merits of this application, it is considered that the proposal would not give rise to high levels of noise and general disturbance in comparison with the former use of the site as a care home.

6.5.9 It is therefore considered that the layout and access 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 Highway/parking issues**

6.6.1 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 of 2 spaces per unit. The proposal would provide two parking spaces per dwelling, which is deemed to be acceptable.

6.6.2 The proposal includes the provision of an access road with a width of between 3.5 and 6 metres, with a turning head at the northern end, which is suitable to allow refuse and emergency vehicles to enter and egress in forward gear. The majority of the access road is sufficient to provide two lanes of traffic except where it tapers adjacent to a Sycamore tree (that is subject to a Tree Preservation Order) where the road narrows to a single lane. The access road begins to taper approximately 45 metres from the existing site entrance, which would not impede traffic flow for vehicles entering and exiting the site. The Highway Authority has no objection to the proposals.

6.6.3 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.

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 Other Issues**

6.7.1 Policy DC58 states that biodiversity and geodiversity will be protected and enhanced throughout the borough by not granting planning permissions which would adversely affect priority species/habitats identified either in the London or Havering Biodiversity Action Plans unless the economic or social benefits of the proposals clearly outweigh the nature conservation importance of the site and only then if adequate mitigation measures to secure the protection of the species/habitat can be provided and no alternative site is available

6.7.2 Ecological and tree surveys were submitted. It is concluded that bats are not considered to be currently roosting within any of the buildings on site. The Council's Regeneration Officer has no objection to the proposal and has recommended two conditions if minded to grant planning permission – one

regarding an internal survey of the building for bats before any work takes place and one regarding the timing of demolition/vegetation clearance in respect of breeding birds.

6.7.3 The Council's Tree Officer has no objection to the proposal. There are a large number of trees on the site, many of which are the subject of tree preservation order 8/71. The most important trees are the 5 large trees at front of the site, (2 Horse Chestnuts, a beech an oak and a scots pine). These are protected by the above order and are shown as retained on the proposed scheme. Some trees are in poor condition and in need of remedial tree surgery. Even though trees to the rear of the site have no public amenity value, as many trees as possible (both TPO's and non-TPO'd) should be retained throughout the site to help screen any new development to benefit local amenity and wildlife. It is suggested that existing trees are enhanced by new plantings so as to benefit long term tree cover. This should be capable of being addressed at the reserved matters stage. If minded to grant planning permission, a condition will be placed regarding the protection of the preserved trees.

6.7.4 It is considered that the proposal would not adversely affect neighbouring properties in terms of flooding, as the site is not located in a Flood Risk Zone.

## **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. A CIL form was submitted with the application. As scale is a reserved matter, there are no definitive gross internal floor areas for the dwellings, so the applicable fee is not known.

## **8. Planning Obligations**

8.1 A Section 106 Legal Agreement is required to secure a financial contribution of £24,000 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 residential development. It is considered that the layout and access of the dwellings proposed is compatible with the prevailing 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 £24,000 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 12/11/2013.

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**

30 January 2014

**Subject Heading:**

**P1430.13 – Land to the rear of No.179  
Cross Road, Romford**

**Report Author and contact details:**

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

**Policy context:**

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

**Financial summary:**

**None**

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

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

## **SUMMARY**

This planning application was brought before Members on the 19 December, 2013. That committee report is attached (Appendix A). Members resolved to approve the application subject to conditions, the completion of a legal agreement, and no adverse comments being received prior to the expiration of the statutory consultation period. Objections have been received from neighbouring occupiers since the last committee meeting, some of which raise material considerations that were not addressed in the last committee report.

## **RECOMMENDATIONS**

(A)

That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable fee would be £11,800. This is based on the creation of 590sqm of new gross internal floor space.

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

- The sum of £30,000 towards the costs of infrastructure associated with the development to be paid prior to commencement of the development in accordance with the draft Planning Obligations SPD;
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council;
- The Council's reasonable legal fees for shall be paid prior to completion of the agreement and if for any reason the agreement is not completed the Council's reasonable legal fees shall be paid in full;
- The Council's planning obligation monitoring fees shall be paid prior to completion of the agreement.

That 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.

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

3. Car parking - Before the building(s) hereby permitted are first occupied, the areas set aside for car parking shall be laid out and surfaced to the satisfaction of the Local Planning Authority. The parking areas shall be retained permanently thereafter for the accommodation of vehicles associated with the proposal's future occupiers, and shall not be used for any other purpose.

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

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

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

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

season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

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

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

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

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

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

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

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

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

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

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

**Reason:** To protect residential amenity and in order that the development accords with the LDF 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 authority; siting and design of temporary buildings;
- g) scheme for security fencing/hoardings, depicting a readily visible 24-hour contact number for queries or emergencies;
- h) details of disposal of waste arising from the construction programme, including final disposal points. The burning of waste on the site at any time is specifically precluded;
- i) wheel wash facilities to prevent mud and other debris being tracked into the public highway.

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

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

12. 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.

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

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

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

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

15. Highways No development shall otherwise take place until the vehicular/pedestrian/cycle access has been constructed in accordance with the approved plans.

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

Or (B)

In the event that the Section 106 agreement is not signed and completed by the 30<sup>th</sup> March, 2014, that planning permission be refused on the grounds that the proposal does not make adequate arrangements for the provision for meeting the necessary infrastructure costs arising from the development.

## **INFORMATIVES**

1. The Highway Authority requires the Planning Authority to advise the applicant that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted, considered and agreed. The Highway Authority requests that these comments are passed to the applicant. Any proposals which involve building over the public highway as managed by the London Borough of Havering, will require a licence and the applicant must contact StreetCare, Traffic & Engineering on 01708 433750 to commence the Submission/ Licence Approval process.
2. Should this application be granted planning permission, the developer, their representatives and contractors are advised that this does not discharge the requirements under the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. Formal notifications and approval will be needed for

any highway works (including temporary works) required during the construction of the development.

3. In aiming to satisfy condition 9 above, the applicant should seek the advice of the Borough Crime Prevention Design Advisor. He can be contacted through either via the London Borough of Havering Planning Control Service or Romford Police Station, 19 Main Road, Romford, Essex, RM1 3BJ.

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.

### 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

1.1 This planning application was brought before Members on the 19<sup>th</sup> December, 2013. That committee report is attached (Appendix A). Members resolved to approve the application subject to conditions, the completion of a legal agreement, and no adverse comments being received prior to the expiration of the statutory consultation period. Objections have been received from neighbouring occupiers since the last committee meeting, some of which raise material considerations. This report will consider each of the material considerations raised.

1.2 Five letters of objection have been received from neighbouring occupiers since the 19<sup>th</sup> December. The following comments have been received, in addition to those referred to, by means of an update, at the last planning committee meeting. An officer response will be detailed in relation to each comment made. Only comments raising material considerations will be discussed.

- a) *The proposal would result in a significant loss of amenity, owing to loss of light, outlook, and privacy to properties located along Cross Road.*

This matter was considered in the previous committee report (Appendix A.) It is considered that the proposal, given its siting in relation to neighbouring properties, along with its scale and design, would not result in any significant adverse impacts on the amenities of neighbouring occupiers, in terms of loss of light, overlooking, or outlook. Moreover, the appeal decision referred to in Appendix A, relating to the refusal of a previous scheme for six units, did not cite these matters as a reason for refusing that application.

- b) *The proposal would give rise to significant noise impacts owing to increased vehicle movements.*

As discussed in the report at Appendix A, and previously considered by Members, it is considered that the frequency of vehicle movements resulting from the creation of four residential units would not significantly harm neighbouring occupiers. This matter is considered in detail at paragraph 6.4.6 of the report at Appendix A.

- c) *The proposed refuse storage point would be visible from a neighbouring property.*

The details of the proposed refuse storage point and boundary treatment have yet to be approved and would be the subject of proposed conditions. The same objection was raised in relation to a previously refused scheme for six units at the site, however, the subsequent appeal decision did not cite this issue as a reason for refusal in that case.

- d) *The proposal would be harmful to the Green Belt.*

This matter is considered under section 6.3 of Appendix A. It is considered that the proposal would not result in any significant harm to the visual amenities of the Green Belt. Moreover, the appeal decision associated with the previously refused scheme for six units, did not cite this matter as a reason for refusal.

- e) *The proposed bicycle storage area could become a congregation area.*

It is considered unlikely that future occupiers of the proposal would congregate around the bicycle store and, by doing so, cause a nuisance to neighbouring occupiers.

- f) *The proposal would increase flood risk in the local area.*

This matter was considered in detail in section 6.5 of Appendix A. The Environment Agency have raised no objections in relation to flood risk, and it is considered that the proposal is acceptable in this regard. The afore mentioned appeal did not raise this matter as a reason for refusal.

- g) *The proposal would give rise to significant parking problems.*

This matter was considered in section 6.6 of Appendix A. The Highway Authority has raised no objections in relation to the proposed provision of vehicle parking and the proposed ratio of parking provision was not considered to constitute a reason for refusal at the afore mentioned appeal.

- h) *The proposal would be harmful to the character of the area and therefore contrary to Policy DC61 of the LDF.*

This matter was discussed in section 6.3 of Appendix A.

- i) *The proposal would constitute inappropriate development of a rear garden environment contrary to the guidance contained in the NPPF.*

Whilst the definition of previously developed land, contained in the NPPF, no longer includes residential curtilage, this does not mean that the development of rear gardens is inappropriate in principle.

Paragraph 53 of the NPPF states that:

*“Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example, where development would cause harm to the local area.”*

It is considered that the proposal would not result in an inappropriate or harmful redevelopment of a garden environment. The proposal has been considered on its own merits in relation to all of the material considerations, including the impacts on residential amenity and local character. The proposed development is considered acceptable in principle, having regard to the guidance contained in the NPPF and the Policies contained in the LDF. Moreover, the aforementioned appeal decision relating to a scheme for six units, did not cite this matter as a reason for refusal.

- j) *The proposal should be in accordance with the Lifetime Homes requirements of Policy DC7 of the LDF.*

Policy DC7 is not applicable in this case as the proposal is for less than 15 dwellings, on a site that is less than 0.5ha in area.

- 1.3 Having considered these additional material considerations, officers continue to consider the proposal to be acceptable and that a recommendation for approval is appropriate in this case.



**APPENDIX A**

**19<sup>th</sup> December, 2013**

**REGULATORY  
SERVICES  
COMMITTEE**

**REPORT**

**Subject Heading:**

**P1430.13 – Land to the rear of No.179  
Cross Road, Romford**

**Residential development to provide 4 x  
3 bedroom houses. Demolition of the  
existing dwelling and garage to the  
front of the site. (Application received  
20<sup>th</sup> November 2013.)**

**Report Author and contact details:**

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

**Policy context:**

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

**Financial summary:**

**None**

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

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

## SUMMARY

This planning application proposes the demolition of an existing dwelling and the erection of a two storey terrace of four houses, on land to the rear of No.179 Cross Road, Romford. The proposal would include a parking area, private and communal amenity spaces, cycle storage, and bin refuse/recycling storage. The proposal is considered to be acceptable, having regard to the Development Plan and all other material considerations. Officers therefore recommend approval subject to conditions and the completion of a legal agreement.

## RECOMMENDATIONS

(A)

That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable fee would be £4,720. This is based on the creation of 236sqm of new gross internal floor space.

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

- The sum of £18,000 towards the costs of infrastructure associated with the development in accordance with the Planning Obligations SPD;
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council;

- The Council's reasonable legal fees for shall be paid prior to completion of the agreement and if for any reason the agreement is not completed the Council's reasonable legal fees shall be paid in full;
- The Council's planning obligation monitoring fees shall be paid prior to completion of the agreement.

That, subject to no new and significant adverse comments being received prior to the expiration of the statutory consultation period, should material considerations be raised which were not considered by members prior to the expiry of the statutory consultation period the report with the additional material considerations be remitted back to the Regulatory Services Committee for further consideration, officers subject to the foregoing be authorised to enter into a legal agreement to secure the above and upon completion of that agreement, grant planning permission subject to the conditions set out below.

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

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

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

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

3. Before the building(s) hereby permitted are first occupied, the areas set aside for car parking shall be laid out in accordance with the approved plan, received on 10<sup>th</sup> December 2013 and referenced "PA-04", and surfaced to the satisfaction of the Local Planning Authority. The parking areas shall be retained permanently thereafter for the accommodation of vehicles associated with the proposal's future occupiers, and shall not be used for any other purpose.

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

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

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

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

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

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

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

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

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

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

carried out in accordance with the agreed details and the boundary treatment retained thereafter.

