



Havering

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

REGULATORY SERVICES COMMITTEE AGENDA

7.30 pm

**Thursday
3 April 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:

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AGENDA ITEMS

1 CHAIRMAN'S ANNOUNCEMENTS

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

The Chairman will announce the following:

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

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

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

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

2 APOLOGIES FOR ABSENCE AND ANNOUNCEMENT OF SUBSTITUTE MEMBERS

(if any) - receive.

3 DISCLOSURE OF PECUNIARY INTERESTS

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

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

4 PLANNING APPLICATIONS - SEE INDEX AND REPORTS (Pages 1 - 36)

Report attached

5 P1430.13 - LAND TO THE REAR OF NO.179 CROSS ROAD, ROMFORD (Pages 37 - 70)

Report attached

6 P0108.14 - LAND ADJACENT TO 18 AINSLEY AVENUE (Pages 71 - 80)

Report attached

7 P1239.13 - ATC CENTRE, THE PADDOCK, WOOD LANE, HORNCHURCH (Pages 81 - 90)

Report attached.

8 URGENT BUSINESS

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

**Andrew Beesley
Committee Administration
Manager**

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Page No.	Application No.	Ward	Address
1-9	P1528.13	Romford Town	22-28 North Street, Romford
10-14	P0080.14	Harold Wood	Highview, 2 Warley Road, Upminster
15-24	P0084.14	Emerson Park	44 Nelves Way, Emerson Park, Hornchurch
25-34	P0115.14	Upminster	Land Adj Bramble Fishing Lake, Bramble Lane, Upminster

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APPLICATION NO:	P1528.13	
WARD :	Romford Town	Date Received: 13th December 2013 Expiry Date: 10th April 2014
ADDRESS:	22-28 North Street Romford	
PROPOSAL:	The demolition of 4 shops and offices over and the erection of an 8 storey mixed development with 4 No ground floor shops (A1 and A3), 28 flats above (24 No 2 Bed and 4 no 1 bed) together with private balconies and terraces, communal storage, roof-mounted photo-voltaic cells, bulkhead lighting to adjacent pavements, associated pavement improvements and improvements to the rear facade of 30-44 North Street	
DRAWING NO(S):	1379.10 1379.11 1379/01a 1379/02a 1379/03a 1379/04b 1379/05 1379/06	
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

The application has been called in by Councillor Misir as it is considered that the scale of the application warrants a decision by Members.

SITE DESCRIPTION

The Site includes four retail units, each with office/storage space above, forming the south eastern end of a row of similar properties located along the northern side of North Street. The Site is located in Romford Conservation Area and is approximately 28m to the west of St Edward the Confessor's Church, which is a grade II* listed building.

The Site's south western boundary lies adjacent to North Street; the north western boundary adjoins neighbouring properties forming part of the same terrace of buildings; the north eastern boundary adjoins The Mews, which is a vehicular access serving the existing retail units; whilst the south eastern boundary adjoins an alleyway running between Nos. 20 and 22 North Street.

The site is located approximately 15m to the east of existing high-rise residential development, including the Rubicon building, and an adjoining, incomplete development. The latter development comprises a concrete frame. The Council consider that this development was not lawfully commenced as the prior approval of condition details was not completed. It is anticipated that a developer will come forward in due course and acquire the necessary planning consent to continue and complete this development.

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DESCRIPTION OF PROPOSAL

The proposal is for the demolition of the existing four retail units, with vacant office accommodation above, and the erection of an eight storey building with four (A1) retail units at ground floor level, and 28 flats above (24 x 2 bed and 4 x 1 bed units), occupying six storeys. The eighth storey element comprises a services block at the top of the building. The proposed building would have a maximum height of approximately 25m, and a footprint at ground level of 400sqm.

The residential units would measure between 57sqm and 77sqm in area, and each would benefit from a balcony. The 6th floor units would benefit from outdoor terraces, which reflects the fact that the building's 6th and 7th floors would be set back. The proposed retail units would front onto North Street, with vehicular access to the rear. Pedestrian access to the proposed residential units would also be to the rear of the building, from The Mews.

