



Havering

LONDON BOROUGH

REGULATORY SERVICES COMMITTEE AGENDA

7.30 pm

**Thursday
13 March 2014**

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

Members 11: Quorum 4

COUNCILLORS:

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

For information about the meeting please contact:

**Richard Cursons 01708 432430
richard.cursons@havering.gov.uk**

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 - 16)

To approve as a correct record the minutes of the meetings of the Committee held on 30 January and 20 February 2014 and to authorise the Chairman to sign them.

5 PLANNING APPLICATIONS - SEE INDEX AND REPORTS (Pages 17 - 60)

- 6 **P0047.14 - ORCHARD VILLAGE, RAINHAM** (Pages 61 - 80)
- 7 **P0863.13 - PLOT 2 FORMER WHITWORTH CENTRE** (Pages 81 - 110)
- 8 **P1570.13 - RAINHAM QUARRY, LAUNDERS LANE, RAINHAM** (Pages 111 - 126)
- 9 **P1481.13 - 51 HIGH STREET, HORNCHURCH** (Pages 127 - 136)
- 10 **P0137.14 - UPMINSTER WINDMILL, UPMINSTER** (Pages 137 - 152)
- 11 **L0002.14 - UPMINSTER WINDMILL, UPMINSTER** (Pages 153 - 160)
- 12 **PLANNING CONTRAVENTION - 11 KINGS ROAD, ROMFORD** (Pages 161 - 168)
- 13 **ALLEGED BREACH OF PLANNING CONTROL - 30 KIMBERLEY AVENUE, ROMFORD** (Pages 169 - 174)
- 14 **URGENT BUSINESS**

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

Andrew Beesley
Committee Administration
Manager

This page is intentionally left blank

**MINUTES OF A MEETING OF THE
REGULATORY SERVICES COMMITTEE
Havering Town Hall, Main Road, Romford
30 January 2014 (7.30 - 9.25 pm)**

Present:

COUNCILLORS: 9

Conservative Group Barry Oddy (in the Chair) Barry Tebbutt (Vice-Chair),
Rebecca Bennett, Jeffrey Brace, Wendy Brice-
Thompson and Robby Misir

Residents' Group Linda Hawthorn and Ron Ower

Labour Group

**Independent Residents
Group**

Apologies were received for the absence of Councillors Paul McGeary and David Durant.

+Substitute members Councillor Wendy Brice-Thompson (for Roger Evans) and Councillor Robby Misir for (for Steven Kelly)

Councillor Michael Armstrong was also present for part of the meeting.

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

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

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

200 **DECLARATIONS OF PECUNIARY INTEREST**

Councillor Barry Tebbutt declared a personal and prejudicial interest in item P1367.13. Councillor Tebbutt advised that a family member lived adjacent to the application site. Councillor Tebbutt left the room during consideration of the item and took no part in the voting.

201 **MINUTES**

The minutes of the meeting held on 5 December 2013 were agreed as a correct record and signed by the Chairman.

202 **P1053.13 - LAND OFF HARLOW GARDENS ROMFORD - THE ERECTION OF FIVE 2-BEDROOM CHALET BUNGALOWS**

This item was deferred at the request of staff to address issues relating to trees on the site.

203 **P1430.13 - 179 CROSS ROAD ROMFORD**

The application before members proposed the demolition of an existing dwelling and the erection of a two storey terrace of four houses, on land to the rear of 179 Cross Road, Romford. The proposal would include a parking area, private and communal amenity spaces, cycle storage and bin refuse/recycling storage.

The application was brought before Members on the 19 December, 2013. Members resolved to approve the application subject to conditions, the completion of a legal agreement, and no further material planning considerations being raised prior to the expiration of the statutory consultation period. Objections had been received from neighbouring occupiers since the last committee meeting, some of which raised material considerations that were not addressed in the last committee report.

Officers advised that they were now seeking a further condition to ensure that the dwellings were Lifetime Homes compliant.

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

The objector commented that the proposal would be detrimental to the amenity of the existing surrounding properties and was contrary to the area's Special Design Policy. The objector also raised issues regarding noise intrusion, pressures on local parking provision and the possibility of flooding from the River Rom.

In reply the applicant commented that the application had been completely re-designed to address the concerns raised by the Council's planners. The applicant confirmed that no objections had been raised by the Environment Agency or the Highways Authority and that the development's scale and bulk were not out of character with the streetscene.

Following a brief debate the Committee noted that the proposal would be liable for a Mayoral CIL payment of £11,800 and **RESOLVED** that the proposal was unacceptable as it stood but would be acceptable subject to

the applicant entering into a Section 106 Legal Agreement under the Town and Country Planning Act 1990 (as amended), to secure the following:

- 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 as set out in the report.

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

The vote for the resolution to grant planning permission was carried by 7 votes to 2.

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

204 P1134.13 - 17 BOXMOOR ROAD ROMFORD

The application before members was for the change of use of a vacant A1 (Retail) premises to A5 (Takeaway) and involved the installation of an extract duct to the rear of the property.

The application was brought to committee as the proposal related to a council owned site. The application was deferred at the committee meeting on 9 January 2014, to enable objectors to have the opportunity to present their case in light of their late awareness of the proposal.

Members noted that eleven late letters of representation had been received detailing objections to the proposal mainly regarding noise and litter nuisances.

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

The objector commented that there were over twenty nearby takeaway premises in the area. The objector also commented that all the other shops in the parade were closed by 19.00 hours and that having a takeaway in the parade would increase litter nuisances and Anti-Social behaviour.

During the debate members received clarification of refuse storage arrangements and the length of time the premises had been vacant.

The report recommended that planning permission be granted, however following a motion to refuse planning permission which was carried by 6 votes to 3 it was **RESOLVED** that planning permission be refused on the grounds of harmful levels of noise and general disturbance detrimental to residential amenity, harmful impact of rear flue on living conditions of the residents in the flats above and that the impact of use of a rear flue would be detrimental to the enjoyment of the amenity space to the rear.

The vote for the resolution to refuse the granting of planning permission was carried by 8 votes to 1.

Councillor Brace voted against the resolution to refuse planning permission.

205 **P1367.13 - ROYAL JUBILEE COURT MAIN ROAD ROMFORD - CONSTRUCTION OF A NEW 3.7M WIDE ACCESS ROAD OFF MAIN ROAD**

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

As mentioned previously in the minutes Councillor Barry Tebbutt declared a personal and prejudicial interest in item P1367.13. Councillor Tebbutt advised that a family member lived adjacent to the application site. Councillor Tebbutt left the room during consideration of the item and took no part in the voting.

206 **P1268.13 - BUDDHA LOUNGE, ROMFORD**

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

The applicant was advised, by officers, that the proposal to keep the extended hours for a further 6 - 7 years would be likely to be unacceptable. In response, the applicant had offered to enter into a legal agreement that in return for granting the extended hours to the expiry of their current lease term they would not seek lease renewal thereby closing the Club at the end of the current lease on 1 October 2020. Unless the Council should subsequently grant planning permission to extend the hours, the applicant had asserted that this offer would effectively preclude the continued operation of the premises as a nightclub, given the reduced opening hours.

During the debate members sought clarification from the Legal Officer as to the Committee's options regarding granting of the planning permission.

The legal officer advised that the offer not to renew the lease carried no material planning weight. The lease was not a contracted out lease under the Landlord and Tenant Act 1954 Part II and a planning obligation would not be effective in restricting the statutory rights to renew. The owners would if they sought to discontinue the current use offer to co-operate with the Council and not oppose a Discontinuance Order and agree not to seek compensation. As no such offer had been made no weight could be accorded to the proposed Section 106 proposed by the applicants.

The report recommended temporary planning permission be granted until 10 December 2018 however following a motion to approve the granting of temporary planning permission until 30 September 2020 which was carried by 6 votes to 0 with three abstentions. It was **RESOLVED** that temporary planning permission be granted until 30 September 2020 subject to the conditions as set out in the report.

The vote for the resolution to grant temporary planning permission was carried by 7 votes to 0 with 2 abstentions.

Councillors Bennett and Brice-Thompson abstained from voting.

207 **P1270.13 - BUDDHA LOUNGE, ROMFORD**

The proposal before members was for the extension of the temporary period approved in 2011 and was 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 1 October 2020. The existing approval P1816.11 allowed the smokers roof

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

The applicant had been 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 had offered to enter into a legal agreement that they would return to the hours originally granted in 1996 from 30 September 2020, prior to closing the Club at the end of the current lease on 1 October 2020. Unless the Council should subsequently grant planning permission to extend the hours, the applicant had asserted that this offer would effectively preclude the continued operation of the premises as a nightclub, given the reduced opening hours.

The report recommended that temporary planning permission be granted until 10 December 2018, however following a motion to grant temporary planning permission until 30 September 2020 which was carried by 7 votes to 0 with 2 abstentions it was **RESOLVED** that temporary planning permission be granted until 30 September 2020 subject to the conditions as set out in the report.

The vote for the resolution to grant temporary planning permission was carried by 7 votes to 0 with 2 abstentions.

Councillors Bennett and Brice-Thompson abstained from voting.

- 208 **P1331.13 - QUEEN'S HOSPITAL, ROM VALLEY WAY, ROMFORD - 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.**

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

- 209 **P1415.13 - 134 UPMINSTER ROAD, HORNCHURCH - CHANGE OF USE FROM A1 (RETAIL) TO A5 (TAKEAWAY) USE CLASS TOGETHER WITH THE INSTALLATION OF AN EXTRACT DUCT AT THE REAR**

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

report and to amend condition eight to read 22.00 hours as opposed to 20.00 hours as shown in the report.

210 **P1290.13 - THE SQUIRRELS PUBLIC HOUSE 420 BRENTWOOD ROAD ROMFORD**

The planning application before members related to the demolition of The Squirrels Public House and the construction of seven 4-bedroom dwellings and two 2-bedroom flats.

Following a brief debate where members obtained clarification of the access/egress points of the proposed development it was noted that the development would be liable for a Mayoral CIL payment of £20,520 and **RESOLVED** that the proposal was unacceptable as it stood but would be acceptable subject to the applicant entering into a Section 106 Legal Agreement under the Town and Country Planning Act 1990 (as amended), to secure the following:

- A financial contribution of £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 conditions as set out in the report.

211 **P1330.13 - 13 BURNTWOOD AVENUE EMERSON PARK HORNCHURCH**

The report before members concerned an outline planning application for the demolition of the existing care home and the erection of four new dwellings and an access road.

The Committee noted that the application had been called in by Councillors Roger Ramsey and Ron Ower.

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

During the debate members received clarification regarding boundary distances and the retention of mature trees on the development site.

The report recommended that planning permission be granted, however following a motion to refuse planning permission which was carried by 7 votes to 2.

It was **RESOLVED** that planning permission be refused on the grounds of overdevelopment contrary to the Emerson Park Special Planning Policy, layout and impact harmful to character and appearance of Emerson Park, harmful impact on the outlook of the neighbouring property and the consequent failure to secure an infrastructure tariff.

The vote for the resolution to refuse planning permission was carried by 7 votes to 2.

Councillors Oddy and Tebbutt voted against the resolution to refuse the granting of planning permission.

- 212 **P1493.13 - SCARGILL INFANT AND JUNIOR SCHOOL MUNGO PARK ROAD SOUTH HORNCHURCH - CONSTRUCTION OF A SINGLE STOREY, FLAT ROOFED, TWO 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**

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

- 213 **P1380.13 - 6 HACTON PARADE HORNCHURCH - CHANGE OF USE FROM RETAIL (A1) TO TAKE AWAY (A5) AND INSTALLATION OF EXTRACTION FLUE SYSTEM TO REAR SIDE OF 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.

- 214 **P1321.13 - 27 HORNFIELD WAY ROMFORD - DEMOLITION OF EXISTING BUNGALOW AND GARAGE AND REPLACE WITH ONE DETACHED 2 STOREY 3-BEDROOM HOUSE WITH ROOF ACCOMMODATION AND TWO 2-STOREY 3-BEDROOM SEMI-DETACHED HOUSES WITH ROOF ACCOMMODATION INCLUDING A NEW VEHICULAR ACCESS TO HIGHWAY AND ANCILLARY PARKING SPACES**

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

- 215 **P1388.13 - LAND AT HAYDOCK CLOSE HORNCHURCH - THE ERECTION OF NINE FLATS (ONE 1-BED AND EIGHT 2-BED) WITH ASSOCIATED LANDSCAPING AND OFF STREET PARKING**

The Committee considered the report noting that the proposed development would be liable for a Mayoral CIL payment of £15,100 and without debate **RESOLVED** that the proposal was unacceptable as it stood but would be acceptable subject to the applicant entering into a Section 106 Legal Agreement under the Town and Country Planning Act 1990 (as amended), to secure the following:

- A financial contribution of £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 as set out in the report.

216 **AVELEY MARSHES - ALLEGED BREACH OF PLANNING CONTROLS**

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

- (i) 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.

Chairman

**MINUTES OF A MEETING OF THE
REGULATORY SERVICES COMMITTEE
Havering Town Hall, Main Road, Romford
20 February 2014 (7.30 - 8.15 pm)**

Present:

COUNCILLORS: 11

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

Residents' Group Linda Hawthorn and Ron Ower

Labour Group Paul McGeary

**Independent Residents
Group** David Durant

UKIP Group Fred Osborne

+Substitute members: Councillor Wendy Brice-Thompson (for Lesley Kelly)

Apologies were received for the absence of Councillor Lesley Kelly.

Councillors Lesley Kelly and Denis O'Flynn were also present for parts of the meeting.

6 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.

217 COMMITTEE MEMBERSHIP

The membership of the Committee was noted.

218 **DISCLOSURE OF PECUNIARY INTERESTS**

Councillor Linda Hawthorn declared a personal and prejudicial interest in agenda item 13 Section 111 Agreement with the Greater London Authority (Broxhill Centre) as she was an individual member of Havering Sports Council where this matter had been discussed.

219 **MINUTES**

It was **NOTED** that that officers requested for clarity that an amendment to minute 178 (P1081.13 – Chanlin, Broxhill Road) in order that the resolution should read as follows:

‘...it was **RESOLVED** that permanent planning permission be granted for the mobile homes and prevailing outbuildings & additions...’

It was also **NOTED** that Councillor Osborne had been present at the meeting.

Subject to the amendments shown above, the minutes of the meeting held on 19 December 2013 were agreed as a correct record and signed by the Chairman.

220 **PLANNING APPLICATION P0518.13 - 111-115 NORTH STREET**

The application before members gave an updated report on an application for a change of use of property from B1 to mix use comprising D1 (education, religious meetings and training centre). Members noted that three late letters of representation had been received concerning possible late closing times of the building, equality and diversity issues and possible insufficient parking space.

During the debate, officers clarified that the ground floor would include 25 parking spaces and a hall accommodating up to 90 people. The first floor of the building would comprise classrooms with the upper floor including further classrooms, a library and offices. There was no longer any overnight accommodation proposed in the building.

Members were concerned that there was no fence currently proposed to prevent children being taught at the site from running into the main road. Members also felt that the serving of hot meals on the site should require the permission of the Local Authority (other than for those children being taught in the building). Officers confirmed that the applicant and ward Councillors were aware that the application was being discussed at the meeting. Members also discussed arrangements for dropping off of children which would take place in an undercroft at the rear of the building.

Officers clarified a number of additional conditions that could be attached to the scheme if members were minded to approve planning permission.

The report recommended that planning permission be granted subject to the conditions as set out in the report and it was **RESOLVED** that planning permission be granted subject to the conditions at the end of the report and with the addition of the following amended or additional conditions.

- Amendment to condition 7 Hours use - hours of 10am to 9pm Monday to Saturday, 8am to 3pm on Sunday
- Additional condition on extent of use within use class D1 to restrict use to education and faith purposes only.
- Amendment to condition 9 (Travel Plan) to include details of drop off presumed to be in undercroft parking area unless otherwise agreed in writing.
- Additional condition - other than food for children receiving education no food to visiting members of public unless otherwise agreed in writing by the Local Planning Authority.
- Additional condition - no food to be served after 3pm on any day.
- Additional condition - scheme for child security and safety.

221 **P1267.13 - LAND TO THE REAR OF 8-28 ULLSWATER WAY, 8-36 KENDAL CROFT AND 61-69 CARNFORTH GARDENS, HORNCHURCH**

The planning application before members related to a proposal to build supported housing flats on a vacant site primarily used as a car park.

With its agreement Councillor Lesley Kelly addressed the Committee.

Councillor Kelly commented that this was a disused, overgrown site and that she wished to see more supportive living units for Havering residents. Councillor Kelly noted that some people currently had to be sent out of the borough in order to access similar units.

Members considered the report and **RESOLVED** that planning permission be granted subject to the conditions as set out in the report.

222 **P1581.13 - 63 PETTITS LANE, ROMFORD**

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

223 **A0086.13 - DOVERS CORNER ROUNDABOUT, RAINHAM**

Members noted that the maintenance of the roundabout itself was the responsibility of Parks and Maintenance and not a planning matter.

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

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

Councillor Durant abstained from voting.

224 **A0087.13 - ROUNDABOUT ON THE JUNCTION OF WESTERN ROAD/MERCURY GARDENS, ROMFORD**

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

225 **P1486.13 - LAND TO THE REAR OF 191-195 RAVENSCOURT GROVE, HORNCHURCH**

The Committee **NOTED** the advice of officers that any reference in the report to a Section 106 agreement should be removed as the Council will retain ownership of the application site.

The Committee NOTED the addition of a new paragraph 6.8.1 to replace the existing paragraph 6.8.1 as contained in the report. The new paragraph would read:

The proposal would have been subject to a financial contribution of £18,000 to be used towards infrastructure costs in accordance with the Planning Obligations Supplementary Planning Document. However, in this instance, the development would be owned and managed by the Council and therefore, transferring the funds from one department to another would be a paper exercise. Therefore in this particular instance, a condition personal to the London Borough of Havering would be appropriate.

The application before members related to the construction of bungalows with 14 spaces for general off-street parking with the intention that these be used by the residents of the bungalows.

With its agreement, Councillor Lesley Kelly addressed the Committee.

Councillor Kelly commented that the Council wished to provide more bungalows for older people and was working with local residents re parking issues.

During the debate, members commented that the current car park was not overly used and that the remaining parking provision should be sufficient.

The report recommended planning permission to be granted subject to the conditions set out in the report. The Committee **RESOLVED** that planning permission be granted subject to the conditions as set out in the report and with the following additional condition:

Additional Condition – (Personal Permission) - The benefit of the planning permission hereby approved shall ensure solely for the benefit of London Borough of Havering and its tenants.

226 **P1519.13 - THE BRITTONS ACADEMY, FORD LANE, SOUTH HORNCHURCH**

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

227 **SECTION 111 AGREEMENT WITH THE GREATER LONDON AUTHORITY (GLA) (BROXHILL CENTRE)**

Members considered the report and **RESOLVED** that pursuant to the powers contained in Section 111 of the Local Government Act 1972, section 2 of the Local Government Act 2000, Section 30 and 34 of the Greater London Authority Act 1999 and all other enabling powers the Council as Local Planning Authority enter into an agreement with the GLA to secure compliance with site specific policy SSA2 of the Site Specific Allocations Development Plan Document to undertake works pursuant to Planning Permission reference P0963.13 or any other relevant planning permission substantially in the same form to secure the provision on the former Broxhill Centre site following demolition of the Broxhill Centre buildings a new public open space, playing field and high quality accessible public park, and that any future planning consent for residential development of the former Whitworth Centre Phase II site could proceed subject to the Section 111 agreement.

As mentioned previously in these minutes Councillor Linda Hawthorn declared a personal and prejudicial interest in agenda item 13 Section 111 Agreement with the Greater London Authority (Broxhill Centre) as she was an individual member of Havering Sports Council where this matter had been discussed. Councillor Hawthorn left the room during the debate and took no part in the voting.

Chairman

Regulatory Services Committee

13 March 2014

Page No.	Application No.	Ward	Address
1-6	P1140.12	HP	Brookside Yard, Clockhouse Lane, Collier Row
7-12	P1451.13	ST	155 Billet Lane, Hornchurch
13-19	P1453.13	UP	39 Corbets Tey Road, Upminster
20-24	P1542.13	RW	190 Upminster Road South, Rainham
25-30	P0042.14	HW	Ricon, Ashton Road, Romford
31-35	P0092.14	UP	28 Cranborne Gardens, Upminster
36-42	P0193.14	RT	The Frances Bardsley Academy for Girls, Brentwood Road, Romford

This page is intentionally left blank

REGULATORY SERVICES COMMITTEE

13th March 2014

APPLICATION NO:	P1140.12	
WARD :	Havering Park	Date Received: 13th September 2012 Expiry Date: 8th November 2012
ADDRESS:	Brookside Yard Clockhouse Lane, Collier Row Romford	
PROPOSAL:	Erect two conservatories (to East and West elevations) covered way to north elevation, construct swimming pool and pump room with hardstanding and retaining wall and change of use of land to residential curtilage (retrospective).	
DRAWING NO(S):	12/07/PL1; - PL2	
RECOMMENDATION :	It is recommended that planning permission be REFUSED for the reason(s) given at the end of the report given at the end of the report.	

CALL-IN

Councillor Barry Oddy has called the application into Committee on the grounds that the application has been outstanding and undetermined for considerable length of time.

SITE DESCRIPTION

The site comprises a dwellinghouse with outbuildings. The house has been extended by the addition of two conservatories and a covered way, together with an outside swimming pool and pump room. The site area is 0.46 hectares. Vehicular access to the site is onto Clockhouse Lane - a track at this point. Ground levels rise away from Clockhouse Lane. The site is adjacent to two bungalows which are located in a frontage relationship with the track and to the north is a commercial site. Apart from the school (west) and public house (south), the area is otherwise open including Havering Country Park. Nonetheless further along North Drive (at least 100m from the site) are two-storey frontage residential properties at the northern limit of Collier Row. The site is within an area of Metropolitan Green Belt and the Havering Ridge Area of Special Character.

DESCRIPTION OF PROPOSAL

The proposal is for the retention of the two conservatories together with a covered way to the north elevation, and to retain a swimming pool and pump room to the north eastern corner of the site with hardstanding and a retaining wall together with the change of use of the land to residential curtilage.

A Special circumstances case has been put forward by the applicants which can be summarised as follows:

- the extensions are not disproportionate if the new dwellinghouse is taken as the "original dwellinghouse", as per the reasoned justification to the LDF Policy DC45 as it would be less than 50% larger
- the rear covered way and western conservatory are sandwiched between existing building and structures and so would not materially affect the openness of the green belt
- the swimming pool is mainly underground with only 0.35m projecting above the surface of the patio and therefore does not diminish the openness of the green belt
- the hardstanding areas do not have any material affect on the openness of the green belt since they simply reconcile a sloping area on the site.

REGULATORY SERVICES COMMITTEE

13th March 2014

- the originally approved residential curtilage of 6m depth and 35.5m wide was unreasonably small for this dwelling and that now proposed is not disproportionate and, of itself would not have any impact on the openness of the green belt
- any structures etc. to be erected within the proposed residential curtilage would not be visible outside the site due to the screen walling now erected and would therefore not have any impact on the open character of the green belt

RELEVANT HISTORY

- L/HAV/598/70 - Extension of stables - 8 units, approved.
- L/HAV/1863/71 - Removal of old sheds, extension and stables, approved.
- L/HAV/2305/72 - Reception, tack, bridle, foodstore and dog kennels, approved.
- L/HAV/662/78 - Covered equestrian area, refused.
- L/HAV/2749/78 - Caravan, withdrawn.
- L/HAV/122/83 - Use of office and tack room as residential accommodation to supervise riding stables, refused.
- L/HAV/737/83 - Use of office and tack room for security and watchman 24 hrs per day (not residential), approved.
- P0323.88 - Open sided building menage, equestrian instruction, withdrawn.
- P0415.89 - Loose boxes, relocation of barn/hayloft, approved.

- P1166.07 - To erect a replacement building in lieu of approval P1545.06 to convert existing stables and tack building into a dwelling
Apprv with cons 12-10-2007
- P1545.06 - Conversion of existing stable & tack buildings into new dwelling house
Apprv with cons 03-10-2006
- P2152.05 - New Dwelling on site of existing stables.
Refuse 23-01-2006
- P0761.03 - Revised details of single storey dwelling P1890.02 refers
Apprv with cons 28-05-2003
- P1890.02 - Demolition and conversion work to form single storey dwelling and car port
Apprv with cons 03-03-2003

CONSULTATIONS/REPRESENTATIONS

Neighbouring and nearby occupiers were notified of the proposal. A press notice was placed in a local paper and a site notice was posted. There have been no objections.

RELEVANT POLICIES

LDF

- CP14 - Green Belt
- DC45 - Appropriate Development in the Green Belt
- DC61 - Urban Design

OTHER

- LONDON PLAN - 3.5 - Quality and design of housing developments
- LONDON PLAN - 7.16 - Green Belt
- LONDON PLAN - 7.4 - Local character

REGULATORY SERVICES COMMITTEE

13th March 2014

OTHER

LONDON PLAN - 7.5 - Public realm
NPPF - National Planning Policy Framework

MAYORAL CIL IMPLICATIONS

None. The proposal is for residential extensions of less than 100 sq.m.

STAFF COMMENTS

The main issues are the principle of the development, the impact on the open character of the green belt, impact on visual amenity in the streetscene and impact on residential amenity. If by reason of harm either in principle or any other harm is identified, then special circumstances can be considered. Firstly however it is necessary to consider whether any harm arises from the proposal.

PRINCIPLE OF DEVELOPMENT

Policy DC45 indicates that new build residential development is not appropriate development in the green belt but that conversions are acceptable, subject to there being limits to the amount of additional development which may also take place as a result. The conversion into a dwellinghouse was originally approved in 2002, partly as it involved a loss of other buildings from the application site which increased the openness of the site. The 2007 approval for a new house followed closely on from the 2006 conversion approval as the remaining wall was unstable upon starting works. Given the planning history, it was considered that the scheme would have no greater impact on the open character of the green belt than the 2006 approval and that in these exceptional circumstances, approval of the new house was acceptable. There were a number of restrictions including a clearly defined residential curtilage. The works currently proposed for retention are additional to this.

The building which was to be converted (2006) but was eventually demolished and rebuilt (2007) is 35.5m long and 4.2m deep (149 square metres). The 2006/7 approvals allowed the addition of two wings and a limited depth (0.65m) front extension which increased the building by 48 square metres in floor area. The overall additional volume was 180 cubic metres. This represented a 36% increase in volume. The schemes also involved the demolition of building 5, part of building 2 and two existing out buildings, which reduced the existing buildings by 369 cubic metres.

Both the 2006 and 2007 approvals also restricted the residential curtilage to an area directly in front (south) of the building with a maximum depth of 6m. A car port was to be formed from the remaining part of Building 2 (to the west of the approved dwelling).

The proposal increases the built volume by both not removing the part of the outbuilding (building 2) which was to be part demolished to provide a small car port, and also by adding two conservatories (one of which effectively attaches to the car port building), a covered way and a pump room. The new conservatories and covered way add some 92.5 sq.m and the retained buildings, now attached, add a further approximately 150 sq.m, totalling approximately 243 sq.m. Given that the approved dwelling was already 48 sq.m larger in floor area, these additional elements are well in excess of 50% of the approved volume, which itself was 36% bigger than the original building. The overall increase in volume (comparing the original buildings with that now on site) is circa 163%.

It is therefore considered that the proposal would result in disproportionate additions to the building, contrary to both Policy DC45 and the NPPF, such that there would be in principle harm from the proposed development as a result of inappropriateness.

REGULATORY SERVICES COMMITTEE

13th March 2014

GREEN BELT IMPLICATIONS

The proposal would increase the length of the building. While the conservatories are largely glass and the covered way is located behind the building against the shared boundary wall, the overall impact is that the current building extends more than 75m along the northern edge of the application site. This is considered to be harmful to the open character of the Green Belt.

The original residential curtilage (permitted by the 2006/7 schemes) included an area approximately 35.3m wide by a maximum of 6m deep immediately to the south of the building. This area was in addition to the driveway. As part of this application, there would be an extension of the residential curtilage to include the swimming pool and its surrounding hardstanding area which, excluding the 30 sq.m pump room, covers an area of over 310 sq.m. This is in addition to the provision of a hardstanding patio area of approximately 185 sq.m to the front and east of the added conservatory. This alone totals nearly 500 sq.m of additional hardstanding area. Two smaller areas of hardstanding have also been added to the paddock area, one adjacent to the eastern patio area and another to the front of the dwellinghouse.

An area beyond the previously defined residential curtilage and new areas of hardsurfacing to be retained has also been laid to lawn. This lawn is circa 2640sq.m in area. The applicant has advised that this land is leased to them on a 99 year basis.

Taking into account the limited extent of the original curtilage, it is considered that the now proposed residential curtilage would result in an unacceptable urbanisation of the application site, well beyond that originally envisaged, to the detriment of the open character of the Green Belt.

DESIGN/IMPACT ON STREET/GARDEN SCENE

The extensions are visible from the Country Park, in particular from views along an informal footpath directly to the south and from the woods to the east of the application site, although views into the site have been partly obscured by the applicant building a wall just inside the boundary which is higher than the retained boundary fence.

It is not however considered that there would be any adverse impact on visual amenity in the streetscene, bar that arising to green belt character.

IMPACT ON AMENITY

The nearest residential properties front onto the same access road to the west of the application site. Due to the distance and intervening buildings, it is not considered that the works undertaken would have any impact on residential amenity.

HIGHWAY/PARKING

There would be no change to parking arrangements which seem to provide in excess of the 2 parking space requirement.

OTHER ISSUES

Since harm has been identified through inappropriateness and visual impact, very special circumstances may exist which, in line with the NPPF, outweigh the harm identified. The special circumstances offered by the applicants are as follows:

- the extensions are not disproportionate if the new dwellinghouse is taken as the "original dwellinghouse", as per the reasoned justification to the LDF Policy DC45 as it would be less than 50% larger

REGULATORY SERVICES COMMITTEE

13th March 2014

Staff Comment: According to the LDF the original dwellinghouse is "as built" on 1st July 1948. In this case, the dwelling on site is a replacement of a previous building. Together with the elements now proposed to be retained, total volume would be circa 163% greater than the volume of the original building, which Staff consider is disproportionate. In addition, the proposal involves development in the green belt beyond the approved residential curtilage.

- the rear covered way and western conservatory are sandwiched between existing buildings and structures and so would not materially affect the openness of the green belt

Staff comment: See comment above in respect of the residential curtilage; development beyond the approved curtilage is a change of use of the land to residential which is in principle, harmful to the green belt and the reasons for including the land within it; in respect of extending the buildings and joining them together, this clearly has an impact on openness, in particular as works to remove/demolish part of a building on site, which formed part of the original approval, have yet to be undertaken and are now proposed to be retained.

- the swimming pool is mainly underground with only 0.35m projecting above the surface of the patio and therefore does not diminish the openness of the green belt

Staff comment: The swimming pool is not within the approved residential curtilage and represents a change of use to residential as well as being a physical development in itself; that the pool does not project significantly above ground does not of itself mean that it has no impact on the open character of the green belt as it is accompanied by extensive hardstanding and a single-storey pump room/changing facility.