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

9. No construction works or construction related deliveries into the site shall take place other than between the hours of 08.00 to 18.00 on Monday to Friday and 08.00 to 13.00 hours on Saturdays unless agreed in writing with the local planning authority. No construction works or construction related deliveries shall take place on Sundays, Bank or Public Holidays unless otherwise agreed in writing by the local planning authority.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14. The buildings shall not be occupied until the vehicular/pedestrian/cycle access has been constructed in accordance with the approved plans.

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

Or (B)

In the event that the Section 106 agreement is not signed and completed by the 15<sup>th</sup> January, 2014, that planning permission be refused on the grounds that the proposal does not make adequate arrangements for the provision of the necessary infrastructure costs arising from the development in accordance with the Planning Obligations SPD.

## **INFORMATIVES**

1. The Highway Authority requires the Planning Authority to advise the applicant that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted, considered and agreed. The Highway Authority requests that these comments are passed to the applicant. Any proposals which involve building over the public highway as managed by the London Borough of Havering, will require a licence and the applicant must contact StreetCare, Traffic & Engineering on 01708 433750 to commence the Submission/ Licence Approval process.
2. Should this application be granted planning permission, the developer, their representatives and contractors are advised that this does not discharge the requirements under the New Roads and Street Works Act 1991. Road Traffic Regulation Act 1984 and the Traffic Management Act 2004. Formal

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

3. In promoting the delivery of safer, stronger, sustainable places the Local Planning Authority fully supports the adoption of the principles and practices of the Secured by Design Award Scheme and Designing against Crime. Your attention is drawn to the free professional service provided by the Metropolitan Police Designing Out Crime Officers for North East London, whose details can be found by visiting <http://www.securedbydesign.com/professionals/details.aspx?forcecode=met> They are able to provide qualified advice on incorporating crime prevention measures into new developments.
4. Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.

## Planning Obligations

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

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

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

- 1.1 The site is a 0.1ha area of land comprising a two storey, pitch roofed, detached dwelling and its curtilage, at No. 179 Cross Road, Romford. The Site forms an L-shape with its northern and southern boundaries adjoining neighbouring residential properties; its western boundary lying adjacent to open fields, designated as Green Belt; and its eastern boundaries abutting neighbouring residential properties and the public highway.



- 1.2 The Site is located in a residential area, approximately two miles to the north west of Romford Town Centre, and to the south west of the district centre of Collier Row. The area is generally characterised by two-storey, pitch roofed dwellings, however, there are examples of other building types including post war and more recent flatted development. A number of similar, “back land” residential developments have been approved in the local area.

## **2. Description of Proposal**

- 2.1 This planning application proposes the demolition of an existing, detached dwelling, and the provision of an access road off its southern elevation, allowing vehicular access to the rear curtilage. A new terrace of four houses would be constructed at the western end of the Site, in what is currently the rear curtilage of the existing dwelling.
- 2.2 The proposed dwellings would be two storeys in height, with pitched roofs, and first floor balconies to the rear. Private amenity spaces would be provided to the rear, or west, of the dwellings. A modest area of communal amenity space would be provided to the front of the proposed units, within the car park. The proposal would include a parking area with nine spaces, along with a bin storage area, cycle store, and landscaping.

## **3. Relevant History**

- 3.1 The following planning decisions are of particular relevance to the proposal:

P1480.12 - Residential development to provide 6 x 2 bedroom flats. Demolition of the existing dwelling and garage to the front of the site – Members resolved to refuse the application on 22<sup>nd</sup> February, 2013 for the following reasons:

- 1) *It is considered that the proposal would, by reason of its excessive bulk and intrusive impact in the rear garden scene, have a significant adverse impact on the outlook and amenity of neighbouring properties, contrary to Policy DC61 of the Core Strategy and Development Control Policies DPD.*
- 2) *It is considered that the proposal would result in a harmful degree of noise and vehicular disturbance caused by traffic using the proposed access road. The proposal would therefore be detrimental to the amenity of neighbouring occupiers, contrary to Policy DC61 of the Core Strategy and Development Control Policies DPD.*
- 3) *It is considered that the proposal would, by reason of its scale and bulk, result in a significantly harmful impact on the setting of the adjacent Green Belt, contrary to Policy DC61 of the Core Strategy and Development Control Policies DPD and the guidance contained in the National Planning Policy Framework.*

A subsequent appeal (Reference: APP/B5480/A/13/2197383) was dismissed by the Planning Inspectorate on the grounds that the use and movement of vehicles associated with six 2-bed flats would result in significant adverse impacts on the amenities of neighbouring occupiers.

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

4.1 Neighbour notification letters have been sent to 33 local addresses. No representations have been received, although the public consultation period does not expire until 24<sup>th</sup> December, 2013. Members will be given an update during the committee meeting.

4.3 Comments have also been received from the following:

The Environment Agency  
Consultation response discussed under Section 6.5 of this report. No objections.

Essex & Suffolk Water  
No objections.

Thames Water  
No objections.

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

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

Highway Authority  
No objections; conditions and informatives recommended.

#### **5. Relevant Policies**

##### 5.1 National Planning Policy

National Planning Policy Framework (“the NPPF”)

##### 5.2 Regional Planning Policy

The London Plan July 2011 is the strategic plan for London and the following policies are considered to be relevant: 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 3.8 (housing choice), 3.9 (mixed and balanced communities), 5.12 (flood risk management), 5.13 (sustainable drainage), 6.9 (cycling), 6.10 (walking), 6.13 (parking), 7.3 (designing out crime), 7.4 (local character), 7.6 (architecture), 7.8 (heritage assets and archaeology),

7.14 (improving air quality), 7.15 (reducing noise and enhancing soundscapes), and 8.2 (planning obligations).

### 5.3 Local Planning Policy

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

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

## **6. Staff Comments**

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

### **6.2 Principle of Development**

6.2.1 Policy CP1 of the LDF states that outside town centres and the Green Belt, priority will be made on all non-specifically designated land for housing. The application proposes the erection of new housing on unallocated land. The proposal is considered to be acceptable in principle, in accordance with Policy CP1.

### **6.3 Design Considerations**

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

6.3.2 The site is located in a broadly residential area comprising a range of house types, including traditional, two storey, pitched roof dwellings, along with larger scale flatted development. The proposal would be conspicuous from the Green Belt, however, given that it would be set against the existing built-up form that is visible from the west, it is considered that the proposal would not be harmful to the visual amenities of the Green Belt.

6.3.3 The application proposes a more traditional form of design and construction, employing a pitched roofed form and the use of brick and roof tiles for the exterior construction materials. The design of the proposal is considered to be in keeping with the character and context of the surrounding area, which is characterised by a mix of house types. The proposed use of balconies in the rear elevation would not be visible within the street scene or from

neighbouring residential properties. It is recommended that a condition be imposed requiring the approval of cladding materials.

- 6.3.4 Landscaping proposals have been submitted with the application indicating an acceptable mix of hard and soft landscaping throughout the site. Further details regarding the precise nature of hard landscaping materials and type, number and species of new planting should be required by condition. Conditions are also recommended requiring the approval of details relating to the proposed bicycle and refuse/recycling stores.
- 6.3.5 Given the nature of the proposal, including its appearance, layout, scale, massing, and design in relation to the surrounding area, it is considered that, subject to the afore mentioned conditions, the proposal would have an acceptable impact on the character of the area, and that it would therefore be in accordance with Policy DC61 of the LDF.

#### **6.4 Layout and Amenity Considerations**

- 6.4.1 Policy DC2 of the LDF stipulates the appropriate residential densities in given areas of the borough. Policy DC61 states that planning permission will not be granted for proposals that would significantly diminish local and residential amenity. The Residential Design SPD provides guidance in relation to the provision of adequate levels of amenity space for the future occupiers of new dwellings.
- 6.4.2 Policy 3.5 of the London Plan advises that housing developments should be of the highest quality internally, externally and in relation to their context and to the wider environment. To this end Policy 3.5 requires that new residential development conform to minimum internal space standards set out in the plan. In this instance the proposed dwellings would each exceed the stipulated minimum standards and officers therefore consider that the proposal would provide an acceptable standard of living accommodation for future occupiers.
- 6.4.3 The proposed development would have a density of approximately 42 dwellings per hectare, which is within the density range of 30-50 units per hectare set out in Policy DC2 for this area. The proposed site density is not, in itself, considered to constitute a sufficient reason to consider a scheme to be unacceptable. The assessment should consider whether the proposal would represent an over development of the site, and to this end, consideration will be given to the adequacy of amenity space and parking provision in particular.
- 6.4.4 In terms of the site layout, it is considered that all of the proposed dwellings would have adequate access to sunlight and daylight. In relation to amenity space provision, the Council's Residential Design SPD does not prescribe amenity space standards but seeks to ensure that amenity space is provided in a high quality, functional and well designed manner. Amenity space should also be private and not unreasonably overshadowed. The proposed units would each benefit from a private garden and a rear balcony.

The proposal would also include communal amenity space at ground level, although this is unlikely to be used given its location within the car park, and the provision of private amenity spaces. It is considered that all of the proposed dwellings would benefit from acceptable amenity space provision, which accords with the aims of the SPD. The provision of parking spaces will be discussed later on in this report.

- 6.4.5 In terms of how they relate to one another, it is considered that the proposed dwellings would not result in any unacceptable levels of overlooking, overshadowing, or outlook. It is considered that the proposed development would provide an adequate level of amenity for the future occupiers of the development. The separation distance between the proposed building and the nearest neighbouring properties, is approximately 21m in relation to the flats located to the north; 26m in relation to No.163 Cross Road, located to the south; and approximately 35m to 175 and 177 Cross Road, both of which are located to the east. These separation distances from neighbouring properties are considered sufficient to avoid any significant adverse impacts on residential amenity, in terms of overlooking, overshadowing, and loss of outlook.
- 6.4.6 The planning inspector who determined the afore mentioned appeal concluded that the previous proposal, for six units, would result in significant noise impacts to existing occupiers owing to the use of vehicles within the parking area and at the site access. The Council's Environmental Health officers have, again, raised no objections to the proposal with conditions being recommended to control noise levels, which can be imposed should planning permission be granted. It is considered that the proposed number of units, which would be two less than the previous proposal, would result in a less intense use of the site than the scheme refused at appeal. Moreover, amendments to the submitted plans are being sought by officers to move the proposed access gate further into the site, increasing the distance between those vehicles entering the site and the windows of neighbouring properties. Members will be given an update about these changes.
- 6.4.7 Subject to the proposed amendments and conditions, given the separation distances between the proposal and neighbouring units, and the use of acoustic screen fencing, it is considered that the proposal would not give rise to significant adverse noise impacts on the amenities of neighbouring occupiers. Officers consider that in terms of the standard of accommodation and amenity space to be provided, and the amenity of existing neighbouring occupiers, that the proposal is acceptable and would be in accordance with Policies DC2 and DC61 of the LDF and guidance contained in the Residential Design SPD.

## **6.5 Environmental Impact**

- 6.5.1 The Council's Environmental Health officers were consulted about the application with no objections being raised. Conditions have been recommended in relation to land contamination, sound attenuation, and

limitations to construction times. It is recommended that these be employed should planning permission be granted.

- 6.5.2 The Environment Agency has raised no objections to the proposal. The SFRA is a material consideration and the Environment Agency have stated that it will be for the planning authority to decide whether the site should be considered as Flood Plain, in accordance with the SFRA, or as being in Flood Zones 1 and 2, as suggested by the Environment Agency's data. If the site is considered to be Flood Plain then the guidance contained in the NPPF indicates that the proposal should be refused. However, given that the Environment Agency, who are the Council's statutory consultee on flood risk matters, have undertaken more recent and detailed surveys, it is considered that the site's flood risk status should be considered as being low risk, that is, in Flood Zones 1 and 2.
- 6.5.3 As a small sliver of the site would be located in Flood Zone 2, it is necessary to sequentially test the proposal. The NPPF requires that development of this nature, in areas at higher risk of flooding, undergo a sequential test, aimed at directing development towards areas at the lowest possible risk of flooding. The Council's LDF has identified a shortage of housing within the borough and Policy CP1 recommends that outside town centres and the Green Belt, priority should be made on all non-specifically designated land for housing. As the site represents a clear area of readily developable land that is mostly in Flood Zone 1, and only partially on land at moderate risk of flooding, it is considered unlikely that the proposal could take place in other areas of the borough that could so easily deliver the objectives of Policy CP1 and also be at significantly lower risk of flooding. Therefore, in terms of flood risk and drainage considerations, the proposal is considered to be acceptable.