The proposal would not include car parking. Bicycle and refuse storage would be located at ground floor level to the rear of the building. An extended unloading and service bay would be created alongside The Mews. The proposal has been designed to allow similar development to potentially occur at the adjoining premises. Solar panels would be located on the roof of the proposal. Improvements are proposed to the rear of Nos. 30-44 North Street, to enclose their existing fire escapes.

RELEVANT HISTORY

There are no previous planning decisions at the site of particular relevance to this proposal.

CONSULTATIONS/REPRESENTATIONS

The application has been advertised on site and in the local press as a major development. Neighbour notification letters have also been sent to 163 local addresses. Five letters of objection has been received. Objections to the scheme are raised on the following grounds:

- Harm to Romford Conservation Area;
- Harm to nearby listed buildings;
- A neighbouring night club would be harmful to the amenities of future occupiers;
- Harm the amenities of the occupiers of the Rubicon building owing to lost of light, privacy, and outlook;
- The proposal would harm, rather than complement or improve, the amenity or character of the area;
- Excessive bulk and massing.

A letter of support has been received stating that:

- The proposal would encourage residential growth along North Street;
- The neighbouring night club should have its licence removed first.

Councillors Andrew Curtin and Frederick Thompson have objected to the proposal on the following grounds:

- i) Excessive bulk and massing;
- ii) Significant adverse impact on Romford Conservation Area;
- iii) Future occupiers would experience an unacceptable level of amenity owing to noise from neighbouring night time uses;
- iv) The proposal would not provide adequate car parking provision;
- v) Significant adverse impact on the setting of listed buildings in the vicinity;

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- vi) The demolition works would be harmful to the visual amenities of the area and result in the loss of a building that makes a positive contribution to the conservation area;
- vii) The proposal would result in a canyon effect along North Street, which would be harmful to the streetscene.

Comments have also been received from the following:

English Heritage

Do not wish to offer any comments. Recommend that the application is determined in accordance with national and local policy guidance and on the basis of local specialist conservation advice.

Designing Out Crime Officer

No objections; condition and informative recommended.

Essex & Suffolk Water

No objections.

Thames Water

No objections; condition recommended in relation to piling.

Environmental Health (Noise)

No objections; conditions recommended in relation to limitations on noise transfer and construction times.

Environmental Health (Contaminated Land)

No objections; conditions recommended.

Highway Authority

No objections; condition recommended.

Heritage Officer

Objections raised on the grounds that the proposal would, as a result of its scale, result in significant harm to the Romford Conservation Area and the setting of a listed building.

London Fire Brigade

No comments received.

RELEVANT POLICIES

National Planning Policy

National Planning Policy Framework ("the NPPF")

Regional Planning Policy

The London Plan is the strategic plan for London and the following policies are considered to be relevant: 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 3.8 (housing choice), 3.9 (mixed and balanced communities), 3.10 (definition of affordable housing), 3.11 (affordable housing targets), 3.12 (negotiating affordable housing), 3.13 (affordable housing thresholds), 5.3 (sustainable design and construction), 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), and 8.2 (planning

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obligations).

Local Planning Policy

The policy context for the proposal is provided by the Council's Local Development Framework. In particular, Policies CP1, CP2, CP9, CP10, CP17, DC2, DC3, DC5, DC6, DC7, DC15, DC16, DC32, DC33, DC34, DC35, DC36, DC40, DC48, DC49, DC50, DC51, DC53, DC59, DC60, DC61, DC63, DC66, DC67, DC68 and DC72 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document are of relevance to your proposal. As the Site is located within Romford town centre, the guidance contained in the Romford Area Action Plan is also a material consideration.

The Council has also adopted various Supplementary Planning Documents, principally to cover policy issues where there was an identified need for expanded guidance. In particular, the Supplementary Planning Documents for Residential Design, Designing Safer Places, Sustainable Design and Construction and finally the Protection of Trees during Development are considered to be relevant.

MAYORAL CIL IMPLICATIONS

The proposal would result in the creation of 2,299sqm of new floor space. Having regard to the existing floor space of 660sqm, which has been in use for at least six months of the past three years, the proposal would give rise to a Mayoral CIL contribution of £32,780.

STAFF COMMENTS

The issues arising from this application are the principle of development, conservation area and listed building impacts, design and amenity considerations, highway and parking issues, affordable housing and community infrastructure, secure by design, and other considerations.