- the hardstanding areas do not have any material affect on the openness of the green belt since they simply reconcile a sloping area on the site.

Staff comment: Hardstanding is development and in this case is not within the approved residential curtilage; the extensive hardstanding undertaken at the site together with stepped accesses is not characteristic of undeveloped land in the green belt and it represents an urbanisation of the site.

- the originally approved residential curtilage of 6m depth and 35.5m wide was unreasonably small for this dwelling and that now proposed is not disproportionate and, of itself would not have any impact on the openness of the green belt

Staff comment: The applicant was free to appeal against the condition on the approval which restricted the residential curtilage, but did not do so. The current proposal involves the change of use of the whole former stables site to a residential curtilage. The site area is 0.46 hectares which would result in an unreasonably large area of land in residential use.

- any structures etc. to be erected within the proposed residential curtilage would not be visible outside the site due to the screen walling now erected and would therefore not have any impact on the open character of the green belt

Staff comment: The wall around the site has been raised above 2m following Police advice; it is currently unauthorised, nonetheless just because any buildings may not be visible from certain public vantage points is not a very special circumstance to allow ancillary residential development over the whole of the former stables site of which the majority was open pasture.

Staff do not consider that the circumstances submitted, neither singly, or collectively, represent

REGULATORY SERVICES COMMITTEE

13th March 2014

the very special circumstances needed to outweigh the in principle and other harm identified, in particular to the open character and appearance of this part of the Metropolitan Green Belt.

KEY ISSUES/CONCLUSIONS

The proposal to retain various residential development outside the approved residential curtilage for this property in the green belt would result in inappropriate development in the green belt, unacceptably harmful to Green Belt principles and its open character. Staff do not consider that the circumstances submitted are very special such that they do no outweigh the harm identified. The proposal is therefore contrary to Policy DC45 of the LDF Core Strategy and Development Control Policies DPD.

RECOMMENDATION

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

1. REFGB (Standard Green Belt reason for refusal)

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

1 Refusal - No negotiation

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

REGULATORY SERVICES COMMITTEE

13th March 2014

APPLICATION NO:	P1451.13	
WARD :	St Andrew's	Date Received: 26th November 2013 Expiry Date: 21st January 2014
ADDRESS:	155 Billet Lane Hornchurch	
PROPOSAL:	Retrospective Change of Use to A4 (drinking establishment) from A3 (cafe/restaurant)	
DRAWING NO(S):	Site Location Plan (1:1000) Site Location Plan - Waste and Storage Collection (1:200) Ground and First floor Plans (Drawing No. KC/BW/01)	
RECOMMENDATION :	It is recommended that planning permission be GRANTED subject to the condition(s) given at the end of the report given at the end of the report.	

CALL-IN

The application was called in by Councillor Tebutt on the grounds of the change of use and operating hours.

SITE DESCRIPTION

This retrospective application relates to the ground floor unit at 155 Billet Lane, operating as "KC's Bar". The site adjoins a hairdressers and forms part of a local parade of commercial units with residential accommodation above. As such the application site is a two-storey end of terrace premises with a walled seating area to the front and an associated car park and detached garage/ storage unit to the rear accessed via a driveway leading along the side of the building. The adjacent premises to the south, No.153, is a plumbing and heating merchants and there is a three-storey block of flats located to the west of the site at Langham Court. To the east of the application site, on the opposite side of Billet Lane, is The Chequers Public House.

DESCRIPTION OF PROPOSAL

The proposal comprises a retrospective change of use from an A3 cafe and restaurant use to an A4 drinking establishment, operating between the hours of 09:00 to 23:30 on Monday to Wednesday, 09:00 to 00:30 on Thursday, 09:00 to 01:30 on Friday, Saturday and Bank Holidays and 09:00 to 23:30 on Sunday.

RELEVANT HISTORY

- P1208.09 - Change of use of rear car park to a car wash / valeting operating between the hours of 8am and 5.30pm
Refuse 17-11-2009
- P0770.09 - Modification of Condition 6 of planning permission P2071.03 to vary opening hours
Apprv with cons 31-07-2009
- P2130.06 - Variation of conditions to approved application to alter cafe opening times to 6:am to 7:pm Monday to Saturday and 7:am to 7:pm on Sundays
Refuse 27-12-2006

REGULATORY SERVICES COMMITTEE

13th March 2014

- E0003.04 - Certificate of lawfulness for the sale of hot food and drink - class A3
Withdrawn 16-02-2004
- P2071.03 - Change of use to A3 and removal of existing fridge unit and lean to structures for new single storey toilet block and store room
Apprv with cons 16-02-2004
- P1961.03 - Removal of existing fridge unit and lean to structure for new single storey toilet block and store room
Withdrawn 13-11-2003

CONSULTATIONS/REPRESENTATIONS

Neighbour notification letters were sent out to 48 properties and of these letters one representation was received. The representation raises concerns with regards to the continued unauthorised use as a bar, the potential for later opening hours and cites on going issues relating to noise and problems involving the Police.

Environmental Health have objected to the application on the grounds that there are continuing complaints relating to noise and disturbance. The main issues are the noise from loud amplified music played at the premises and the noise from patrons raised voices/shouting whilst outside in the seating area at the front of the premises.

RELEVANT POLICIES

LDF

DC23 - Food, Drink and the Evening Economy

DC55 - Noise

SPD1 - Designing Safer Places SPD

OTHER

LONDON PLAN - 7.15 - Reducing noise and enhancing soundscapes

LONDON PLAN - 7.3 - Designing out crime

NPPF - National Planning Policy Framework

MAYORAL CIL IMPLICATIONS

There are no Mayoral CIL implications for this application.

STAFF COMMENTS

According to the submitted information, the applicant has been operating the unauthorised A4 drinking establishment, known as "KC's Bar" at 155 Billet Lane since 31 July 2009.

The following planning history at the site provides some context to the current unauthorised use.

In February 2004 planning permission (P2071.03) was granted for the change of use to A3, under the provisions of the Use Class Order, 1987 (now amended), permitting the use to a restaurant/ wine bar only, operating between the hours of 12pm to 11pm Monday to Saturday and 7:30pm to 10:30pm on Sunday. It is understood that the restaurant use was implemented and was in operation until 2009.

In December 2006 planning permission (P2130.06) was sought to vary the condition relating to the opening hours in order to allow a cafe to operate between times of 6am to 7pm Monday to

REGULATORY SERVICES COMMITTEE

13th March 2014

Saturday and 7am to 7pm on Sunday. The application was refused on the grounds that the proposal would result in a level of noise, general disturbance and an increase in early morning activity, which would be seriously prejudicial to the amenity of the adjacent occupiers and of the surrounding area in general.

In July 2009 temporary planning permission (P0770.09) was granted to vary the opening hours to 11:00 to 23:30 on Sunday to Thursday and 11:00 to midnight Friday, Saturday and any night immediately proceeding a Bank Holiday. This temporary consent was for a period of 12 months, enabling the Council to retain control in the interests of amenity. Following the expiration of the temporary consent on 31 July 2010, the permitted opening times reverted back to the hours stated in the original condition from the 2004 planning permission.

At the time of the 2009 application to vary the operating hours the premises was used as an Indian restaurant, known as "Maharaja Indian Brasserie".

In November 2013 a premises licence was granted under the provisions of the Licensing Act 2003. The premises licence includes the same opening times as requested in this application. However, the granting of a licence under this Act does not remove the need for any necessary consent under other legislation, such as the Planning Act. The fact that a licence has been granted on certain terms does not imply that similar terms will be agreed under other legislation.

DESIGN/IMPACT ON STREET/GARDEN SCENE

It is considered that the retrospective change of use does not represent an adverse impact on the street scene as no external alterations or physical changes have been made to the building frontage. The premises has a seating area to the front located between the front entrance and foot-way which is enclosed by a low level wall. The external appearance of the building corresponds with the frontages of the adjacent commercial units.

IMPACT ON AMENITY

The main consideration for this application is the impact on the residential amenity of the neighbouring dwellings and on the amenity of the surrounding area in general.

The application site is located directly beneath the a first floor flat at 155A Billet Lane and in close proximity to the residential accommodation above the neighbouring shop units in the terraced row (No.'s 157-163 Billet Lane). The premises includes a seating area to the front used for drinking and smoking. To the rear of the site is a three-storey block of flats at Langham Court. Beyond the adjacent detached plumbing and heating merchants building at No.153, is Emerson Park Court, a four-storey block of flats with upper floor windows looking directly onto the site. As a result the surrounding area is characterised by a mixture of residential and commercial uses, located around a busy road junction and one-way system. Nevertheless, the site is within an out of town centre location, and the commercial uses are generally low key, such as a hairdressers, a convenience store and car sales show room, which correspond well in a local shopping parade close to residential dwellings.

The nearby Chequers Public House has a premises licence allowing opening between the hours of 10:00 to 23:00 Monday to Thursday, 10:00 to 00:20 Friday and Saturday and 10:00 to 23:20 on Sunday. This is a well established local pub located on a traffic island and as such is afforded a greater degree of separation from the surrounding residential properties by the busy one-way system and road junctions than the application site.

Section 27. of the 'Designing Safer Places - Supplementary Planning Document, 2010', states

REGULATORY SERVICES COMMITTEE

13th March 2014

that development proposals involving a change of use to an A4 Drinking Establishment will need to be considered within the local context, together with the impact the proposal might have on the local and wider community. Proposals that could have a singular or cumulative impact on an area involving nuisance, amenity, crime prevention and community safety will require careful consideration. A use of this nature can result in potential issues such as noise and anti-social behaviour.

Development Control Policy DC23 - Food Drink and the Evening Economy states, amongst other things, that careful consideration of later opening times of licensed premises will be applied in order to prevent crime and disorder, maintain public safety, prevent public nuisance and protect children from harm. The policy reiterates the 'Designing Safer Places - SPD' by stating that the Council will seek to discourage uses that will have a singular or cumulative impact on the area as a result of disturbance and amenity.

Development Control Policy DC55 - Noise states that 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.

The operation of the bar in close proximity to residential properties brings into consideration all of the above issues. It is noted that planning permission was granted in 2004 for a restaurant/wine bar use and as such the principle of an A4 drinking establishment has been established at the site.

The main material concern with the application is the late opening hours and the suitability in a residential area. The 2004 permission permitted the hours of operation to 11pm on Monday to Saturday and 10:30pm on Sunday. The current application is seeking to open two and a half hours later than the previously permitted hours and operate until 1:30am on Friday, Saturday and Bank Holidays, 12:30am on Thursday and 11:30pm Monday to Wednesday and Sunday. The temporary planning permission in 2009 to extend the opening hours to midnight for 12 months resulted in noise complaints and investigations by Environmental Health leading to a notice being served on the owner.

Environmental Health have objected to the proposal and have provided the following comments:

"Noise from KC's Bar has been the subject of a prolonged investigation by the Public Protection Service and despite numerous interventions made this culminated in the service of Abatement Notices in respect of Noise Nuisance upon the then owners dated the 8th August 2011.

The main issues are the noise from loud amplified music played at the premises and the noise from patrons raised voices/shouting whilst outside in the seating area at the front of the premises.

Despite the service of the abatement notice and working with the owners of the premises in terms of sound reduction measures and management controls the Council has continued to receive complaints from nearby residents.

The premises is still the subject of noise monitoring on the Council's Out-Of-Hours Noise Service. Our records show both officer evidence and that of residents of the ongoing problems with regards to noise from the venue and public orders issues witnessed. These concerns were last evidenced on the 3rd January 2014 whilst working on the Council's Out-Of-Hours Noise Service."

REGULATORY SERVICES COMMITTEE

13th March 2014

It is considered that the opening hours are excessive and are more suited to the operation of a nightclub, which is wholly unacceptable in this location given that the site lies in close proximity to the surrounding residential accommodation. The seating and smoking area to the front provides a location for outdoor gatherings and is a particular focus for the nuisance caused to surrounding residents. For these reasons the proposal will result in an unacceptable level of noise and disturbance late into the evening and early hours of the morning.

It is therefore considered reasonable to restrict the opening times to suit the nature of an A4 use in a residential area and limit the potential for noise and disturbance to surrounding residents. As a result it is recommended that the opening times should reflect the 2004 planning permission and allow operation as an A4 drinking establishment between the hours of 9am to 11pm on Monday to Saturday and Bank Holidays and 9am to 10:30pm on Sunday. It is considered that operating within these hours will serve to protect residential amenity and will limit the impact of the proposal on the local and wider community.

HIGHWAY/PARKING

The retrospective application does not result in any material alteration to the existing car parking arrangements located to the rear of the site.

KEY ISSUES/CONCLUSIONS

The key issue relating to this retrospective application is the impact on the amenity of the surrounding residential accommodation. It is considered that by controlling the hours of operation and limiting opening times to no later than 11pm on Monday to Saturday and 10.30pm on Sunday, that material concerns relating to undue noise and disturbance can be reduced. With a control on opening times the application is therefore considered to be in accordance with the provisions of the Designing Safer Places - SPD, and policies DC23 and DC55 of the LDF Development Control Policies DPD.

RECOMMENDATION

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

1. SC27 (Hours of use) ENTER DETAILS

The premises, including any outdoor areas, shall not be used for the purposes hereby permitted other than between the hours of 09:00 and 23:00 on Mondays to Saturday and 09:00 to 22:30 on Sundays, Bank or Public holidays without the prior consent in writing of the Local Planning Authority.

Reason:-

To enable the Local Planning Authority to retain control in the interests of amenity, and in order that the development accords with Development Control Policies Development Plan Document Policy DC23 and DC55.

2. Non standard condition No 2

Noise levels (expressed as the equivalent continuous sound level, LAeq) (1hr) from fixed plant and machinery at the boundary with of the nearest noise sensitive premises shall not exceed LA90-10dB.

Reason:

REGULATORY SERVICES COMMITTEE

13th March 2014

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.

REGULATORY SERVICES COMMITTEE

13th March 2014

APPLICATION NO:	P1453.13	
WARD :	Upminster	Date Received: 16th January 2014 Expiry Date: 13th March 2014
ADDRESS:	39 Corbets Tey Road Upminster	
PROPOSAL:	Change of Use from A2 to A3 restaurant and new shop front Revised Description	
DRAWING NO(S):	1063/03 1063/02 1063/01	
RECOMMENDATION :	It is recommended that planning permission be GRANTED subject to the condition(s) given at the end of the report given at the end of the report.	

SITE DESCRIPTION

Three storey mid-terrace property with a vacant unit at ground floor, which was previously in A2 use. The surrounding area comprises of a commercial row of shops with residential accommodation above. The site is located within the retail core of Upminster town centre.

DESCRIPTION OF PROPOSAL

The application is for a change of use from A2 to A3 restaurant and a new shop front. The shop front consists of a pair of sliding folding doors and one single door.

Opening hours are proposed to be 11:00 to 23:00 Monday to Thursday, 11:00 to midnight Friday and Saturday, and 11:00 to 23:00 on Sunday and Bank Holidays.

The application is accompanied by floor plans which indicate the provision of a lobby, seating area, kitchen, office, W.C's and storage area. The extract ducting is internal.

There would be four full time staff.

RELEVANT HISTORY

P0686.93 - Change of use from A1 to A2 - Approved.

CONSULTATIONS/REPRESENTATIONS

Neighbour notification letters were sent to 43 local addresses. At the time of writing this report, four letters of support and one letter of objection were received with detailed comments that have been summarised as follows:

- There are too many eating establishments in the high street.
- The Council should consider this application very carefully.

The application has been advertised in a local newspaper and by way of a site notice, as the application does not accord with the provisions of the development plan. The deadline for responses to the notices has not yet expired and any representations will be verbally updated to members. If members resolve to grant planning permission, this would be delegated to the Head of Regulatory Services, subject to no new material considerations being raised in

REGULATORY SERVICES COMMITTEE

13th March 2014

representations received after this meeting.

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

RELEVANT POLICIES

Policies DC16, DC23, DC33 DC55 and DC61 of the Local Development Framework Development Control Policies Development Plan Document and the Shopfront Design SPD are relevant.

MAYORAL CIL IMPLICATIONS

This application is not liable for Mayoral CIL.

STAFF COMMENTS

The issues arising from this application are the principle of the development, including the impact of the proposed change of use on the retail vitality and viability of the Retail Core, impact on residential amenities and highways/parking.

PRINCIPLE OF DEVELOPMENT

The application site is located within the retail core of Upminster town centre. Policy DC16 states that planning permission for A1 retail uses will be granted throughout the primary shopping area (comprising the retail) at ground floor level and planning permission for service uses (Classes A2, A3, A4, A5) will be permitted within the retail core only where the following criteria are met:

- The use provides a service appropriate to a shopping area;
- The proposal will not result in a group of three or more adjoining A2-A5 uses;
- Not more than 20% of the length of the relevant frontage will be in non-retail use following implementation of the proposal.

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.

This policy is intended to maintain the viability and vitality of the town centre by protecting the predominantly retail use so that the range and choice of goods sold are maintained. The retail core of the town centre has been defined in such a way as to single out the most concentrated areas of shopping for protection. In these areas the policy seeks to restrict the number of non-retail uses and also to prevent their grouping as this would interrupt the continuity of individual shopping frontages thus undermining their contribution to the centre as a whole.

The proposal would not result in a group of three or more adjoining A2-A5 uses. In determining the relevant frontage for the purposes of the above, it is considered that the frontage runs between No.'s 33 and 63 Corbets Tey Road. The frontage begins at No. 33 Corbets Tey Road, The Crumpled Horn public house and ends at Papa John's Pizza at No. 63 Corbets Tey Road. This frontage has a total length of 90 metres.

For the purposes of this report, No. 61 Corbets Tey Road comprises of Deluxe Beauty & Spa, which has a mixed A1 (retail) and Sui Generis (beauty treatments) use, so this frontage has been divided equally for the following calculations.

There are 12 units within this parade. The four non-retail uses comprise the application site at No. 39 - a vacant unit formally in A2 use, No. 53 - Prezzo restaurant, No. 61 - Deluxe Beauty & Spa (mixed A1/Sui Generis use) and No. 63 - Papa John's Pizza takeaway.

REGULATORY SERVICES COMMITTEE

13th March 2014

These four non-retail uses including the proposed change of use at No. 39 Corbets Tey Road with a combined frontage measuring 30.2 metres, would result in 33% of the total length of the parade in non-retail use, exceeding the 20% given in policy.

The proposed change of use from A2 to a restaurant (A3 use) would provide services appropriate to the retail core of Upminster town centre and therefore would contribute to the vibrancy and vitality of the locality. Staff are of the view that the proposal would maintain an active shop front and has the potential to make a contribution to pedestrian flows. It is proposed that the premises be open seven days a week during normal shopping hours.

When reviewing the merits of this application, consideration was given to the fact that the premises were formally in A2 use and therefore, the proposed change of use would not result in the loss of an A1 retail unit. In addition, Kemsley Property Consultants has advised that the unit has been vacant and actively marketed since April 2013. There have been some initial enquiries for some independent cafes as well as several enquiries for a restaurant (A3 use).

Although the change of use would be contrary to Policy DC16, it is considered that on balance, an A3 use would be acceptable, particularly as it would be bringing a vacant unit back into use, it would not result in the loss of a retail unit and would contribute positively to the vitality of the retail core of Upminster town centre. For the above reasons, the change of use is a matter of judgement for members.

DESIGN/IMPACT ON STREET/GARDEN SCENE

The shop front consists of a pair of sliding folding doors and one single door. The shop front would be similar in design to other existing shop fronts in the vicinity and therefore, would appear in character with the streetscene. The shop front would have an active frontage open to the street which complies with policy DC61.

The proposal includes two weather louvres on the rear facade of the building, which will not be visible from Corbets Tey Road.

IMPACT ON AMENITY

With regard to the impact upon neighbouring properties consideration must be given to potential implications in terms of operating hours and noise and disturbance.

The application site is located in an area which is characterised by commercial premises where a certain level of activity and associated noise is to be expected. Staff are of the view that a use such as that proposed is more suitably located within a town centre location than within a predominantly residential setting and that the amenities of residents living within the town centre are not normally expected to be as high as for residents living in purely residential locations.

The application property lies within a row of commercial premises which forms part of retail core of Upminster town centre. From the site visit it was observed that Corbets Tey Road is a heavily trafficked road with high ambient noise levels. Given the nature of this road, there is no reason to believe that these observations are unusual. It is reasonable to assume, given the location of the application site that the ambient noise level would remain reasonably high in the evenings and on Sundays and Bank/Public Holidays.

It is Staff's view that the proposal would not result in significant noise and disturbance over and above existing conditions. Opening hours would be secured by condition if minded to grant planning permission.

REGULATORY SERVICES COMMITTEE

13th March 2014

In this instance, opening hours are proposed to be 11:00 to 23:00 Monday to Thursday, 11:00 to midnight Friday and Saturday, and 11:00 to 23:00 on Sunday and Bank Holidays. Staff consider that extending the opening times from 9am to 11am Monday to Saturday would not result in a loss of amenity to neighbouring properties, as these hours would be within the normal working day. It is considered that the proposed opening hours would not result in a significant increase in noise and disturbance over and above existing conditions, as the site is located on a relatively busy main road with arguably higher ambient noise levels throughout the week. Also, Staff consider that the opening hours would be similar to other premises in this parade of shops, for example, the opening hours for Prezzo restaurant, No. 53 Corbets Tey Road are: 7am - 11pm Monday to Saturday and 7am - 11pm on Sundays (reference applications P1165.86 and P0264.90). In addition, the site is adjacent to The Crumpled Horn public house, which is open from 11am - 11pm Monday to Saturdays, 12 noon to 10.30pm on Sundays plus statutory drinking up time (reference application P1469.03). If minded to grant planning permission, conditions will be placed for the following aspects: opening hours, trading days, deliveries and refuse storage.

It is considered that the shop front would not have an adverse impact upon the amenity of neighbouring occupiers. Staff consider that the weather louvres on the rear facade of the building would not result in a significant loss of amenity to neighbouring properties, as conditions from Environmental Health will be placed including one in respect of odours.

HIGHWAY/PARKING

There are three car parking spaces to the rear of the site. There are pay and display parking bays in Corbets Tey Road between 9.30am - 6.30pm Monday to Saturday. There are numerous car parks in Upminster town centre. The site is accessible by a variety of transport modes including public transport, walking, cycling and the car. For these reasons it is considered that the proposal would pose no adverse effect on the function of the highway. The Highways Authority has no objection to the proposal. It is considered that the proposal would not result in any highway or parking issues.

KEY ISSUES/CONCLUSIONS

Although the change of use would be contrary to Policy DC16, it is considered that on balance, the A3 use would be acceptable, particularly as it would be bringing a vacant unit back into use, which would contribute positively to the vitality of the retail core of Upminster town centre. The premises were formally in A2 use and therefore, the proposed change of use would not result in the loss of an A1 retail unit. It is considered that the opening hours are deemed to be acceptable and the shop front would not have an adverse impact on the streetscene. It is considered that the proposal would not be detrimental to neighbouring amenity. There are no parking issues as a result of the proposal and it is not considered the proposal would give rise to any other highway issues. Approval is recommended.

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:-

REGULATORY SERVICES COMMITTEE

13th March 2014

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. SC27 (Hours of use)

The premises shall not be used for the purposes hereby permitted other than between the hours of 09:00 and 23:00 Monday to Thursday, 9:00 and midnight Friday and Saturday and 11:00 to 23:00 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.

4. Concertina louvers

The proposed concertina louvers shall be closed between 20:00 and 10:00 each day.

Reason: To protect residential amenity in accordance with Policies DC55 and DC61 of the LDF Core Strategy and Development Control Policies DPD.

5. 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.

6. 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.

REGULATORY SERVICES COMMITTEE

13th March 2014

7. Hours of deliveries

No 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 deliveries shall take place on Sundays, Bank or Public Holidays unless otherwise agreed in writing by the Local Planning Authority.

Reason:-

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

8. Non Standard Condition 1 (Pre Commencement Condition)

Before the use commences suitable equipment to remove and/or disperse odours and odorous material should be fitted to the extract ventilation system in accordance with a scheme to be designed and certified by a competent engineer and after installation a certificate to be lodged with the 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.

9. Non Standard Condition 2 (Pre Commencement Condition)

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

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

10. Non Standard Condition 3 (Pre Commencement Condition)

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

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

11. Non Standard Condition 4 (Pre Commencement Condition)

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

REGULATORY SERVICES COMMITTEE

13th March 2014

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 Non Standard Informative 1

The applicant is advised to have regard to the following guidance provided in:

- The Food Industry Guides to Good Hygiene Practice:
- Workplace, Health, Safety and; Welfare Approved Code of Practice L24 ISBN 0-7176-0413-6 available to order from book shops.

Further information is available at the following web sites:

- Food safety - www.food.gov.uk/foodindustry/
- Occupational safety & health - www.hse.gov.uk

Applicants have found it beneficial to consider the items below before final detailed plans are produced

1. provision of suitable outside bin storage
2. provision of a grease trap on the foul drainage
3. proper storage and disposal of waste oil
4. vehicle and pedestrian routes when loading and unloading
5. vehicle and pedestrian routes for customers

Finally, food premises must be registered with us at least 28 days before opening. It is an offence for premises to trade without registration. A registration form is available from our office or at our web site:

online.haverling.gov.uk/officeforms/licence_food_business.ofml .

REGULATORY SERVICES COMMITTEE

13th March 2014

APPLICATION NO:	P1542.13	
WARD :	Rainham & Wennington	Date Received: 3rd January 2014 Expiry Date: 28th February 2014
ADDRESS:	190 Upminster Road South Rainham	
PROPOSAL:	Change of Use of Ground Floor premises from a shop (A1 use) to a dog grooming salon (sui generis)	
DRAWING NO(S):	Ordnance survey map Proposed ground floor plan	
RECOMMENDATION :	It is recommended that planning permission be GRANTED subject to the condition(s) given at the end of the report given at the end of the report.	

SITE DESCRIPTION

The application site is located on the southern side of Upminster Road South 10 metres east of its junction with Brights Avenue. The site consists of a vacant ground floor shop unit entitled 'Steel Secure' located within a Major Local Centre. The subject site is presently vacant having most recently been in use for the sale of shutters, gates and railings. The small parade of which the subject property forms part contains six other units consisting of a tattoo and piercing company, a Chinese takeaway, a vacant unit (formally a unisex salon and cosmetics company), a nail parlour, a hairdressers and a Post Office/newsagent. The upper floors of the parade are in residential use. Other than the Major Local Centre, the area surrounding the application site is predominately residential in character, with two storey detached and terraced dwellings.

DESCRIPTION OF PROPOSAL

The application seeks planning permission for the change of use of the ground floor premises from a shop (A1 use) to a dog grooming salon (Sui Generis).

The application is accompanied by indicative floor plans which indicate the provision of a reception, a work room, a holding area with dog cages, a kitchen and W.Cs. The existing workshop will be used for storage.

One full time and two part time staff are proposed.

Opening hours are proposed to be 7:00 to 19:00 Monday to Friday and 08:00 to 19:00 on Saturday.

RELEVANT HISTORY

P0186.08 - Change of use from A1 (shop) to A5 (takeaway)
Refuse 17-06-2008

CONSULTATIONS/REPRESENTATIONS

Neighbour notification letters were sent to 17 adjoining occupiers. No letters of representation were received. The application has been advertised in a local newspaper and by way of a site notice, as the application does not accord with the provisions of the development plan. The deadline for responses to the notices has not yet expired and any representations will be

REGULATORY SERVICES COMMITTEE

13th March 2014

verbally updated to members. If members resolve to grant planning permission, this would be delegated to the Head of Regulatory Services, subject to no new material considerations being raised in representations received after this meeting.

RELEVANT POLICIES

CP4, DC16, DC33 and DC61 of the Local Development Framework Development Plan Document

Chapters 1 (Building a strong, competitive economy) and 2 (Ensuring the vitality of town centres) of the National Planning Policy Framework are relevant.

MAYORAL CIL IMPLICATIONS

This application is not liable for Mayoral CIL.

STAFF COMMENTS

The issues arising from this application are the principle of change of use and the impact on the Upminster Road South Major Local Centre, the impact on amenity and parking and highways considerations.

PRINCIPLE OF DEVELOPMENT

The application site is located within a Major Local Centre. Policy DC16 states that planning permission for A1 retail uses will be granted throughout the primary shopping area (comprising the retail) at ground floor level and planning permission for service uses (Classes A2, A3, A4, A5) will be permitted within the retail core only where the following criteria are met:

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

This policy is intended to maintain the viability and vitality of the town centre by protecting the predominantly retail use so that the range and choice of goods sold are maintained. At the same time, it recognises that uses such as banks, building societies and tanning studios provide a complementary service for the shopping public, and it is therefore appropriate to make some provision for them in the centre. The retail core of the town centre has been defined in such a way as to single out the most concentrated areas of shopping for protection. In these areas the policy seeks to restrict the number of non-retail uses and also to prevent their grouping as this would interrupt the continuity of individual shopping frontages thus undermining their contribution to the centre as a whole.

The proposed change of use of a shop to a dog grooming salon would provide services appropriate to the Major Local Centre and therefore would contribute to the vibrancy and vitality of the locality.

The proposed use would not result in a group of three or more adjoining A2-A5 uses or other non-retail uses. In determining the relevant frontage for the purposes of the above, it is considered that the frontage runs between No.'s 188 and 200 Upminster Road South. This frontage has a total length of 43 metres.

REGULATORY SERVICES COMMITTEE

13th March 2014

There are 6 units within this parade. The three non-retail uses comprise No. 200 - TJs South Side Tattoo and Piercing Company, No. 198 - Peking House Chinese takeaway and No. 194 - Miraculous Nails.

These three non-retail uses with a frontage measuring 18 metres, represents 41.8% of the total length of the parade in non-retail use. The proposed change of use at No. 190 Upminster Road South (with a frontage of 6.1 metres) would result in 56% of the total length of the parade in non-retail use, exceeding the 33% given in policy.

Staff consider that a dog grooming salon would provide services appropriate to a shopping area as stated in Policy DC16. Staff are of the view that the proposal would maintain an active shop front and has the potential to make a contribution to pedestrian flows. It is proposed that the premises be open Monday to Saturday during normal shopping hours. It is acknowledged that the unit at 190 Upminster Road South is currently vacant.

Although the change of use would be contrary to Policy DC16, it is considered that the introduction of a dog grooming salon would bring a vacant unit back into use and contribute positively to the vitality and viability within this Major Local Centre. There is one other vacant unit in this parade and therefore, there is still scope to support Class A1-A5 uses in the future. For the above reasons, the change of use is a matter of judgement for members.

DESIGN/IMPACT ON STREET/GARDEN SCENE

The proposal would not affect the streetcene, as there are no external changes to the property.

IMPACT ON AMENITY

The application premises are located within a parade of shops with residential accommodation above. Accordingly, consideration must be given to the impact upon the amenity of the occupiers of these residential properties with regard to noise and disturbance.