## **6.6 Parking and Highway Issues**

- 6.6.1 The application proposes the creation of a new site access on land currently occupied by an existing dwelling.
- 6.6.2 The application proposes 6 car parking spaces. The proposed car parking provision would therefore equate to 1.5 spaces per dwelling. Cycle storage would also be provided.
- 6.6.3 The site has a PTAL rating of 1-2, which translates to a low level of public transport accessibility, however, the proposed level of parking provision is in accordance with Policy DC2 of the LDF, and the Council's Highway officers have raised no objections, subject to the use of conditions and informatives, which can be imposed should planning permission be granted.
- 6.6.4 It is recommended that a condition be imposed requiring the submission to and approval by the Local Planning Authority for a construction method statement detailing the areas where construction vehicles and plant will be parked. A condition is also recommended requiring the submission of details relating to cycle storage.

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

## **6.7 Community Infrastructure**

6.8.1 The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The chargeable floorspace of the development once the demolition works are taken into account is approximately 236sqm, which equates to a Mayoral CIL payment of £4720.

6.8.2 This planning application is subject to the Council's tariff under the draft Planning Obligations SPD. The proposal would give rise to a contribution of £18,000 towards infrastructure costs, which based on the creation of four dwellings, less the existing property, which would be demolished. This payment should be secured by a legal agreement, and planning permission should not be granted until this agreement has been completed.

## **7. Conclusion**

7.1 Staff consider that the reduction in the number of units and commensurate reduction in vehicular movements, coupled with alterations to the position of the access gate and the use of high spec acoustic fencing are sufficient to overcome the reason for refusal which was upheld on appeal. Accordingly, the proposal is considered to be acceptable having had regard to Policies CP1, DC2, DC32, DC33, DC34, DC36, DC40, DC49, DC53, DC55, DC61, DC63, and DC72 of the LDF and all other material considerations. It is recommended that planning permission be granted subject to the completion of a legal agreement and conditions.

## **IMPLICATIONS AND RISKS**

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

None.

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

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

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

None.

**Equalities implications and risks:**

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

**BACKGROUND PAPERS**

Planning application P1430.13, all submitted information and plans.



# REGULATORY SERVICES COMMITTEE

# REPORT

30 January 2014

**Subject Heading:**

P1493.13: Scargill Infants School, Mungo Park Road, RM13 7PL

The construction of a single storey, flat roofed, 2 classroom extension to the Junior Block and a stand-alone single storey, flat roofed single classroom to the Infant side at Scargill Infant and Junior School.

(Application received 5 December 2013).

**Report Author and contact details:**

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01708 432800

**Policy context:**

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

**Financial summary:**

None

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

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

## SUMMARY

The proposal is for a single storey flat roofed extension to Scargill Junior School including two additional classrooms and a single storey flat roofed outbuilding to contain one classroom, adjacent to Scargill Infant School.

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

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

## RECOMMENDATIONS

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

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

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

2. Materials: All new external finishes shall be carried out in materials to match those of the existing buildings to the satisfaction of the Local Planning Authority.

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

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

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

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

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

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

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

6. Construction Methodology Statement: Before development is commenced, a scheme shall be submitted to and approved in writing by the Local Planning Authority making provision for a Construction Method Statement to control the adverse impact of the development on the amenity of the public and nearby occupiers. The Construction Method statement shall include details of:
- a) Parking of vehicles of site personnel and visitors;
  - b) Storage of plant and materials;
  - c) Dust management controls;
  - d) Measures for minimising the impact of noise and, if appropriate, vibration arising from construction activities;
  - e) predicted noise and, if appropriate, vibration levels for construction using methodologies and at points agreed with the Local Planning Authority;

- f) Scheme for monitoring noise and if appropriate, vibration levels using methodologies and at points agreed with the Local Planning Authorities; g) siting and design of temporary buildings;
- h) Scheme for security fencing/hoardings, depicting a readily visible 24-hour contact number for queries or emergencies;
- i) Details of disposal of waste arising from the construction programme, including final disposal points. The burning of waste on the site at any time is specifically precluded.

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

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

7. Parking reviews: Within 18 months of the development being brought into use a review of parking restrictions around the school entrance shall be carried out and submitted to and approved by the Local Planning Authority. The review shall be aimed at reducing the impact of parent parking near the school entrance and to ensure that pedestrian desire lines across junctions are not unduly impeded. The recommendations of the review shall be carried out within 6 months of their approval and thereafter be permanently retained.

**Reason:** To ensure the interests of highway safety and amenity and to accord with Policy DC32. To ensure the interests of pedestrians and address desire lines and to accord with Policy DC34.

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

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

## **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. Any proposals which involve building over the public highway as managed by the London Borough of Havering, will require a licence and the applicant must contact StreetCare, Traffic & Engineering on 01708 433750 to commence the Submission/ Licence Approval process.
3. Should this application be granted planning permission, the developer, their representatives and contractors are advised that this does not discharge the requirements under the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works) required during the construction of the development.

## REPORT DETAIL

### **1. Site Description**

- 1.1 The application site is Scargill Infants and Junior school which contains 2 storey buildings, playing fields and on-site car parking. The School site is located in Elm Park to the south of Mungo Park Road. It is bordered by residential properties which have frontage on Simpson Road, Elmer Gardens and Hugo Gardens to the north, east and west. Brittons Academy borders the School site to the south.
- 1.2 The site is predominantly surrounded by residential properties Nos. 24-40 Simpson Road to the north, Nos. 1-11 Hugo Gardens to the west, Nos. 59a, 61, 61a, 75 and 114 Elmer Gardens and Nos. 103 Mungo Park Road to the east. To the south and south west contains playing fields.
- 1.3 The main entrance to the schools is via an access from Mungo Park Road, with a secondary access via Simpson Road.

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

- 2.1 Scargill Infant and Junior Schools currently operate as 2.5 form-entry Schools, with up to 75 admissions per year group. The proposals seek to provide new classrooms and expand the Schools to 3 form-entry (admitting an additional 15 pupils per year group), and would help to increase capacity to accommodate an anticipated 100 new pupils. It is intended for the new classrooms to be in place for the 2014/ 2015 School Year. New classrooms are proposed, however, no changes to access, parking or servicing arrangements are incorporated into the development

- 2.2 The submitted information explains that expansion is required in response to projected demand for pupil places for the 2014/ 2015 School Year. The expansion would help increase overall pupil numbers from 530 to approximately 630.
- 2.3 It is also anticipated that an additional two members of staff per classroom will be employed increasing staff numbers in the Infant School by two and in the Junior School by four. There would be 60 staff employed at the Infant School and 51 staff at the Junior School.
- 2.4 The extension of the Junior School would measure approximately at 2.9 metres high, 11.4 metres wide and 14.1 metres deep and would adjoin the north-west section of the Junior School. This would contain two new classrooms with WC and internal access to the main school.
- 2.5 The outbuilding adjacent to the Infant School located to the east of the application site would measure approximately 3.3 metres high, 12.2 metres deep and 8.5 metres wide. This would contain one classroom and a WC and would replace an existing outbuilding.

### **3. Relevant History**

- 3.1 There is an extensive planning history for the schools: the most relevant applications are;

P1165.07 – New Indoor Play area – Approved with conditions 28/8/2007

P2123.04 – New entrance lobby – Approved with conditions 19/1/2005

P0393.01 – New single storey classroom extensions a – Approved with conditions 20/7/2001

P0496.99 – Additional classroom and glazed linkway – Approved with conditions 7/6/1999

P0082.95 – Single storey front extension – Approved with conditions 10/3/1995

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

- 4.1 72 notification letters were sent to neighbouring properties, 2 letters of objection and 1 letter of comment were received and have been summarised as follows;

- Their property would be harder to sell once outbuilding is erected
- Abuse from parents in regards to car parking

The above points have been carefully considered however, they are not material considerations which can be taken into account in determining this particular application.

Other comments include;

- Creating additional buildings would increase the number of pupils which would lead to more parking issues
- The building would be an eyesore

The above points are addressed within the report below.

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

4.3 Essex & Suffolk Water – No objections to the proposal

## **5 Relevant Policies**

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

## **6. Staff Comments**

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

## **7. Principle of Development**

7.1 The application relates to additions and alterations to an existing educational use to provide new classrooms. The proposal is acceptable in principle and complies with LDF Policy DC29.

7.2 Paragraph 72 of the NPPF states that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- give great weight to the need to create, expand or alter schools; and
- work with schools promoters to identify and resolve key planning issues before applications are submitted.

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

## **8. Design and Appearance**

- 8.1 Policy DC61 seeks to ensure that all new developments are satisfactorily located and are of a high standard of design and layout. In this regard it is important that the appearance of any new development is compatible with the character of the local street scene and the surrounding area.
- 8.2 The proposed extension and outbuilding would both be single storey and of a contemporary design consisting of a flat roof which would be set lower than the pitched roof of the host buildings by a minimum of 2 metres. The outbuilding would replace an existing smaller outbuilding which exists in the same location as the proposed.
- 8.3 The extension would be constructed with materials to match the existing host building using yellow stock bricks, the outbuilding would be constructed in render/cedar clad walls. Both would have double glazed aluminium windows and timber fascia boards to match the host building.
- 8.4 The design proposed for both buildings would differ to the design of the existing schools. However Staff consider that the contemporary design is acceptable and that the size, materials, scale and bulk of the proposals are in-keeping and subservient with the proportions of the school.
- 8.4 It is considered that the flat roofed single storey extension and outbuilding would not be harmful to the streetscene. It is considered that the buildings have been designed in sympathy with that existing and are set back from the highway by approximately 50 metres and 40 metres for the extension and outbuilding respectively.
- 8.5 Staff are satisfied that the proposed buildings would sufficiently complement the existing buildings. The development is considered to be acceptable and accords with the principles of Policy DC61.

## **9. Impact on Amenity**

- 9.1 Policy DC61 of the LDF requires new development not to harm the amenities of adjoining occupiers by reason of noise and disturbance, loss of light, overlooking or other impacts.
- 9.2 The most affected neighbouring properties would be Nos. 18-26 Simpson Road to the north, Nos. 5-11 Hugo Gardens, No. 114 Elmer Gardens and Nos. 101 and 103 Mungo Park Road to the east. These houses are characterised by over 10-20 metre long rear gardens.
- 9.3 Staff consider that there would not be any overlooking from the glazed openings of the extension and outbuilding from any of the elevations, as these windows only serve ground floor level rooms and there are



railing/wall/hedge boundaries at a minimum of 2 metres tall separating the aforementioned neighbouring properties and the school site.

- 9.4 The proposed Junior school extension would be sited a minimum of 23 metres away from the rear elevations of the closest neighbouring properties at Nos. 5-11 Hugo Gardens. The Infant school single storey outbuilding would be sited a minimum of 10.1 metres from closest properties of Nos. 101 and 103 Mungo Park Road and No. 114 Elmer Gardens. Due to these distances and the limited height of the building at 3.3 metres, it is considered that there would not be a material impact in terms of loss of light or that the building would appear unduly overbearing.
- 9.5 With the above points taken into consideration, it is judged that the proposed buildings would not create harmful amenity impacts from overlooking, loss of light or any overbearing issues.
- 9.6 It is recognised that an additional pupils would increase noise and disturbance, although this would be balanced against pupils utilising the whole of the school site. Given the nature, extent and position of the proposed buildings and related uses, any level of noise and disturbance would be contained within the existing site and seen against the background of existing school activity. It is considered that the resulting level of noise would not be above and beyond that expected to emit from the existing school site.
- 9.7 It is acknowledged that increasing the parking on site would create additional activity on the access, especially to the properties at Simpson Road and Mungo Park Road. However, it is noted that they will only be used during term time and would not be in constant use. It is also noted that these spaces are currently informally used. As such, it is considered there would not be a material increase in noise and disturbance to these neighbours as a result from the proposals.
- 9.8 Overall, the development is considered to be acceptable and accords with the principles of Policy DC61.

## **10. Parking and highway issues**

- 10.1 Full time teaching staff at the school would increase from 36 to 39, and part-time staff from 18 to 21, and as stated above the pupil increase would be anticipated to be 100. According to the submitted traffic survey from the applicant, based on the above increase in numbers, the school expansion is expected to generate an additional 40 car trips by pupils/parents and staff in the mornings and afternoons.
- 10.2 There would also be increased demand for short-term on-street parking from 17-20 vehicles in the vicinity of the School gates and a further 20-23 vehicles in the wider area. The transport statement suggests that the development will generate a demand for parking by 54 staff. The application form states there are currently 32 parking spaces on site and

that these would be retained. Annex 5 of the LDF suggests a maximum parking standard of 1 space per member of staff. If the maximum standard is applied, there would be shortfall of 22 car parking spaces.