PRINCIPLE OF DEVELOPMENT

The Site is located in Romford town centre, and is designated as "retail core" in the Romford Area Action Plan DPD. Policy ROM10 of the DPD states that planning permission will be granted for A1 uses at ground floor level, with planning permission potentially being given for A2-A5 uses under given circumstances. The ground floor retail units are therefore acceptable in land use terms. The DPD is silent in relation to the development of upper floor levels above retail units in the proposed location, although Policy ROM14 of the DPD does direct higher density residential development such as that being proposed, to other sites within the town centre. However, as the DPD does not specifically prohibit residential development on a windfall basis, the proposed residential development is considered to be acceptable in principle.

CONSERVATION AREA

Policy DC68 states that planning permission will only be granted for development within conservation areas where, amongst other things, a proposal would preserve or enhance the character of the conservation area. The guidance contained in the NPPF is clear that heritage assets, including conservation areas, should be protected from significant harm unless there are substantial public benefits to allowing the proposal.

Paragraph 133 of the NPPF states that: "where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm..."

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The Romford Conservation Area Appraisal states that the special interest of the conservation area was originally defined as "...a group of old buildings at the western end of the Market Place and the site of an ancient crossroads at the junction of North Street, South Street, High Street and Market Place (ie St Edward's Church, Church House, No, 7 Market Place, Lloyds Bank, The Lamb Inn and The Golden Lion Inn)." The proposal under consideration would be located approximately 40m from the aforementioned crossroads and the listed buildings adjoining it, and around 25m from St Edward the Confessor Church and its curtilage.

The Council's Heritage Officer has objected to the proposal on the grounds that the development, owing to its height, would be harmful to the character of the conservation area. Comments have also been received from local councillors and neighbouring occupiers stating that the loss of the existing four retail units, which are considered to contribute to the character of the conservation area, along with the scale, bulk, and massing of the proposal, would be significantly harmful to the character of the conservation area.

It is considered that the proposal, by reason of its height, in particular, but also its overall scale, bulk and massing, would be not be in keeping with the scale and character of the other buildings within the conservation area. It is considered that the proposal would neither preserve or enhance the character of the conservation area, and that substantial public benefits, which might justify the harm to the conservation area, do not exist. On this basis, it is considered that the proposal would be contrary to Policy DC68 of the LDF and the guidance contained in the NPPF.

LISTED BUILDING

Policy DC67 of the LDF states that proposals will only be granted approval where they do not adversely affect a listed building or its setting. The guidance contained in the NPPF is clear that heritage assets, including listed buildings and their settings, should be protected from significant harm unless there are substantial public benefits to allowing a development.

Paragraph 132 of the NPPF states that: "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be." Paragraph 133 states that "where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm..."

The Site is located in close proximity to a grade II* listed building (the Church of St Edward the Confessor), two grade II listed buildings (The Golden Lion PH and The Lamb Public House), and a locally listed building (Lloyds Bank.) The Council's Heritage Officer has objected to the proposal, stating that a residential tower looming over the grade II* listed building would be harmful to its setting by dominating views from the associated, historic green space. Local councillors and neighbouring occupiers have also stated that the proposal would, owing to its height, bulk and massing, be harmful to the settings of all the neighbouring listed buildings.

It is considered that the proposal, by reason of its height, in particular, but also its overall bulk and massing, would result in significant harm to the setting of the nearby grade II* listed building, without there being any demonstrably substantial public benefits to justify such harm. On this basis, it is considered that the proposal would be contrary to Policy DC67 of the LDF and the guidance contained in the NPPF.

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DENSITY/SITE LAYOUT

The Council has adopted policy, which seeks to guide a higher density of development to those parts of the Borough having good access to public transport. In this instance the application site is ranked as being within a high Public Transport Accessibility Level Zone (PTAL 6). The recommended density range in such a location would be between 240 and 435 dwellings per hectare where flats are proposed. The density of the proposed development would be approximately 685 units per hectare. This is above the LDF guidelines for this location, however, given the highly accessible nature of the site, the proposed density is considered to be acceptable. However density is only one measure of a scheme's acceptability.