When considering the merits of this application, the following factors were taken into account. The proposed sui generis use is located within a Major Local Centre and therefore, the amenities of residents living nearby to such premises are not normally expected to be as high as for residents living in purely residential locations. The application site is surrounded on either side by commercial properties with a variety of shops, a hot food takeaway and other similar uses. All of these premises have living accommodation above.

Consideration has been given to the fact that Upminster Road South is a relatively busy main road, which is served by bus routes with fairly high ambient noise levels throughout the week. Given the nature of this road, there is no reason to believe that these observations are unusual. Following negotiations with the agent, the opening hours have been changed from 7am to 8am on Saturdays to minimise the impact of the change of use on neighbouring amenity. Staff consider that opening hours of 7am to 7pm Monday to Friday and 8am to 7pm on Saturday would be acceptable in view of the mixed commercial/residential nature of this parade. It is considered that a change of use to a dog grooming salon would not result in any additional harm to the amenities of the neighbouring occupiers. If minded to grant planning permission, conditions will be placed for the following aspects: opening hours and trading days.

HIGHWAY/PARKING

Policy DC33 states that the Council will ensure that all new developments (including changes of use) make adequate provision for car parking normally in accordance with the standards set out

REGULATORY SERVICES COMMITTEE

13th March 2014

in Annex 5 of the Development Plan Document.

Given that the site is situated within a Major Local Centre and residential units are restricted to flats at first floor level, it is considered that the proposal would not be materially harmful to highway safety in this location. There is no off street parking provision to the front of this parade of shops. There are two-wheel parking spaces in the vicinity of the site. The Highway Authority has no objection to the proposal. It is considered that the proposal would not create any parking or highway issues.

KEY ISSUES/CONCLUSIONS

Although the change of use would be contrary to Policy DC16, it is considered that a dog grooming parlour would be acceptable, would bring a vacant unit back into use and would contribute positively to the vitality and viability of the Major Local Centre. It is considered that the opening hours are deemed to be acceptable. It is considered that the proposal would not be detrimental to neighbouring amenity. There are no parking issues as a result of the proposal and it is not considered the proposal would give rise to any other highway issues. Approval is recommended.

RECOMMENDATION

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

1. S SC4 (Time limit) 3yrs

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

Reason:-

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

2. SC32 (Accordance with plans)

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

Reason:-

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

3. SC27A (Hours of use)

The premises shall not be used for the purposes hereby permitted other than between the hours of 7:00am to 7:00pm Monday to Friday, 8.00am to 7:00pm on Saturday and not at all on Sundays and Public Holidays without the prior consent in writing of the Local Planning Authority.

INFORMATIVES

1 Approval following revision

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

REGULATORY SERVICES COMMITTEE

13th March 2014

APPLICATION NO:	P0042.14	
WARD :	Harold Wood	Date Received: 13th January 2014 Expiry Date: 14th April 2014
ADDRESS:	Ricon Ashton Road Harold Hill Romford	
PROPOSAL:	Development of 4060sqm of industrial and warehouse unit(s) (within B1c,B2,B8 use classes) together with ancillary offices, service areas, car parking, gate houses, service/ancillary structures and informal landscaping. Reserved Matters Application. Outline Application was P1865.11 Revised Plans received 26/02/2014	
DRAWING NO(S):	30121-PL-113 Unit1-3 Elevations 30121-PL-111A Site Layout Plan 30121-PL-116 Tracking Plans 30121-PL-112 Floor Plans 01 Revision D Hard and Soft Landscape Layout 30121-PL-110 Site Location Plan	
RECOMMENDATION :	It is recommended that planning permission be GRANTED subject to the condition(s) given at the end of the report given at the end of the report.	

SITE DESCRIPTION

The application site amounts to 0.76 hectares and lies within the Harold Hill Industrial Estate. It is located on the western side of Ashton Road close to the roundabout junction with Tangent Link. The former industrial buildings that occupied this site have been demolished leaving the site level and open.

To the south of the site is the large B&Q store that fronts onto Colchester Road. The store has its service entrance close to the south-eastern corner of the application site. The boundary comprises part mesh fence and part brick wall. There is some external storage between the B&Q building and the site boundary.

To the north and east of the site are other industrial complexes that comprise modern units set within their own landscaped courtyards with on-site parking. These include 'Trade City' to the north and Redwing Court to the east.

To the west of the site are residential properties on Neave Crescent and Hatherleigh Way. These comprise terrace housing and an assisted living residential complex. The terrace properties are separated from the application site by car parking and a service road. The residential complex, which abuts most of the length of this boundary, comprises a two-storey building with habitable rooms that face over the site at first and ground floor level. The building is set back 3.4 metres from the boundary at its closest point.

DESCRIPTION OF PROPOSAL

The Council has granted outline planning permission for the development of this site for B1c, B2 and B8 use classes. The permission includes conditions which that set a maximum floorspace

REGULATORY SERVICES COMMITTEE

13th March 2014

of 4,405m² and layout principles included in three options for the re-development of the site. All matters were reserved at outline stage.

The submitted details show the development in accordance with option 2 amounting to 4,066m² of new floor space over three units each with car parking and servicing to allow occupation by separate businesses. There would be a total of 39 car parking spaces, including four disabled spaces. The development would be carried out in one single phase.

The single building that would house the three units would run east-west across the site along the southern boundary adjacent to the B&Q store. Access would be taken from Ashton Road at the north-eastern corner of the site. The parking, servicing and circulation space would be on the northern side of the building, although 10 of the car parking spaces would be on the western side.

The building would be 11.5 metres to ridge with an eaves height of 9.5 metres. The whole building would have a maximum length of 94.8 metres and a maximum width of 41.4 metres. These dimensions are in accordance with option 2 as set out in condition 2) of the outline permission.

Only two of the units are proposed to have mezzanine ancillary offices. Unit 1 would no longer have a mezzanine level and office accommodation would be provided at ground floor level within the unit to meet the requirements of the intended occupier, Autoglass. Units 2 and 3 would be developed on a speculative basis.

The building would be finished in profiled metal cladding, with different profiles on the upper and lower parts of the walls and on the roof. The walls would be silver grey and the roof light grey. This is similar to the adjoining units at the 'Trade City' site. The glazed areas would be set in aluminium frames. The hard landscaped areas would comprise mainly concrete with asphalt parking bays. Footpath links would be blocked paved with loose gravel surfacing between the building and B&Q. A paved refuse collection area would be located close to the northern boundary.

The soft landscaping would include a five metre buffer along the western boundary as set out in the approved site development parameters plan. This strip would include an indigenous hedgerow on the boundary with the residential properties and a row of standard trees, including Field Maple, Norway Maple, Silver Birch and Hornbeam. There would be ornamental shrub planting between the hedge and the trees. The indigenous hedgerow would extend along the northern boundary, with ornamental shrubs along the site frontage. Further planting of standard trees would take place on the site frontage and by the access. Other areas throughout the site would have low ground cover planting.

The submitted details also cover matters that overlap with conditions on the outline permission. The approval of the reserved matters would also address these conditions. Conditions 2 and 3 set development parameters for the reserved matter details and conditions 7 and 17 relate to access, parking and turning areas. Condition 6 refers to phasing. Condition 11 covers hard and soft landscaping which are one of the reserved matters. Details of boundary treatment are also provided as this would need to be implemented as part of the boundary landscaping. Most of the boundary, apart from an area close to the site access would be fenced with a 2.4 metre high paladin mesh fence.

RELEVANT HISTORY

P0266.07 - Outline application for redevelopment of site for automotive (Sui

REGULATORY SERVICES COMMITTEE

13th March 2014

generis) to include sales, mechanical and servicing engineers - approved on Appeal.

P0337.11 - Extension of time of planning permission P0266.07 - Outline application for development of site for automotive use (sui generis) to include sales, mechanical and servicing engineers - approved.

P1169.11 - Outline Permission for principle of development of the site for employment generating uses within Use Class B1C, B2 and B8. Withdrawn by applicant.

P1865.11 - Outline permission for principle of development of the site for employment generating uses within Use Classes B1(c), B2 and B8 - approved.

CONSULTATIONS/REPRESENTATIONS

Forty five neighbour consultation letters have been sent out to both residential and commercial premises. No letters of representation have been received.

Streetcare (Highway Authority) has no objections subject to amendments to show the provision of appropriate pedestrian visibility splays. A condition to cover wheel washing and informatives are also requested.

London Fire Brigade Water Team raises no objections and is happy for the works to go ahead as planned.

Designing Out Crime Officer (Metropolitan Police) raises no additional concerns from a crime prevention point of view.

Environmental Protection Officer raises no objections and requests a land contamination assessment condition.

London Fire and Emergency Planning Authority is satisfied with the proposals

RELEVANT POLICIES

London Plan 2.17 Strategic Industrial Locations

LDF

CP17 - Design

DC33 - Car Parking

DC36 - Servicing

DC61 - Urban Design

DC62 - Access

DC9 - Strategic Industrial Locations

OTHER

LONDON PLAN - 6.13 - Parking

LONDON PLAN - 6.5 - Funding Crossrail and other strategically important transport

LONDON PLAN - 7.4 - Local character

NPPF - National Planning Policy Framework

MAYORAL CIL IMPLICATIONS

The proposed development is exempt from the Mayor's Community Infrastructure Levy (CIL)

REGULATORY SERVICES COMMITTEE

13th March 2014

under London Plan Policy 8.3 as outline permission was granted prior to the policy being adopted. In accordance with the 2010 CIL Regulations a liability to CIL does not arise where on the day planning permission is granted there is no charging schedule in place. Planning permission was granted on the 23 March 2012, whereas the Mayor's CIL requirements came into effect on 1st April 2013.

PRINCIPLE OF DEVELOPMENT

This application for the approval of reserved matters is put before the Committee in accordance with the resolution taken in respect of the outline application.

The principle of the development has already been agreed by the granting of outline planning permission. That permission requires the development to be carried out in accordance with one of the three options considered at outline stage. This application only concerns issues of access, layout, design, appearance and landscaping. A number of conditions and informatives have been requested by consultees, however, these are already included on the outline permission and do not need to be considered again.

DESIGN/IMPACT ON STREET/GARDEN SCENE

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

The scale and layout of the proposed development accords with option 2 considered at outline stage and which is specifically referred to in the planning permission. There have been no material policy changes since the 2012 decision that would indicate that these options are no longer acceptable. The ridge height of the proposed building is 11.5 metres above floor level with the eaves at 9.5 metres. This is lower than the 12 metres and 11 metres respectively shown in option 2. The building would as a result have a lesser impact than previously considered. Therefore, there are no objections to the scale and layout details currently proposed. The proposed building would not have any harmful impact on the character and appearance of the streetscene.

In terms of materials what is proposed is not significantly different from other recent development within the industrial estate, including 'Trade City' to the north. The materials are, therefore, considered acceptable and appropriate for development with this industrial estate.

IMPACT ON AMENITY

The site is within an existing industrial area, where development such as that proposed is encouraged. The site shares two common boundaries with industrial uses. However, the site is also at the interface with existing residential development to the rear. Careful consideration was given to the amenity impacts of new industrial development on dwellings that exist nearby at the outline stage. In determining that application a balance was struck between what can reasonably be expected to be developed on the site and the quality of residential amenity for those that live near the site boundary.

The nearest neighbouring properties are those to the north-west of the application site, along Hatherleigh Way, and those to the west in the assisted living development. The two most

REGULATORY SERVICES COMMITTEE

13th March 2014

significant impacts from the proposal upon neighbouring residential properties are likely to be the access to daylight and views, together with noise and artificial light associated with the industrial buildings and activities on the subject site.

These matters were considered at outline stage and considered acceptable subject to conditions to cover noise and external lighting. Further details will need to be submitted to discharge the relevant conditions.

Whilst the site is now open the previous industrial buildings covered most of the site. The site is also flanked by other industrial buildings and the B&Q store. The residential premises in Neave Crescent and Haverleigh Way are on the boundary of a designated Strategic Industrial area where it can reasonably be expected that there will be a different outlook to that which can be expected in a wholly residential area. At the outline stage all of the options were considered acceptable in terms of the impact on residents within this context.

HIGHWAY/PARKING

The access proposed in the north eastern corner of the site is in accordance with the site development parameters plan and is considered acceptable in highway terms. No objections have been raised by the Highway Authority subject to adequate pedestrian visibility splays which have been addressed through a revised drawing.

The parking provision for option 2 on the plan referred to in condition 2) is 49 car parking spaces with 4 HGV spaces with 3 spaces for small goods vehicles. This complied with Annex 5 of the LDF taking account of the potential availability of internal parking space within the units. The current layout proposes less office space and the proposed parking provision is considered to be acceptable in accordance with the requirements of Annex 5. There have been no objections raised by the Highway Authority.

OTHER ISSUES

Landscaping

The submitted details provide for a 5 metre buffer zone of soft landscaping on the western boundary as required by the development parameters plan. This would comprise a mix of trees and hedging, mainly of indigenous species. This is considered appropriate for this boundary and would improve the outlook for residents of adjoining residential properties. The remainder of the soft landscaping would be a mix of indigenous and ornamental planting which is considered appropriate for this type of development within an urban area. The soft landscaping overall would help to enhance the appearance of the site.

The hard landscaping proposed is also considered appropriate to an industrial area and would not be harmful to the character and appearance of the area.

KEY ISSUES/CONCLUSIONS

The development of the site for B1 c, B2 and B8 uses was considered acceptable in principle when outline planning permission was granted in March 2012. That permission set parameters for development which needed to be addressed at the reserved matters stage.

This application seeks approval of the details of access, layout, design, appearance and landscaping. The submitted details accord with the parameters for option 2 referred to in condition 2) of planning permission P1865.11 which were considered acceptable when

REGULATORY SERVICES COMMITTEE

13th March 2014

permission was granted. There have been no material changes in the planning considerations which would indicate that this is no longer the case. The proposed design, scale and layout would, therefore, be compatible with the existing streetscene and neighbouring properties and in accordance with Policy DC61 of the LDF Development Plan Document. The proposed access and vehicle parking provision are considered acceptable in highway terms and accord with Annex 5 of the LDF Development Plan Document.

The proposed hard and soft landscaping details are considered to be acceptable and would enhance the overall appearance of the area.

The agreement of the reserved matters would also address matters covered by planning condition and would result in their full or partial discharge. Conditions 1 and 2 of P1865.11 would be fully discharged. Conditions 3, 6, 7, 11, 12 and 17 would be partially discharged subject to implementation in accordance with the approved details.

RECOMMENDATION

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

1. 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.

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.

REGULATORY SERVICES COMMITTEE

13th March 2014

APPLICATION NO:	P0092.14	
WARD :	Upminster	Date Received: 21st January 2014 Expiry Date: 18th March 2014
ADDRESS:	28 Cranborne Gardens Upminster	
PROPOSAL:	Two storey side extension Revised Plans received 27/02/2014	
DRAWING NO(S):	Proposed elevations and block plan	
RECOMMENDATION :	It is recommended that planning permission be GRANTED subject to the condition(s) given at the end of the report given at the end of the report.	

SITE DESCRIPTION

The subject dwelling is located at the junction between Cranborne Gardens and Highview Avenue and comprises a semi-detached, two storey house. The property benefits from a flat roof, single storey side and rear extension and a garage at the rear.

The surrounding area is residential and characterised by a mixture of two storey, semi-detached and detached houses of differing individual design. Land is fairly level and no trees will be affected by the proposal.

There is off-street parking for two vehicles on hardstanding to the front.

DESCRIPTION OF PROPOSAL

The proposals involve the construction of a hipped roof, two storey side and rear extension. At the front, the extension is to be set back 1m from the front main wall at first floor level whilst to the rear the development will project 3.5m from the rear main wall over the existing rear extension. The extension will be set 0.45m in from the flank boundary and has an overall depth measured front to rear of 11.6m x 3.5m wide.

The development will provide accommodation in the form of an additional lounge on the ground floor with two further bedrooms and a bathroom above.

The applicant in a supporting statement has indicated that the development is to assist in providing semi-independent, medium to long term accommodation for their son who is on the Autistic spectrum and has special educational needs.

RELEVANT HISTORY

- P1050.13 - Two storey side extension and first floor side/rear extension
Apprv with cons 24-10-2013
- N0082.11 - Minor Amendment to P1584.11-reduction of height of flank wall
Approve no cons 30-01-2012
- P1584.11 - Single storey rear conservatory
Apprv with cons 28-11-2011

REGULATORY SERVICES COMMITTEE

13th March 2014

P1665.09 - First floor rear / side extension
Refuse 29-01-2010

CONSULTATIONS/REPRESENTATIONS

No objections have been received.

RELEVANT POLICIES

LDF

DC33 - Car Parking

DC61 - Urban Design

SPD4 - Residential Extensions & Alterations SPD

OTHER

NPPF - National Planning Policy Framework

MAYORAL CIL IMPLICATIONS

Not CIL liable.

STAFF COMMENTS

This application is brought before Members for reasons of consistency and because the proposals do not comply with LDF policy in the strictest sense and an element of judgement is called for determining the acceptability or otherwise of the scheme.

It is also appropriate to note that a previous application submitted under reference P1665.09 for a smaller two storey side and rear extension was refused planning permission and dismissed on appeal.

DESIGN/IMPACT ON STREET/GARDEN SCENE

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 area. Also, new development should compliment or improve the amenity and character of the area through its appearance, layout and integration with surrounding land and buildings. The Residential Extensions and Alterations SPD goes further and states that the flank wall of side extensions to corner properties must be set back at least one metre from the back edge of the footway and should not project forward of the building line of properties along the adjoining street in order to maintain the building line.

The subject property is situated on a prominent corner location of Cranborne Gardens and Highview Gardens and is widely visible from the public domain. In this case the development will encompass the existing side projection and will extend the full depth of the subject dwelling to within 0.45m of the flank boundary. The proposals fail to comply with guidelines in respect of boundary separation.

In this case, Staff consider that the development achieves a satisfactory degree of subservience and will relate acceptably to the design, bulk and scale of the subject dwelling. Whilst it is noted that at a depth of 3.5m from the rear main wall the extension is in excess of the 3m suggested within guidelines, inspection reveals that there are a number of two storey rear additions in the vicinity of similar size, notably at No.24 and No.25 opposite. In this context, the development is not considered to be out of character or obtrusive with its surroundings.

REGULATORY SERVICES COMMITTEE

13th March 2014

With regard to the boundary separation issue itself, Staff are mindful that a gap of 0.45m will remain, importantly allowing the existing boundary fence to be retained. Moreover, to reduce impact further the applicant also agreed to lower the main eaves line of the extension and to hip the roof over the ground floor front projection. A separate front entrance was also omitted. Staff consider these changes represent a welcome improvement to the scheme.

Having regard to these circumstances and noting that the development faces properties opposite where the likelihood of any significant loss of openness arising from future front extensions to these properties is remote, Staff consider that the scheme is acceptable on its merits and that an exception to general guidelines is justified.

In coming to this view Staff have had regard to the earlier refusal which was dismissed on appeal (P1665.09) but mindful that there are demonstrable and significant differences between the two schemes, a decision to allow the development in this case would not be inconsistent with the earlier refusal.

Subject to the use of matching materials and the provision of a suitable screen fence adjacent to the extension both of which may be secured by condition, no objections are raised to the development from the visual impact point of view.

IMPACT ON AMENITY

No neighbouring properties will be directly affected by the proposed development as the extension is well separated from them.

HIGHWAY/PARKING

No highway issues arise.

OTHER ISSUES

Though for the reasons stated above the application is considered acceptable on its own merits, the applicant has made clear in a supporting statement that the development is to assist in providing semi-independent, medium to long term accommodation for their son who is on the Autistic spectrum and has special educational needs. Though such family needs are transitory and could change at any point in time should the family move to another property, the personal needs of the applicant constitute a material consideration in this case and Members will need to give appropriate weight to this factor in coming to their decision.

KEY ISSUES/CONCLUSIONS

For the reasons given above, the proposal is considered to comply with the above Policies and Guidance and approval of planning permission is recommended accordingly.

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:-

REGULATORY SERVICES COMMITTEE

13th March 2014

2. SC10 (Matching materials)

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

Reason:-

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

3. SC13 (Screen fencing) ENTER DETAILS

Before the development hereby permitted is first occupied, screen fencing of a type to be submitted to and approved in writing by the Local Planning Authority, 2 metres (6ft. 7ins.) high shall be erected along the flank boundary of the property immediately adjacent to and for the entire length of the extension. Such fencing unless otherwise agreed in writing by the Local Planning Authority shall be permanently retained and maintained thereafter to the satisfaction of the Local Planning Authority.

Reason:-

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

4. 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.

5. SC46 (Standard flank window condition)

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

Reason:-

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

REGULATORY SERVICES COMMITTEE

13th March 2014

INFORMATIVES

1 Approval following revision

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

REGULATORY SERVICES COMMITTEE

13th March 2014

APPLICATION NO:	P0193.14	
WARD :	Romford Town	Date Received: 12th February 2014 Expiry Date: 9th April 2014
ADDRESS:	The Frances Bardsley Academy for Girls Brentwood Road Romford	
PROPOSAL:	Extensions to existing sixth form block to create extra classrooms, a common room, multi-use hall and a new lobby/reception area.	
DRAWING NO(S):	13/137/SD1 13/137/SD2 13/137/SD3 Rev. A 13/137/SD4 Rev. A 13/137/SD5 13/137/SD6 Rev. A 13/137/SD7	
RECOMMENDATION :	It is recommended that planning permission be GRANTED subject to the condition(s) given at the end of the report given at the end of the report.	

SITE DESCRIPTION

The site consists of a two-storey school located to the south of Brentwood Road. Towards the east, north and west of the school boundaries are mainly 2-storey residential dwellings whilst the southern boundary consists of tennis courts and Hylands Park.

The existing sixth form centre is approached from the north and is located South East of the main school. It is surrounded by a high tree boundary, with a large playing field located to the west of the building. The Sixth Form Centre (Rose building) currently consists of five classrooms, one large study area with a small conservatory as a common room and a few offices.

The subject building has red facing brick external walls with a dual pitch roof. The roof is covered with plain interlocking concrete tiles. The external windows and doors are white uPVC.

DESCRIPTION OF PROPOSAL

The proposal consists of front, side and rear extensions to the existing Rose building. The proposed additions would meet the urgent need for additional space to the existing The Sixth Form Centre.

The front addition would measure 6m in depth and 16.8m in width. The front addition will be finished with a dual pitched roof measuring approximately 3.3m in height to eaves and 7m in height to the ridge. The additional space would be utilised as a reception room and lobby.

The proposed side addition will replace an existing conservatory and measures 25.5m in length and 8.3m in width. The side addition will be finished with a mono-pitched roof measuring approximately 3.3m in height at the lowest point where it connects to the existing building and 4.85m in overall height. The additional space would be utilised as a common room.

The proposed rear addition would measure 18m in depth and 28.6m in width. The rear addition

REGULATORY SERVICES COMMITTEE

13th March 2014

will be finished with a part flat part mono-pitched roof measuring 3.8m in height at its lowest point and 5m at its highest. The additional space would be utilised as hall space, a classroom, wc and kitchen.

The existing parking arrangement is to be maintained. The site currently has on-site parking for approximately 100 vehicles and does not require additional space as there would be no increase in staff numbers as a result of this application. The purpose of the proposal is to improve sub-standard facilities rather than increase the intensity of the use.

External lighting would also be upgraded to improve pedestrian use. There will be bollard lighting to indicate the entrance and wall mounted bulkhead lighting around the building.

Opening hours have been indicated as the same as the school use, weekdays between 09:00 and 17:00 and not at all on weekends and public holidays.

RELEVANT HISTORY

- P1520.13 - The existing sixth form block will be re-modelled internally with the addition of single storey extensions, creating extra classrooms, a common room, multi-use hall and a new lobby/reception area.
Withdrawn 12-02-2014

- P1094.13 - 8no. 13m high floodlight columns and floodlighting fittings to an existing artificial pitch
Apprv with cons 18-11-2013

- P0599.12 - Installation of floodlights on all weather pitch at school
Withdrawn - Invalid 08-08-2012

- P0236.10 - Upgrade and rebuilding of existing store building to provide new kitchen and art display area. Construction of new patio.
Apprv with cons 21-04-2010

- P1656.09 - Single storey conservatory extension to the existing 6th Form block
Apprv with cons 10-02-2010

- P0054.09 - New block paved parking area for four cars - Retrospective
Apprv with cons 24-03-2009

- P0416.08 - To erect a canopy over existing hardstanding
Apprv with cons 21-04-2008

- P1982.05 - Single storey pitched roof art gallery & studio/classroom building with flat roof entrance link to existing school minor alterations to existing school at new link
Apprv with cons 19-12-2005

- P2310.04 - Single storey pitched roof front extension to form art gallery and studio/classroom building, minor alterations to existing school at new entrance.
Apprv with cons 14-02-2005

- P1451.02 - Amendment to P0525.98 for minor alterations to position of artificial playing surfaces
Approve no cons 03-10-2002

REGULATORY SERVICES COMMITTEE

13th March 2014

- P1246.02 - Single storey portable classroom
Apprv with cons 19-09-2002
- P0918.02 - Extension to existing school building and parking to combine upper and lower school onto one site.
Apprv with cons 05-09-2002
- P0525.98 - Extensions to existing school building, parking and artificial playing surfaces to combine Upper and Lower School onto one site - OUTLINE
Apprv with cons 08-12-1999
- P1280.94 - Single storey pitched roof detached building to provide science laboratory and technical accommodation
Apprv with cons 15-12-1994

CONSULTATIONS/REPRESENTATIONS

The occupiers of 23 neighbouring properties were notified of this proposal. At the time of drafting this report, the neighbour notification period had yet to expire. Members will be verbally updated of any further representations received. One letter of objection has been received to date raising the following concerns:

- overshadowing neighbouring garden
- proposal could open the door for garden grabbing
- not in keeping with the area
- result in a large structure in close proximity to neighbouring boundary

Highways has raised no objection to the proposal.

RELEVANT POLICIES

LDF

- DC29 - Educational Premises
- DC33 - Car Parking
- DC61 - Urban Design

OTHER

- LONDON PLAN - 3.18 - Education facilities
- LONDON PLAN - 8.3 - Community infrastructure Levy
- NPPF - National Planning Policy Framework

MAYORAL CIL IMPLICATIONS

There are no CIL implication as educational facilities are exempt from the Regulations.

STAFF COMMENTS

The issues arising from this proposal are the principle of the development, the impact on the character of the existing building and the locality in general, the impact on local residential amenity, parking and highway impact and environmental issues.

PRINCIPLE OF DEVELOPMENT

The site has an existing use as an educational establishment. The proposed additions are to the existing Sixth Form Centre and are considered acceptable in principle.

REGULATORY SERVICES COMMITTEE

13th March 2014

DESIGN/IMPACT ON STREET/GARDEN SCENE

Policy DC61 states that planning permission will only be granted where development responds to distinctive local building forms, and respects the scale, massing and height of surrounding development.

The proposed extensions to the Sixth Form Centre building are not considered to have an impact on the streetscene as they are situated to the rear of the site and will not be seen from Brentwood Road.

Staff consider the proposed additions to have been sympathetically designed, an approach which integrates well with the existing design of the Sixth Form Building.

The proposed extensions will however be seen from the rear gardens of neighbouring occupiers and in particular from the neighbouring properties situated at Nos 2 and 3 Savoy Grove. Staff consider the visual impact from the rear garden of No. 2 to be acceptable as the rear addition has been designed with a flat roof which would limit the overall height to between 3.8m and 5m. This together with a separation distance of 3m between the proposal and the northeastern boundary would limit any visual harm to this neighbour.

The proposed front addition would be situated 3m off the boundary with No. 3 Savoy Grove and has been designed in keeping with the existing building. This together with the tree cover on the northeastern boundary would limit any visual harm to this neighbour.

In conclusion, Staff consider the proposed additions to be in keeping with the existing building and would not result in an unacceptable impact to the surrounding area.

IMPACT ON AMENITY

As indicated above, the properties most affected by the proposal would be Nos 2 and 3 Savoy Grove. Staff do not consider the proposed additions to have an unacceptable impact on these neighbours in terms of loss of light as there is a 3m separation distance to this common boundary. The proposed front addition adjacent No. 3 has been designed with a sloping roof with an eaves height of 3.3m at its closest point to the boundary which would further mitigate any potential loss of light. Any potential impact in terms of loss of light to No. 2 is also considered acceptable as there is a 3m gap to the boundary and the height of the proposed extension is limited to 5m.

No first floor windows are proposed to the flank elevations. Any overlooking from proposed windows on the ground floor would be mitigated by an existing wooden fence on the northeastern boundary.

The proposed hours of use of the building would remain as existing. The wall mounted lighting would be located on the front and rear elevations and the side elevation facing into the school site. A condition is recommended to secure details of this lighting to ensure that it does not adversely affect adjoining residential occupiers.

In conclusion, Staff consider the potential impact to residential amenity to be acceptable.

HIGHWAY/PARKING

The existing parking arrangement is to be maintained. The site currently has on-site parking for approximately 100 vehicles and does not require additional space as there would be no increase in staff numbers as a result of this application. The purpose of the proposal is to improve sub-standard facilities rather than increase the intensity of the use. The Highway Authority has raised

REGULATORY SERVICES COMMITTEE

13th March 2014

no objection to the proposals. Staff consider the proposal to be acceptable in terms of parking provision.

TREES

There are a number of trees in close proximity of the proposed development which are protected by means of a Tree Protection Order. The applicant proposes the retention of these trees. An Arboricultural Implications Assessment was submitted as part of the application and concluded that although no trees are directly incompatible with the proposals, crown lift/reduction works would need to be undertaken in order to provide adequate construction room and manage future branch end interface with the proposals. The survey also suggest that a more detailed Arboricultural Method Statement focused upon specific operations with a defined protection strategy may be required by way of a condition. The Council's Tree Officer concurs with the requirement of a more detailed Arboricultural Method Statement as a condition in the event of an approval, suggesting that any future Arboricultural Method Statement should specifically focus on foundation/hard surface design and proposed excavation depths.

KEY ISSUES/CONCLUSIONS

The principle of the extensions are supported by policies within the LDF, London Plan and National Planning Policy Framework. The impact of the proposals on neighbouring properties are considered acceptable. The scale and design of the proposal is considered to acceptably integrate into the surroundings, and would have a limited impact within the surrounding area. Given the parking facilities on site, staff do not consider that the additions would result in adverse harm to the highway or parking demand.

Therefore, the proposal is considered to be in accordance with the aims and objectives of Policies DC29, DC33, and DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document, Policy 3.18 and 8.3 of the London Plan and the National Planning Policy Framework. Approval is recommended accordingly, subject to conditions.

RECOMMENDATION

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

1. SC4 (Time limit) 3yrs

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

Reason:-

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

2. SC10 (Matching materials)

All new external finishes shall be carried out in materials to match those as listed in Appendix 5.3 of the Planning (Design & Access) Statement to the satisfaction of the Local Planning Authority.