- 10.3 Within 200 metres of the application site, both Osborne Road to the north and Hornchurch Road to the south are well served by buses. Going to and from Romford at regular intervals from Osborne Road, and to and from Romford, Rainham, Lakeside, Havering Park from Hornchurch Road every 12-20 minutes. Elm Park Underground station (District Line) is approximately 15 minutes walk from the school site.
- 10.4 The Highways team acknowledges that the expansion of the schools will undoubtedly have an adverse impact locally in terms of parking (whether legal or not) and localised congestion which will impact not only on residents, but those pupils currently travelling by non-car modes. This potentially erodes the subjective safety for those pupils and creates additional safety risks where pupils cross local roads.
- 10.5 They also mention that the expanded school is likely to attract pupils from a wider catchment who are more likely to be driven and therefore a proportional increase in modal split would actually need to be weighted.
- 10.6 The applicant has mentioned that the school has a scheme of “park and stride”, this term is a proxy for driving most of the way and walking a short distance to a destination which can disperse parking issues, but is very much a behavioural issue and so the development will increase demand on the local road network for car trips.
- 10.7 This proposal has the potential to create localised parking and congestion issues and reduce the subjective safety of those currently using non-car modes (mainly walking).
- 10.8 Staff recognise the need for an increase in school places and recommend that a planning condition be imposed requiring a review of parking restrictions around the school entrance to be carried out and submitted within 18 months of the development being brought into use. The review should be aimed at reducing the impact of parent parking near the school entrance and to ensure that pedestrian desire lines across junctions are not unduly impeded.
- 10.9 A condition is also sought that prior to the occupation of the development a revision to the existing Travel Plan which reflects the increase in pupil numbers shall be submitted. The revised Travel Plan shall include a review of walking routes and conditions in the area around the school and measures to reduce vehicular trips and proposals for monitoring and reporting progress to the Local Planning Authority, including a timetable for implementation and review. The Travel Plan as revised would remain in force permanently and implemented in accordance. Staff consider that it would help bring about a reduction in private car journeys, to minimise the

potential for increased on street parking in the area, to mitigate the impact of increased private car journeys at peak times.

- 10.9 Members are invited to apply their judgement to this aspect of the proposal and the likely impacts which may arise, balancing this against the need for additional school places. Subject to the imposition of the conditions described, Staff consider that the proposal is, on balance, acceptable and broadly accords with the principles of Policies DC32, 33 and 34.

## **12. Mayoral CIL implications**

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

## **13. Conclusion**

- 13.1 The proposals meet the main aims of both local and national policies and seek to ensure that efficient use is made of educational land in order to provide a varied range of opportunities. The proposals would complement and improve on the existing facilities offered by the school and enable an expanded range of educational opportunities, consistent with the aims of planning policies.
- 13.2 The proposed extension and outbuilding would be consistent with Policy DC61, with no detrimental impact on visual or neighbouring amenity.
- 13.3 The proposal is therefore considered to be acceptable and it is therefore recommended that planning permission be granted subject to conditions.

## **IMPLICATIONS AND RISKS**

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

None directly affecting the Council.

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

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

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

None relating directly to the proposal.

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

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

## **BACKGROUND PAPERS**

Application form, drawings and supporting statement received on 5<sup>th</sup> December 2013.

# REGULATORY SERVICES COMMITTEE

# REPORT

30 January 2014

**Subject Heading:**

P1380.13: 6 Hacton Parade, Hornchurch  
RM12 6EL

Change of use from retail (A1) to take  
away (A5) and installation of extraction  
flue system to rear side of building.  
(Application received 11 December 2013).

**Report Author and contact details:**

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Planning Manager  
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01708 432800

**Policy context:**

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

**Financial summary:**

None

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

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

## SUMMARY

The application proposes a change of use from retail to a take away, together with an extraction flue. The site comprises Council owned land and the planning merits of the application are considered separately from the land interest.

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

## RECOMMENDATIONS

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

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

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

2. 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. Waste: Before the 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 and recycling storage, including provision for all refuse and recycling 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.

4. Extraction/Ventilation system: Before the use hereby approved commences suitable equipment to remove and/or disperse odours and odorous material should be fitted to the extract ventilation system in accordance with a scheme to be designed and certified by a competent engineer and after installation a certificate to be lodged with the 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.

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

6. 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

7. Hours of operation: The premises shall not be used for the purposes hereby permitted other than between the hours of 11:00 and 22:00 Monday to Saturday and 11:00 and 20:00 on Sundays, Bank or Public Holidays.

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

8. 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.

## **REPORT DETAIL**

### **1. Site Description**

- 1.1 The application site concerns the ground floor unit of No.6 Hacton Parade which is currently operating as a Bakery which serves sandwiches, breakfasts, bread, pastries and hot drinks.
- 1.2 Hacton Parade is located to the west of Central Drive, and to the south of Bevan Way and consists of a three storey terrace with 8 commercial units on the ground floor and 16 residential flats on the first and second floors. It is part of a minor local centre designation.
- 1.3 The rear of the site consists of a private road with access to the rear garage areas.

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

- 2.1 The application seeks permission for the change of use from a Bakery (A1) to a take away (A5) and the installation of an extraction flue system to the rear of the building. The applicant has indicated that it would be used as a Fish and Chip Shop.
- 2.2 The proposed opening hours are 11am to 10pm Monday to Saturday and from 11am to 8pm on Sundays, Bank and Public Holidays. This has been revised from the initial proposed opening hours until 11pm at the request of the applicant.
- 2.3 The only external alteration proposed within this application is the extraction ventilation duct which would be attached to the rear elevation of the



building. This would measure 6.7 metres vertically and would project out of the building at approximately ground floor ceiling level.

- 2.4 In support of the application the applicant has advised that the Bakery opened in April 2013 following four years property vacancy and currently it is making a loss. The Bakery employs one full time and two part time members of staff, in addition to the applicant and her husband. Although the Bakery's offer is extensive, it is unable to compete with a nearby convenience store which sells a wide variety of goods. The applicant advises if an A5 permission is not secured, then it is likely that the Bakery will close.

### **3. Relevant History**

- 3.1 There is not any relevant history in particular to No.6 Hacton Parade, however there is a relevant application at No.8 which is at the end of the parade. The application details are as follows:

P1883.04 - Change of use from A1 (retail) to A3 (sale of hot food and drink) Refused on 26 November 2004 and dismissed at appeal on 2 September 2005 under Appeal reference APP/B5480/A/05/1175447.

Refusal Reason:

The proposed use, by reason of noise and disturbance caused by customers entering and leaving the premises, vehicles parking and manoeuvring, particularly during the evening hours of operation, would be detrimental to the amenities of the occupiers of nearby residential properties, contrary to Policy ENV1 of the Havering Unitary Development Plan.

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

- 4.1 53 notification letters were sent to neighbouring properties, 2 letters of objection and one letter of comment were received, summarised as follows;
- Extraction flue system going to the rear of their wall, and would create unwanted odours
  - Parking issues would likely to increase as a result from the takeaway
  - Would create additional problems of teenagers to the area which currently congregate outside the Off-License which is open to 10pm.

The above issues are addressed within the amenity paragraph below.

- Their property would devalue

- Rubbish being thrown at present into peoples gardens, which would get worse as a result of the proposal

The above points have been carefully considered however, they are not material considerations which can be taken into account in determining this particular application.

## **5 Relevant Policies**

- 5.1 Policies CP17 (Design), DC16 (Core and fringe frontages in district and local centres), DC33 (Car parking), DC55 (Noise) and DC61 (Urban Design) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Documents are material planning considerations. In addition, Policies 6.13 (Parking) and 7.4 (Local character) of the London Plan and Chapter 7 (Requiring good design) of the National Planning Policy Framework is also relevant.

## **6. Staff Comments**

- 6.1 This proposal is put before the Committee owing to the land being Council owned. The issues arising in respect of this application and which will be addressed through this report are the principle of development, impact on the streetscene and design, amenity issues and parking and highways implications.
- 6.2 The current LDF was adopted in 2008 and despite the NPPF being issued later, it is considered that it is up-to-date and its policies are relevant to this particular application. The site is defined within a Minor Local Centre as defined by the Havering LDF Proposals Map.

## **7. Principle of Development**

- 7.1 LDF Policy DC16 states that within Minor Local Centres, permission for retail and other services appropriate to a shopping area will be granted at ground floor level. Other services include A2, A3, A4 and A5. On this basis, the proposal is appropriate in principle.

## **8. Design and Appearance**

- 8.1 Policy DC61 seeks to ensure that all new developments are satisfactorily located and are of a high standard of design and layout. In this regard it is important that the appearance of any new development is compatible with the character of the local street scene and the surrounding area.
- 8.2 As mentioned above, the only external alteration proposed within this application is the extraction ventilation duct which would be attached to the rear elevation of the building.
- 8.3 Following a site inspection, it is noted that there are no existing ventilation ducts to the rear of properties on Hacton Parade and Bevan Way. However,

given its siting to the rear and subject to a condition requiring details to be submitted regarding the external finish of the duct, such installation is considered to be acceptable.

- 8.4 Staff are satisfied that the development accords with the principles of Policy DC61.

## **9. Impact on Amenity**

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

- 9.2 Policy DC55 recognises that noise pollution can have a significant effect on quality of life. Planning permission will not be granted if it will result in exposure to noise or vibrations above acceptable levels affecting a noise sensitive development such as all forms of residential accommodation.

- 9.3 The previous refusal for No.8 as listed above, which was dismissed at appeal is material in the consideration of this proposal. It was refused on the grounds of being detrimental to neighbouring amenity by reason of noise and disturbance caused by customers entering and leaving the premises and vehicles parking and manoeuvring, particularly during the evening hours of operation.

- 9.4 On appeal, the Inspector considered that “additional noise and disturbance would be likely to result, and would be beyond the powers of the appellant to control. The evidence indicates that residents of Hacton Parade and numbers 61 and 63 Central Drive, among others already experience a degree of noise and disturbance in the evening and the Inspector concluded that, bearing in mind the above points, the proposal was considered to be in conflict with Policy ENV1”.

- 9.5 Although this application is of the same description as the dismissed scheme, that decision was taken 9 years ago and given that intervening period, the application should be assessed based on current policy and site circumstances.

- 9.6 The sole policy cited in the refusal reason, was ENV1 of the Havering Unitary Development Plan. This has since been superseded by the current policies within the Havering LDF adopted in 2008. Weight should also be given to the NPPF which emerged in 2012.

- 9.7 It should also be noted that in dismissing the appeal, the Inspector made specific references to the neighbours at Nos. 61 and 63 Central Drive which are directly adjacent to the end of the parade to the south of No.8. However, these same properties are at least 20 metres away from the current application site. In Staff's view, the most affected neighbouring properties in this case would be the residential properties above Hacton Parade.

- 9.8 The dismissed scheme proposed a closing time of 10.30pm, which the inspector concluded would do nothing to reduce the incidence of noise and disturbance in mid-evening, when residents' reasonable expectation is of relative peace and quiet. The closing times proposed by this submission are earlier at 10pm Monday to Saturday and 8pm on Sundays, Bank and Public Holidays.
- 9.9 The Inspector did not make reference to the existing stores nor their opening hours. During site inspection it was noted that of the 8 ground floor units, opening times consist of: No.1 Newsagent (Mondays to Friday 7am-6pm. Weekends 7.30am-6pm); No.2 Dry Cleaners (Mondays to Friday 9am-6pm. Saturday 9am-2pm and closed Sunday); Nos. 3 & 4 Off-license (Mondays to Saturday 8am to 10pm, Sunday 10am to 10pm); No.5 is a vacant site; No.7 Hairdressers (Mondays to Friday 9am to 5pm (1pm on Wednesday), Saturday 9.30am to 4pm, Sunday 10am to 3pm); and No.8 Flower Shop (Mondays to Saturdays 9am to 5pm (2pm on Wednesday), Sunday 10am to 3pm).
- 9.10 Given the opening hours of the off-license and those proposed by this application, it is considered that it would be difficult to substantiate an objection on the grounds of noise and disturbance to neighbouring residents as a result of the use given the existing activity within what is a commercial parade during later evening hours. The local Safer Neighbourhood Policing Team has also advised that they have no objection to this application and although the area has suffered from anti-social behaviour in the past, this problem appears to have stopped over the last year or so. If future anti-social behaviour problems did occur, the SNT advise that they would address that at the time.
- 9.11 Unlike the appeal premises, the current use of the application site is a bakery, so there is already an element of baking/heating up bread and taking away warm/hot food and drink. The use has an existing internal ventilation canopy and pipe system which discharges externally through a hole to the rear of the property.
- 9.12 The current proposal results in the addition of a rear external flue, which would discharge a metre above eaves level. Given the design of the installation and subject to conditions regarding odour control, noise/vibration and its external finish, Staff consider that the proposed flue would not result in undue harm to neighbouring residential amenity.
- 9.13 Taking all of the above circumstances into account, Staff consider that there is sufficient difference between the appeal scheme and the current proposal to justify a granting of permission.