Policy 3.5 of the London Plan stipulates the minimum internal space standards for new residential development. Two bed flats, for three people, should have gross internal areas of at least 61sqm in area, and for four people: 70sqm. One bed flats should have gross internal areas of at least 50sqm. The submitted details indicate that the proposed units would be in accordance with these requirements.

The Council's Residential Design Supplementary Planning Document is of relevance in relation to the setting out of new development and amenity space provision. In a town centre location such as that under consideration, the provision of private amenity spaces in the form of balconies is considered acceptable. The submitted details indicate that the balconies would connect with living rooms and would measure in excess of the 1.5m x 1.5m required by the London Plan, and be capable of being put to practical use by future occupiers. The proposed amenity space is considered acceptable.

It is considered that the pedestrian access to the rear of the building would provide an unacceptable standard of access for future occupiers. The proposed access, which would be located in a back land, servicing area, as opposed to the highway at the front of the building, would provide an insufficient degree of legibility for future users.

Officers consider that in terms of the standard of accommodation and amenity space to be provided, that the proposal is acceptable. However, the proposed residential access, which would be located in a back-street location, is not considered to be acceptable. In this regard, the proposal is considered to be contrary to Policy DC61 of the LDF and guidance contained in the Residential Design SPD. The relationship between the proposal and neighbouring developments is considered further on in this report.

DESIGN/IMPACT ON STREET/GARDEN SCENE

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

Policy ROM19 of the Romford Area Action Plan states that buildings of six storeys or more will normally only be granted in given locations, including along the Ring Road, near Romford station, the Romford office quarter, and at the Brewery. The Site does not form part of any of the stipulated locations and it is considered that there are no mitigating circumstances to justify a departure from the development plan in this case.

That there are existing tall buildings in the vicinity of the Site does not provide an adequate justification for the proposal. The recent development on the opposite side of North Street and the post war office building to the north are both located outside the Romford Conservation Area, and further away from the aforementioned listed building. Moreover, the construction of both buildings pre-dates the adoption of the tall buildings policy contained in the Romford Area

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Action Plan. In any case, it is considered that the addition of the proposal would, in conjunction with the opposing high-rise developments, have an overbearing effect, creating a "canyon" like environment along North Street, which would be detrimental to the character of the area. It is also considered that the proposal, when considered in relation to the adjoining 2 storey properties, would result in an unbalancing effect on that row of buildings and result in an incongruous addition to the street scene.

Given the siting and height of the proposal, it is considered that it would be contrary to Policy ROM19 of the Romford Area Action Plan. Moreover, the height, bulk, and massing of the proposal would have an unacceptable impact on the streetscene and character of the area, contrary to Policy DC61 of the LDF.

IMPACT ON AMENITY

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

The Council's Environmental Health officers have raised no objections to the proposal; conditions are recommended seeking to control noise levels, which can be imposed should planning permission be granted.

In terms of the proposal's relationship with neighbouring properties, it is considered unlikely that the proposal would result in any significant adverse impacts on the amenities of neighbouring occupiers in terms of overlooking, loss of light, or loss of outlook. The proposal would only be located 15m away from the Rubicon residential development, and another high-rise residential development, which is incomplete. Whilst there would be a degree of overlooking, loss of outlook, and overshadowing between these different developments, the extent of these impacts is not considered sufficient to warrant a refusal of planning permission, given that a lower level of amenity is generally to be expected within higher density, town centre developments. It is considered that the proposed development would provide an adequate level of amenity for the future occupiers of the development.

Local councillors and neighbours have stated that an unacceptable level of amenity would be achieved given the location of a night club approximately 20m to the north of the proposal. However, it is considered that given the separation distances between the proposal and the night club, the fact that any future occupiers would be aware of the existence of the nightclub and its operating hours prior to occupation, together with the lower level of amenity generally afforded to residents in town centre locations, that any impact would not be significantly detrimental to the standard of living accommodation to be provided.

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

HIGHWAY/PARKING

The submitted information states that vehicular access to the proposal would be taken from The Mews. Given the Site's location in the town centre, in close proximity to public transport links and with a PTAL rating of 6, the proposed non-provision of parking spaces is considered to be acceptable.