Reason:-

To safeguard the appearance of the premises and the character of the immediate area,

REGULATORY SERVICES COMMITTEE

13th March 2014

3. SC32 (Accordance with plans)

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

Reason:-

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

4. 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.

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:-

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

6. 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 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;

REGULATORY SERVICES COMMITTEE

13th March 2014

7. Detailed Arboricultural Method Statement

Before development is commenced, a detailed Arboricultural Method Statement shall be submitted to and approved in writing by the Local Planning Authority to control any adverse impact of the proposed development on the existing trees on site. The Arboricultural Method Statement shall include details of foundation/hard surface design and proposed excavation depths and construction works shall be carried out in accordance with the approved scheme and statement.

Reason:-

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

8. External Lighting

Prior to the first occupation of the extended building, a detailed scheme for the proposed external lighting shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full prior to first use of the hereby approved development and permanently maintained in accordance with the approved details.

Reason:

In the interests of security and residential amenity and in order that the development accords with the LDF Development Control Policies Development Plan Document Policies DC61 and DC63.

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 Approval following revision

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

REGULATORY SERVICES COMMITTEE

REPORT

13 March 2014

Subject Heading:

P0047.14 – Orchard Village (formerly The Mardyke Estate) – Phase IV redevelopment (Date received 13/01/2014)

Proposal

Reserved Matters application pursuant to P2058.08 for the demolition of 24 residential units and 5 commercial units (89-153 odd Lowen Road) and erection of 87 new residential units in 2 blocks, accessed from Lowen Road with landscape and parking areas.

Report Author and contact details:

Simon Thelwell (Projects and Regulation Manager) 01708 432685

Policy context

Local Development Framework
London Plan
National Planning Policy Framework

Financial summary

None

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

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

SUMMARY

This report concerns a reserved matters application for the fourth and final phase of the redevelopment of the former Mardyke Estate in Rainham (now called Orchard Village). The proposal is for the demolition of the remaining 24 original residential properties and the commercial units on the site and redevelopment to provide a 5 storey block providing 80 residential apartments, together with a terrace of 7 two storey houses. This final phase would provide 87 new residential units of market housing.

Outline planning permission for the redevelopment of the Mardyke Estate was issued in November 2009 following earlier consideration of the scheme by Committee in May 2009 and the completion of the S106 legal agreement. The outline permission established the principle of the redevelopment and agreed the development parameters, but apart from the alignment of the main east/west road, all matters relating to access, siting, design, external appearance and landscaping were to be addressed at the reserved matters stage

Phase 1 and 2 of the redevelopment are now complete and occupied and Phase 3 is now in the early stages of construction.

The principle of the redevelopment of the estate is therefore established and this application is for all reserved matters in relation to Phase 4 of the redevelopment. Detailed plans and elevations of all buildings comprising this phase have been submitted with this application together with a suite of supporting documentation, including a design and access statement, a transport statement, energy and sustainability statements, and sunlight/daylight analysis.

Staff consider that the development would be sufficiently in line with the parameters agreed for the redevelopment by the outline planning permission which is required by condition. The development is further considered to be acceptable in all other respects.

It is concluded that the reserved matters application should be approved.

RECOMMENDATIONS

That the Committee resolve that reserved matters permission be granted subject to the following condition:

1. The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans as listed above on this decision notice.

Reason:-

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

2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) 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, in relation to Block H no development shall take place under Classes A – G 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.

3. The revised entrance arrangements for Newtons School shall be provided as set out on Drawing AA4106/2.1/010 Rev A prior to the commencement of development of Block H.

Reason :-

In the interests of highway and pedestrian safety

INFORMATIVES

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

REPORT DETAIL

1.0 Site Description

- 1.1 This reserved matters application relates to a site with an area of 0.78 hectares which forms part of the former Mardyke Estate, now known as Orchard Village.

1.2 The site is of a broadly rectangular shape located towards the eastern side of the Estate with boundaries to the west and north with new roads Holmeoak Avenue and Broadis Way. To the south the site has boundaries with Newton's School and the School House and to the west with the flank boundaries of the closest properties in Frederick Avenue (No's 99 and 142 and the rear garden boundaries of 57 – 61 Askwith Road. The site is currently occupied by the remaining original residential properties (now vacated), Lowen Road and car parking areas.

2.0 **Description of Proposal:**

2.1 This application is for the fourth and final phase of the redevelopment of the former Mardyke Estate, the overall principle of which was agreed by the approval of outline planning permission ref P2058.08. Phase 1 and 2 of the development are now complete and occupied and Phase 3 is under construction. Circle Anglia is responsible for delivery of the physical regeneration of the Mardyke Estate and Old Ford Housing Association are responsible for its management.

2.2 The proposals comprise the reserved matters submissions in respect of access, siting, design, external appearance and landscaping for Phase 4 of the redevelopment of the Mardyke Estate and the demolition of the remaining original residential blocks which comprise the former Mardyke Estate, including the 5 commercial units.

2.3 The proposed new housing, subject of this reserved matters application, comprises one residential block and a terrace of houses. The block is referenced as Block A and the terrace of houses as Block H.

Siting, Access and Parking

2.4 Block A is proposed as a 5 storey courtyard block located on the eastern side of the site to the east of Block B with a west elevation facing Block B and a northern elevation facing Block G (yet to be constructed). The eastern/southern elevation would be a convex curve facing onto the realigned Lowen Road.

2.5 Block H would comprise a concave curved terrace of 7 houses facing onto the south eastern side of the realigned Lowen Road and Block A and located to the west of the side and rear garden of 66 Frederick Road and the rear gardens of 57-61 Askwith Road, and to the north of Newtons School and the School House.

2.6 Lowen Road would be realigned from its junction with Frederick Road to straighten out the current double bend with resultant amendments to the vehicular access to Newtons School. An access road to the rear parking area for Block H is proposed adjacent to the school entrance which will also provide access to the School House. This realignment of Lowen Road was approved in full at Outline permission stage under P2058.08.

- 2.7 A new pedestrian access to the school is now proposed alongside the vehicular access with a path inside the school grounds to be provided to link with an existing internal pathway.
- 2.8 As part of the Phase 4 Reserved Matters Application a total of 103 car parking spaces will be provided of which 2 will be disabled bays. In total there will be 53 surface level parking spaces and 50 undercroft spaces. The 46 spaces around the western and northern perimeter of Block A would be provided at right angles to the adjacent highway and 7 spaces would be located in a rear parking courtyard for Block H. Refuse stores for the upper floor apartments in Block A would be located on the ground floor at either end of the curved south/east elevation. Ground floor apartments, duplex units and the houses in Block H would be provided with front garden refuse stores.
- 2.9 One cycle space per unit would be provided for Block A either by means of secure ground floor areas or for ground floor apartments, within a secure shelter in their front garden/defensible space area. The houses in Block H would each have the facility to securely store 2 cycles within a rear garden cycle store.

Scale, Design and External Appearance

- 2.10 Block A is the last of the large perimeter/courtyard blocks proposed with a depth of 53m (north to south), a width of 61.6m on its northern side, a convex curved 91m south east frontage to Lowen Road and a maximum height of 18.8m. The block would accommodate 80 units (76 flats and 4 duplex units) providing 2x 1 bed wheelchair, 69x 2 bed, 5x 2 bed wheelchair and 4x 2 bed duplex units in 5 storeys of accommodation with three core entrances. The residential accommodation would surround a central courtyard amenity space of dimensions across of minimum 34m and maximum 43m in the form of a raised podium over the ground level undercroft car parking. Ground floor units (with one exception) are provided with their own front doors and defensible space to the front with individual refuse store and secure cycle storage. The duplex units would be provided with a semi-private patio area at podium level. Each flat above ground level would be provided with its own balcony of a minimum area of 6.7m², the majority of which would be south facing. All flats above ground level would have access via a fob access door to the central communal courtyard. The block would utilise a varied palette of materials including cream and grey brickwork, white metal cladding, screened balconies and grey framed windows. The undercroft parking would be accessed from the north and would also provide for access to the communal refuse and cycle stores.
- 2.11 The design approach for the block has elements which draw from previous phases of the redevelopment, with columns of balconies incorporating timber screens and internal walkway access for upper floor flats. The straight elevations would be separated from each other and from the curved section by a narrow section of dropped roofline with open access between the respective elements. The curved section responds to the curve of the

realigned road and incorporates connected full width balconies above first floor.

- 2.12 Block H comprises a concave curved terrace of two storey 3 bedroom houses with the central five having a frontage width of 5m and a depth of 10.7m. The end terrace houses would have a frontage width of 8m and a depth of 7m. The terrace would have a frontage height of 8m with a rear facing slate tiled roof for the front 3.5m section of the terrace and a flat roof for the rear section where the height of the rear wall would be 5.7m. A cream coloured brick, full height grey framed windows, and a projecting frame around a first floor feature window above recessed front doors are proposed.

Landscaping and Amenity Space

- 2.13 The application includes detailed proposals for the hard and soft landscaping, although the final details of planting, species, density etc. would be dealt with by way of a condition submission under the original outline permission. Nevertheless, the plans give a detailed impression of the extent and nature of the landscaping. The communal area of amenity space to Block A would incorporate a raised area of lawn, planting, feature lighting and sculptural play equipment. Semi private patio areas would be paved and typically bordered by raised planters or railings with dividing screens 1.8m high. Rear gardens of the houses middle five houses in Block H have a depth of 9m and those at either end of the terrace would have a triangular rear garden area of maximum depth 9m, supplemented by a semi-private area to their flank..

Supporting Information

- 2.14 The application is also accompanied by a number of supporting documents. These include:
- Description of Development and Parameters
 - Planning Statement
 - Design and Access Statement
 - Statement of Consultation
 - Transport Assessment
 - Flood Risk Assessment
 - Sustainability and Energy and Statement
 - Demolition Strategy and Build Methodology
 - Sunlight and daylight Study
 - Code for Sustainable Homes – Pre Assessment Report
 - Extended Phase 1 Habitat Survey
 - Arboricultural Survey
 - Archaeological Desk Based Assessment
 - Energy Statement
 - Remedial Strategy and Ground Investigation.

3. **Relevant History**

P2058.08 - Redevelopment to provide for up to 555 residential units, with associated car parking, alterations to existing access and provision of new landscape and amenity space, together with up to 900 sqm of class A1, A2, A3, A4, A5 and/or D2 accommodation and up to 600sqm of class B1(A) offices. Full permission is sought for the new estate road (the bus route).- outline application Approved.

P0356.09 - Demolition of 86 residential units (existing blocks 1 to 31 Chantry Way, 57 to 87 Lowen Road, 90 112 Walden Avenue, Chantry House and Walden Avenue car park) and erection of 121 new residential units in 3 blocks accessed from Lowen Road and/or Walden Avenue. Erection of an energy centre and formation of landscaped areas. Erection of 2 electrical substations. - Approved.

P0945.09 - Permission for temporary site accommodation in connection with the redevelopment of the Mardyke Estate to include :- Office units, canteen , drying room, toilets, material storage compound, hoarding, car parking, gates, plus temporary residents parking areas and crushed concrete storage - Approved

P1144.09 - Electricity Substation – Approved

P1542.09 - Reserved Matters application pursuant to P2058.08 Revised scheme for Block P - Erection of 13 units in one block, 3 No. 1 bed units, 2 No. 2 bed units, 3 No. 3 bed units and 5 No. 4 bed units – Approved

P1610.09 – Reserved matters application pursuant to P2058.08 for the demolition of 161 residential units (existing blocks 1-55 Lowen Road, 67-117 and 60-92 Lower Mardyke Avenue, Mardyke House and Templar House) and erection of 184 new residential units in 4 blocks accessed from Lower Mardyke Avenue/South Street and landscaped/parking areas. –Approved

P0959.12 - Reserved matters application pursuant to P2058.08 for the demolition of 190 residential units (33 to 125 Chantry Way, 26 to 88 Walden House, 2 to 40 Roman Close, Dearsley House, Roman House and Perry House) and erection of 124 new residential units in 5 blocks accessed from Lower Mardyke Avenue, South Street and Walden Avenue, together with a communal commercial hub and landscaped square, landscaping and parking areas. - Approved

4. **Consultations and Representations:**

4.1 The proposals have been advertised as a major development by the display of site notices and by an advertisement in the Recorder. A total of 112 individual properties were notified directly of the proposals.

4.2 10 letters of representation have been received. These raise the following objections:

- The proposed arrangements for the access road and school access would create a safety risk for children accessing Newtons School and the implications for the school access were not made clear at Outline stage.
- Parents will use the access road to the parking spaces for parking and manoeuvring which will create a safety issue and congestion at the school access.
- The scheme for the terrace of houses is too dense, only four were shown on the original plans and there are now seven proposed.
- The car park adjacent to the school entrance on Lowen Road should be retained, especially as the school will need to expand.
- The development overall is accommodating more units than originally planned.
- There is no pavement on the school side of the access road.
- The development will be harmful to the amenities of the School House occupied by the site manager and his family.
- The School House will be located on an unnamed road which will make it difficult to find as it has a post code the same as the school.
- The positioning of a sub-station adjacent to the garden of the School House could be potentially harmful to the health of the Site Manger and his family.

Revised Plans have been submitted which amend the school access arrangements and provide a pavement on the southern side of the access road. Objectors have been notified of the revisions. No further representations have been received.

Consultee Responses

The Greater London Authority have been consulted on the application but at the time of writing this report had not responded. Any comments will be reported orally

Borough Designing Out Crime Advisor – Satisfied that matters are adequately covered by conditions on the outline permission

Environment Agency – Require further information to demonstrate that the proposed drainage scheme is compliant with the outline permission but are satisfied that this can be dealt with under the discharge of conditions imposed on the outline permission in relation to this phase.

LFEPA – Advise of the access requirements under the Building Regulations.

London Fire Brigade – No comments

Transport for London – Wish to ensure that the potential for two way bus operation on Lowen Road is safeguarded and that there will no restrictions required at any point during demolition and construction..

Streetcare – No objections

5 Relevant Policies

- 5.1 The development plan for the area consists of the Havering Local Development Framework (Core Strategy, Development Control Policies and Site Specific Allocations) and the London Plan 2011
- 5.2 Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP4 (Town Centres), CP7 (Recreation and Leisure), CP8 (Community Facilities), CP9 (Reducing the need to Travel), CP10 (Sustainable Transport), CP12 (Use of Aggregates), CP15 (Environmental Management), CP 16 (Biodiversity and Geodiversity), CP17 (Design), of the Local Development Framework Core Strategy are considered relevant
- 5.3 Policies DC2 (Housing Mix and Density), DC3 (Housing Design and Layout), DC6 (Affordable Housing), DC7 (Lifetime Homes and Mobility Housing), DC21 (Major Development and Open Space, Recreation and Leisure), ,DC32 (The Road Network), DC33 (Car Parking), DC34 (Walking), DC35 (Cycling), DC36 (Servicing), DC40 (Waste Management), DC48 (Flood Risk), DC49 (Sustainable Design and Construction), DC50 (Renewable Energy), DC51 (Water Supply, Drainage and Quality), DC53 (Contaminated Land), DC61 (Urban Design), DC62 (Access), DC63 (Delivering Safer Places) and DC66 (Tall Buildings and Structures) of Local Development Framework Development Control Policies Development Plan Document are also considered to be relevant.
- 5.4 London Plan policies: 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 3.6 (children’s play facilities), 3.8 (housing choice), 3.9 (mixed and balanced communities), 3.10 (definition of affordable housing), 3.11 (affordable housing targets), 3.12 (negotiating affordable housing), 3.13 (affordable housing thresholds), 5.2 (minimising carbon dioxide emissions), 5.3 (sustainable design and construction), 5.7 (renewable energy), 5.12 (flood risk management), 5.13 (sustainable drainage), 5.16 (waste self-sufficiency), 6.9 (cycling), 6.10 (walking), 6.13 (parking), 7.3 (designing out crime), 7.4 (local character), 7.6 (architecture), 7.15 (reducing noise and enhancing soundscapes) and 7.19 (biodiversity and access to nature) are considered to apply. There is also a range of Supplementary Planning Guidance to the London Plan, including ‘Providing for Children and Young People’s Play and Informal Recreation’ that are considered to be relevant.
- 5.5 The National Planning Policy Framework is a further material consideration.

6.0 Planning Considerations

- 6.1 The principle of the phased in situ residential redevelopment of the Mardyke Estate has previously been considered and accepted by the outline planning permission P2058.08. Many of the environmental issues arising from the principle of residential development, such as land contamination, archaeology, ecology and flood risk have all previously been considered by

the outline application. These matters are all dealt with in detail by the planning conditions forming part of the outline permission.

- 6.2 The main issues arising from this application are therefore considered to be the extent to which the detailed proposals accord with the parameters and principles established by the outline permission; the site layout, including proposals for hard and soft landscaping of the site; the detailed design of the proposed buildings including impact on local character and amenity; access, parking and highway arrangements; impact on amenity; energy efficiency and sustainability; affordable housing provision; community safety and accessibility issues.

Principle of Development

- 6.3 The outline planning application was submitted with an illustrative masterplan and a number of development parameters and parameter plans as the means by which the design concepts for the redevelopment of the estate would be translated into a framework for the future submission of reserved matters. The parameter plans showed the development areas, land uses, key access points and amenity areas and a height contour plan to demonstrate how new development will relate to neighbouring development. The realignment of Lowen Road was a fundamental feature of the redevelopment and was the one aspect of the redevelopment which was approved in full at Outline stage.

- 6.4 The illustrative masterplan demonstrated one way in which this could be translated and forms the basis on which this reserved matters application has been submitted. The outline permission also included a condition that the development should be carried out in accordance with the development parameters and drawings and that reserved matters and condition submissions should not significantly deviate from them. This therefore acts as a check to ensure that reserved matters follow principles established by the outline permission and a benchmark against which to assess subsequent submissions.

Density, Siting and Layout

- 6.5 If approved, this fourth phase of the Mardyke redevelopment will bring the site area for which either full or reserved matters planning permission is in place up to the full total site area of 4.91 hectares. The total number of units that will have been approved would be 516 (i.e. 93%) of the maximum permitted total of up to 555 as set by the development parameters. It was acknowledged in granting outline approval for the redevelopment that it was necessary to marginally increase the density of development on the estate in order to deliver a viable scheme and this was considered, taking into account development across the whole of the site. The completed development will now only result in an increase in 10 units over the total number demolished largely as a result of the inclusion of more housing than originally envisaged at Outline stage. No objections are raised in this regard.

- 6.6 The layout of the proposed development is quite faithful to that envisaged by original illustrative masterplan including the provision of an access road to serve the parking area for Block H and the amendments to the access for Newtons School. In respect of Block H the original masterplan showed this as providing a terrace of 6 houses so the increase to 7 cannot be considered as a major departure and Members will be aware, that there is no requirement for the final form of the development to follow that of an illustrative masterplan.
- 6.7 The blocks create street frontages with clear definition between the public, semi-public and private realms. The flatted blocks are provided with secure communal amenity areas that have been well thought out in terms of their function and usability. All flats above ground floor are provided with a balcony area to maximise opportunities to create private sitting out space with a screened area to give added privacy.
- 6.8 This phase of the development will see the completion of the realignment of Lowen Road by the straightening out / softening of the existing double bend at the eastern entrance to the site from Frederick Road. This will improve the tracking for buses which currently have to use both sides of the road to negotiate the bends.

Design and Residential Quality

- 6.9 The Residential Design Supplementary Planning Document seeks to promote best practice in residential design and layout and to ensure that new residential developments are of the highest quality. The detailed design approach and layout justification is set out within the Design and Access Statement and corresponds with the principles of the outline Design and Access Statement as they apply to this part of the site.
- 6.10 The design approach to this final phase of the redevelopment follows the design principles upon which the illustrative masterplan was based. However, the phase revises the design of the elevations from earlier phases and uses the established palette of materials in a different way. This approach to the design was set out in the documents accompanying the outline and was endorsed by the GLA when commenting upon the first phase, in order to avoid a homogenous design being repeated for each phase. The use of durable, high quality materials is emphasised in the supporting documentation and the success of the designs will to a great degree depend upon the careful and correct choice of materials. This is subject to a condition on the outline permission.
- 6.11 The design approach to the south east elevation of Block A with its convex curved façade, full width balconies with enclosed balcony storage areas give the building a strong horizontal emphasis, but broken down to give clear proportions and rhythm to the frontage. Staff are satisfied that the Block will provide an architectural focal point on this key approach into Orchard Village. In street scene terms the blocks have been designed to respect and relate to the neighbouring existing development and previous phases of the redevelopment.

- 6.12 Block H provides a concave frontage to mirror that of Block A which will create a strong street frontage along Lowen Road. The terrace displays a striking modern design for the provision of family housing whilst offering the rhythm of windows and front doors which are a feature of more traditional design. The roof design responds to its context with an increased height at the front where it relates to the height of Block A reducing to the rear in response to the existing housing in Frederick and Askwith Road.
- 6.13 In terms of residential quality, the majority of the units in Block A are dual aspect with all but one of the upper floor units on the northern side having south facing balconies onto the central courtyard. Ground floor units facing Lowen Road in Block A are proposed as single aspect, but staff are satisfied that the submitted Daylight and Sunlight analysis demonstrates that the majority of habitable rooms will receive acceptable levels of natural daylight. Rear garden areas for the houses in Block H are quite compact but provide sufficiently sized areas for private amenity purposes.
- 6.14 The scheme will provide accommodation built to Lifetime Homes requirements throughout and also incorporates seven units which are designed to be easily adaptable for wheelchair use. The development is therefore in accordance with Policy DC7.
- 6.15 Staff consider that the design of the development is acceptable in respect of issues such as scale and massing and that the design of the development is imaginative, innovative and acceptable within the context and character of the site and the surrounding area. Staff therefore consider that the proposal is acceptable in respect of design, residential quality and external appearance.

Landscaping Proposals

- 6.16 Landscaping matters form part of this reserved matters submission. The external works plans and Design and Access statement illustrate in some detail the layout and nature of the hard and soft landscaping proposed for all areas of this phase of the redevelopment. The details demonstrate close attention to detail and the intention to ensure that planting and materials create an attractive, safe and biodiversity rich environment for future residents. No objections are raised to the landscaping proposals in principle which are quite adequate for the purposes of this reserved matters application.

Impact on Adjoining Sites and Residential Amenity

- 6.17 The impact on amenity of neighbouring dwellings and occupiers arising from the proposed blocks falls to be considered in relation to Policy DC61 which requires that new developments should not have an unacceptable impact upon the amenity of existing properties.
- 6.18 Block A will be replacing existing blocks that occupy a similar location on the site at present and the resultant impact on properties outside of the estate

would be limited in extent to the closest properties to the east in Frederick Road. The distance from the closest property No. 142 Frederick Road would be 23m at which point the closest flats in Block A would face towards the flank of No. 142. The relationship and impact is therefore considered to be acceptable. The separation distance from other existing and approved blocks within the redevelopment would be no less than 23m at any point across intervening roads and parking areas and no material adverse impact upon residential amenity, loss of privacy, light or overshadowing will occur.

- 6.19 The potential impact of the proposed terrace of houses, Block H, does require more careful consideration as the houses are in a position which is not currently developed. The approved realignment of Lowen Road means that the location of the houses themselves roughly corresponds to the area of the Lowen Road highway on its existing alignment, with their gardens and rear parking court in the location of the existing car park on the eastern side of Lowen Road. The properties potentially affected by the terrace are those to the east on the southern side of Frederick Road and the western side of Askwith Road, together with the School House to the south within the grounds of Newtons School.
- 6.20 Looking first at the relationship to the properties to the east, the distance to the rear of the closest property, 61 Askwith Road which is set 30m into the plot, would be 28m. At this distance it is not considered that any unacceptable degree of overlooking or loss of privacy will occur. The rear of other properties further to the south on Askwith Road is in excess of 50m at which distance no material concerns arise. The juxtaposition of the proposed car parking courtyard is the same as that which currently exists with the existing car park so this aspect of the development similarly raises no material issues.
- 6.21 In relation to the adjacent properties to the east in Frederick Road the relationship is far closer with the distance from the rear of two of the new terraced properties to the flank boundary of 99 Frederick Road less than 10m. However, the view from the first floor rear of the proposed houses is such that any overlooking that does occur will be at an oblique angle with a relationship similar to that which occurs on the corner of many roads. The primary view from the closest new house from the rear bedroom windows will be towards the blank flank wall of 99 Frederick Road. In all other respects Staff consider that the nature of any overlooking and privacy loss to be comparable to that which results from detached houses looking across and down the neighbouring properties garden. Although this will be a new relationship it is not considered that it will give rise to any unacceptable degree of overlooking or loss of privacy.
- 6.22 The final property to consider is the School House which is located to the south / south east of Block H and currently to the south of the existing car park. The school house has no windows in either flank wall so the windows to all rooms face either west with a view towards the school vehicular entrance and along Lowen Road, or east over its own garden and towards the rear of properties in Askwith Road. From the first floor rear of the closest proposed dwelling in Block H the distance to the front of the School

House varies from 20 – 25m and is therefore comparable to the relationship found in many streets in the area between properties across the road. The distance to the rear garden is also in excess of 20m from any of the proposed properties and Staff are satisfied that no material harm will result to the residential amenity of the School House and its occupants arising from the relationship to the proposed new houses.

- 6.23 The electricity sub-station to be located in the south east corner of the car park courtyard was granted planning permission as part of Phase 1 of the development under P0356.09 and does not therefore fall to be considered under this reserved matters application.
- 6.24 Turning to the issue of the residential amenity of prospective occupants, Staff are similarly satisfied that there are no overriding concerns about the relationships proposed.

Transportation, Highways and Parking

- 6.25 Policy DC32 requires that new road scheme will only be allowed where they amongst other things improve conditions for pedestrians and cyclists and improve public transport accessibility.
- 6.26 The scheme incorporates new public highway and access roads which are designed to an acceptable standard with adequate space for passing, turning and servicing where required. The access road to the parking courtyard to the rear of Block H has been designed with a restricted entrance width to deter general use. This would be further discouraged by signage and road markings.
- 6.27 The completion of the realignment of Lowen Road between Lower Mardyke Avenue and Frederick Road will assist with the delivery of the hierarchical road and user structure illustrated in the masterplan designed to offer maximum permeability to pedestrians and cyclists. The access arrangements for the school and the design of the access to the Block H parking courtyard and the School House have been the subject of revisions to address concerns raised about the safety of children accessing the school. The proposed new entrance for the school alongside the vehicular access will take children along a new secure path inside the school boundary to link up with the existing path that is currently accessed from Lowen Road close to the School House. The pavement along the access road has also been moved to its southern side to maintain safe pedestrian access to the School House and the gates to the parking courtyard have been moved to the east to enable the occupant of the School House to manoeuvre so that cars can enter and leave in forward gear. Staff are satisfied that these measures have addressed the concerns and the School Governors have advised of their acceptance of the revisions. A condition is suggested to ensure that provision is made for the revised entrance arrangements at an appropriate stage of the development.
- 6.28 The level of car parking for the development was considered by the outline planning permission. A level of one space per unit across the development

was proposed which was more than provided for on the original estate. This level of parking is maintained for this phase and is considered to be acceptable and necessary as changes to the unit type and the social composition that are anticipated are likely to result in increased car ownership. The proposed locations for the parking are also considered to be acceptable: the undercroft parking for Block A would be secure and only accessible through a key fob or swipe card. On street parking is provided so that residents can park close to their dwelling which has been shown to be a preference with existing residents. The parking courtyard to the rear of Block H would provide solely for those houses.

- 6.29 Staff acknowledge that parents with children at Newtons School do at present use the existing car park and that such parking will be displaced. However, the car park is not allocated to the School and with the exception of the undercroft parking areas, all other on street parking around Orchard Village is unallocated. School drop off and pick up times do not coincide with the maximum levels of use of these parking spaces and staff are satisfied that there will be sufficient free parking spaces in locations conveniently close to the school to compensate for the loss of the car park.
- 6.30 In accordance with policy DC35, cycle parking is proposed for phase 4 at a standard of a minimum of one cycle storage space per residential unit. These would be in secure covered locations, either communally in the blocks or individually within the front garden/ defensible space areas at the front of the houses and flats, or in rear gardens. On street cycle stand provision is also made for visitors, details of which would need to be agreed under condition 4 of the outline permission.
- 6.31 Transport for London's comments relate to matters which fall outside of the consideration of this reserved matters application and which are covered by conditions on the original outline permission which are discharged on a phased basis for each phase of the development.

Housing

- 6.32 The first two phases of the redevelopment were by necessity, entirely for affordable properties for rent as they were required to re-house existing tenants. Phase 3 had dwelling mix requirements which were established by need and has been approved with a composition of 29% affordable rent, 26% shared ownership and 51% private units. The affordable housing requirement for the estate renewal established by the parameters of the outline planning permission has therefore been satisfied by the first three phases of the redevelopment. This phase of the development is therefore to be delivered entirely as market housing.
- 6.33 The proportions of different size units to be delivered by the overall redevelopment are set out as a parameter in the Outline permission. The proportions of 1, 2, and 3 bed units which would be delivered by this phase demonstrate that the overall development complies with the parameter. The increased proportion of family sized accommodation and private sale

housing will assist with the overall objective for the scheme to change the character and population profile of the estate.

Sustainability

- 6.34 A sustainability and energy statement and an energy assessment have been submitted with the application. In line with the requirements of the London Plan and Policies DC49 and DC50 of the LDF, the proposal is required to meet high standards of sustainable design and construction, as well as to demonstrate a reduction in predicted carbon dioxide emissions by at least 20%.
- 6.35 The statement and assessment indicate that it is the intention to deliver all sustainability measures described in the outline application. These cover:
- Waste and recycling
 - Combined Heat and Power
 - Construction and demolition
 - Flood risk
 - Development ratings and improved insulation
 - Use of materials
 - Use of water
 - Biodiversity
 - Secure by design
- 6.36 In relation to energy, the statements confirm the intention to install the proposed CHP engine into the Energy Centre during Phase 3 of the redevelopment. The energy centre in addition has been designed with the potential to link in to a wider district heating system utilising waste heat from Barking Power Station as and when this becomes available.
- 6.37 Occupants of Phase 1 and 2 have experienced a dramatic reduction in heating bills as a result of the sustainability measures that have been adopted. This is testament to the fact that as well as achieving carbon savings, such measures are making a tangible difference to the quality of life for residents. Staff are therefore satisfied that the proposal is in compliance with Policies DC49 and DC50 of the LDF and the Mayor's Energy Strategy.

Flood risk

- 6.38 The scheme for the blocks and the surface water drainage proposed under Phase 4 complies with and incorporates the specific details that are required by the Flood Risk Assessment that accompanied the outline application. The Environment Agency have confirmed that they are satisfied with the details supplied and that formal agreement to the specific measures can be dealt with under submissions pursuant to the conditions of the Outline permission.

Designing for Community Safety

- 6.39 Designing for community safety is a material planning consideration and Policy DC63 of the LDF is relevant, as is ODPM guidance 'Safer Places'. A Safer Places Statement is included in the Design and Access Statement. The Council's Crime Prevention Design Advisor confirms that he is satisfied that the proposals for designing out crime with this submission comply with the principles and practices of the Secured by Design award scheme and that the matter can be appropriately dealt with under submissions pursuant to the conditions of the Outline permission.