## **10. Parking and highway issues**

- 10.1 There is an access and private road which runs from the south of the parade adjacent to No.8 to the rear, where garaging and parking in front of garages

is available. It is unclear from the submission whether this is available for public use. On street parking is available to the front of the premises.

10.2 The proposal would not impact on existing parking arrangements. The extended hours of operation would increase the amount of vehicular activity visiting the parade, however this would be spread across these extended hours rather than in any concentrated period.

10.3 With the above taken into consideration, it is considered that the proposal considered being acceptable and accords with the principles of Policy DC33.

## **12. Mayoral CIL implications**

12.1 The proposal would not be expanding in floor space, as such the CIL liability would be zero.

## **13. Conclusion**

13.1 Having regard to all relevant factors and material planning considerations staff are of the view that the proposed change of use and external flue would be acceptable. Staff are of the view that the proposal would not have an impact on the streetscene or result in an unacceptable loss of amenity to neighbouring occupiers. The proposal is considered to be acceptable in all other respects and it is therefore recommended that planning permission be granted subject to conditions.

# **IMPLICATIONS AND RISKS**

## **Financial implications and risks:**

None directly affecting the Council.

## **Legal implications and risks:**

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

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

None relating directly to the proposal.

## **Equalities implications and risks:**

# **BACKGROUND PAPERS**

Application form, drawings and supporting statement received on 11<sup>th</sup> December 2013 and 12<sup>th</sup> January 2014

**REGULATORY  
SERVICES  
COMMITTEE**

**REPORT**

30 January 2014

**Subject Heading:**

P1321.13 – 27 Hornford Way, Romford – Demolition of existing bungalow and garage and replace with 1 No. detached 2 storey 3-bedroom house with roof accommodation and 2No. 2-storey 3-bedroom semi-detached houses with roof accommodation including a new vehicular access to highway and ancillary parking spaces (received 13 November 2013; revised plans received 14 January 2014)

**Report Author and contact details:**

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01708 432800

**Policy context:**

Local Development Framework  
The London Plan  
National Planning Policy Framework

**Financial summary:**

None

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

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

## SUMMARY

This report concerns an application for the demolition of the existing dwelling and the erection of three houses with a new vehicular access and car parking. Staff consider that the proposal would accord with housing, environment and highways/parking policies contained in the Local Development Framework Core Strategy and Development Control Policies Development Plan Documents and approval is therefore recommended, subject to conditions and the completion of a Legal Agreement.

## RECOMMENDATIONS

-That the committee notes that the proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable fee is based on an additional internal gross floor area of 192m<sup>2</sup> which equates to a Mayoral CIL payment of £3,840.

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

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

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

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

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



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

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

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

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

4. Prior to the first occupation of the development hereby permitted, provision shall be made for the storage of refuse and recycling awaiting collection according to details which shall previously have been agreed in writing by the local planning authority.

**Reason:** In the interests of the amenity of occupiers of the development and also the visual amenity of the development and the locality generally.

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

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

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

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

7. Before any of the buildings hereby permitted is first occupied, screen fencing of a type which have previously been submitted to and approved in writing by the Local Planning Authority, 2 metres high shall be erected on the shared boundaries between the new properties and shall be permanently retained and maintained thereafter to the satisfaction of the Local Planning Authority.

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

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

**Reason:** To protect residential amenity

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## INFORMATIVES

### 1. Community Safety - Informative:

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

2. The Highway Authority requires the Planning Authority to advise the applicant that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted, considered and agreed. The Highway Authority requests that these comments are passed to the applicant. Any proposals which involve building over the public highway as managed by the London Borough of Havering, will require a licence and the applicant must contact StreetCare, Traffic & Engineering on 01708 433750 to commence the Submission/ Licence Approval process.
3. Should this application be granted planning permission, the developer, their representatives and contractors are advised that this does not discharge the requirements under the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works) required during the construction of the development.
4. Fee informative:  
  
Following a change in government legislation a fee is now required when submitting details pursuant to the discharge of conditions, in order to comply with the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations, which came into force from 06.04.2008. A fee of £97 per request (or £28 where the related permission was for extending or altering a dwellinghouse) is needed.
5. Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: Improvements required to make the proposal acceptable were negotiated and submitted, in accordance with para 186-187 of the National Planning Policy Framework 2012.
6. The planning obligations recommended in this report have been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy

Regulations 2010 and the obligations are considered to have satisfied the following criteria:-

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

## **Mayoral CIL**

The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable fee is based on an internal gross floor area of 192m<sup>2</sup> which equates to a Mayoral CIL payment of £3,840.

### **REPORT DETAIL**

## **1. Site Description**

- 1.1 The application site is located on the southern side of Hornford Way, at its cul-de-sac end. The site lies directly adjacent to a pedestrian entrance to Oldchurch Park/Queen's Hospital. It comprises a detached double-fronted bungalow with detached garage and extensive hardstanding in front on a basically triangular shaped piece of land with its long side to Hornford Way. The residential rear gardens serving properties 18 and 16 Norwood Avenue bound the rear boundary of the site to the other side of access paths. The site area is 0.08 hectares.
- 1.2 The majority of the properties to Hornford Way are two-storey either terraced or semi-detached dwellings. The properties to the rear in Norwood Avenue are also two-storey properties.
- 1.3 There are no parking restrictions on street and at this cul-de-sac end it is heavily parked during the day by those working/visiting the hospital.

## **2. Description of Proposal**

- 2.1 The proposal is for the demolition of the existing bungalow and its replacement with a three, 2-storey properties: a pair of semi-detached houses and a detached house. The dwellings would be set back from the highway by some 6m. The properties are designed with half-hip roofs with front dormers and velux windows to the rear roof slope. The rear elevation would incorporate a single storey element across the width of each of the dwellings with mono-pitch roofs. Roof lights are proposed within the roof slope in this elevation. A rear garden would be provided to each property with a rear garden depth of 16.6m; the tapering garden to the house on Plot 3 is also provided with a side garden.
- 2.2 The proposed pair of semi-detached houses would each be 4.95m wide, 12.15m deep (maximum ground floor) and have a half-hip roof with a ridge height of

9.6m above ground level. The front dormers would be 2.15m wide and 2.6m high with a front gable with a pitched roof.

- 2.3 The proposed detached house would be 6.6m wide (maximum), 12.15m deep (maximum) and have a half-hip roof with a ridge height of 9.6m above ground level.
- 2.3 2 parking spaces would be provided for each property within the front hardstanding, together with waste storage facilities.
- 2.4 The two existing dropped kerbs would be retained and a new vehicular access would be provided for the middle plot onto Hornford Way.

### 3. **History**

P1732.07 - Demolition of existing bungalow and replace with 2 number of 4 bedroom detached houses (as revised plans received 31-10-2007 and additional plans received 01-11-2007) with detached garage and associated parking space – approved 12/11/07

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

- 4.1 15 neighbouring occupiers were notified of the proposal. There were 4 replies objecting to the proposal on the following grounds:
  - overlooking/loss of privacy/legal right to privacy
  - loss of trees
  - bulk and height of the proposed development
  - the houses would interfere with access to an existing garage
  - too big a project
  - insufficient parking on site
  - unacceptable increase in traffic
  - the dormers in the roof effectively make the properties three-storey
- 4.2 Thames Water - have no objection regarding sewerage infrastructure and that it is the developer's responsibility to ensure proper provision for surface water drainage and that their consent may be needed for work within 3m of a public sewer pipe.
- 4.3 Highways Authority - no objections but request conditions and informatives to be attached if planning permission is granted
- 4.4 LFEP - The Fire Brigade is satisfied with access, however one new fire hydrant will be required to be installed outside No.25 Hornford Way.

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

- 5.1 The issues in this case are the principle of development, its impact in the streetscene, on residential amenity and parking/highways/servicing. Policies CP1, CP17, DC2, DC3, DC33, DC35, DC36, DC61, DC63 and DC72 of the Local Development Framework Core Strategy and Development Control

Policies Development Plan, and the SPDs on Residential Extensions and Alterations, Residential Design and Planning Obligations are relevant. Also relevant are London Plan Policies 3.3, 3.5, 3.8, 6.9, 6.13, 7.4, 7.6 and 8.3 as well as the NPPF.

## 5.2 *Principle of development*

5.2.1 The site lies outside the Metropolitan Green Belt, Employment Areas, Commercial Areas, Romford Town Centre, District, and local Centres and is, therefore, appropriate for residential development in accordance with Policy DC11 of the LDF.

5.2.2 The sub-division of existing dwelling plots can be acceptable subject to the characteristics of the plot and surrounding area and detailed design of the proposals.

5.2.3 The principle of residential development is therefore considered acceptable in land-use terms and the provision of additional housing is consistent with the NPPF as the application site is within an established urban area.

5.2.4 The proposal would contribute to the Mayor's London Plan objective of increasing the overall supply of housing.

5.2.5 The Mayor has also set minimum size standards for residential accommodation. In this case, the three houses would have internal sizes of a minimum of 102 sq.m. Even though some of the loft space would have areas of restricted ceiling heights, Staff consider that the proposal would meet The London Plan minimum space requirement for a 3-bedroom 4-person property of 87 sq.m. and the 3-bedroom 5-person minimum of 96 sq.m.

## 5.3 *Density/Site Layout*

5.3.1 The proposal is to demolish the existing detached property and replace it with 3 houses. The site area is 0.08 hectares and the proposed density would therefore be 37.5 units per hectare. The range, indicated in Policy DC2, in this location, is 30 - 50 units per hectare and this would therefore be within the defined range.

5.3.2 The majority of the bulk of the proposed dwellings would be set off the common flank boundaries. Owing to the constraints of the site, there are a couple of specific pinch points, which would mean that part of the property on Plot 3 would be 1m from the common boundary and similarly in respect of the property on Plot 1. When viewed from Hornford Way and due to the site splaying out to the boundary with the highway, Staff consider that this would appear reasonable in terms of layout.

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

- 5.4.1 The majority of the bulk of the proposed dwellings would be set off the common flank boundaries by 1m (at the pinch points) and there would be a flank-to-flank separation of some 1m between the new dwellings.
- 5.4.2 Policy DC61 and the Residential Design SPD seek to ensure that new developments are satisfactorily located and are of a high standard of design and layout. Staff consider that the appearance of new developments to be compatible with the character of the surrounding area, and that it would not prejudice the environment of the occupiers and adjacent properties. It is considered that the development complies with the objectives of Policy DC61.
- 5.4.3 Policy DC61 also seeks to maintain Havering's existing open and spacious residential character. The character of many streets in the borough is derived from the uniform spacing of dwellings and their symmetry. New dwellings such as the proposed therefore need to be carefully planned so they do not interrupt this delicate balance.
- 5.4.4 The proposal incorporates gable ended/half-hip pitched roofs with front dormers. While not exactly the same as other existing development in the vicinity Staff consider that this design would not appear out of character with existing terraced/semi properties in the street. The proposed dwellings are of the same modest proportions as the existing. Staff recognise that there is an element of judgement here as there is an odd garden arrangement which combined with the existing bungalow gives the southern side of Hornford Way a quite open appearance. Nonetheless it is considered that the 3 dwellings would not appear out of character or otherwise harmful to the streetscene.
- 5.4.5 When viewed from Norwood Avenue as well as Hornford Way the dwellings would follow the same front and rear building lines as other properties along this side of the road.
- 5.4.6 Staff therefore consider that the new dwellings are acceptable additions to the area when viewed from the rear garden and when viewed from the street.

#### 5.5 *Impact on Amenity*

- 5.5.1 It is considered that any overlooking from the subject property would not be significantly different from the overlooking endured by existing properties in the neighbouring terrace or by the donor property itself. Indeed, it is not considered that the residential amenities of adjacent properties would be affected by this proposal.
- 5.5.2 The first floor windows would serve bedrooms with the accommodation proposed within the roof slope benefiting from roof lights. The back-to-back distances with properties in Norwood Avenue are between 25m and 30m at first floor level and it is not considered that this would result in harm to the amenity of properties or material overlooking. It is accepted that there would be a degree of overlooking resulting from the proposed new houses in part as a result of the



unusual relationship with the gardens of properties in Norwood Avenue. However, staff are of the view that the main overlooking arising from bedrooms at first floor would be limited as these rooms are generally used in the evenings when curtains would be drawn. In any event, the situation would be no worse than occurs from the dwellings backing onto the site from Norwood Avenue some of these properties have been significantly extended at second floor level by way of dormer windows.