Mayoral CIL

- 6.40 The outline planning permission was granted before the advent of Mayoral CIL and therefore the redevelopment is not CIL liable.

Other Matters

- 6.41 The positioning of the School House away from the Lowen Road carriageway is an inevitable consequence of the realignment of the road which was required for well established and understood reasons related to the difficulty the 365 bus currently experiences negotiating the existing double bend. As has previously been stated, the realignment of Lowen Road, including the straightening of the double bend, was determined at outline stage, this being the only aspect of the access arrangements which was not reserved. Although the address of a property is not a material planning consideration there is no reason why the property should not retain a Lowen Road address.

Conclusions

- 6.42 In conclusion, it is considered that the detailed proposals for phase 4 of Orchard Village are substantially in accordance with the development parameters set out by the outline permission. Therefore, the proposed development is considered to accord, in principle, with the terms of the outline planning permission.
- 6.43 The proposals have been considered in detail in respect of a number of key issues, including the detailed layout of the site, the design and appearance of the buildings, landscaping proposals, highways implications, impact on amenity, community safety, sustainability criteria and housing requirements. Staff consider the proposals to be acceptable in all of these respects and the development to be well designed in respect of both urban design principles and the effective functioning of the development. Staff therefore consider that the proposal is in accordance with the outline planning permission for redevelopment of the site and that the detailed proposals would make a suitably high quality contribution to the redevelopment of the estate..
- 6.44 It is recommended that the reserved matters application for Phase 4 of the development of Orchard Village be approved

IMPLICATIONS AND RISKS

7. **Financial implications and risks:**

- 7.1 The financial implications in respect of the redevelopment of the Mardyke Estate were addressed in some detail in the report on the outline application under ref:P2058.08.

8. **Legal implications and risks:**

- 8.1 A S106 agreement relates to the outline permission. Staff resources will be required for Phase 4 for the preparation of any related Stopping up Orders, S278 and S38 agreements and related processes.

9. **Human Resources implications and risks:**

- 9.1 Staff resources will be required for the ongoing monitoring of the proposal.

10. **Equalities implications and risks:**

- 10.1 This is the fourth and final phase of a significant scheme for the Borough in addressing inequality and diversity issues in access to decent housing thereby improving the quality of life for residents of the Borough and meeting the Council's vision .The Council's policies and guidance, the London Plan and government guidance all seek to respect and take account of social inclusion and diversity issues and the application of those policies to the approval of reserved matters has taken into account the Council's duties under Section 149 of the Equalities Act 2010 to advance equality of opportunity with particular reference to access. The scheme will fully comply with Lifetime Homes requirements and also deliver a substantial number of properties specifically designed to meet the needs of wheelchair users.

BACKGROUND PAPERS

1. The planning application as submitted or subsequently revised including all forms and plans.
2. The case sheet and examination sheet.
3. Ordnance survey extract showing site and surroundings.
4. Standard Planning Conditions.
5. Copy of all consultations/representations received and correspondence, including other Council Directorates and Statutory Consultees.

6. The relevant planning history.
7. Relevant details of Listed Buildings, Conservation Areas, Article 4 Directions.
8. Copy of all consultations/representations received and correspondence, including other Council Directorates and Statutory Consultees.

This page is intentionally left blank

**REGULATORY
SERVICES
COMMITTEE**

13 March 2014

Subject Heading:

P0863.13: Plot 2, Former Whitworth Centre, Noak Hill Road, Harold Hill

Creation of 105 no. one and two bedroom apartments and two, three and four bedroom houses, plus associated roads, paths, car parking, ancillary structures and landscaping (application received 2 August 2013; revised plans received 24 October 2013, 7 November 2013 and 28 February 2014).

Report Author and contact details:

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

SUMMARY

The application is for residential development of 105 units, comprising a mix of houses and apartments, on land that constituted part of the former Whitworth centre site. These proposals represent a second phase of development on the site, with 144 units already under construction on the western part of the site, which were approved under planning permission reference P1558.11. The proposal is considered acceptable in all material respects, including design and layout, impact on neighbouring amenity, environmental impact and parking and highway issues. A viability assessment has been submitted by the applicant to justify the level of affordable housing proposed within the development and, following independent appraisal, has been found to be sound. The proposal is judged to be acceptable in all other material respects and, subject to a legal agreement and conditions, it is recommended that planning permission is granted.

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 10,916m² which equates to a Mayoral CIL payment of £218,320 (subject to indexation).

That the proposal is unacceptable as it stands but would be acceptable subject to:

A. No direction to the contrary on referral to the Mayor for London (under the Town and Country Planning (Mayor of London) Order 2008);

B. The applicant entering into a Section 106 Legal Agreement under the Town and Country Planning Act 1990 (as amended), to secure the following:

- The provision on site of 15% of the units within the development (comprising 6 no. one bed apartments, 9 no. two bed apartments and 1 no. two bed house) as affordable shared equity ownership units and should any owners of shared equity units staircase to 100% equity provision shall be made for any subsidy (if relevant) to be recycled for alternative affordable housing provision in accordance with Annexe 2 of the National Planning Policy Framework .
- A financial contribution of £630,000 to be used towards infrastructure costs and paid prior to the commencement of development in accordance with the Planning Obligations Supplementary Planning Document.

- A travel plan to encourage the use of sustainable modes of transport, including a scheme for submission, implementation, monitoring and review.
- The contribution sums shall be subject to indexation on the basis of the Retail Price Index or an alternative index acceptable to the Council from the date of the agreement to the date of payment.
- All contribution sums once received shall include any interest accrued to the date of expenditure.
- The Council's legal fees for preparation of the agreement shall be paid on or prior to completion and the Council's planning obligation monitoring fees shall be paid as required by 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 (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. Car parking - Before the buildings hereby permitted are first occupied, the areas set aside for car parking shall be laid out and surfaced to the satisfaction of the Local Planning Authority. The parking areas shall be retained permanently thereafter for the accommodation of vehicles visiting the site and shall not be used for any other purpose.

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

4. Car Park Pergolas – The pergolas within the car parking area/s shall be erected prior to the first residential occupation of the relevant buildings and shall be permanently retained thereafter.

Reason: To enhance the visual amenities of the development in accordance with the LDF Development Control Policies Development Plan Document Policy DC61.

5. Materials - Before any of the development hereby permitted is commenced, details and 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.

6. Landscaping – Unless otherwise submitted to and approved in writing by the Local Planning Authority, the hard and soft landscaping of the site shall be carried out in accordance with the details shown on drawing nos. PH107-PH02-LS01 Rev B; LS02 Rev A; LS03 Rev B; LS04 Rev A (soft landscaping) and PH107-PH02-06 Rev C; 07 Rev C and 08 Rev C (hard landscaping). All planting, seeding or turfing comprised within the scheme shall be carried out in the first planting season following completion of the development and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

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.

7. Works to Protected Trees: Works on site shall be carried out in accordance with the Haydens Tree Survey, Arboricultural Implication Assessment & Method Statement, dated 14 April 2011 and received on 2 August 2013.

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

8. 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.

9. 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. Cycle parking shall be to the standards set out in Annex 6 of the LDF. The cycle parking shall be retained permanently 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.

10. Boundary treatment – The development shall be carried out in accordance with the details of boundary treatment shown on drawing numbers PH107-PH02-06 Rev C; PH107-07 Rev C and PH107-08 Rev C unless alternative drawings are otherwise submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be installed prior to occupation of the development and retained thereafter in accordance with the approved plans.

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.

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

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

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

13. Biodiversity – Prior to the commencement of the development a method statement shall be submitted to and approved in writing by the Local Planning Authority outlining details of how the recommendations and associated habitat enhancement measures set out in the submitted Ecological Scoping Survey and Biodiversity Statement dated February 2011, received 2 August 2013 will be implemented. The development shall thereafter be carried out in accordance with the approved details.

Reason: In order to ensure that the proposed development has an acceptable impact on biodiversity and in order that the development accords with the LDF Development Control Policies Development Plan Document Policies DC58 and DC59.

14. 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.

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

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

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

nearby occupiers. The Construction Method statement shall include details of:

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

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

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

17. 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) Further site investigation report as the submitted geo-environmental assessment has identified the need for further investigation following demolition and clearance of the site. This is an intrusive site investigation including factors such as chemical testing, quantitative risk assessment and a description of the site ground conditions. An updated Site Conceptual Model should be included showing all the potential pollutant linkages and an assessment of risk to identified receptors.

b) A Phase III (Remediation Strategy) as the submitted geo-environmental assessment report confirms the need for remediation. The report will comprise two parts:

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

assessed and an appropriate remediation scheme submitted to the Local Planning Authority for written approval.

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

- c) If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals, then revised contamination proposals shall be submitted to the LPA; and
- d) If during development work, site contaminants are found in areas previously expected to be clean, then their remediation shall be carried out in line with the agreed contamination proposals.
- e) Before any part of the development is occupied, site derived soils and/or imported soils shall be tested for chemical contamination and the results of this testing together with an assessment of suitability for their intended use shall be submitted to and approved in writing by the Local Planning Authority.

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.

18. Archaeology – No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme for investigation which has been previously submitted by the applicant and approved by the Local Planning Authority. The development shall only take place in accordance with the detailed scheme pursuant to this condition. The archaeological works shall only be carried out by a suitably qualified investigating body acceptable to the Local Planning Authority.

Reason: Important archaeological remains may exist on this site. Accordingly the planning authority wishes to secure the provision of archaeological evaluation to inform determination of any detailed planning consent.

19. Sustainability - No development shall commence until a sustainability statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall outline how the development will meet the highest standards of sustainable design and construction to

incorporate measures identified in the London Plan and shall be required to demonstrate that the development will achieve a minimum Code for Sustainable Homes Level 3. The relevant phase of the development shall thereafter be carried out in full accordance with the agreed Sustainability Statement. Before the proposed development is occupied the Final Code Certificate of Compliance shall be provided to the Local Planning Authority in order to ensure that the required minimum rating has been achieved.

Reason: In the interests of energy efficiency and sustainability in accordance with the Policy DC49 of the LDF, the Councils Sustainable Design and Construction SPD Adopted April 2009 and Policies 5.2 and 5.3 of the London Plan.

20. Energy: Prior to the commencement of development, an energy statement shall be submitted to demonstrate the energy efficiency design measures and renewable energy technology to be incorporated into the final design of the development. The statement shall include details of a renewable energy/low carbon generation system for the proposed development, including consideration of the use of photovoltaics, which will displace at least 25% of carbon dioxide emissions, beyond Building Regulations requirements. The renewable energy generation system shall be installed in strict accordance with the agreed details and be operational to the satisfaction of the Local Planning Authority prior to the occupation of any relevant phase of the development. The development shall thereafter be carried out in full accordance with the agreed energy statement and the measures identified therein. Any change to the approved energy strategy shall require the written consent of the Local Planning Authority.

Reason: In the interests of energy efficiency and sustainability in accordance with Policy DC50 of the LDF, the Councils Sustainable Design and Construction SPD Adopted April 2009 and Policy 5.7 of the London Plan.

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

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

22. Details of ground levels - Prior to the commencement of the development details of the proposed finished ground levels of the site, shall be submitted to and approved in writing by the Local Planning Authority. The

development shall then be carried out in accordance with the approved details.

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

23. Highway Alterations - The proposed alterations and additions 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.

24. Highway Licence - The necessary agreement, notice and/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.

25. Site Waste Management – The development hereby approved shall be carried out in accordance with the submitted Site Waste Management Plan received on 2 August 2013 unless otherwise submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and sustainable development practices.

26. Parking for Users with Disabilities - Provision shall be made within the development for a minimum of 10% of the total number of parking spaces to be allocated for Blue Badge users.

Reason: In order to ensure the development provides accessible parking for people with disabilities and to comply with the aims of Policy 6.13 of the London Plan.

27. Vehicle Charging Points - Provision shall be made within the development for a total of 40% of the spaces provided with the passive provision of electric vehicle charging points, with a minimum of 20% of parking spaces to be fitted with active provision of electric vehicle charging points .

Reason: In the interests of sustainable transport and to accord with Policy 6.13 of the London Plan.

28. Freight Strategy - Prior to the commencement of development a Delivery and Servicing Plan and a Construction Logistics Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of booking systems, consolidated or re-timed trips and provision for secure off street loading and drop off facilities. The development shall than be carried out in accordance with the agreed details.

Reason: In order to ensure the construction of the development does not have an adverse impact on the environment or road network and to accord with Policy 6.14 of the London Plan.

29. Wheelchair Accessibility and Lifetime Homes - All of the dwellings hereby approved shall be built to lifetime homes standards and a minimum of 10% of the homes shall be designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users.

Reason: In the interests of the amenities of future residents and visitors and to ensure that the residential development meets the needs of all potential occupiers and to comply with Policy DC7 of the LDF and Policy 7.3 of the London Plan July 2011.

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

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

INFORMATIVES

1. The applicant is advised that one additional private fire hydrant will be required by the London Fire Brigade (Water Office).
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 this 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.

4. In aiming to satisfy condition 11 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.
5. The development of this site may affect archaeological remains. The applicant should therefore submit detailed proposals in the form of an archaeological project design for the archaeological evaluation of the site. This design should be in accordance with appropriate English Heritage guidelines.
6. 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.
7. The planning obligations recommended in this report have been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the obligations are considered to have satisfied the following criteria:-
 - (a) Necessary to make the development acceptable in planning terms;
 - (b) Directly related to the development; and
 - (c) Fairly and reasonably related in scale and kind to the development.

REPORT DETAIL

1. **Site Description**

- 1.1 The application site has an area of 2 hectares and is located on the south-eastern side of Noak Hill Road. The site forms part of the former Whitworth Centre site, which had an overall area of 5.22 hectares, and was originally developed as a secondary school but subsequently used as a college and later as offices. The western part of the Whitworth Centre site (referred to as Plot 1) is currently being redeveloped for residential use, comprising a mix of houses and flats. The application site itself is on the eastern part of the former Whitworth Centre site. There were no buildings on this part of the site, which historically was used as a playing field for the original school. There is also a small balancing pond in the north-eastern corner of the site. There is a belt of trees to the northern boundary of the site that is subject of a Tree Preservation Order(TPO's 7/10 and 12/81).

- 1.2 Further east of the site are residential properties in Hitchin Close and Sevenoaks Close, beyond which Noak Hill Road takes on a more rural character and is designated Green Belt land. West of the site, beyond the ongoing residential development on Plot 1, is Straight Road, which is generally characterised by residential development. There is a travellers site located on the western side of Straight Road close to the junction with Noak Hill Road. South of the site there are residential properties in Appleby Drive and Stephens Close. Opposite the site, to the northern side of Noak Hill Road, is the former Broxhill Centre. The site was originally developed as a school but has been vacant for some time and planning permission has recently been granted for the construction of new community sports facilities on the site. The former Broxhill Centre is situated within the Metropolitan Green Belt.
- 1.3 There are no significant changes in levels across the site, although existing residential development outside the site, particularly in Stephens Close is on lower ground. The site is also lower generally than on Plot 1. Vehicular access to the site would be taken from Noak Hill Road, where a new roundabout has been constructed at the entrance to the site, under the provisions of the planning permission for Plot 1. The access is situated approximately 150m from the signal controlled junction of Noak Hill Road with Broxhill Road and Straight Road.
- 1.4 The site is allocated for development in the Site Specific Allocation Development Plan Document (DPD) and subject of Policy SSA2. The site has been removed from the Green Belt on the basis of the requirements of Policy SSA2.

2. Description of Proposal

- 2.1 The application proposes re-development of the site to create 105 new dwellings. The application relates principally to land on the eastern side of the Whitworth Centre site and is referred to within the application as Plot 2. Development on Plot 1 was approved under planning permission reference P1558.11 and is currently under construction.
- 2.2 The development will utilise the existing access to the site from Noak Hill Road, which has recently been modified through the construction of a roundabout under the provisions of the planning permission for Plot 1. When development of Plot 1 was approved, a central access road was constructed through the site, which was always intended to be the route from which access into the eastern part of the site would be gained. This has been adhered to and there will be two spine roads leading in an easterly directly from the main access road serving the proposed new development.
- 2.3 The proposed development will predominantly comprise family housing, consisting of a mix of two, three and four bedroom units. All of the dwellings are two storeys but, consistent with the scale of development

approved on Plot 1, will have tall roof pitches which could, in principle, be converted to roof accommodation at a later date. The houses are a mix of architectural styles, although built on traditional lines, ranging between short terraces, semi-detached and linked semi's and detached housing. The development proposes a range of different house types, having separate external materials, detailing etc but which are of a type and character which complement that being built on Plot 1. There are 11 wheelchair accessible units within the development. External materials have been submitted and comprise multi red and buff coloured bricks and red or grey roof tiles, with some units within the development finished with Marley Eternit Cedral Weatherboarding. Windows, fascias and soffits are proposed to be white uPVC with black rainwater goods.

- 2.4 The proposals include the provision of an apartment block, located to the northern side of the site, set in approximately 16m from the boundary of the site with Noak Hill Road. The apartment block is located to the east of the flats constructed as part of the development of Plot 1 and are of similar design and scale. At its western end, the block is designed to appear 2.5 storeys high, including accommodation within the roof, and has an overall height of around 11.2m. As the building extends eastwards the character of the building reduces to that of a, more conventional, two storey building and its height reduces accordingly, to just below 10m at its easternmost end. In keeping with the blocks on Plot 1, the access to the blocks are located to the southern side of the apartment facing in to the site. The northern, outward facing elevation, is characterised by a series of balconies affording views over the landscaped area to the site frontage. The apartment block is generally of traditional design, finished externally with a combination of brick and white Marley Eternit Cedral Weatherboarding and tiled pitched roofs. The block contains 15 units (6 no. 1 bed; 9 no. 2 bed), some with balconies, and the remainder with access to communal amenity areas. The majority of the flats have two bedrooms. Parking for the apartments is located within a courtyard to the south side of the block, partly beneath a covered pergolas. Parking is provided at a ratio of one space per flat.
- 2.5 In respect of parking arrangements, all of the dwellings have off street parking. Some dwellings have parking within the front curtilage, others have garages/carports to the side of the house enabling in-tandem parking. This is similar to the arrangement approved for Plot 1. Additionally, some houses are provided within parking within rear or side courtyards, such as plots 53-58 and 44-47. The dwellings either have one or two parking spaces per unit (one space per unit is provided for each flat) giving a parking ratio of 1.58 per unit across the development as a whole.
- 2.6 The development includes the retention of TPO trees to the northern side of the site, which will be maintained within an undeveloped, landscaped area. A scheme of hard and soft landscaping is proposed throughout the site.

2.7 The application is accompanied by a suite of supporting documents including a planning statement, heritage statement, viability appraisal, arboricultural study, bat survey, contamination desk study, daylight/sunlight assessment, design and access statement, energy statement, flood risk assessment, noise assessment, sustainability statement and transport assessment and travel plan.

3. **History**

3.1 The site as a whole was originally developed as a secondary school but has subsequently been used as an adult education college and, more recently, as offices.

3.2 Previous applications which are of specific relevance to the application:

Z0004.11 EIA screening opinion for demolition of the Whitworth Centre and residential development – EIA not required.

D0199.11 Determination whether prior approval is required for the demolition of the Whitworth Centre – Prior approval required and granted subject to conditions.

Whitworth Centre – Plot 1:

P1558.11 Demolition of existing buildings and redevelopment of the site to create 144 no. one, two, three and four bedroom houses and apartments, plus associated roads, paths, car parking, garages, other ancillary structures and landscaping – approved. Currently under construction.

4. **Consultation/Representations**

4.1 The application has been advertised on site and in the local press as a major development. Neighbour notification letters have also been sent to 226 local addresses. Four letters of representation (including two from the same resident) have been received, objecting to the proposal on the following grounds:

- loss of privacy
- loss of Green Belt
- loss of light
- intrusive relationship to Stephen Close houses
- devaluation of property
- will be like Neave Place development (on Plot 1) in that dwellings are considered (by the objector) to be too small and overpriced for the area.

4.2 The GLA Stage I report raises no objection in principle to the development but raises the following issues:

Sports facilities: It is understood that the sale and subsequent redevelopment of this site will contribute towards the cost of providing new

sporting facilities at Broxhill. The level of contribution should be verified as appropriate and a planning agreement in place to secure the contribution.

Housing: The affordable housing offer is broadly supported but should be verified as the maximum reasonable amount. There should also be clarity on the extent of children's play space to accord with London Plan Policy 3.6.

Sustainable Development: Insufficient information available at this stage to demonstrate compliance with the London Plan, further information should be provided on carbon dioxide savings. Climate change adaptation measures are broadly supported.

Transport: Proposal is broadly acceptable in strategic transport terms but car parking should be reduced. Clarification sought on electric vehicle parking, cycle parking provision and deliveries and servicing.

- 4.3 The Environment Agency object to the proposals on the basis that the development does not demonstrate an acceptable use of SuDs for surface water drainage. At the time of writing this report the applicant is seeking to resolve the objection and Members will be updated at the meeting.
- 4.4 English Heritage (GLAAS) advise the development has potential to impact remains of archaeological importance and request a planning condition.
- 4.5 The Fire Brigade raise no objection on access grounds but encourage the use of a sprinkler system within the development. A further hydrant will also be required.
- 4.6 Environmental Health raise no objections subject to conditions relating to air quality, noise and land contamination.
- 4.7 Highways raise no objection to the proposals. They comment that the site has a low PTAL (1), the parking ratio complies with policy and no significant impact from trip generation is anticipated. Minor revision will be needed to the internal road layout, which can be achieved through the technical approval process for highway adoption.
- 4.8 The Designing Out Crime Officer confirms that pre-application discussions have been held with the applicant and the proposal is acceptable in principle subject to community safety related conditions.

5. Relevant Policies:

- 5.1 The National Planning Policy Framework, specifically Sections 1 (Building a strong, competitive economy), 4 (Promoting sustainable transport), 6 (Delivering a wide choice of high quality homes), 7 (Requiring good design), 8 (Promoting healthy communities), 9 (Protecting Green Belt land) and 10 (meeting the challenge of climate change, flooding and coastal change) are relevant to these proposals.

- 5.2 Policies 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 3.6 (children's play facilities), 3.8 (housing choice), 3.9 (mixed and balanced communities), 3.10 (definition of affordable housing), 3.11 (affordable housing targets), 3.12 (negotiating affordable housing), 3.13 (affordable housing thresholds), 3.19 (sports facilities), 5.2 (minimising carbon dioxide emissions), 5.3 (sustainable design and construction), 5.7 (renewable energy), 5.12 (flood risk management), 5.13 (sustainable drainage), 5.16 (waste self sufficiency), 5.21 (contaminated land), 6.1 (strategic transport approach), 6.3 (assessing effect on transport capacity), 6.9 (cycling), 6.10 (walking), 6.13 (parking), 7.3 (designing out crime), 7.4 (local character), 7.6 (architecture), 7.8 (heritage assets and archaeology), 7.14 (improving air quality), 7.15 (reducing noise and enhancing soundscapes), 7.19 (biodiversity and access to nature) and 8.2 (planning obligations) of the London Plan, as altered by the REMA published 11.10.13, are material considerations
- 5.3 Policies CP1, CP2, CP9, CP10, CP14, CP15, CP16, CP17, CP18, DC2, DC3, DC6, DC7, DC18, DC20, DC32, DC33, DC34, DC35, DC36, DC40, DC48, DC49, DC50, DC51, DC52, DC53, DC55, DC58, DC59, DC60, DC61, DC62, DC63, DC70 and DC72 of the Local Development Framework (LDF) Core Strategy and Development Control Policies Development Plan Document (DPD) are material considerations.
- 5.4 In addition, the Planning Obligations SPD, Residential Design Supplementary Planning Document (SPD), Designing Safer Places SPD, Protecting and Enhancing the Borough's Biodiversity SPD, Protection of Trees During Development SPD and Sustainable Design and Construction SPD are material considerations.

6. Staff Comments:

- 6.1 The issues arising from this application are the principle of development, the density and layout of the new development and the impact of its design, scale and massing on the character and amenity of the locality, the quality of the proposed residential environment, parking and highway matters, the impact on local residential amenity, environmental issues, affordable housing and the impact on community infrastructure.

6.2 Principle of Development

- 6.2.1 The application site is identified within the Site Specific Allocations (SSA) DPD as a development site. Policy SSA2 refers specifically to the site. This policy treats both the site of the former Whitworth Centre and also the Broxhill Centre, which is situated on the northern side of Noak Hill Road, as a single development site. Although the application site was formerly within the Metropolitan Green Belt it was de-designated as part of the LDF process due to the developed nature of much of the site and the contribution it is able to make to housing delivery targets in the Borough.

However, to avoid unchecked urban sprawl and the merging of green belt into neighbouring developed area, the revised Green Belt boundary was drawn along Noak Hill Road, excluding the Whitworth Centre site. This enabled the existing quantum of development north of Noak Hill Road, to be transferred to south of Noak Hill Road but also enabled the re-provision of the playing field on the Whitworth Centre site as part of a new and improved public open space on the Broxhill Centre site.

6.2.2 The Broxhill Centre and Whitworth Centres sites are therefore treated as one site, with the public open space and park facilities on the Broxhill Centre required to be provided through cross subsidy from the redevelopment of the Whitworth Centre. Policy SSA2 provides that the site of the former Whitworth Centre may be developed for residential purposes subject to the demolition of the buildings on the Broxhill Centre and the provision of new public open space within the Broxhill Centre.

6.2.3 The demolition of the buildings on the Broxhill Centre site have already been secured through the development proposals for the Whitworth site relating to Plot 1. In terms of ensuring the provision of new open space at Broxhill, the Council has given a commitment to fund these works through the capital receipt obtained from the disposal of this and other Council-owned sites. Planning permission has already been sought and obtained for the proposed new open space and leisure development on the Broxhill sites (planning permission reference P0963.13). To underpin its commitment to the provision of the proposed new facilities at Broxhill, the Council is prepared to enter into a legal agreement under the provisions of the Local Government Act, Localism Act and the Greater London Authority Act with the GLA, which binds the Council to the carrying out of the works at the Broxhill site. Such works would either be in accordance with the leisure proposals already approved at Broxhill under planning permission P0963.13 or in substantially the same form. It is considered that such agreement provides the degree of certainty required by the GLA that the sporting enhancements to the Broxhill site will be secured. Authority has previously been given by the Committee for Staff to enter into such an agreement. Negotiations regarding the agreed wording of the legal agreement are still under discussion with the GLA, although at an advanced stage, and the GLA has indicated its agreement in principle to entering into such an agreement.

6.2.4 Members will note that the application site was historically used for sports provision in connection with the school that originally existed. Staff are satisfied that this use ceased many years ago and that no formal delineation of pitches remains on the site. Accordingly the site is not considered to constitute a 'playing field', as specifically defined in planning legislation and no formal consultation with relevant bodies, such as Sport England is deemed necessary in this case. Nevertheless, the proposed development, with its formal linkage through legal agreement with the provision of new sporting facilities at Broxhill, is considered to enable the overall improvement of sports facilities within the Borough and thereby satisfies London Plan Policy 3.19 in principle.

6.2.5 By virtue of the SSA and the linked works to the Broxhill centre the proposal is therefore considered to be acceptable in principle in land use terms. Furthermore, the proposal contributes to the provision of housing within the Borough and therefore complies in principle with Policy CP1 of the LDF, the SSA and Policies 3.3. and 3.4 of the London Plan. Policy SSA2 sets out further detailed criteria for the development of the site, the requirements of which are assessed in more detail below.

6.3 Density and Site Layout

6.3.1 With regard to Development Control Policy DC2, this site is outside the PTAL zone identified on the proposals map and therefore is classified as 'rest of the borough' where a density range of 30-50 units per hectare applies. The application site has an area of 2 hectares and proposes 105 new dwellings. This equates to a development density of 52.5 units per hectare, which is marginally beyond the range specified both in Policy DC2 and SSA2. Density is however just one measure of the acceptability of a scheme and is not judged to be grounds for refusal if the development is acceptable in all other material respects. It is noted that the combined density of Plots 1 and 2, which are broadly of similar character, is less than 48 units per hectare.

6.3.2 In addition to density requirements and the works to the Broxhill Centre, Policy SSA2 sets out the following criteria that new development is expected to achieve:

- In its design, layout and boundary treatment the residential development at the Whitworth Centre minimises its impact on the Green Belt to the north by using a lower building profile and achieves a more sympathetic boundary treatment than currently exists.
- Pedestrian and cyclist links are provided through to Appleby Drive to enable convenient access to Harold Hill District Centre.

6.3.3 The development proposes a mix of houses and flats and provides units ranging from 1 to 4 bedrooms, with the majority of the units providing family housing. This complies in principle with the aims of Policy DC2 in respect of dwelling mix. Internal unit sizes comply with Policy 3.5 of the London Plan.

6.3.4 In respect of site layout, the application proposes a relatively conventional arrangement with residential roads running off the existing central access road. The layout of the site is considered to be acceptable in principle and to create a reasonably spacious arrangement of the dwellings. There is a flatted block to the northern side of the site which is set back at least 16m from the front boundary behind the existing tree screen. The north-eastern corner of the site is kept free of new buildings, with the nearest dwellings set back around 29m minimum from the boundary to Noak Hill Road. The existing balancing pond is retained. The visual impact of the built form

particularly as seen from the Green Belt, will be addressed later in this report. However, in terms of layout, Staff consider that the proposal accords with the requirements of Policy SSA2 in terms of respecting the proximity of the development to the Green Belt and the quality of the boundary treatment.

- 6.3.5 The principal access to the development is from Noak Hill Road, where the current site access is situated. This is considered acceptable in principle from a layout perspective. As mentioned above, there is a single flatted block within the northern part of the site. The building is set back from the road frontage and positioned generally in line with the existing flats on the western side of Plot 1. In principle there is no objection to an apartment block in this location subject to the suitability of the scale, bulk and mass.
- 6.3.6 Each upper floor flat has a balcony measuring 1.5m by 5m, which provides an acceptable standard of sitting out space, whilst the ground floor units benefit from the landscape setting to the building. The remainder of the development is principally family housing. In layout terms, Staff consider the arrangement of the buildings to be acceptable, with a reasonable degree of spaciousness from the site boundaries, commensurate with surroundings.
- 6.3.7 Each of the dwellings has access to private, screened amenity space of adequate size, which is considered to meet the requirements of the Residential Design SPD. There are no dedicated children's play facilities within the site. The GLA has calculated that the development would create an estimated child population of 35 and should therefore make provision for 350 square metres of children's play and informal recreation space. Staff note that the majority of the units have private rear gardens and that further recreational facilities will be provided on the Broxhill site. Nevertheless, it is considered that the site presents the opportunity to respond positively to the play requirements set out in the Mayor's SPG and a condition is therefore recommended for details of children's play facilities to be submitted. This will accord with Policy 3.6 of the London Plan.
- 6.3.8 One of the key objectives of Policy SSA2 is to ensure pedestrian and cyclist links through the site, giving access to the proposed sports facilities to the north and through to Appleby Drive and local amenities to the south. The development approved on Plot 1, which shares a boundary to Appleby Drive, largely provides for this. However, the proposed development also enables access through the south of the site between plots 43 and 47, leading on to Stephens Close, which enables a desire line that is appropriate for the site. Further links through are not provided at the request of the Designing Out Crime Officer. Staff therefore consider the proposal responds well to the requirement for connectivity between the site and surrounding facilities and complies with Policies DC33 and 34 as well as Policies 6.9 and 6.10 of the London Plan.
- 6.3.9 Staff are aware that the Borough Designing Out Crime Officer has been consulted on the proposals prior to their submission. This has enabled a

number of detailed matters relating to community safety to be addressed in the submitted application. The Borough DOCO has raised no specific objections to the proposal, subject to planning conditions. The proposal is considered to respond in principle to the requirements of the NPPF, Policy 7.3 of the London Plan and LDF Policy DC63. Staff are satisfied that reasonable measures have been undertaken to make the development as safe as possible and recommend conditions relating to Secured by Design and other community safety measures.

- 6.3.10 Detailed proposals for the hard and soft landscaping of the site and ongoing maintenance have been submitted with the application. In respect of hard surfacing the main road and parking areas will be finished with asphalt with the spine roads and cul-de-sacs surfaced with brindle block paving. This is in line with that approved for Plot 1 and will ensure continuity between the respective sites. In respect of soft landscaping, Staff have not relied on the details shown on the layout plan, as the planting shown here is illustrative only and does not fully match the landscaping proposals shown on other drawings. Detailed landscaping proposals have been submitted with the application and Staff have based their consideration of soft landscaping on these specific landscaping drawings and sought advice from the Council's Trees and Landscaping Officer. The proposal seeks to largely maintain TPO trees within the site and the detailed landscaping proposals are considered to be acceptable. The development is therefore considered to accord with the Trees SPD and Policy DC60 of the LDF.
- 6.3.11 The development is designed to Lifetime Homes standard and 11 of the units are designed to be adaptable to wheelchair housing standards. Accordingly the scheme is in accordance in principle with Policy DC7 of the LDF and the requirements of Policy 3.8 of the London Plan.

6.4 Design and Visual Impact

- 6.4.1 The proposed development includes a single apartment block, which is situated at the northern end of the site. The block is positioned generally in alignment with the eastern end of the existing flatted block, recently constructed at the entrance of the site, as part of the development of Plot 1. The design of the block largely reflects the scale and character of the neighbouring building, carrying forward its 2.5 storey design and arrangement of wide gables facing towards Noak Hill Road. The design of the apartment block has been revised since the application was initially submitted, to respond to concerns raised by Staff with regard to the overall height and massing of the block, and its visual impact in relation to the open, Green Belt character further east of the site.
- 6.4.2 The revisions to the design of the apartment block have reduced the height of the building on its eastern side, reducing it to a 2 (rather than 2.5) storey building. A smaller gable and a hipped roof have been introduced to the eastern end of the building, demonstrating a step down in scale and more closely resembling the height and mass of the family housing within the

site. A gablet is added to the eastern elevation of the building to emphasise the reduced eaves height.

- 6.4.3 Staff have considered carefully whether the reduction in the scale and mass of the apartment building is sufficient to create an acceptable form of development within the streetscene and in relation to the open Green Belt to the east of the site. It is acknowledged that, viewed from the site frontage, the existing protected belt of trees will provide an effective screen of the development, that will largely mitigate against its impact in this part of the streetscene. However, despite the preservation order on these trees, landscaping is ephemeral and should not be relied on in perpetuity, such that this alone is not sufficient reason to accept the proposals. Furthermore, the development would be clearly visible as approached along Noak Hill Road from the east, particularly given the descending ground levels.
- 6.4.4 The character of the Noak Hill Road streetscene has however changed recently, particularly with the construction of the two apartment blocks at the site entrance, following the commencement of development on Plot 1. The existing apartment blocks are, in Staff's opinion, entirely acceptable in the streetscene and do not appear visually overbearing. The proposed apartment block would be seen in the context of these existing buildings. The new block would be in general alignment with the nearest existing block and, at its western end, of broadly similar height. Given these factors, together with the consistency of design, it is judged that this part of the proposed apartment block would complement the existing building and not look out of scale or character with its surroundings.
- 6.4.5 The reduction in the scale of the proposed apartment block towards its eastern end is considered to be appropriate. Whilst a better degree of articulation would have been preferable, to break up the perceived length of the block, it is considered that the change to a two storey building, the visibly lower eaves and ridge line of this part of the building, the use of the lighter and more contrasting cladding material and the reduced bulk of the balconies serve to provide a clear contrast between the scale of the building at its western end and at its eastern end. In turn, this is considered to significantly reduce the degree of visual intrusion of the building. Combined with the set back of the building around 16m from the road frontage and positioning some 55m minimum from the eastern site boundary, together with the screening of trees and landscaping, Members may agree that the visual impact of the flatted block within the streetscene and in relation to the nearby Green Belt is acceptable. It is acknowledged however that this is a subjective judgement, in respect of which Members may reach an alternative view.
- 6.4.6 The remainder of the proposed development comprises a range of family housing, of 2, 3 and 4 bedrooms. The development includes a number of different house types, although there are also design variations, within each type. However, they are all of a traditional design, constructed predominantly of red or buff coloured brick externally with red or grey tiles.

A small number of dwellings within the development are finished externally with weather boarding rather than external brick, creating feature elements within the streetscene.

- 6.4.7 The proposed dwellings are predominantly two storey, although many have a steep roof pitch, which would potentially enable accommodation to be provided in the roofspace in the future. The dwellings within the development are considered to be acceptable in terms of scale and massing. They are very similar in terms of their design and scale to that already under construction on Plot 1 and so they continue the character and appearance of the neighbouring development forward seamlessly into Plot 2. Details of boundary treatment have also been submitted with the application. These details are considered acceptable in principle and should be secured through condition.
- 6.4.8 The proposed development is therefore considered to be acceptable in terms of scale and massing and will create residential units of sufficient variety in design and appearance that are judged to contribute positively to the character and quality of the surrounding area.

6.5 Impact on Amenity

- 6.5.1 The nearest residential properties to the development are those in Stephens Close, to the south of the site, and in Hitchin Close and Sevenoaks Close, which lie to the east of the site. Appleby Close is located to the south-west of the development, around 30m minimum (measured front to front) from the nearest house within the development, and therefore judged not to be materially affected by the proposals.
- 6.5.2 Turning to the relationship with Stephens Close, there is a terrace of existing housing nos. 1-7 Stephens Close, which are located on the south side of an existing footpath, which directly adjoins the southern site boundary. The majority of these houses are accessed from this footpath and front on to the application site. The exception is no.1 Stephens Close which has its entrance door located on the western end of the terrace. These dwellings are slightly set back from the footpath and are also on lower ground level than the application site. The change in level is in the region of 1m.
- 6.5.3 The houses on plots 43-46 within the development will face towards the terrace of houses at 1-7 Stephens Close. The proposals have been revised since initial submission at Staff's request to set the proposed new houses 1m further away from the façade of the houses opposite, so that there is now proposed to be a distance of between 9.5m and 10m between facing front facades. Staff have considered carefully whether the relationship between these properties is acceptable, particularly having regard to the change in ground levels between the site and the neighbouring terrace and recognise that this is an element of the development where Members will wish to exercise their judgement. It is noted that the proposed new housing lies to the north of these properties,

such that it will not result in a material loss of sunlight or daylight to the facing windows of the Stephens Close properties. Staff have also taken into consideration that this is predominantly a front to front relationship.

- 6.5.4 The new dwellings do not result in any material overlooking of private rear garden or amenity areas, as the properties at 2-7 Stephens Close all have their garden areas located on the south side and the garden of no.1 Stephens Close to the western site, whilst the new dwellings are located to the north. The outlook from the existing properties would change but the planning process does not seek to protect a particular view or outlook, rather to secure an acceptable degree of residential amenity. The loss of a view across the existing playing fields is not therefore material grounds for refusal.
- 6.5.5 The issue therefore is whether the relationship between the properties would cause an unacceptable degree of interlooking or overbearing impact in relation to the north facing windows of the Stephens Close properties. As a matter of judgement, Staff conclude that a separation distance of around 9.5m to 10m would be sufficient to maintain an acceptable relationship and degree of amenity for both existing and future occupiers. The proposal is therefore considered acceptable in this respect. Staff note that no.1 Stephens Close has a different internal layout to the remainder of the terrace but the principle windows to habitable rooms lie on the west facing elevation of the building, such that there is not judged to be material loss of light or amenity received to the secondary lounge window or kitchen window (both on the north facing elevation) of this property. Notwithstanding this, further amendments have been sought to the proposal, and the applicant has agreed to lower the levels of the terrace of houses on plots 43-46 to have an improved relationship with the neighbouring properties. Staff consider therefore that the relationship of the proposed development with nos. 1-7 Stephens Close will be acceptable.
- 6.5.4 With regard to the relationship with nos. 8-22 Stephens Close, there is a greater degree of separation between the respective elevations of the existing and proposed dwellings (around 15m minimum). The proposed dwellings on plots 47-52 back on to the southern boundary of the site and have private rear gardens around 7m deep. Staff consider that the distance of 7m between the rear elevations of the proposed dwellings and the boundary of the site with the rear gardens of Stephens Close dwellings is sufficient to prevent a material loss of privacy and amenity.
- 6.5.5 The proposed dwelling on plot 55 lies to the north of the existing dwelling at 24 Stephens Close. The proposed dwelling is positioned side on to the shared boundary, such that the flank wall of this dwelling will be visible from the rear garden of the neighbouring property. Staff consider this relationship to be acceptable, as the flank wall will be set in 1m from the party boundary and lies to the north of the neighbouring dwelling. There are no flank windows to the dwelling on Plot 55 so no overlooking of the neighbour will occur. A condition prohibiting the insertion of flank window

on this and all other dwellings within the development will be imposed to maintain amenity.

6.5.6 To the east of the site there are a number of residential properties in Hitchin Close and Sevenoaks Close, both houses and flats, backing on to the boundary of the application site. A number of the houses within the development are positioned side on to this boundary, so do not create direct overlooking or inter-looking. These dwellings are generally set in around 1m from the site boundary, which is considered sufficient to prevent an overly dominant impact on neighbouring houses. Flank to rear separation distances are in the region of 10-11m and this is considered to create an acceptable relationship. The proposed houses which back on to the eastern boundary of the site, for examples plots 90-92 and 100-102, are set around 8.5m from the boundary with a back to back relationship in the region of 18.5 to 20m. This relationship is considered to be acceptable and to maintain the amenity of adjoining occupiers.

6.5.7 To the north there are no properties close enough to be materially directly affected by the proposals. To the west of the site, lies the development approved under Plot 1, which is currently under construction. It is considered that the design of Plot 2 ensures a suitable relationship with the previously approved development.

6.5.8 In summary, Staff are satisfied that the development has an acceptable relationship with nearby residential property. Particular consideration has been given to the impact on existing properties to the east and south of the site. Whilst Staff acknowledge that there is a closeness between some of the dwellings proposed to the south side of the site and existing neighbouring property, for reasons set out in this report, the relationships are not judged to result in material harm to neighbouring amenity. It is accepted however that this is a matter for Members judgement.

6.6 Environmental Issues

6.6.1 The application site is located in Flood Zone 1. A Flood Risk Assessment (FRA) has been submitted with the application and includes measures for sustainable water run off (SUDS). In principle this accords with LDF Policy DC49 and Policies 5.12 and 5.13 of the London Plan. At the time of writing this report the Environment Agency have objected to the proposals as they are not satisfied with the extent of use of SuDs within the development. Members will be updated on the current position at the meeting.

6.6.2 A land contamination desk top and site investigation study have been carried out. A condition is recommended in respect of land contamination issues.

6.6.3 The proposal is not considered to give rise to any significant noise issues subject to conditions required by Environmental Health.

- 6.6.4 An energy strategy and sustainability statement have been submitted with the application. In response to a request for further information received from the GLA in respect of proposed energy savings an updated Sustainable Design, Energy and Construction Statement has been submitted setting out how the development intends to achieve a 25% reduction in carbon emissions as required by the London Plan Policy 5.2. Staff consider the revised statement to be acceptable in principle and recommend a condition to ensure that the final scheme achieves the required level of energy savings. This will accord with Policies DC50 and DC51 of the LDF and Policies 5.2, 5.3 and 5.7 of the London Plan.
- 6.6.5 An Ecological Scoping Survey and Biodiversity Statement has been submitted with the application. A walkover of the site has been undertaken and does not indicate the presence of any rare or protected species, including the presence of bats. The report does make recommendations relating to the impact of development on nesting birds and bats and opportunities for bio-diversity enhancement. It is therefore recommended that a condition be imposed requesting details of how the measures recommended in the report will be achieved.
- 6.6.6 English Heritage (GLAAS) advise that the proposal may affect remains of archaeological significance and should be subject of a condition requiring a programme of archaeological work to be undertaken. This will accord with Policy DC70 of the LDF and Policy 7.8 of the London Plan.

6.7 Parking and Highway Issues

- 6.7.1 The application proposes a total of 166 parking spaces, which equates to some 1.58 spaces per unit. This is marginally above the range identified in Policy SSA2 (1-1.5 spaces per dwelling) as acceptable. However, in combination with Plot 1, the redevelopment of the site as a whole has a ratio of 1.5 spaces per unit and is policy compliant. The site has a PTAL rating of 1 and Highways have indicated that they would have a preference for the maximum amount of car parking that can be achieved. Of the spaces within the development, the flatted accommodation has one parking space per unit; the remaining dwellings within the development have either one or two parking spaces per unit, creating the overall ratio of 1.58 spaces per dwelling. Staff consider the parking spaces to be acceptably laid out within the site and to be adequate to serve the proposed development. It is noted that TfL seeks a lower parking provision of 140 spaces across the site. However, mindful of the low PTAL rating of the locality Staff consider the level of parking to be justified and acceptable. A travel plan will form part of the development, to be secured through legal agreement and will enable opportunities for more sustainable forms of travel to be implemented.
- 6.7.2 The applicant has confirmed that 195 cycle parking spaces will be provided within the development. Staff consider this to be acceptable in principle and recommend that the provision and retention of suitable cycle parking facilities are secured by condition.

- 6.7.3 In terms of impact on road capacity and junctions Highways have no objections to the proposals. Highways are satisfied with regard to data relating to trip generation and capacity. It should be noted that a new road junction arrangement, including a new roundabout, has been secured through the development of Plot 1 and Highways raise no objection to the proposal on road safety or capacity grounds. Highways advise there is some minor technical adjustment needed of the new road layout within the site but that this would be dealt with under the technical approval process. There is, therefore, no material highway objection to the proposals.
- 6.7.4 A refuse collection strategy has been submitted with the application. The details, as a strategy, are acceptable in principle. However, it is considered that a condition should be imposed seeking details of the design, appearance and capacity of the refuse storage facilities. An additional fire hydrant has been requested by the Fire Brigade and this will be covered by an informative. The Fire Brigade has raised no objection to the proposals in respect of access arrangements.
- 6.7.5 It is noted that TfL have requested clarification with regard to the proposed Electric Vehicle Charging Points (EVCP's) within the development. Their number and location are shown on revised drawings submitted as part of the application. The applicant has confirmed that there are 22 active EVCP's, which meets the current 20% requirement. A further 43% of the spaces are equipped with passive EVCP's, which is in excess of policy requirements. It is suggested that this be secured by condition. The provision should be secured for a minimum 40% of the units, split equally between passive and active provision.
- 6.7.5 11 no. of spaces are shown within the development for disabled users. The level of provision, which equates to 11% of the units is acceptable but should be secured by condition.
- 6.7.6 TfL have requested conditions relating to construction logistics, delivery and servicing of the development. Such requirements are considered to be reasonable and will therefore be secured by appropriate conditions.

6.8 Affordable Housing

- 6.8.1 The proposal results in development for which an affordable housing provision is required in accordance with the National Planning Policy Framework and the London Plan. Policies CP2 and DC6 set out a borough wide target of 50% of all new homes built in the borough to be affordable. The application provides a total of 105 units, of which it is proposed that 16 will be provided as affordable housing (15%). These 16 units will comprise 9 no. two bed apartments, 6 no. one bed apartments and 1 no. two bed house and are proposed to be provided as Shared Equity homes for sale. The units will be provided through the applicants own shared equity model, which operates on the basis that 15% of the property cost will be provided as a loan to the purchaser, initially on an interest free basis (for the first five

years). The applicant indicates that the proposal will address issues of local need and help to counteract the imbalance of social rented housing in this part of the Borough.

6.8.2 The applicant has provided with this application a financial appraisal which in the applicant's view justifies the provision of 15% of the units as affordable housing within the scheme. Staff have commissioned an independent economic viability assessment of the submitted financial appraisal to determine whether the level of affordable housing provision within the development is justified. This assessment notes that the justification is fundamentally based on the purchase price agreed for the land but notes that, in this case, the income received from the sale of the land is to be used by the Council to cross-subsidise new leisure development at Broxhill. Staff are satisfied that the two are linked through the provisions of Policy SSA2. This link between the proposed development on this site and the provision of a new sports and leisure facility on the nearby Broxhill site is explored in more detail in Section 6.2 of this report. It should be noted that the Council is prepared to enter into a legal agreement to ensure that proceeds are used towards the provision of the sports facilities at Broxhill.

6.8.3 The independent appraisal of the financial viability case concludes that the scheme is not capable of supporting additional affordable housing at the purchase price agreed for the site. The proposal is considered to provide an acceptable form of shared ownership housing and Staff acknowledge that the proposal does enable a more balanced socio-economic mix than is traditionally the case in this part of Harold Hill. Whilst this would not achieve the 60:40 split between affordable/social rent and intermediate housing (being all intermediate tenure) Staff accept that this is a reasonable approach within the locality, which is traditionally characterised by high levels of social rented houses. The proposal therefore is justified in seeking to redress that balance and it is therefore considered that the proposal does not conflict with planning policy and is further justified through the viability appraisal submitted with the application.

6.9 Infrastructure

6.9.1 In accordance with the Planning Obligations Supplementary Planning Document a financial contribution of £630,000 to be used towards the infrastructure costs arising from the new development is required. This should be secured through a S106 Agreement.

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. There are no buildings to be demolished from the site so no deductions from the CIL liability. The applicable fee is therefore based on an internal gross floor area of 10,916m² which equates to a Mayoral CIL payment of £218,320.

7.2 It is open to the developer to make an application for social housing relief in respect of those units which are provided as affordable housing.

8. Conclusion

8.1 The proposed residential development on the site is acceptable in principle. The design and layout of the proposed development is considered to be in keeping with the character and amenity of the locality and to provide a suitably high quality living environment. The design, scale, bulk and massing of the proposed buildings is considered to be acceptable and the detailed scheme to accord with the criteria in Policy SSA2. There is judged to be no material harm to neighbouring residential amenity arising from the proposals and the application makes acceptable provision for landscaping, sustainability and for environmental protection. The proposal is considered to be acceptable in respect of parking and highways issues.

8.2 The proposal makes provision for 15% of the units to be provided as affordable housing, which falls below that required by Policy DC6 of the LDF and London Plan policies. However, the applicant has submitted a viability assessment to justify the amount of affordable to be provided as required by Policy DC6 and the London Plan. The submitted viability appraisal has been independently assessed and is to justify the proposed amount and model of affordable housing proposed and the amount of Section 106 contributions offered.

8.3 The proposal is therefore judged to be acceptable, subject to conditions and the prior completion of a legal agreement to secure the required financial contributions and provision of affordable housing and a travel plan. Subject to this it is recommended that planning permission is granted.

IMPLICATIONS AND RISKS

Financial Implications and risks:

The application site comprises land which has been disposed of by the Council, although this has no direct impact on the consideration of this application

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 Council's planning policies are implemented with regard to equality and diversity. The development includes a mix of unit types, including units that provide for wheelchair adaptable housing, and units which are designed to Lifetime Homes standards. The development also includes the provision of an element of affordable housing, thus contributing to the provision of mixed and balanced communities.

BACKGROUND PAPERS

1. Application forms, plans and supporting statements received 2 August 2013 and revised plans received 24 October 2013, 7 November 2013 and 28 February 2014.

REGULATORY SERVICES COMMITTEE

13 March, 2014

REPORT

Subject Heading:

**P1570.13 – Spring Farm / Rainham
Quarry, Launder Lane, Rainham**

**Variation of Conditions 5 & 6 of
planning permission P1323.11, to allow
additional processing plant.**

Report Author and contact details:

**Simon Thelwell (Projects and
Regulation Manager) 01708 432685**

Policy context:

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

Financial summary:

None

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

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

SUMMARY

This planning application proposes the variation of a planning condition under the provisions of Section 73 of the Town and Country Planning Act 1990. Planning permission P1361.02 granted consent for a change of use to secondary aggregate and soil production (waste recycling); the re-erection of mineral processing plant; and the erection of a bagging plant, all within Rainham Quarry. Only the bagging plant aspect of the proposal has been undertaken.

Planning permission P1323.11 allowed for a variation of the conditions attached to P1361.02 to allow the processing of materials at the site to continue until 31st December 2015, with the exclusion of skip and construction waste processing. Where appropriate, all of the conditions imposed on planning permission P1361.02 were carried over as part of planning permission P1323.11.

The application under consideration proposes the variation of conditions 5 and 6 of planning permission P1323.11 to allow for the erection of new plant for the production of hydraulically bound material from imported, inert material.

RECOMMENDATIONS

That the proposal is unacceptable as it stands but would be acceptable subject to the applicant entering into a Deed of Variation under Section 106A of the Town and Country Planning Act 1990 (as amended), to vary the Section 106 planning obligation completed on 1st March 2012 in respect of planning permission P1323.11, by substituting that planning permission reference with a new reference to reflect the new consent.

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

Save for the variation set out above and any necessary consequential amendments to the Section 106 planning obligation dated 1st March 2012 all recitals, terms, covenants and obligations in the said section 106 Agreement shall remain unchanged.

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

1. The operations hereby approved shall cease on or before 30th June, 2023.. The site shall, by 31st December 2012, be fully restored in accordance with the 'Revised Restoration and Aftercare Scheme' dated March 2000 and

approved in accordance with conditions 6 and 7 of planning permission P2239.87.

Reason:

In pursuance of the timely restoration of the site and in the interests of the visual amenity of the surrounding area and the Green Belt, in accordance with Policy DC61 of the with Development Control Policies Development Plan Document, and the guidance contained in the NPPF.

2. The HBM plant and any plant, machinery, structures and buildings approved under planning permission P1361.02 shall be removed from the site within one month of the date referred to in condition 1 above, that being 30th June, 2023.

Reason:

In pursuance of the timely restoration of the site and in the interests of the visual amenity of the surrounding area and the Green Belt, in accordance with Policy DC61 of the with Development Control Policies Development Plan Document, and the guidance contained in the NPPF.

3. No materials brought to the site under this permission shall be stored other than within the 'operating area' defined on Figure 7.1 (approved as part of planning permission P1361.02) and shall not be stored to a height exceeding 5 metres above the adjacent ground level of the operating area. No materials shall be stored in any other part of the application site.

Reason:

In the interests of the visual amenity of the surrounding area and the Green Belt, in accordance with Policy DC61 of the Development Control Policies Development Plan Document, and the guidance contained in the NPPF.

4. No work shall be carried out on the site other than between the hours of 0700hrs and 1800hrs Mondays to Fridays, between the hours of 0700hrs and 1300hrs on Saturdays, and not at any time on Sundays, Bank or Public Holidays.

Reason:-

In the interests of local amenity in accordance with Policy DC61 of the with Development Control Policies Development Plan Document, and the guidance contained in the NPPF.

5. The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans, approved as part of planning permission P1361.02, as modified by the plans referenced "RAI/99" and "RAI/100", both received 23/12/2013.

Reason:-

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

6. Unless otherwise agreed in writing by the Local Planning Authority, the approved plant, detailed on the plan referenced "RAI/100" (received on 23/12/2013), shall employ the same colour scheme as the existing aggregate processing plant, which shall be retained in accordance with the materials and colour scheme approved as part of condition 6 of planning permission P1361.02. No other previously approved plant, machinery, structures or buildings shall be installed or erected until details of their proposed materials and the colour scheme for any external cladding has first been submitted to and agreed in writing by the Local Planning Authority.

Reason:

In the interests of the visual amenity of the surrounding area and the Green Belt, in accordance with Policy DC61 of the Development Control Policies Development Plan Document, and the guidance contained in the NPPF.

7. The surface drainage system shall be retained in accordance with the details approved in accordance with condition 7 of planning permission P1361.02.

Reason:

Condition 7 of planning permission P1361.02 has been discharged by the Minerals Planning Authority and the approved details continue to be applicable in this case.

8. The development hereby approved shall be undertaken in accordance with the details that were approved in accordance with condition 8 of planning permission P1361.02.

Reason:

Condition 8 of planning permission P1361.02 has been discharged by the Minerals Planning Authority and the approved details continue to be applicable in this case.

9. The discharge of surface water from the site shall be in accordance with the scheme approved under condition 9 of planning permission P1361.02.

Reason:

Condition 9 of planning permission P1361.02 has been discharged by the Minerals Planning Authority and the approved details continue to be applicable in this case.

10. No soakaways shall be constructed in contaminated ground or in any areas that have been infilled.

Reason:

To prevent the pollution of ground water

11. All access by heavy goods vehicles to and from the plant and machinery hereby permitted shall only be from the existing access point onto Launderers Lane.

Reason:

In the interests of amenity and highway safety.

12. Prior to the erection of any new plant, the developer shall submit for the written approval of the Local Planning Authority:

- a) A Phase I (Desktop Study) Report documenting the history of the site, its surrounding area and the likelihood of contaminant/s, their type and extent incorporating a Site Conceptual Model.
- b) A Phase II (Site Investigation) Report if the Phase I Report confirms the possibility of a significant risk to any sensitive receptors. This is an intrusive site investigation including factors such as chemical testing, quantitative risk assessment and a description of the sites ground conditions. An updated Site Conceptual Model should be included showing all the potential pollutant linkages and an assessment of risk to identified receptors.
- c) A Phase III (Remediation Strategy) Report if the Phase II Report confirms the presence of a significant pollutant linkage requiring remediation. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to all receptors must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works, site management procedures and procedure for dealing with previously unidentified any contamination. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
- d) Following completion of measures identified in the approved remediation scheme mentioned in 1(c) above, a "Verification Report" that demonstrates the effectiveness of the remediation carried out, any requirement for longer-term monitoring of contaminant linkages,

maintenance and arrangements for contingency action, must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason:

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

- 13.
- 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.

14. Prior to the erection of any new plant, the developer shall submit for the written approval of the Local Planning Authority;

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

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

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

Reason:

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

INFORMATIVES

Note: 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.

Approval – No Negotiation Required

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

REPORT DETAIL

1. Site Description

- 1.1 The application site comprises land within an established sand and gravel working, which is largely worked-out. The application site is primarily in use for the processing, storage, and bagging of minerals, with fixed plant, a mineral stockpiling area, and associated site buildings present.
- 1.2 The site forms an irregular shape and is broadly located within an area bounded by Launders Lane to the west and Warwick Lane to the north, with the remainder of Rainham Quarry forming the southern and eastern boundaries of the site. The site is designated as Green Belt and as a Mineral Safeguarding Area in the Local Development Framework.
- 1.3 Mineral extraction continues to occur at the Spring Farm site, which is located to the south west of the site under consideration, on the western side of Launders Lane. The sand and gravel extracted at Spring Farm is sent to Rainham Quarry (the application site) for processing and bagging.
- 1.4 The site is well screened from the surrounding area by extensive tree planting and screen bunding. The proposed additional plant would be located towards the south eastern corner of the site and would be located hundreds of metres from the nearest residential properties.

2. Description of Proposal

- 2.1 Condition 5 of planning permission P1323.11 states that:

“The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans, particulars and specifications approved as part of planning permission P1361.02.”

Condition 6 of planning permission P1323.11 states that:

“With the exception of the bagging plant, which shall be retained in accordance with the materials and colour scheme approved as part of condition 6 of planning permission P1361.02, none of the proposed new plant, machinery, structures or buildings shall be installed or erected until details of their proposed materials and the colour scheme for any external cladding has first been submitted to and agreed in writing by the Local Planning Authority.”

- 2.2 This planning application seeks approval for the variation of conditions 5 and 6 of planning permission P1323.11. These conditions require that the site be developed and maintained in accordance with the plans approved as part of planning permission P1323.11 and that the details of any new plant be approved in writing by the Local Planning Authority. The proposed variations would allow for the erection of additional plant at the site for the production of hydraulically bound material. This process involves the importation of inert, unconsolidated material, which is then processed to produce solid material, which might be used for fill or other purposes by end users.
- 2.3 It is estimated that the importation of material to feed the proposed plant would generate around 16 lorry movements per day, which is comparable to the level of activity that would have been associated with a previously approved recycled aggregate facility (planning permission P1361.02), which was not brought forward and cannot now be implemented owing to the presence of a separately approved bagging plant.
- 2.4 The proposed plant, which would have an industrial appearance, would have a maximum height of approximately 10.5m, and would have an overall ground coverage of around 60sqm.

3. Relevant History

- 3.1 The Council is currently considering an associated application relating to the same site:

P1527.13 - Variation of Condition 2 of P0712.11 - To continue processing both indigenous and imported sand gravel on the existing, long standing processing plant until 30th June 2023 – Under consideration.

- 3.2 The planning permissions of most relevance to this application are as follows:

P1323.11 - Variation of Condition 1 of Planning Permission P1361.02 to extend the period of working to 31st December 2015 – Approved.

P0712.11 – Variation of condition 4 of planning permission P2239.87, to allow for the continuation of mineral processing until 31st December 2015.

P1361.02 - Change of use of land to allow for secondary aggregate and soil production (waste recycling); re-erection of mineral processing plant; and the erection of a bagging plant – Approved.

P2239.87 - Change of use to recreation & conservation including car parking, mounding & lakes, & erection of concrete batching plant, ancillary buildings & other plant, the continued extraction & processing of indigenous minerals, use of existing processing plant & land for processing indigenous /imported minerals & improved access from Launderers Lane.

3.3 Summary of relevant mineral extraction and processing permissions:

Rainham Quarry (processing area and bagging area)

P1570.13 - Variation of Condition 5 & 6 of planning permission P1323.11, to amend the approved processing plant details – Under consideration.

P1323.11 – Variation of condition 1 of planning permission P1361.02 for the continuation of approved operations until December 2015 – Approved (06/03/2012).

P1361.02 – Change of use for secondary aggregate and soil production (waste recycling); re-erection of mineral processing plant; and the erection of a bagging plant – Approved (03/04/2003).

Rainham Quarry (processing area)

P1527.13 - Variation of Condition 2 of P0712.11 - To continue processing both indigenous and imported sand gravel on the existing, long standing processing plant until 30th June 2023 – Under consideration.