5.5.3 To conclude, no objections are raised to the proposed two-storey hipped roofed dwellings. The proposed roof form is not considered to be harmful to the residential /visual amenities of any of the neighbouring properties or materially harm the street scene.

5.5.4 The design and style of the proposed dwellings are in character with the rest of the area.

5.5.5 The amenity space of the dwellings is considered to meet the provisions of the SPD on Residential Design. However, owing to the unusual shape of the plots it is considered prudent to remove permitted development rights in order to control the amount of development on the site.

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

5.6.1 The development plan seeks to ensure all new developments make adequate provision for car parking in accordance with the DC2 of the LDF. The proposed dwellings are in a location where provision should be made for two car parking spaces within the curtilage of the dwellings.

5.6.2 There would be at two spaces available on site for each of the new properties within curtilage.

5.6.3 This proposal would not have any detrimental highway and parking implications providing suitable cycle parking is provided. A suitable condition will be attached to any grant of planning permission.

5.6.4 There are no highways objections to the proposed development.

#### 6. *Section 106 agreement*

6.1 The dwellings would result in additional local infrastructure demand such that a financial contribution is needed in accordance with Policy DC72 and the draft SPD on Planning Obligations, totalling £12,000 (2 additional houses).

6.2 The applicant has been advised of the need to submit details to be incorporated into the Section 106 Agreement and is currently (with their agent) organising this to be submitted.

7. *Mayoral CIL*

7.1 The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable fee is based on an internal gross floor area of 192m<sup>2</sup> which equates to a Mayoral CIL payment of £3,840.

8. *Other Issues*

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

9. **Conclusions**

9.1 The proposal is for the demolition of a single dwelling and its replacement with 3 houses. The proposed development is considered to be acceptable, would not appear cramped or out of character on this infill plot, and would not have an overbearing impact on the street scene or adversely impact on residential amenity. The design and style of the proposed dwellings are in character with the rest of the street-scene. Staff consider that the proposal is acceptable and in accordance with policies contained in the LDF Core Strategy and Development Control Policies DPD.

**IMPLICATIONS AND RISKS**

**Financial Implications and risks:**

None

**Legal Implications and risks:**

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

**Human Resource Implications:**

None

**Equalities and Social Inclusion Implications:**

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

**BACKGROUND PAPERS**

1. Application forms and plans received 13 November 2013 and 14 January 2014.

**REGULATORY  
SERVICES  
COMMITTEE**

**REPORT**

30 January 2014

**Subject Heading:**

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

**Report Author and contact details:**

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

**Policy context:**

Local Development Framework  
The London Plan  
National Planning Policy Framework

**Financial summary:**

None

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

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

## SUMMARY

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

## RECOMMENDATIONS

That the planning permission be granted subject to the following conditions:

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

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

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

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

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

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

4. Construction Works/Hours: All building operations in connection with the construction of external walls, roof, and foundations; site excavation or other external site works; works involving the use of plant or machinery; the erection of scaffolding; the delivery of materials; the removal of materials and spoil from the site, and the playing of amplified music shall only take

place between the hours of 8.00am and 6.00pm Monday to Friday, and between 8.00am and 1.00pm on Saturdays and not at all on Sundays and Bank Holidays/Public Holidays.

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

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

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

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

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

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

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

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

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

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

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

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

## INFORMATIVES

1. Fee Informative:

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

2. The applicant is advised that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted, considered and agreed. The Highway Authority requests that these comments are passed to the applicant. Any proposals which involve building over the public highway as managed by the London Borough of Havering, will require a licence and the applicant must contact StreetCare, Traffic & Engineering on 01708 433750 to commence the Submission/ Licence Approval process.
3. The developer, their representatives and contractors are advised that planning permission does not discharge the requirements under the New Roads and Street Works Act 1991, The Road Traffic Regulation Act 1984

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

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

## REPORT DETAIL

### 1. Background

The application was deferred from the 19 December 2013 Regulatory Committee meeting for the consideration of issues raised in late representation. The report has been amended in order to address the objections raised.

### 2. Site Description

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

### 3. Description of Proposal

- 3.1 The scope of the proposal involves the construction of a vehicle access to the existing car park from Main Road across an existing grassed area. Although the existing service road within the site is adequate, the access to it is not due to the extent that an unmade private cul-de-sac (section off Gidea Close) has deteriorated.
  
- 3.2 The existing access via the private section of Gidea Close has not been suitable for vehicles for many years and the residential properties fronting onto this section are not prepared to fund the necessary improvements to the carriageway. The current proposal is seen as the best solution to address the access issues as the cost to bring the highway up to an adoptable standard would exceed that to construct the proposed access off Main Road.

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

#### 4. **History**

- 4.1 P0694.06 - Refurbishment of existing bed-sits to form 19 one-bedroom flats. New lift extensions and extension to car parking facility - Approved.
- 4.2 L/HAV/1801/74 - Sheltered housing - two-storey development incorporating existing residence - Approved

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

- 5.1 Notification letters were sent to 90 neighbouring occupiers and 1 letter of representation was received raising the following concerns:
- Proposal will detrimentally affect the neighbouring property
  - Cause considerable vehicle movement close to neighbouring property
  - Planning policy restrict access to Main Road if there is an alternative
  - Rear access has been adequate for years, development is therefore unnecessary
  - Traffic access to Main Road is unnecessary and dangerous
  - Proposal could result in unnecessary traffic onto Main Road
  - Application would be contravening the original planning conditions
  - Impact on neighbouring amenity resulting in noise, fumes, dirt and dust
  - Result in considerable cost to the council without justification
- 5.2 The Highway Authority has raised no objection to the proposal however requested a condition for a visibility splay.
- 5.3 The Highway Authority has stated that that traffic flows along Main Road will not be significantly affected as the proposal would encourage vehicles to use the Principal Road network rather than residential streets.
- 5.4 Environmental Health raised no objection to the proposal subject to a contamination condition.

#### 6. **Staff Comments:**



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

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

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

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

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

## 6.3 *Heritage Implications*

6.3.1 Policy DC68 states that any new development should preserve or enhance the character of Conservation Areas. The proposal would make changes to the existing pedestrian access onto Main Road by increasing the width to include a new vehicular access off Main Road. Staff do not consider the provision of the new access road to have a detrimental impact on the Gidea Park Conservation Area.

## 6.4 *Impact on Amenity*

6.4.1 Although the proposal would result in additional vehicular traffic in close proximity to No. 49 Main Road, Staff do not consider the vehicle movement to result in an unacceptable impact on this neighbour's residential amenity as a separation distance of 10.7m would remain between the proposed access road and this neighbouring dwelling and a limited amount of marked parking spaces is available on site (18 parking spaces). Extensive vegetation is also present on the shared boundary with this neighbouring occupier which would further mitigate any potential impact in terms of noise, dust and disturbance.

## 6.5 *Highway/Parking/Servicing*

6.5.1 Highways have raised no objection to the proposal and stated that traffic flows along Main Road will not be significantly affected as the proposal would encourage vehicles to use the Principal Road network rather than residential streets. A condition to ensure a suitable visibility splay will be imposed on the development as requested by Highways. Staff consider the required changes to the Highway to be minimal as there is already a dropped kerb in place at the proposed entrance to the development, off Main Road.

## 6.6 Other issues

6.6.1 An objection has been raised stating that the application would be contravening conditions imposed on previous planning permissions. Staff have conducted a history search and have concluded that no conditions have been imposed on previous applications restricting access to the rear.

## 7. **Conclusions**

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

## **IMPLICATIONS AND RISKS**

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

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

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

None

### **Human Resource Implications:**

None

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

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

## **BACKGROUND PAPERS**

1. Application forms and plans received 06/11/2013.

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**REGULATORY  
SERVICES  
COMMITTEE**

**REPORT**

30 January 2014

**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  
[helen.oakerbee@havering.gov.uk](mailto: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 was deferred at the committee on 9 January 2014, to enable objectors to have opportunity to present their case in light of their late awareness of the proposal.. 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 submitted to and 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 9 neighbour responses have been received objecting to the proposal, including one objection that was received through the office of Andrew Rosindell MP. The objections have been made on the following grounds:

- Odour and noise
- Visual impact of the flue
- Increased litter
- Noise, disturbance and possible anti-social behaviour, particularly at night time hours. Related concerns were raised regarding substantial adverse health effects on vulnerable residents at 37 Boxmoor Road.
- Existing takeaways less than 1 mile away should be a chemist/grocers instead
- Increased traffic, parking demand and parking contraventions
- Refuse disposal and vermin
- Reduction in local property values
- Lack of consultation

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

4.3 The issues raised have been incorporated in the officers' assessment of the planning application below, apart from matters that fall outside the scope of planning decisions. For clarity, these matters are: the possibility of crime, , littering and parking contraventions, which are controlled via the police and other relevant agencies; changes to existing developments outside the application site, and; the value of property. Regarding the lack of consultation, the Havering Planning Service has responded in writing to the objector and to Andrew Rosindell MP to explain that the consultation notifications were distributed in a manner similar to all planning applications of this nature. As explained above, this application was deferred from the Regulatory Services Committee meeting on the 9 January 2014 to enable objectors to have the opportunity to present their case in light of their late awareness of the proposal.

4.4 Environmental Health raised no objections subject to conditions.

4.5 The Highways Authority have 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.

# REGULATORY SERVICES COMMITTEE

30 January 2014

# REPORT

**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](mailto:helen.oakerbee@havering.gov.uk)  
01708 432800

**Policy context:**

Local Development Framework  
The London Plan  
National Planning Policy Framework

**Financial summary:**

None

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

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

**SUMMARY**

The application proposes the erection of 9 flats which would consist of 1 1-bed flat and 8 2-bed flats. The committee resolved to approve the application at its

meeting on 9 January 2014 however the applicant has since queried the value of the Planning Obligation contribution given that a previous application for 4 units has been previously approved on the site. The application is being reported back to Committee in order to seek authority to amend the Planning Obligation contribution from £54000 to £30000 in order to take into consideration the previous approval on site. No other changes have been made to the report previously considered by Members.

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 755m<sup>2</sup> 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 £30,000 to be used towards infrastructure costs associated with the development and to be paid prior to commencement of 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 prior to the first occupation of the development 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 755m<sup>2</sup> which, at £20 per m<sup>2</sup>, equates to a Mayoral CIL payment of £15,100 (subject to indexation).

## **REPORT DETAIL**

### **Background**

This application was previously considered by Members on 9 January 2014, where it was resolved to grant planning permission, subject to the prior completion of a legal agreement to secure the payment of an infrastructure contribution under the terms of the Planning Obligations SPD. A contribution of £54,000 was requested based on a total of 9 proposed units at a cost of £6,000 per unit.

Staff have since been requested to take into consideration that there is an extant planning permission for the development of four units on this site, which could still be implemented and for which no such contribution was payable (as the permission pre-dates the Planning Obligations SPD). In the circumstances, Staff consider it reasonable that the infrastructure impact of the extant permission be taken into consideration and that the contribution should only be required on the net gain of five units, over and above the four already approved. Consequently the amount of the infrastructure contribution required is calculated to be reduced to £30,000 and authority is sought from the Committee to seek a reduced contribution from that previously sought.

The original report presented to Members is reproduced below

## **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 820m<sup>2</sup>. 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 m<sup>2</sup>.

### **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 50m<sup>2</sup> for a 1-bed 2-person flat and 61m<sup>2</sup> 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 172m<sup>2</sup> 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 755m<sup>2</sup> 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.

**REGULATORY  
SERVICES  
COMMITTEE**

**REPORT**

30 January 2014

**Subject Heading:**

P1053.13 - Land off Harlow Gardens, Romford - The erection of 5 no. 2 bed chalet bungalows (received 21/08/13; amended plans received 03/12/13)

**Report Author and contact details:**

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

**Policy context:**

Local Development Framework  
The London Plan  
National Planning Policy Framework

**Financial summary:**

None

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

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

**SUMMARY**

This application relates to Council owned undeveloped land. The application proposes the erection of 5 2- bed chalet bungalows. Staff consider the proposal to be acceptable.

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

## RECOMMENDATIONS

That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable fee is based on an internal gross floor area of 96.8m<sup>2</sup> per bungalow and amounts to £9,680.

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

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

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

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

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



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

3. Parking standards: Before the building(s) hereby permitted is first occupied, provision shall be made for 10 no. off-street car parking spaces within the site and thereafter this provision shall be made permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

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

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

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

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

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

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

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

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

7. Obscure glazed windows: Notwithstanding the details shown on the approved plans, the proposed front and rear facing loft windows serving en-suite bathrooms and cupboards as well as the ground floor flank windows to plot 3 serving a lounge and kitchen 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.

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

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

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

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

10. Construction 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.

11. 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.

12. 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.

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

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

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

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

15. 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.

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

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

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

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

18. Protecting of grass verge: Before the building (s) hereby permitted is first occupied, measures for the prevention of parking on the grass verges shall be submitted to and approved in writing by the Local Planning Authority. The prevention measures shall be provided and implemented in strict accordance with the approved details prior to the first occupation of the development.

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

## INFORMATIVES

1. Fee Informative:

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

2. Planning Obligations

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

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

3. The applicant is advised that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted, considered and agreed. Any proposals which involve building over the public highway as managed by the London Borough of Havering, will require a licence and the applicant must contact StreetCare, Traffic and Engineering on 01708 433750 to commence the Submission / Licence Approval process.
4. The developer, their representatives and contractors are advised that planning permission does not discharge the requirements under the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works) required during the construction of the development.

5. The applicant is advised that if construction materials are proposed to be kept on the highway during construction works then they will need to apply for a license from the Council.
6. With regards to surface water drainage it is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.
7. In aiming to satisfy condition 12 the applicant should seek the advice of the Police Designing Out Crime Officers (DOCOs). The services of the Police DOCOs are available free of charge and can be contacted via docomailbox.ne@met.police.uk or 0208 217 3813. It is the policy of the local planning authority to consult with the DOCOs in the discharging of community safety condition(s).
8. Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.

### **Mayoral CIL**

The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable fee is based on an internal gross floor area of 484m<sup>2</sup> which, at £20 per m<sup>2</sup>, equates to a Mayoral CIL payment of £9,680 (subject to indexation).

## **REPORT DETAIL**

### **1. Site Description**

- 1.1 The application site is an empty piece of land which is located to rear of the properties along Harlow Gardens, Romford. The site is surrounded by residential dwellings. The ground has a severe slope down from northeast to southwest. The site has an overall area of approximately 2496m<sup>2</sup>.

- 1.2 Development in the vicinity is characterised by 2-storey and 3-storey residential dwellings with various different external finishing.

## **2. Description of Proposal**

- 2.1 The application seeks permission for the erection of 5 no. 2 bed chalet bungalows with associated parking and amenity. The proposed chalet bungalows would be arranged on site as 2 no. detached bungalows situated along the narrowest part of the site and a terrace of 3 situated in the wider part (southeastern corner) of the site.
- 2.2 The detached chalet bungalows would measure 7.3m in width and 9.15m in depth. The terrace of 3 would measure 21.4m in width and 9.15m in depth. The bungalows would be finished with dual pitched chalet styled roofs measuring 2.5m in height to eaves and 6.5m to the ridge. The proposed bungalows would also feature 2 no. front dormers and a rear dormer measuring 1.6m in width, 2.7m in depth and 2.2m in height to the top of the dual pitched roofs.
- 2.3 The proposed bungalows would consist of a bathroom, kitchen / dining room, lounge and a bedroom at ground floor and a cupboard, en-suite bathroom and bedroom in the loft space.
- 2.4 The development proposes a new 4.8m wide access road off Harlow garden. Parking provision for 13 vehicles would be provided to the front of the dwellings, 2 spaces per dwelling and 3 visitor spaces.
- 2.6 The dwellings would have a northwest-southeast orientation with garden spaces towards the rear (northwest) for plot 2 and southeast for plots 1, 3, 4 and 5, measuring approximately 102m<sup>2</sup> for plots 1 and 2, 73m<sup>2</sup> for plot 3 and 93m<sup>2</sup> for plots 4 and 5.

## **3. History**

- 3.1 No recent, relevant planning history.

## **4. Consultation/Representations**

- 4.1 Notification letters were sent to 44 neighbouring properties and 6 letters of objections were received raising the following concerns:
- Concerns over narrowness of access road and the ability of fire and emergency vehicles to access the site
  - Proposal will add to the existing parking problem in Harlow Gardens
  - Overlooking
  - Lack of green space in the area
  - Decrease in property value
  - Streetlights would impact on residential amenity

- 4.2 The Highway Authority has raised no objection to the proposal.
- 4.3 The Borough Designing Out Crime Officer requires a Secured by Design condition.
- 4.4 The London Fire and Emergency Planning Authority are satisfied with the proposal.
- 4.5 London Fire Brigade has recommended the installation of 1 private fire hydrant which has been indicate on a plan received 16/09/2013.

## **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 83m<sup>2</sup> for a 2-bed 4-person dwelling. The proposed dwellings have individual internal floor space of 93.8sq.m which is in line with the recommended guidance and considered acceptable.

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

### 6.3 *Site Layout / Amenity Space*

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

6.3.2 Amenity space would mainly be provided with garden spaces towards the rear, measuring approximately 102m<sup>2</sup> for plots 1 and 2, 73m<sup>2</sup> for plot 3 and 93m<sup>2</sup> for plots 4 and 5. 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 areas would be large enough to be practical for day to day use and with the provision of fencing, would be in most cases be screened from general public views and access, providing private and usable garden areas. Staff are mindful that there would be some overlooking to the rear gardens of plot no.'s 1 and 2 from the 3 storey building at No. 5 to 10 Harlow Gardens, however this will be a buyer beware scenario where future buyers would be aware of the potential impact on their amenity. As a result, it is considered that the proposed amenity areas of the new dwellings are acceptable in this instance.

6.3.4 The residential density range for this site is 30 - 50 units per hectare. The proposal would result in a density of approximately 20 units per hectare. Although the density range is below the recommended range it is considered acceptable given the nature and siting of the development.

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

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

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

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

6.4.3 Development in the vicinity is characterised by 2-storey and 3-storey residential dwellings with various different external finishing.

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

#### 6.5 *Impact on Amenity*

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

6.5.2 Consideration should be given to the potential impact as a result of the severe level change dropping down from the northeast to the southwest of the site. The level changes would have an impact on the properties situated along Highfield Close and consideration have been giving to limit any southeast facing flank windows to mitigate the potential for overlooking.

- 6.5.3 Consideration has also been given to the potential impact on outlook to these dwellings along Highfield Close. Given the severe slope of the subject site the proposed bungalows would appear as two storey dwellings rather than chalet bungalows when viewed from the rear gardens of these neighbouring properties. Staff acknowledge that there would be some impact in terms of outlook, however do not consider it to be to such an extent as to warrant a refusal. Any impact would be mitigated by the separation distances in excess of 22.5m between the existing and proposed dwellings and the distance of 4.2m from the rear boundaries of the existing properties along Highfield Close to the nearest proposed dwelling.
- 6.5.4 In reference to the terrace of bungalows, neighbouring dwellings to the south and southeast are separated from the proposed dwellings by approximately 28m and 27m respectively at the nearest points. Neighbouring dwellings to north and northeast are separated from the proposed dwellings by approximately 17m and 19m respectively at the nearest points.
- 6.5.5 The property most affected by the proposed terraced block would be No. 3 Harlow Gardens with a front to side separation distance of 19m. Although there would be some impact in terms of overlooking the rear garden of this neighbouring occupier, Staff consider the distance to be sufficient to mitigate any loss of privacy. This is however a matter of judgement and members may attach different weight to loss of amenity as a result of overlooking. Staff are mindful that the severe down slope from northeast to southwest could result in overlooking from the southwestern flank windows. As these windows are secondary windows to a kitchen and lounge, an obscure glazing condition will be imposed in order to mitigate any potential for overlooking. Staff do not consider the proposed terrace block to have an unacceptable impact on neighbouring amenity.
- 6.5.6 The proposed detached bungalows are situated towards the middle of the subject site at the narrowest part. Neighbouring dwellings to the southwest and north east are separated from the proposed dwellings by approximately 23m and 15m respectively at the nearest points. Staff do not consider these neighbouring properties to be negatively affected by the proposed detached bungalows given the northwest southeast orientation and no flank windows proposed at first floor. Also given the severe down slope from northeast to southwest, no ground floor windows are proposed to the southwestern elevations and any overlooking to the northeast at ground floor would be mitigated by high fencing.
- 6.5.7 Overall, Staff do not consider unacceptable levels of overshadowing or overlooking to occur as a result of the proposed chalet bungalows.
- 6.5.8 In terms of vehicular activity and the proposed parking arrangement, Staff are of the opinion that 5 x 2-bed bungalows would not give rise to an unacceptable level of vehicular activity.

- 6.5.9 In terms of general noise and disturbance, it is not considered that the addition of 5 no. dwellings would give rise to any undue levels of noise and disturbance to the surrounding neighbouring properties within what is a predominantly residential area.
- 6.5.10 It should however be noted that although Staff consider the proposal to be acceptable in its current form, given the size of the proposed bungalow development in relation to the resultant limited plot space, any additions, extensions or alterations to the dwelling may result in harm to the character of the surrounding area and neighbouring amenity. In light of this, Staff are of the opinion that all Permitted Development Rights for the proposed development should be removed in order to safeguard the appearance of the rear garden environment and amenities of neighbouring occupiers.
- 6.5.11 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 13 x No. parking spaces. In terms of the number of spaces proposed, the provision of off-street parking spaces would comply with the requirements of Policy DC33 and no issues are raised in this respect.
- 6.6.2 The London Fire and Emergency Planning Authority has raised no objection and is satisfied that a pump appliance can access the site. The request for a new fire hydrant is not a planning consideration and has been forwarded to the applicant for their information.
- 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 484m<sup>2</sup> which

equates to a Mayoral CIL payment of £9,680.

#### 6.8. *Planning Obligations*

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

#### 6.9 Trees

6.9.1 The applicant only proposes the removal of one tree situated near the entrance of the site, the two large trees to the northwestern corner of the site would be retained. The existing dense tree cover on the southwestern boundary is not situated within the boundaries of the application site and would therefore remain as is.

#### 6.10 *Other Issues*

6.9.1 With regards to refuse collection, Staff consider the access arrangements to be sufficient to allow a refuse vehicle to enter the site, turn around and exit again in forward gear. A refuse condition will be added to ensure that refuse collection and storage arrangements are submitted to the Council for approval prior to the occupation of the development.

6.9.2 Neighbouring objections relating to the lack of green space and loss of property values are not a material consideration.

### 7. **Conclusion**

7.1 Overall, Staff are of the opinion that the proposal would not detract from the character of the surrounding area or neighbouring properties. It is considered that the proposal presents an acceptable degree of spacing between buildings and is not considered to appear as unacceptably dominant or visually intrusive as seen from neighbour's rear gardens. On balance, Staff also consider any potential impact on neighbouring amenity 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; amended plans received 03/12/13.

# REGULATORY SERVICES COMMITTEE

# REPORT

30 January 2014

**Subject Heading:**

Alleged breach of planning control at Aveley Marshes, Rainham, Essex

**Report Author and contact details:**

Simon Thelwell  
Projects and Regulation Manager  
01708 432685  
simon.thelwell@havering.gov.uk

**Policy context:**

Local Development Framework (October 2008) & London Plan July 2011

**Financial summary:**

Defence of any appeal against Enforcement Action and remedy of the unauthorised use / development may have financial implications.

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

Ensuring a clean, safe and green borough	<input checked="" type="checkbox"/>
Championing education and learning for all	<input type="checkbox"/>
Providing economic, social and cultural activity in thriving towns and villages	<input type="checkbox"/>
Value and enhance the life of our residents	<input checked="" type="checkbox"/>
Delivering high customer satisfaction and a stable council tax	<input type="checkbox"/>

**SUMMARY**

This report concerns alleged breaches of planning control on land known as Aveley Marshes, Rainham located within the Metropolitan Green Belt

This report concerns a material change of use of land in planning terms to the use of the land as a scaffolding yard and for the storage of scaffolding

equipment, storage of crane parts, storage of scrapped HGV's and HGV bodies, storage of containers, storage of plant and equipment, parking and storage of vehicles and storage of agricultural equipment

The Unauthorised changes of use are materially harmful as the commercial activity is detrimental to the visual amenities and character of the surrounding area in general and open nature of this part of the Metropolitan Green Belt. The unauthorised change of use has occurred within the last 10 years and it is requested that authority be given to issue and serve Enforcement Notices to seek to remedy the breaches.