P0712.11 – Continuation of mineral processing at Rainham Quarry to December 2015 – Approved (06/03/2012).

P2099.04 – Variation of condition 4 of P2239.87 for the continuation of approved operations to September 2012 – Approved (15/01/2007).

P2239.87 – Continuation of mineral processing to March 2010 and re-erection of concrete batching plant – Approved (17/03/1995).

Rainham Quarry (Bagging area)

P0593.11 – Continued use of development approved by P0761.05 to December 2015 – Approved.

P0761.05 Retrospective planning application for the retention of a portable office, unapproved changes to the processing plant, security fencing, and the extension of the aggregate storage area by about 0.08 hectares – Approved (17/06/2005).

Spring Farm Quarry (extraction area)

P2098.04 – Mineral extraction, infilling and restoration. Approved (15/01/2007).

4. Consultations/Representations

4.1 This application was advertised by site notice and a press advertisement, and notification letters were sent to adjacent addresses. No representations have been received.

Non statutory Consultees

Highways - No response to date.

Environmental Health - No objections. Conditions recommended in relation to air quality and contaminated land.

5. Relevant Policies

5.1 Havering's Core Strategy and Development Control Policies DPD:

DC22 (Countryside Recreation)
DC32 (The Road Network)
DC41 (Re-Use and Recycling of Aggregates)
DC43 (Ready Mixed and Processing Plant)
DC45 (Appropriate Development in the Green Belt)
DC58 (Biodiversity and Geodiversity)
DC61 (Urban Design)
SSA6 (Rainham Quarry Community Woodland)

5.2 Relevant national planning guidance:

National Planning Policy Framework ("the NPPF")

6. Staff Comments

6.1 Introduction

6.1.1 This proposal is put before Committee because, should planning permission be granted, an agreement under Section 106A of the Town and Country Planning Act 1990 would need to be completed.

6.1.2 In the event that planning permission is granted in this case, the proposal would result in a new planning permission being issued. Where appropriate, and subject to any necessary amendments, the conditions imposed on the last planning consent would need to be re-imposed in this instance.

6.1.3 The main issues to be considered by Members in this case are the principle of development, visual impact, local amenity, access considerations, and nature conservation.

6.2 Principle of development

6.2.1 The application site is located in a Mineral Safeguarding Area, a site of Borough Importance for Nature Conservation, the Thames Chase Community Forest, the Rainham Quarry Community Woodland, and within the Metropolitan Green Belt. Policy DC58 states that development within sites of nature conservation importance will be permitted subject to certain criteria. Policy DC22 states that opportunities to improve informal recreation in the countryside will be sought, whilst Policy SSA6 states that the site should be restored, and a community woodland created. The restoration and aftercare schemes approved in accordance with planning permission P2239.87, which are applicable in this case, recommend the creation of woodland and areas of public access. The proposal is considered to be in accordance with Policies DC22 and SSA6.

6.2.2 Policy DC45 of the DPD states that planning permission for development in the Green Belt will only be granted where it includes certain types of development, which include minerals extraction and buildings deemed to be essential to it. Policy DC43 of the DPD states that ready mixed and processing plant within the Green Belt will only be permitted at current mineral working sites and that they will be tied to the life of the relevant mineral extraction site.

6.2.3 Although the proposal mainly relates to approved development, some of which has been implemented, it also proposes the erection of new plant for the recycling of inert material. It should be noted that previously approved recycling plant (P1361.02) has never been implemented. In view of the fact that a separate planning application is before Members to extend the working period of the application site, with that application being recommended for approval, it is recommended that the current proposal should be subject to the same period of working (to 30th June, 2023.) This would mean that all of the development at the site would need to be removed by this date, and the previously approved restoration scheme implemented.

6.2.4 The development under consideration is located within Rainham Quarry and is associated with an existing mineral processing use. This mineral processing facility is essential to the continued winning and working of minerals at Spring Farm Quarry. The proposal would involve the retention of the existing development but would also include additional plant, which would enhance the viability of the existing processing facility. It is therefore considered to be in accordance with Policies DC41, DC43 and DC45.

6.2.5 The guidance contained in the NPPF is also of relevance. The preliminary assessment when considering proposals for development in the Green Belt is as follows:-

- a) It must be determined whether or not the development is inappropriate development in the Green Belt. The NPPF and the Development Plan set out the categories of appropriate development.
 - b) If the development is not considered to be inappropriate, the application should be determined on its own merits.
 - c) If the development is inappropriate, the presumption against inappropriate development in the Green Belt applies.
- 6.2.6 Inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. It is for the applicant to show why permission should be granted and “very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations”.
- 6.2.7 In terms of Green Belt policy, this application proposes building operations (fixed plant and other structures) and a change of use (the recycling of inert material.) It is considered that the use of land for the processing of aggregates, given the screened nature of the site and subject to height limits on any stockpiled material, would not significantly diminish the openness of the Green Belt.
- 6.2.8 The building operations under consideration, might normally constitute permitted development, except that the site handles imported sand and gravel in addition to minerals derived from the immediate site. The buildings are not included in the list of those building types considered to constitute appropriate development in the NPPF. However, given that Policies DC43 and DC45 of the DPD explicitly support the proposal, and that the development under consideration is required for a temporary period to assist in the winning and distribution of valuable mineral resources, it is considered that very special circumstances exist to overcome the harm to the Green Belt by reason of inappropriateness. No other harm is identified, as discussed later in this report.
- 6.2.9 Accordingly, the proposal is considered to be acceptable in principle.

6.3 Visual Impact

- 6.3.1 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.
- 6.3.2 Given the temporary nature of the proposal, it is considered that the proposed development, some of which is already in situ, in terms of its siting, scale and design, and the heavily screened nature of the site, would not have a significant adverse impact on the visual amenities of the Green Belt or on the character of the surrounding area.

6.3.3 The nature of the proposal is such that it would be in accordance with Policy DC61 of the DPD and the guidance contained in the NPPF.

6.4 Local Amenity

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

6.4.2 Environmental Health officers have raised no objections to the proposal subject to the use of conditions relating to contaminated land and air quality. It is recommended that these conditions be imposed should planning permission be granted, but should relate solely to the proposed new plant.

6.4.3 Given the siting, scale, and design of the proposal in relation to the surrounding area and especially in relation to distant residential properties, it is considered that the proposal would not result in any significant increase in harm over and above the operations already permitted and on-going at the site. The proposal is considered to be in accordance with Policy DC61 of the DPD.

6.5 Access Considerations

6.5.1 Policy DC32 of the DPD states that new development which has an adverse impact on the functioning of the road hierarchy will not be allowed.

6.5.2 If the application being considered is approved, then additional material would be imported to the site, and there would be an increase in heavy goods vehicle movements, in the region of 16 (8 in, 8 out) per day. The proposed conditions, having regard to a separate application that is recommended for approval, would allow the existing development to continue until 2023, meaning there will be a continued impact on the highway network.

6.5.3 However, the modest increase in vehicle movements, and the extension of time being suggested, need to be considered in light of the fact that previously approved recycling plant was never implemented, and that the applicants have previously signed up to an agreement not to import skip waste to the site, which had also previously been permitted.

6.5.4 In terms of its impact on highway safety and amenity, it is considered that the continuation of mineral processing at the application site would be acceptable and in accordance with Policy DC32 of the DPD.

6.6 Nature Conservation

6.6.1 The site is designated as a site of Borough Importance for Local Nature Conservation. Policy DC58 states that the biodiversity and geodiversity of sites of this nature will be protected and enhanced.

6.6.2 The proposed plant would have a very limited footprint in relation to the overall mineral processing area, which includes other plant, buildings, hardstandings, and stockpiles. The proposed additional plant would be located in an area of the site forming part of the operational, mineral processing area, and it is therefore considered that the proposal would not have any significant impacts on local ecology.

6.6.3 In terms of its ecological impact, the proposal is considered to be acceptable and in accordance with Policy DC58 of the DPD.

7. Conclusion

7.1 Officers consider the proposal to be acceptable, having had regard to Policies DC22, DC32, DC41, DC43, DC45, DC58, and SSA6 of the DPD, and all other material considerations, subject to the recommended conditions.

IMPLICATIONS AND RISKS

Financial implications and risks:

None.

Legal implications and risks:

Legal resources will be required to prepare a deed of variation in relation to an existing legal agreement.

Human Resources implications and risks:

None.

Equalities implications and risks:

None.

BACKGROUND PAPERS

Application form
Supporting Statement received on 25/08/2011.

**REGULATORY
SERVICES
COMMITTEE**

REPORT

13 March 2014

Subject Heading:

P1481.13 – 51 High Street, Hornchurch –
Partial conversion of existing first floor to
a residential dwelling to provide ancillary
accommodation for staff use (received
3/12/13)

Report Author and contact details:

Helen Oakerbee
Planning Manager
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 []
- 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 is for the partial conversion of the existing first floor to a residential dwelling to provide ancillary accommodation for staff use. A legal agreement is required to ensure that the residential dwelling shall be used only for living

accommodation for staff use ancillary to Tarantino's restaurant at 51 High Street, Hornchurch, and shall not be used as a separate unit of residential accommodation at any time. Staff consider that the proposal would accord with the residential, environmental and highways policies contained in the Local Development Framework Core Strategy and Development Control Policies Development Plan Document. It is recommended that planning permission be granted subject to conditions and the completion of a Section 106 Legal Agreement.

RECOMMENDATIONS

That the 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 residential dwelling shall remain ancillary to Tarantino's restaurant – 51 High Street, Hornchurch.
- The residential dwelling not to be let, leased, transferred or otherwise alienated separately from the original property and land comprising No. 51 High Street, Hornchurch.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the agreement prior to the completion of the agreement irrespective of whether the agreement is completed.
- The Developer/Owner to pay the appropriate planning obligation/s monitoring fee prior to completion of the agreement.

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

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

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

2. 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.

3. 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.

4. Before any development in commenced, a scheme for protecting the proposed dwelling from noise and odours from the associated restaurant business shall be submitted to and approved by the Local Planning Authority. Any works which form part of the scheme shall be completed before any of the permitted dwellings is occupied.

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

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. 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. Site Description:

- 1.1 The application site is a commercial two storey end of terrace property located on the northern side of the High Street, Hornchurch. The ground floor unit comprises of Tarantino's pizza and pasta restaurant. The site falls within the Fringe Area of Hornchurch Major District Centre.

2. Description of development:

- 2.1 The proposal is for planning permission for the conversion of the former office/staff accommodation at first floor to a two bedroom self-contained flat. The flat would comprise of an open plan living/dining room, two bedrooms, a storage area (or according to the applicant possibly a utility room), a kitchen, W.C and shower room. The flat would be accessed via an existing side gate located adjacent to the eastern boundary of the application site or from the rear of the site. There is no amenity space or car parking provision for the flat. It is noted that internal works to the kitchen, shower room, WC and two bedrooms has been completed. Although, the stud partitions between the hallway, staff room and store room currently remain in place.

3. Relevant History:

- 3.1 P1702.10 – Replacement of fire damaged pitched roof – Approved.

P1475.06 – Retrospective application for retention of existing external seating area and disabled access ramp – Approved.

P1345.05 – Change of use of existing first floor into additional dining space and extend to side/rear to create extra floor area – Approved.

P0334.00 – Variation of condition No. 2 Approval Reference P0190.87 to extend opening hours – Approved.

4. Consultations/Representations:

- 4.1 The occupiers of 50 neighbouring properties were notified of this proposal. No letters of representation were received.

- 4.2 Designing Out Crime Officer- Recommends an informative if minded to grant planning permission.
- 4.3 London Fire Brigade - No objection.
- 4.4 Environmental Health - Recommend two conditions if minded to grant planning permission.
- 4.5 The Highways Authority has no objection to the proposals.

5. **Staff Comments:**

5.1 Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP17 (Design), DC2 (Housing Mix and Density), DC3 (Housing Design and Layout), DC4 (Conversions to residential and subdivision of residential uses), DC16 (Core and Retail Frontages in District and Local Centres), DC33 (Car Parking), DC61 (Urban Design), DC63 (Delivering Safer Places) and DC72 (Planning Obligations) of the LDF Core Strategy and Development Control Policies Development Plan Document are also considered to be relevant together with the Design for Living Residential Design Supplementary Planning Document, the Residential Extensions and Alterations Supplementary Planning Document and the Planning Obligation 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 8.2 (Planning obligations) of the London Plan are relevant. Chapters 6 (Delivering a wide choice of high quality homes) and 7 (Requiring good design) of the National Planning Policy Framework are relevant.

5.1.2 It is noted that there is a discrepancy on the proposed first floor plan, as there is a storage area with a door which is located between the kitchen and the end of bedroom 1, although this has not affected the determination of this planning application. The main issues in this case are the principle of development, site layout, impact on the streetscene and impact on residential amenity and any highway and parking issues.

5.2 **Principle of Development**

5.2.1 The application site is in the Fringe Area of Hornchurch Major District Centre. The proposal would retain an A3 use at ground floor in accordance with Policy DC16. Converting the former office/staff accommodation at first floor to residential accommodation above the A3 use would be acceptable in principle and adheres to Policy DC4, as this can help bring activity to town and district centres and increase their vitality and viability.

5.3 **Density and site layout**

5.3.1 In terms of the form of development, the proposal needs to be considered having regard to the provisions of Policy DC4 of the DPD which relates to proposals to sub-divide houses to provide more residential units. With regards

to this policy, any proposal will be required to satisfy a number of criteria. These are that each flat should be of an adequate size, self contained with a reasonable outlook and aspect; should not materially reduce the privacy enjoyed by the occupants of adjoining properties; should provide a suitable degree of amenity space; and should meet required parking standards. Policy DC4 of the DPD also outlines the above and states that the living rooms of new units should not abut the bedrooms of adjoining units. The specific criteria in terms of Policy DC4 are assessed throughout the course of this report. In respect of the sub-division, Policy DC4 states that applicants will normally be encouraged to provide living rooms in new units which do not abut the bedrooms of adjoining dwellings.

- 5.3.2 It is noted that planning permission was granted (under application P1329.10) at 49 High Street, Hornchurch, for a first floor extension to the rear, the use of the first floor to A3, an external staircase, renew the roof with a new dormer to rear and use the loft conversion as a one bedroom self-contained flat and the permission expired on 5th November 2013. The occupier of No. 49 High Street confirmed that planning application P1329.10 has not been implemented and the first floor accommodation is a storage area and is not used as residential accommodation. Therefore, it is considered that the internal layout of the proposed flat would comply with Policy DC4.
- 5.3.3 Policy 3.5 of the London Plan advises that housing developments should be of the highest quality internally, externally and in relation to their context and to the wider environment. To this end Policy 3.5 seeks that new residential development conforms to minimum internal space standards set out in the plan. The proposal is for the conversion of the former office/staff accommodation at first floor to a two bedroom self-contained flat. The London Plan seeks a minimum internal floor area of 61 square metres for a flat with two bedrooms and 3 bed spaces. In this instance, the two bedroom flat would have an internal floor area of approximately 65.7 square metres. The proposal complies with the internal space standard in the London Plan.
- 5.3.4 The Residential Design SPD states that private amenity space and/or communal amenity space should be provided for flats. The Council's guidance does advise that in a predominantly commercial area where a mixed use development of residential flats above office or retail uses is considered appropriate, the total amenity space area may be reduced, or waived altogether provided that:
- (a) the relationship of the proposed building block to adjoining boundaries and buildings is acceptable,
 - (b) flats have an acceptable outlook
 - (c) the building mass is appropriate in the streetscene, and
 - (d) all other policies and standards are met in full.
- 5.3.5 In this location, there is no existing or availability for the future provision of dedicated amenity space for the flat. Although, given the above, it is considered that there would be insufficient grounds to refuse the application based on a lack of amenity provision.

5.3.6 The metal bars on the first floor windows currently serving the hallway, shower room and WC (adjacent to the flat roofed area) would be removed and security locks would be fitted instead. The kitchen window and two small flank windows serving the living/dining room are obscure glazed. The bedrooms have windows fronting onto the High Street and there is one clear glazed window in the living/dining room. Overall, it is considered that the flat would have a reasonable outlook and aspect.

5.4 Design/impact on street/Garden scene

5.4.1 There are no external alterations to the building.

5.5 Impact on amenity

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

5.5.2 It is considered that converting the former office/staff accommodation at first floor to a two bedroom self-contained flat would not result in a significant loss of amenity to No. 49 High Street as the first floor is used for storage and is not in residential use. It is considered that the partial conversion of the existing building into one flat at first floor would not add to the overlooking that currently exists.

5.5 Highway/parking issues

5.5.1 There is no off street parking provision for the flat. In light of the town centre location of the site (enabling easy access to services and facilities) and the bus stops to the front of the site from which a number of bus routes operate, Staff consider that no car parking provision in this instance is acceptable. Indeed, in choosing whether to purchase/rent a property in such a location, potential occupants would be aware of the lack of car parking facilities prior to occupation. The Highways Authority has no objection to the proposal. It is considered that the proposal would not create any highway or parking issues.

6. The Mayor's Community Infrastructure Levy

6.1 The CIL payment is not applicable as the proposal involves the partial conversion of the first floor into one two bedroom self-contained flat.

7. Planning Obligations

7.1 A new dwelling is subject to a financial contribution of £6,000 to be used towards infrastructure costs in accordance with Policy DC72 and the Planning Obligations Supplementary Planning Document. In this instance, the agent has advised that the proposed flat would enable staff working evening shifts in the restaurant to stay over on site rather than returning home late at night.

The flat is not intended as a separate unit of residential accommodation and would not be occupied by staff members on a permanent basis. The accommodation would see infrequent use by different members of staff depending on their shift patterns. As such the proposals would not give rise to an increased demand on local infrastructure. In this instance, the financial contribution would not be applied subject to the completion of a legal agreement to ensure that the residential dwelling shall be used only for living accommodation for staff use ancillary to Tarantino's restaurant at 51 High Street, Hornchurch, and shall not be used as a separate unit of residential accommodation at any time.

8. Conclusion

- 8.1 The partial conversion of the existing first floor to a residential dwelling to provide ancillary accommodation for staff use is acceptable in principle. There are no external changes to the property. It is considered that the proposal would not be materially harmful to residential amenity. It is considered that the proposal would not create any highway or parking issues. For the reasons mentioned in this report, it is considered that planning permission should be granted, subject to conditions and the completion of a Section 106 Agreement that ensures that the residential dwelling shall be used only for living accommodation for staff use ancillary to Tarantino's restaurant at 51 High Street, Hornchurch.

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 3/12/2013.

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.

This page is intentionally left blank

**REGULATORY
SERVICES
COMMITTEE**

13 March 2014

REPORT

Subject Heading:

P0137.14: Upminster Mill, St. Mary's Lane, Upminster

Construction of a new facility to support and promote the repair, maintenance and understanding of the adjoining listed mill. The building provides a workshop, education room, office and ancillary spaces (application received 4 February 2014).

Report Author and contact details:

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

SUMMARY

This application relates to the construction of a proposed new building on land adjacent to Upminster Windmill, which is a Grade II* listed building. The site is owned and managed by the Council. The proposed building will form a visitor centre and workshop building, to be used in conjunction with the mill. The proposal is considered to be acceptable in all material respects and it is recommended that planning permission is granted.

RECOMMENDATIONS

That subject to no material objections to the proposal being received by the expiry of the consultation period on 14 March (and should further material planning considerations be raised in representations on or before 14th March 2014 the matter be remitted to the Regulatory Services Committee for further consideration) that planning permission is granted subject to the following conditions:

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

Reason: To comply with the requirements of Section 91 of the Town and Country 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. Car parking - Before the buildings hereby permitted are first occupied, the areas set aside for car parking shall be laid out and surfaced to the satisfaction of the Local Planning Authority, in accordance with the details shown on drawing no. 5718 001 C hereby approved. The parking areas shall be retained permanently thereafter and shall be provided solely for the use of disabled drivers.

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. Landscaping – Unless otherwise submitted to and approved in writing by the Local Planning Authority, the hard and soft landscaping of the site shall be carried out in accordance with the details shown on drawing no. 5718 001 Rev C. All planting, seeding or turfing comprised within the scheme shall be carried out in the first planting season following completion of the development and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

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

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

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

6. Cycle storage - Prior to completion of the works hereby permitted, cycle storage shall be provided on site in accordance with the details shown on drawing no. 5718 001 Rev C hereby approved. The cycle parking shall be retained permanently retained thereafter.

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

7. Materials - Before any of the development hereby permitted is commenced, details and 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.

8. External Lighting – There shall be no external lighting erected within the site unless otherwise submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of amenity, the ecology of the site and to maintain the character and setting of the listed building, and to accord with Policies DC58, DC61 and DC67 of the Development Control Policies DPD.

9. Removal of Trees – The removal of any trees from the site shall only be undertaken in accordance with the recommendations of paragraphs 4.12 and 4.13 of the Upminster Windmill Ecological Appraisal dated January 2014.

Reason: To ensure the development does not have an adverse impact on nesting birds and to accord with Policy DC58 of the Development Control Policies DPD.

10. Use of Building: The building hereby approved shall only be used for purposes that are incidental to the use or functioning of the adjacent Upminster Windmill and shall not be used for any other separate purpose or separated off from the remainder of the site unless otherwise submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of neighbouring amenity and to maintain the character and setting of the listed building, and to accord with Policies DC61 and DC67 of the Development Control Policies DPD.

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.

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. 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.

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

- a) A Phase I (Desktop Study) Report documenting the history of the site, its surrounding area and the likelihood of contaminant/s, their type and extent incorporating a Site Conceptual Model.
- b) A Phase II (Site Investigation) Report if the Phase I Report confirms the possibility of a significant risk to any sensitive receptors. This is an intrusive site investigation including factors such as chemical testing, quantitative risk assessment and a description of the sites ground conditions. An updated Site Conceptual Model should be included showing all the potential pollutant linkages and an assessment of risk to identified receptors.
- c) A Phase III (Remediation Strategy) Report if the Phase II Report confirms the presence of a significant pollutant linkage requiring remediation. A detailed remediation scheme to bring the site to a

condition suitable for the intended use by removing unacceptable risks to all receptors must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works, site management procedures and procedure for dealing with previously unidentified any contamination. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

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

14. Contamination found during development: -

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

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

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

15. Wheel washing - Before the development hereby permitted is first commenced, details of wheel scrubbing/wash down facilities to prevent mud being deposited onto the public highway during construction works shall be submitted to and approved in writing by the Local Planning

Authority. The approved facilities shall be permanently retained and used at relevant entrances to the site throughout the course of construction works.

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

Informatives:

1. The proposal is liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be £3,300 (subject to indexation). CIL is payable within 60 days of commencement of development. A Liability Notice will be sent to the applicant (or anyone else who has assumed liability) shortly and you are required to notify the Council of the commencement of the development before works begin. Further details with regard to CIL are available from the Council's website.
2. Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.
3. 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 Upminster Windmill is a Grade II* listed building. It is located on the north side of St. Mary's Lane, set within an area of open land. The windmill occupies a prominent position on higher ground, which gradually falls towards the west. The mill itself is set well back from the road, approached by a gravelled track, which leads into the site from St. Mary's Lane.
- 1.2 The majority of the site surrounding the mill is open grassland (the mill field), with a hard surface surrounding the mill itself. There is a hedge to the western boundary of the site, other boundaries are fences with a

mixture of hedges and shrubs to the front. At the northern end of the site there is a dense area of scrub, together with a sycamore and fruit trees.

- 1.3 The site is bordered to its northern, western and eastern sides by the curtilage of residential properties. The gardens of dwellings in Cranborne Gardens back on to the eastern boundary and houses in Highview Gardens back on to the northern boundary. There is a small area of land to the north-eastern corner, bounded by a 2m high brick wall, that originally but no longer forms part of the site. This piece of land is presently undeveloped. To the west of the site is flatted development and associated garages forming part of Carlton Close.

2. Description of Proposal

- 2.1 The application is for the construction of a single storey building, to be sited to the western side of the windmill. The building is intended to provide a visitor centre, including facilities for visits by schools, as well as a workshop to support the ongoing maintenance of the mill.
- 2.2 The proposed building measures 12.6m by 14.7m. Internally, it comprises an education room, with ancillary office, kitchen and wc facilities, and a workshop. To the rear of the building there would be an enclosed, open air area that would also be used for mill maintenance. This area would be enclosed in part by a timber fence and gates and in part by the existing brick boundary wall.
- 2.3 The building is single storey with a curved roof form. The southern (front) facing elevation is the lowest part of the building, at some 2.9m high. The maximum height of the building, designed to accommodate large pieces of equipment such as the sail from the windmill, rises to a maximum of 5m to the top of the curved roof. The building is designed to have a natural, organic appearance, which is reflected in the proposed external materials. The building has a brick plinth but is predominantly finished with timber (elm) boarding and a green roof. The building is punctuated by glazed entrance doors and windows, which will have boarded sliding shutters for when the building is not in use. There will be metal doors to the workshop area on the east facing elevation of the building.
- 2.4 There will be some limited tree removal from the north-western corner of the site. The application includes proposals for the landscaping of the site, including a bound gravel footpath leading from the existing site access to and around the new building, the creation of a wildflower meadow, the planting of new hedgerow and trees. The existing site access and gravel path leading to the windmill is unchanged. A new cycle stand for 10 bicycles is proposed in a location south-east of the windmill. A refuse store is proposed adjacent to the site entrance from St. Mary's Lane.

3. **History**

- 3.1 There is no previous planning history of direct relevance to this application. A separate application for listed building consent to carry out repairs to the windmill has recently been submitted (reference L0002.14) and is reported separately on this agenda.

4. **Consultation/Representations**

- 4.1 The application has been advertised on site and in the local press as affecting the setting of a listed building. Neighbour notification letters have also been sent to 98 local addresses. Two letters of representation have been received objecting to the proposals on the following grounds:

- modern building is not aesthetically compatible and goes against wishes of Friends of the Mill
- what are 'ancillary spaces'
- no need for a separate building, brings greater costs and opportunity for vandalism
- building destroys windmill fields
- should be keeping windmill in good state of repair instead
- technical aspects of running the mill are not of interest to everybody

The newspaper advertisement does not expire until 14 March and authority is therefore requested to be delegated to the Head of Regulatory Services to approve the application subject to no new material representations being received by this date.

- 4.2 English Heritage confirm that they provided pre-application advice in 2013 and are pleased that the proposals reflect the advice given. The Local Planning Authority is authorised to determine the application as it sees fit.
- 4.3 The Georgian Group notes the consultation and defers any comments to the Mills Section of SPAB (Society for the Protection of Ancient Buildings).
- 4.4 The Society for the Protection of Ancient Buildings has been consulted on the application. No response has been received at the time of writing this report. Members will be advised of any comments that are received.
- 4.5 English Heritage (Archaeology) has been consulted but has not yet commented at the time of writing this report. Members will be advised of any response received.

5. **Relevant Policy**

- 5.1 The National Planning Policy Framework, particularly Sections 7 (requiring good design) and 12 (conserving and enhancing the historic environment) is relevant to consideration of this application.

- 5.2 Policies 3.16 (social infrastructure), 4.6 (support for and enhancement of arts, culture, sport and entertainment), 5.1-5.3 (climate change), 6.1 (transport), 6.9 (cycling), 6.10 (walking), 6.13 (parking), 7.2 (an inclusive environment); 7.3 (designing out crime, 7.4 (local character), 7.6 (architecture), 7.8 (heritage assets and archaeology), 7.19 (protecting biodiversity and access to nature) of the London Plan are material considerations.
- 5.3 Policies CP5, CP7, CP9, CP10, CP15, CP17, CP18, DC19, DC32, DC33, DC34, DC35, DC36, DC53, DC55, DC58, DC59, DC60, DC61, DC62, DC63, DC67 and DC70 of the Core Strategy and Development Control Policies Development Plan Document are also material considerations.

6. Staff Comments

- 6.1 The issues arising from this application are the principle of the development, the impact of the development on the character and setting of the Grade II* listed windmill, the wider impact on the streetscene and local character, environmental issues, impact on amenity and parking and highway issues.

6.2 Principle of Development

- 6.2.1 The application is for a new building that will be used partly as a workshop in connection with the mill but also as a visitor facility. It will be used to display information and archive material about the mill and will also be an educational resource, likely to attract visits from schools etc.
- 6.2.2 Policies CP5 and DC19 of the LDF seek to direct new cultural facilities to existing town and district centres. The application site lies close to, but outside of, Upminster District Centre. In this case however there is a specific requirement for the proposed visitor centre/workshop to be situated in the location proposed, both so that it can serve the requirements of the mill in a practical way and also to respond to heritage issues affecting where the facility can be sited. Staff consider in this case that the location of the facility is justified and there is no equally suitable alternative location. The proposed development is therefore judged to be acceptable in principle.

6.3 Heritage Issues

- 6.3.1 Upminster Windmill is a Grade II* listed building, dating from 1803. The mill was originally set amongst a group of outbuildings. These outbuildings were demolished in the 1950's and the current setting of the mill is more open and isolated than it would have been during its working life. The mill is owned by the London Borough of Havering and is managed together with volunteers from the Upminster Windmill Preservation Trust and the Friends of Upminster Windmill, both groups having been proactively involved in the development of the current proposals.

6.3.2 Upminster Windmill is a heritage asset and, under the provisions of the NPPF, there is a requirement to identify and assess the particular significance of any heritage asset that may be affected by a proposal. In determining applications, Local Planning Authorities are required to take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic viability; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

6.3.3 The mill is a distinctive and important part of the local landscape and is of both landscape and historical significance. Although repairs have taken place to the mill over the years, as with many historic buildings, ongoing repair and maintenance is critical to its future. The Trust have the following objectives:

- comprehensive repair of the structural fabric of the windmill to bring it into a good state of repair
- Restoration of the internal milling machinery to full working order
- Provision of suitable space for archival material
- Creation of a dual function space that can be used by visitors to the site and a working area for mill repairs.

6.3.4 Staff raise no objection in principle to the objectives of the Trust, as they are considered to support the ongoing retention and preservation of this heritage asset. The provision of a new building within the 'grounds' of the windmill is also considered acceptable in principle as it will provide needed work space that enables the physical preservation of the building, as well as providing a unique educational facility that will encourage visitors to the site and increase learning opportunities.

6.3.5 The proposed works have been subject of an application for Heritage Lottery Grant Funding and English Heritage were consulted on a pre-application basis. English Heritage have confirmed that they are supportive of the proposals and consider them to reflect the advice previously given.

6.3.6 As referred to in paragraph 6.3.1 above, the mill would originally have been situated close to other outbuildings. There is documentary evidence supporting this. Therefore the construction of a building in the north-western corner of the site is not judged to be detrimental to the historic context of the site and, providing it is suitably small scale and subservient in design to the windmill, which should retain its status as the focal point of the site, not in principle harmful to the character and setting of the mill.

- 6.3.7 The proposed building is sited around 25m west of the mill and is of single storey construction. It is considered to be of a scale that is subservient to the existing mill and does not intrude on its setting and wider aesthetic value. It has been specifically designed as modern building, rather than trying to recreate the original millers cottages that stood on the site. The Council's heritage officer and English Heritage are supportive of this approach, judging it better to create a building that is acceptable in its own right rather than trying to recreate something that existed before, which would not be authentic. The design and external materials of the proposed building have evolved in response to the open, soft landscaped character of the site as a whole. The use of a gently undulating roof, and external finish with timber cladding and a green roof, is intended to enable the building to blend with the landscaped surroundings. Staff consider that the building is successful in this respect and would be modern yet low-key, such that there is no material harm to the character and setting of the listed mill.
- 6.3.8 Staff note that the siting of the proposed building will partly overlay the site of the former millers house. This has recently been the subject of archaeological excavation and recording. The applicant advises that English Heritage have indicated that the importance of the remaining structures does not justify any objection to the siting of the proposed building. English Heritage (Archaeology) have been consulted with regard to this application. At the time of writing this report no comments have been received but Members will be advised of any issues that are raised in respect of archaeology.
- 6.3.9 The application is accompanied by detailed landscaping proposals. There will be some limited tree loss from the site but the trees to be removed are of low amenity value and replacement landscaping is proposed to mitigate their loss. The landscaping proposals include a bound gravel path around the new development, together with the planting of a wildflower meadow and native hedgerow. Further landscaping will take place in the northern part of the site to the rear of the existing windmill, including a meadow grass area and the planting of 9 fruit trees. It is considered that the planting proposals will further enhance the character and setting of the site, as well as its bio-diversity value.
- 6.3.10 Taking the above factors into account, Staff are satisfied that the proposed development will protect the character and setting of the listed mill and that the proposals are sensitively designed to maintain the heritage asset. The required repair works to the mill are subject to a separate application for listed building consent. The proposed visitor/workshop building is considered to assist in securing the long term preservation of the mill, enabling necessary repair works to take place in the workshop area, the passing down of traditional work skills and creating an educational facility that will be to the benefit of residents and visitors to the Borough alike. The proposal is therefore considered to accord in principle with the relevant provisions of the NPPF, as well as Policies 3.16, 4.6, 7.4 and 7.8 of the London Plan and Policies DC67 and DC70 of the LDF.

6.4 Impact on Streetscene:

6.4.1 The proposed new building is set well back from the boundary of the site with St. Mary's Lane. It would not generally be visible in wider views from the west or east of the site due to the screening impact of existing boundary treatment and neighbouring development. The building could be viewed from in front of the site on St. Mary's Lane but is set so far back from the road that it is not judged to materially impinge on the streetscene or wider character of the locality.

6.5 Environmental Issues:

6.5.1 The site is not in a high flood risk zone and given the nature of the proposals there is considered to be no material flood risk implications arising from the development.

6.5.2 Environmental Health have requested a condition relating to contaminated land if permission is granted.

6.5.3 An ecological appraisal has been submitted with the application. The proposal is considered to have limited impact on existing habitat, although the proposed landscaping is likely to create conditions that will improve habitat and bio-diversity within the site generally. Care will need to be taken with the timing of any tree removal to avoid impact on nesting birds. The site does however provide a potential roost for bats within the windmill. Initial bat surveys have been undertaken and some limited evidence was found, suggesting sporadic use of the mill as a roost. The survey found the trees on site to have negligible roost potential as no suitable roosting features were identified. Bats are a legally protected species. However, it is considered that any impact on bats would be likely to arise as part of the works to repair the mill, which are subject of a separate listed building application, rather than through the construction of the new building. The application does not include any external lighting that would impact on bats. Therefore Staff do not recommend any conditions in respect of bats for this application.

6.6 Impact on Amenity

6.6.1 To the north, the part of the site where the building is to be located adjoins an undeveloped parcel of land. This land would be screened from the site by a combination of the existing brick boundary wall and a proposed 1.8m high fence that continues the wall. Although there would be an open-air repair area adjacent to this boundary, given that it would be used solely in connection with repair work relating to the mill, it is not judged that this would give rise to undue levels of noise and disturbance. The main workshop area is within the covered part of the building. The proposed building is set 5.5m off the boundary and given its single storey nature and sloping roof design is not judged to be overbearing or to have a materially harmful on the neighbouring land.

6.6.2 The proposed building is set well away from the boundary with neighbouring properties in Highview Gardens, Cranborne Gardens and Carlton Close, such that it would not result in any material loss of amenity.

6.6.3 It is recognised that the proposed building would be used both as a workshop and as a visitor attraction. It is indicated that the meeting space could accommodate up to around 30 people or around half a class of schoolchildren at any time and it is acknowledged that the facility is intended to encourage an increase in visitor numbers at the site. This could potentially bring with it increased levels of noise and activity compared to the present situation. Staff however consider that the increased activity will be self-contained within the site. The site access from St. Mary's Lane is well removed from neighbouring residential properties and adjacent dwellings are separated from the site to some extent by existing boundary treatment and reasonable sized rear gardens, such that Staff do not consider that there would be a material increase in noise and disturbance to local residents. The site already holds weekend open days and the new building, which does not provide any external lighting, would not be expected to operate at unsociable hours of the day. Staff have considered whether it would be reasonable to impose conditions on the hours of use but this could unnecessarily restrict the use of the facility, for example if a piece of repair work needed to be completed and the Council owns the site so is able to control the way in which the premises is used. An hours condition is therefore not recommended in this case. There is no café or refreshment facility proposed so no nuisance or cooking smells would arise in this respect.

6.7 Access

6.7.1 The proposed new building will be accessible for users with disabilities. There is level access to the building and a wheelchair accessible wc. The applicant has explained that the proposal recognises the difficulty of access to the upper levels of the mill for users with disabilities and therefore the proposed works will include digital modelling of the mill and CCTV viewing of the mill in motion, provided at ground level.

6.7.2 The site does not have a dedicated car park, as this would be detrimental to the character and setting of the mill. However, it is proposed to lay a reinforced grass area close to the windmill, which would provide parking facilities for blue badge holders.

6.8 Designing Out Crime

6.8.1 Issues relating to community safety have been taken into consideration in the design of the building, whilst seeking to ensure the character and appearance of the building remains compatible with its surroundings. In this case, the security measures relate predominantly to the design of the windows and doors, which include the provision of internally fitted roller

shutters to the smaller windows and external sliding shutters of timber boarding across the larger windows/doors.

6.9 Parking and Highway Issues

6.9.1 The proposed development will retain the existing access arrangements to the site from St. Mary's Lane, which comprises a single lane gravel track. This arrangement is acceptable in principle, as it maintains the existing character of the site. Highways raise no objection to the access arrangements, although a construction method statement should be required by condition, demonstrating how the development will be carried out.

6.9.2 The proposed development is anticipated to increase visitor numbers at the site. Initial projections are an increase to 10,000 visitors per year within three years of completion of the project. The site does not have any formal parking provision. Some limited blue badge parking would be provided as part of the proposal, but no general parking as this would harm the character and setting of the listed building. The applicant has indicated that visitors to the site would be encouraged to use public transport. Car users would be encouraged to use the pay and display car park at New Windmill Hall opposite the site. Facilities would also be available for coach parties to park at New Windmill Hall. As at present, visitors will be able to park on site on the windmill field during weekend open days.

6.9.3 Highways have advised they have no objection to the parking arrangements for the site and do not anticipate any material impact on the functioning of the highway or demand for on street parking in the locality as a result of the proposals. Cycle parking facilities will be provided on site.

6.9.4 No details of refuse collection arrangements have been submitted with the application. The application shows a refuse bin to be located adjacent to the site entrance, although details of any enclosure will be required by condition. It is assumed refuse collection would take place from on St. Mary's Lane but it is suggested that details are required by condition. Deliveries to the site are anticipated to be limited and Highways have raised no concern with access arrangements in this respect.

6.10 Mayoral CIL

6.10.1 The proposed building has a floorspace of 165 square metres and is therefore liable for Mayoral CIL. This equates to a liability of £3,300 subject to indexation.

7. Conclusion

7.1 The construction of the proposed facility is considered to be acceptable in principle in this location. The design, scale and siting of the proposed building is considered to be acceptable and to maintain the character and setting of the adjacent Grade II* star listed building. The proposal is

considered to be acceptable in all key respects, including impact on amenity, environmental impact and parking and highway issues. It is therefore recommended that planning permission is granted.

IMPLICATIONS AND RISKS

Financial Implications and risks:

None arising from this application.

Legal Implications and risks:

None arising from this application.

Human Resource Implications:

None arising from this application.

Equalities and Social Inclusion Implications:

The application includes the provision of a visitor centre. This will be accessible to all members of the community, including those with disabilities. The existing mill building is not, owing to its historic nature, readily accessible to disabled users and the proposed centre will enable disabled visitors to have greater use of this visitor attraction.

BACKGROUND PAPERS

1. Planning application P0137.14, received 4 February 2014.

**REGULATORY
SERVICES
COMMITTEE**

13 March 2014

REPORT

Subject Heading:

L0002.14: Upminster Mill, St. Mary's Lane, Upminster

Listed building consent for repair of mill. Reopening of doorway on north side (application received 3 February 2014).

Report Author and contact details:

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

SUMMARY

This application relates to proposed works for the repair of Upminster Windmill, which is a Grade II* listed building. The site is owned and managed by the Council. The proposals are considered to provide for a sympathetic programme of repair works and it is recommended that listed building consent be granted. Members will note that the application will need to be referred to the Secretary of State before listed building consent can be issued.

RECOMMENDATIONS

That subject to no material objections to the proposal being received by the expiry of the consultation period on 14 March (and should further material planning considerations be raised in representations on or before 14th March 2014 the matter be remitted to the Regulatory Services Committee for further consideration), it is recommended that the application and all relevant documentation be forwarded to the Secretary of State for determination in accordance with Section 12 of the Listed Building Act 1990 and regulation 13 of the Planning (Listed Building and Conservation Areas) Regulations 1990 and that should the Secretary of State be minded to grant Listed Building Consent that the conditions and Reason for Approval below be considered in respect of such consent::

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

Reason: To comply with the requirements of Section 18(1) of the Planning (Listed Building and Conservation Areas) Act 1990 (as amended by Section 51 of the Planning 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) and the Schedule of Repairs produced by Bonwick Milling Heritage Consultancy.

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 Policies DC61 and DC67.

3. Notification to English Heritage: Written notification of the intended start of works on site shall be sent to English Heritage, London Region (23 Saville

Row, London W1X 1AB), with a copy sent to the Local Planning Authority, at least seven days before the works hereby approved are commenced.

Reason: In order that English Heritage and the Local Planning Authority may be given the opportunity of monitoring the progress of works on site to ensure the preservation of the special interest of the building affected by the works hereby approved.

4. 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.

Informatives:

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

REPORT DETAIL

1. Site Description

- 1.1 Upminster Windmill is a Grade II* listed building. It is located on the north side of St. Mary's Lane, set within an area of open land. The windmill occupies a prominent position on higher ground, which gradually falls towards the west. The mill itself is set well back from the road, approached by a gravelled track, which leads into the site from St. Mary's Lane.
- 1.2 The majority of the site surrounding the mill is open grassland (the mill field), with a hard surface surrounding the mill itself. There is a hedge to the western boundary of the site, other boundaries are fences with a

mixture of hedges and shrubs to the front. At the northern end of the site there is a dense area of scrub, together with a sycamore and fruit trees.

- 1.3 The site is bordered to its northern, western and eastern sides by the curtilage of residential properties. The gardens of dwellings in Cranborne Gardens back on to the eastern boundary and houses in Highview Gardens back on to the northern boundary. There is a small area of land to the north-eastern corner, bounded by a 2m high brick wall, that originally but no longer forms part of the site. This piece of land is presently undeveloped. To the west of the site is flatted development and associated garages forming part of Carlton Close.

2. Description of Proposal

- 2.1 The application is for listed building consent for repair works to the mill and the re-opening of a doorway on the north side of the mill.
- 2.2 The extent of the proposed works is explained in detail in the Schedule of Repair submitted with the application. The Schedule breaks the repair works into individual components, such as fantail frame repairs, cap repairs, repairs to the smock tower (both wall framing and doors/windows) and machinery repairs etc.
- 2.3 The repair programme seeks to retain as much of the original structural fabric as possible through the application of face path repairs to the exterior faces of the timbers. Whilst some of the modern timbers from previous repairs will be retained, the majority of the replacement timber will be renewed in order to:
- insert replacement timbers of the correct species, section and surface finish
 - reintroduce authentic joints to connect the timbers strongly.
- 2.4 The new door to the north doorway entrance will match that used in the existing south elevation.

3. History

- 3.1 There is no previous planning history of direct relevance to this application. A separate application for planning permission for a visitor/maintenance building has recently been submitted (reference P0137.14) and is reported separately on this agenda.

4. Consultation/Representations

- 4.1 The application has been advertised on site and in the local press as affecting the setting of a listed building. Neighbour notification letters have also been sent to 52 local addresses. At the time of writing this report no representations have been received. The site notice and newspaper advertisement does not however expire until 14 March and authority is

therefore requested to be delegated to the Head of Regulatory Services to approve the application subject to no new material representations being received by this date and no contrary direction being received from the Secretary of State.

4.2 English Heritage confirm that they provided pre-application advice in 2013 and are pleased that the proposals reflect the advice given. The Local Planning Authority is authorised to determine the application as it sees fit. No comments are made on the application.

4.3 The Society for the Protection of Ancient Buildings has been consulted on the application. No response has been received at the time of writing this report. Members will be advised of any comments that are received.

4.4 English Heritage (Archaeology) has been consulted but has not yet commented at the time of writing this report. Members will be advised of any response received.

4.5 The Council's Heritage Officer makes the following comments:

- the preliminary works to record the condition of the site and the site preparatory works are acceptable

- there is a significant amount of renewal to carry out the fantail frame repairs but the extent of decay justifies the renewal works

- the curb repairs include repair and re-use of a number of the elements. Where elements are being renewed they will generally be made of stainless steel, which is judged to add longevity to the working mill and provide distinction between the modern and historic fabric.

- there has been extensive research and assessment of the smock tower and the approach to repair and replacement where necessary is supported

- details of window and doors are acceptable and re-opening of doorway to north face is supported.

- brick base repairs are considered to be acceptable and the replacement of the concrete floor with limecrete will benefit the mill.

- some query with regard to the extent to which existing material can be retained or will need replacing at the reefing stage.

5. **Relevant Policy**

5.1 The National Planning Policy Framework, particularly Sections 7 (requiring good design) and 12 (conserving and enhancing the historic environment) is relevant to consideration of this application.

5.2 Policies 4.6 (support for and enhancement of arts, culture, sport and entertainment), 7.4 (local character), 7.6 (architecture) and 7.8 (heritage assets and archaeology) of the London Plan are material considerations.

5.3 Policies CP5, CP17, CP18, DC61,DC67 and DC70 of the Core Strategy and Development Control Policies Development Plan Document are also material considerations.

6. **Staff Comments**

6.1 The issues arising from this application are the principle of the development and its impact on the character and setting of the Grade II* listed windmill.

6.2 **Principle of Development**

6.2.1 The application is primarily for works of repair to this Grade II* listed building. The application is accompanied by a detailed analysis of the history and present condition of the building and staff are satisfied that the works are necessary to retain and protect the character and quality of this listed building.

6.2.2 Upminster Windmill is presently owned and managed by the Council. Under the provisions of Regulation 13 of the Planning (Listed Building and Conservation Areas) Act 1990 the Council is required to apply to the Secretary of State to obtain listed building consent. In the event that Members are minded to grant listed building consent such decision cannot be issued without the written consent of the Secretary of State.

6.3 **Heritage Issues**

6.3.1 Upminster Windmill is a Grade II* listed building, dating from 1803. There have been a number of repairs to the mill over the years, not all of them sympathetically undertaken. In particular, many replacement timbers in the mill are constructed of oak rather than softwood and are of incorrect section, being rectangular rather than square. Furthermore, several timbers have a planed finish rather than a rougher, sawn-finish. Whilst the proposal will retain some of the replacement timbers this also presents an opportunity to replace many of the timbers with those that are more authentic to the building.

6.3.2 The wall timbers of the mill were limewashed during its working days. This authentic surface treatment will be re-applied in certain areas and omitted in other, providing a clear distinction between original fabric and replacement timber.

6.3.3 The re-opening of the original doorway in the north elevation is considered acceptable in principle and the details of the replacement door, which will match that to the south elevation, are acceptable.

6.3.4 The schedule of works is detailed and is judged by the Council's heritage officer to be both justified and acceptable. The works are considered to maintain and protect the heritage value of this listed building, provided they are carried out in accordance with the detailed schedule of works. The proposal is therefore considered to be acceptable and to accord with both national and local planning policies. Subject to no contrary direction from the Secretary of State it is recommended that listed building consent be granted.

6.4 **Mayoral CIL**

6.4.1 The application is not liable to Mayoral CIL.

7. **Conclusion**

7.1 The proposal is primarily for repairs to this Grade II* listed building. Staff are satisfied that the proposed works are necessary and justified. The proposed works are set out in detail in the submitted Schedule of Works and Staff are satisfied that they are to be sensitively carried out and are of a nature that would protect the special character of this listed building. The proposal is considered to accord with national and local planning policies and, subject to no contrary direction from the Secretary of State, it is recommended that listed building consent be granted.

IMPLICATIONS AND RISKS

Financial Implications and risks:

None arising from this application.

Legal Implications and risks:

None arising from this application.

Human Resource Implications:

None arising from this application.

Equalities and Social Inclusion Implications:

The application will enable the repair of the building and assist in securing its long term retention. This heritage building is a valuable asset to the Borough and its preservation will therefore benefit the community in general.

BACKGROUND PAPERS

1. Planning application P0137.14, received 3 February 2014.

REGULATORY SERVICES COMMITTEE

REPORT

13 March 2014

Subject Heading:

Planning Contravention
11 Kings Road, Romford

Report Author and contact details:

Simon Thelwell
Projects and Regulations Manager
01708 432685
simon.thelwell@havering.gov.uk

Policy context:

Local Development Framework

Financial summary:

Enforcement action and a defence of the Council's case in any appeal will have financial implications.

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

Ensuring a clean, safe and green borough	<input type="checkbox"/>
Championing education and learning for all	<input type="checkbox"/>
Providing economic, social and cultural activity in thriving towns and villages	<input type="checkbox"/>
Value and enhance the life of our residents	<input checked="" type="checkbox"/>
Delivering high customer satisfaction and a stable council tax	<input type="checkbox"/>

SUMMARY

This report concerns the construction of an unauthorised hardstanding area to the front of the property. The provision of hard surface for any purpose incidental to the enjoyment of the dwelling is permitted development subject to conditions. This requires that, if the area of the hard surface exceeds 5m², and if it lies between the dwelling and the highway, the hard surface shall be made of porous materials, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area within the curtilage of the dwellinghouse. The hardstanding at No. 11 Kings Road fails to comply with permitted development

criteria as it is in excess of 5 sq.m, it is constructed from non-porous material and no provision has been made to direct run-off water from the hard surface to a permeable or porous area within the curtilage of the dwellinghouse. It is considered that the hardstanding results in increased surface water run off to the highway, increasing risk of flooding and that it would be appropriate to take enforcement action.

RECOMMENDATIONS

That the committee consider it expedient that an Enforcement Notice be issued and served to require within 3 months of the effective date of the enforcement notice:

- i) To relay the hard surface with porous materials; or
- ii) Provision shall be made to direct runoff water from the hard surface area to a permeable or porous area or surface within the curtilage of the dwelling house; or
- iii) Take up the hard surface
- iv) Remove from the Land all materials, rubble, machinery, apparatus and installations used in connection with or resulting from compliance of (i, ii, iii) above.

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

REPORT DETAIL

1. Site Description

- 1.1 11 Kings Road, Romford is a 2 storey, detached residential dwelling. The surrounding area comprises of two storey detached and semi-detached dwellings.

2. The Alleged Planning Contravention

- 2.1 The formation of hard surface to the front garden of the premises without complying with Condition F1 under Schedule 2 Part I of the Town and Country Planning (General Permitted Development) Order 1995, as amended.

3. Relevant Planning and Enforcement History

- 3.1 On 31 August 2011 the Authority received a complaint that a hardstanding area had been constructed which did not have a soakaway. Officers investigated the complaint and found that the hardstanding was not constructed from a porous material and there were no provision for direct run-off water to be retained within the curtilage of the dwellinghouse. A letter was sent to the owner of the property to inform him of this.
- 3.3 After correspondence with the owner on several occasions informing them that a soakaway was required, and a promise that the required works would be carried out by the end of January 2013, it became apparent that the owner was not going to carry out the works.

4. **Policy and Other Material Considerations**

- 4.1 Article 3 and Class F of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 as amended (the GPDO) provide that, within the curtilage of a dwellinghouse, the provision of a hard surface for any purpose incidental to the enjoyment of the dwelling is permitted development. However, this is subject to Condition F1. This requires that, if the area of the hard surface exceeds 5m², and if it lies between the dwelling and the highway, the hard surface shall be made of porous materials, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area within the curtilage of the dwellinghouse.
- 4.2 As the unauthorised hardstanding is not constructed within permitted development criteria it is considered that the development fails to comply with Condition F1 as set out in Part 1 of Schedule 2 to the GPDO.
- 4.3 The main planning issue in this case is the strain on the main drainage system due to front garden areas being paved. The Government introduced new planning legislation on October 2008 in order to ease the problem of surface run-off water to the highway.
- 4.4 Paragraph 103 of the National Planning Policy Framework states that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere. Policy DC48 of the Council's Local Development Frameworks states that development should not increase the risk of flooding elsewhere. Whilst the individual hardstanding, in itself, is unlikely to result in direct flooding, the hardstanding slopes toward the highway and none of the water run-off would be attenuated on site. As a result, the likelihood of flooding through surface water run-off is increased and is considered to be contrary to Planning Policy.

5. **Recommendation for action**

- 5.1 The hard surface covers almost the entire area of the front garden of 11 Kings Road. The hard surface exceeds 5m² in area, and is formed from non-porous materials. The development results in an increase in surface water run-off to the highway.
- 5.2 The owner of the property has had an opportunity to install a soakaway or to make provisions for direct run-off from this development to a permeable or porous area within the curtilage of the dwelling.
- 5.3 To date the development remains unchanged. With that in mind, it is considered that the only course of action available to prevent run off to the public highway and increasing risk of flooding is to serve an Enforcement Notice. The notice will give the owner of the site the opportunity to alter the hardstanding to direct run-off to an area within the property boundaries or to change the surface so it is porous or else remove the hardsurface.

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 1st April 2011 and broadly consolidates and incorporates the 'positive equalities duties' found in Section 71 of the Race relations Act 1976 (RRA), Section 49 of the Disability Discrimination Act 1995 (DDA) and section 76(A)(1) of the Sexual Discrimination Act 1975 (SDA) so that due regard must be had by the decision maker to specified equality issues. The old duties under the RRA, DDA and SDA remain in force.

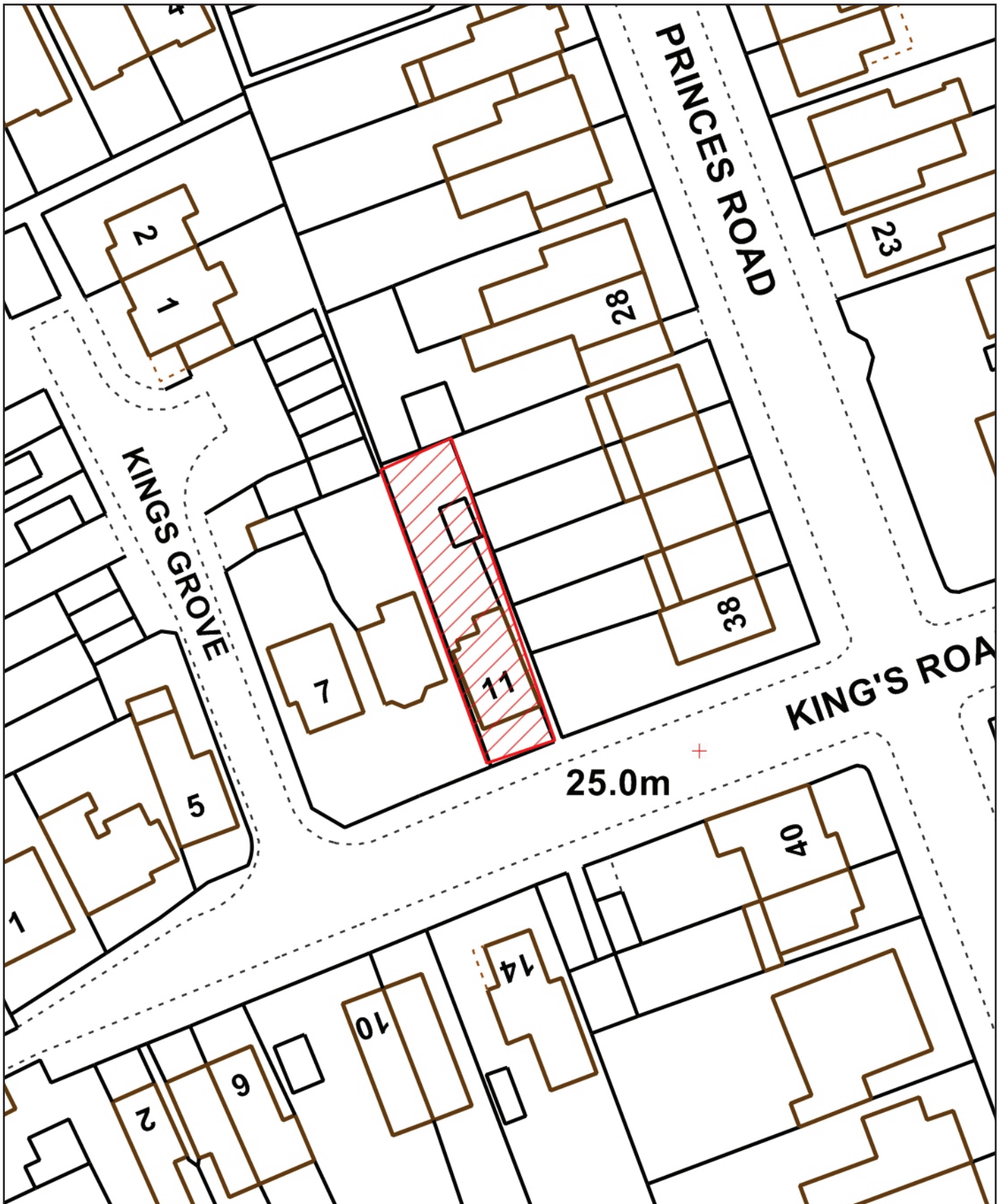
The duties under Section 149 of the EA do not require a particular outcome and what the decision making body decides to do once it has had the required regard to the duty is for the decision making body subject to the ordinary constraints of public and discrimination law including the Human Rights Act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

Having considered the above duty and the Human Rights Act 1998 there are no equality or discrimination implications.

BACKGROUND PAPERS

Site photographs

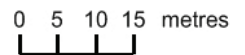
This page is intentionally left blank



11 Kings Road, Romford



Scale: 1:500
Date: 04 March 2014



London Borough of Havering
Town Hall, Main Road
Romford, RM1 3BD
Tel: 01708 434343

This page is intentionally left blank

REGULATORY SERVICES COMMITTEE

REPORT

13 March 2014

Subject Heading:

Alleged breach of planning control at 30 Kimberley Avenue, Romford

Report Author and contact details:

Simon Thelwell
Projects and Regulation Manager
01708 432685
simon.thelwell@havering.gov.uk
Local Development Framework

Policy context:

Financial summary:

Enforcement action and a defence of the Council's case in any appeal will have financial implications.

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
- Value and enhance the life of our residents
- Delivering high customer satisfaction and a stable council tax

SUMMARY

This report relates to the unauthorised siting of 2 commercial containers in the rear garden of a residential property at 30 Kimberley Avenue, Romford. The containers do not have planning permission and the breach occurred within the last 4 years. The containers represent a breach of planning control, are considered to be unacceptable by reason of there inappropriate appearance and therefore it is recommended that an enforcement notice be served requiring their removal.

RECOMMENDATIONS

That the committee consider it expedient that an Enforcement Notice be issued and served to require, within 2 months of the date of the notice coming into force:

The removal of the containers from the land.

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.

REPORT DETAIL

1. Site Description

- 1.1 30 Kimberley Avenue is a 2-storey dwelling at the end of a terrace of 3 properties. The property is on the junction of Kimberley Avenue / Burlington Avenue.

2. Relevant Planning and Enforcement History

None

3. The Alleged Planning Contravention

- 3.1 Without planning permission, 2 industrial containers have been placed in the rear garden. The siting of commercial containers is considered operational development for which planning permission would be required under Section 171A(1) (a) of the Town and Country Planning Act 1990 (as amended by the Planning and Compensation Act 1991). No such planning permission has been granted by the local planning authority and therefore the development is unauthorised and therefore a breach of planning control.
- 3.2 It appears that the above breach of planning control has occurred within the last 4 years and is not therefore immune from enforcement action.
- 3.3 Several attempts have been made to contact the owner/occupiers to try to ascertain what the containers are being used for. A Planning Contravention Notice was served in November 2013.. No response has been received, neither have the containers been removed.

4. Policy and Other Material Considerations

- 4.1 The relevant policies are Policy DC6 of the LDF Core Strategy and Development Control Policies DPD and SPD Residential Extensions and Alterations.

4.2 The containers can be seen from the street as well as from surrounding properties and gardens. They are not particularly attractive when sited for a long period of time. The development has resulted in physical harm to the appearance of the property in the streetscene and rear garden environment. Due to their size, design and bulk, the development is considered to be an incongruous feature, out of place with its surroundings and detrimental to visual amenity. The Council do not consider that planning permission should be given because planning conditions could not overcome these objections.

5. **Recommendation for action**

5.1 The unauthorised development is an incongruous feature, out of place with its surroundings and is therefore considered detrimental to the local amenity and is not considered acceptable. The impact of this structure on the residential amenity is considerable and could not be made acceptable by conditioning of any planning permission for the structure.

5.2.1 It is therefore necessary to seek authorisation to require the removal of the unauthorised structure and therefore remedy the breach of planning control.

5.2.2 In this case it is considered that 2 months would be a reasonable period to require compliance with the notice.

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 1st April 2011 and broadly consolidates and incorporates the 'positive equalities duties' found in Section 71 of the Race relations Act 1976 (RRA), Section 49 of the Disability Discrimination Act 1995 (DDA) and section 76(A)(1) of the Sexual Discrimination

Act 1975 (SDA) so that due regard must be had by the decision maker to specified equality issues. The old duties under the RRA, DDA and SDA remain in force.

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

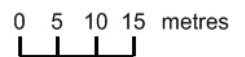
Having considered the above duty and the Human Rights Act 1998 there are no equality or discrimination implications raised.

BACKGROUND PAPERS

- 1. Non-exempt notes and correspondence on case file*
- 2. Aerial Photographs*
- 3. Relevant Planning History*



Scale: 1:500
Date: 04 March 2014



This page is intentionally left blank