## RECOMMENDATIONS

That the committee consider it expedient to issue Enforcement Notices on the owners / occupiers of the property requiring, within 3 months, that:

- (i) Cease the use of the land as a scaffolding yard and for the storage of scaffolding equipment, the storage of crane parts, the storage of scrapped HGV's and HGV bodies, the storage of containers, the storage of plant and equipment, parking and storage of vehicles
- (ii) Cease the use of the land for the storage of agricultural equipment not associated with the agricultural holding
- (iii). Remove all plant & machinery, building materials, associated spoils and rubble brought onto the land in connection with the unauthorised use mentioned above

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

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

## REPORT DETAIL

### 1. Site Description

- 1.1 The area of land where the alleged breaches of control have occurred is irregular shaped piece of land located within the south eastern section of Aveley Marshes, This site in the south east of the borough is located within



the Metropolitan Green Belt, as designated in Local Development Framework (LDF).

- 1.2 The land identified in attached plan measures some 1.05 hectares in area and is approximately 290m in length (on a north east to south west axis) and some 50m wide (west to east) at its widest point. The area is covered largely by a compacted hard surface and the various alleged unauthorised uses take place on this area. The south eastern and south western boundaries of the land form the borough boundary with Thurrock Council and also the boundary between the Greater London Authority and Essex County Council.
- 1.3 In terms of the surrounding land, immediately to the west of the site is a watercourse and beyond this; the land to the west and north of the site is open land known as Aveley Marshes. It is located within the Metropolitan Green Belt and is designated as a site of Site of Nature Conservation Importance (Metropolitan) within the LDF.
- 1.4 The land immediately to the south and east of the site is used mainly for commercial and storage uses. It is located within a different Local Planning Authority (Thurrock Council) and it is designated as a Primary Industrial and Commercial Area in the Thurrock Borough Core Strategy and Policies for Management of Development local plan and proposal map adopted in December 2011.
- 1.5 Vehicular access into the site is via a site located in Thurrock which has a gated entrance and a road frontage onto Juliette Way in Purfleet. It is the nearest road to the site and is some 100m to the east of the site. There is another gated entrance to the north of the site through an Industrial estate known as Thurrock Commercial Park although this is normally closed. Access to Juliette Way is from the A1306 London Road. About 30m to the south of the area is the Channel Tunnel Rail Link and the C2C London, Tilbury and Southend Line.

## **2. The Alleged Planning Contravention**

The alleged planning breaches at the site relate to the use of the land mainly in connection with the storage and stationing of numerous items on the land. These include the use of the land as a scaffolding yard and for the storage of scaffolding equipment, the storage of crane parts, the storage of scrapped HGV's and HGV bodies, the storage of containers, the storage of plant and equipment, parking and storage of vehicles and the storage of agricultural equipment not associated with the surrounding agricultural holding.

## **3. Relevant Planning and Enforcement History**

- 3.1 There is no planning history for this site.

- 3.2 In August 2009, the Council received complaints that alleging that hard-standing was being laid on site. Staff visited the site and noted a number of possible breaches of planning control.
- 3.3 In September 2009, the Council wrote to the owners of that land alleging that hard standing had been laid without the benefit of planning permission and that there had been a change of use of the land as it was being used for a number of uses including for the purposes of the parking and storage of vehicles. The Council noted that retrospective planning applications would be required to retain the unauthorised use and development and at the time of the writing, no applications had been submitted. The letter stated that in the Council's view, were any such applications received in the future, it was unlikely that they would have been successful. In November 2009, a solicitor representing the owners did contact the Council concerning the alleged breaches of planning control. However no progress was made in resolving the alleged breaches of control
- 3.4 During 2010 the Council received updates from both Thurrock District Council and the Environment Agency concerning their respective investigations. However there was no record of any direct contact with the owners or their representatives concerning the alleged breaches of control. The Council Planning Enforcement team wrote to the owners in August 2010 confirming that it was preparing a report seeking authorisation to serve Enforcement Notices and authority to serve Enforcement Notices was approved by the Regulatory Services Committee 26 August 2010.
- 3.5 Two Enforcement Notices were served in January 2011. The Enforcement Notices allege: without the benefit of planning permission, a material change of use in the storage and parking of vehicles, containers, portakabins and plant (Notice A) and without the benefit of planning permission, the construction on the land of a hard surface, including compact earth and gravel (Notice B). The Notices were both dated 14 January 2011 and were served on the same day. The effective date of both Notices was 14 February 2011. Appeals were submitted against both Notices and a Public Inquiry was heard on 9 November 2011. During the course of the Inquiry the Council decided to withdraw both Notices in the light of evidence submitted by the appellants in regard to the service of the Notices. Both notices were withdrawn in November 2012
- 3.6 In September 2013, the Council served "planning contravention notices" (PCN's) on the owners and occupiers of the land requiring information about activities on land. The responses in the returned PCN's confirmed that the land is continuing to be used as a scaffolding yard and for the storage of scaffolding equipment, the storage of crane parts, the storage of scrapped HGV's and HGV bodies, the storage of containers, the storage of plant and equipment, parking and storage of vehicles and the storage of agricultural equipment.

4. **Policy and Other Material Considerations**

- 4.1 Section 9. Protecting Green Belt land of the National Planning Policy Framework (NPPF) sets out policies in regard to the green belts noting that the fundamental aim of Green Belts is to prevent urban sprawl by keeping land permanently open. The most important aspect of Green Belts is their openness, and there is a general presumption against inappropriate development within them.
- 4.2 Paragraph 87.states that: As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 says that; when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. Finally paragraph 90 states that; certain other forms of development are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt.
- 4.3 Policy 7.16 of the London Plan (REMA 2013) says that the strongest protection should be given to London's Green Belt, in accordance with national guidance. Inappropriate development should be refused, except in very special circumstances. Development will be supported if it is appropriate and helps secure the objectives of improving the Green Belt as set out in national guidance.
- 4.4 Policy DC61 (Urban Design) states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the area.DC45 (appropriate development in the Green Belt) states that Council will promote uses in the Green Belt that have a positive role in fulfilling Green Belt objectives. Planning permission for development in the Green Belt will only be granted if it is for the following purposes including agriculture and forestry, outdoor recreation, nature conservation, cemeteries; mineral extraction and park and ride facilities
- 4.5 It is considered that the use of the land for the purposes of the storage of scaffolding equipment, the storage of crane parts, the storage of scrapped HGV's and HGV bodies, the storage of containers, the storage of plant and equipment, parking and storage of vehicles and the storage of agricultural equipment is inappropriate in Green Belt in this instance because it involves extensive external storage and parking. The alleged breaches of planning control fail to preserve the openness of the Green Belt and conflict with the purposes of including land in Green Belt.
- 4.6 Given the in principle and physical harm to the Green Belt, the proposal is considered contrary to Policies DC45 & DC61 contained within the Havering Local Development Framework (LDF), Policy 7.16 of the London Plan (REMA 2013) and National Planning Policy Framework (NPPF)

## **5. Recommendation for action**

- 5.1 For the reasons outlined above, the use of the land for the purposes identified within this report are considered to be unacceptable and contrary to long established national guidance for Green Belts. The owners of the site have not sought to regularise the breach of planning control through the submission of a planning application. In summary, the alleged breaches of planning control have occurred within the last ten years and the Council would be acting within the time limit for taking enforcement action, i.e. the developments are captured within the 10 year rule. Staff consider that the uses are contrary to policy DC45 & DC61 of the LDF Core Strategy and Development Control Policies DPD and policy 7.16 of the London Plan.
- 5.8 Taking into account the harm that has been identified, it is recommended that enforcement notice(s) be served requiring the cessation of the use of the land for the purposes of the storage of scaffolding equipment, the storage of crane parts, the storage of scrapped HGV's and HGV bodies, the storage of containers, the storage of plant and equipment, parking and storage of vehicles and the storage of agricultural equipment

It is considered that three months would be adequate period to secure compliance with the requirements set out in the recommendation section of this report.

## **IMPLICATIONS AND RISKS**

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

Enforcement action may have financial implications for the Council.

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

Enforcement action, defence of any appeal and, if required, prosecution procedures will have resource implications for the Legal Services.

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

No implications identified.

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

Section 149 of the Equalities Act 2010 (EA) came in to force on 1<sup>st</sup> April 2011 and broadly consolidates and incorporates the 'positive equalities duties' found in Section 71 of the Race relations Act 1976 (RRA), Section 49 of the Disability Discrimination Act 1995 (DDA) and section 76(A) (1) of the Sexual Discrimination

Act 1975 (SDA) so that due regard must be had by the decision maker to specified equality issues. The old duties under the RRA, DDA and SDA remain in force.

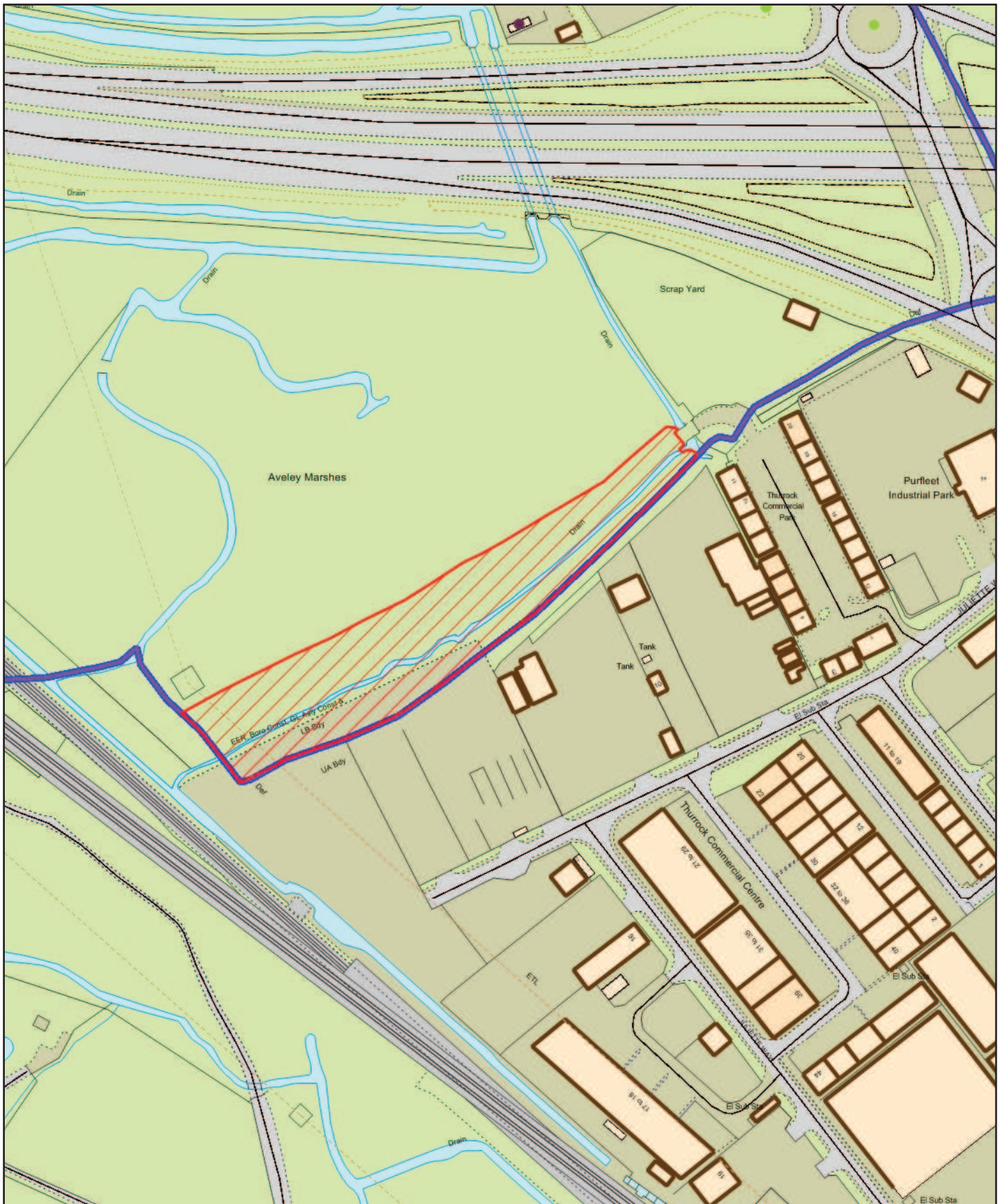
The duties under Section 149 of the EA do not require a particular outcome and what the decision making body decides to do once it has had the required regard to the duty is for the decision making body subject to the ordinary constraints of public and discrimination law including the Human Rights Act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



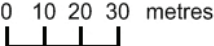

Having considered the above duty and the Human Rights Act 1998 there are no equality or discrimination implications raised.

## **BACKGROUND PAPERS**

- 1. Aerial Photographs*
- 2. Relevant Planning History*

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