The Highway Authority has raised no objections to the proposal subject to the use of a condition,

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should planning permission be granted, requiring that the applicant enter into a S278 agreement for the completion of works to the highway. It is recommended that conditions also be imposed requiring the approval of details relating to cycle storage, with the Highway Authority recommending at least 28 bicycle spaces be provided. A further condition should also require that the rear access doors into the Mews only open inwards; the applicants have agreed that this would be achievable. Several highway informatives are also recommended.

OTHER ISSUES

Policy DC7 of the LDF states that all homes should be built to Lifetime Homes standard and that on sites of 15 dwellings or more, that 10% of the units provided should be wheelchair accessible. The submitted information states that all of the proposed units would, with the exception of vehicle parking (which is not proposed), be built to Lifetime Homes standards, and be wheelchair accessible. Detailed design drawings that demonstrate this have not been provided, although a condition may be imposed, should planning permission be granted, requiring the approval of such details. Subject to the afore mentioned condition, the proposal is considered to be in accordance with Policy DC7 of the LDF.

SECURED BY DESIGN

The Designing Out Crime Officer has raised no objections to the proposal, but has recommended a condition requiring the submission of further details. This condition should be imposed should planning permission be granted.

SECTION 106

Policy DC6 of the LDF advises that for sites of 10 units or more, or those sites over 0.5 hectares in area, 50% of the units should be provided as affordable housing. The applicants have submitted a Three Dragons financial appraisal, which concludes that the proposed development cannot be expected to support the inclusion of any affordable housing units. The appraisal has been independently corroborated. Officers therefore consider that the proposed nil provision of affordable units would be acceptable.

The Council has an adopted tariff system for Section 106 contributions through a Supplementary Planning Document (SPD), which ensures the area's various infrastructure costs are addressed in relation to new development. The tariff is set at £6000 per unit and the proposal would therefore incur a financial contribution of £168,000.

The applicants are instead offering to make a contribution of £45,000. £10,000 would be paid towards the cost of highway improvements (eastern and southern boundaries) and the planting of two semi-mature trees, one along North Street and the other outside the proposal's pedestrian access. The remaining £35,000 would be paid towards improvements to the rear facades of Nos.30-44 North Street, including the cost of enclosing three external stairways. The installation of lighting on the development to illuminate adjoining public footpaths is also proposed.

The applicant's proposed contribution falls significantly short of the sum required by the Council's adopted SPD to address the infrastructure costs associated with the development. In the absence of a completed legal agreement to secure this financial contribution, the proposal is considered to be contrary to Policy DC72 of the LDF and the Planning Obligations SPD.

KEY ISSUES/CONCLUSIONS

It is considered that the proposal, given its overall scale, bulk, and massing, would be harmful to the Romford Conservation Area, be detrimental to the setting of a listed building and would be

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harmful to the streetscene. It is also considered that the proposal would provide an inadequate form of pedestrian access. Moreover, in the absence of a completed legal agreement making provision for the required financial contributions and to prevent future occupiers applying for parking permits, the proposal is considered to be unacceptable.

The proposal is recommended for refusal, having regard to Policies DC61, DC63, DC66, DC67, DC68 and DC72 of the LDF, and all other material considerations.

RECOMMENDATION

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

1. Reason for Refusal - Planning Obligation

In the absence of a mechanism to secure a planning obligation towards the infrastructure costs of new development the proposal is contrary to the provisions of the Havering Planning Obligations Supplementary Planning Document and Policy DC72 of the LDF Core Strategy and Development Control Policies DPD.

2. Refusal non standard Condition

The proposed development would, by reason of its significant height, bulk, and massing within a conservation area and in close proximity to a grade II* listed building, result in significant harm to the character of the conservation area and the setting of a listed building, contrary to Policies DC67 and DC68 of the LDF Core Strategy and Development Control Policies DPD.

3. Refusal non standard condition

The proposal would, owing to its location, height, bulk, massing, and relationship to neighbouring high-rise developments, result in an overbearing effect within the streetscape, causing significant harm to the streetscene and the character of the area, contrary to Policies DC61 and DC66 of the LDF Core Strategy and Development Control Policies DPD and Policy ROM19 of the Romford Area Action Plan DPD.

4. Refusal non standard condition

The proposed residential access, which would be sited in a back-street location, would represent a substandard form of access giving poor legibility to pedestrians, therefore contributing to an unacceptable standard of residential accommodation, contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD and the Residential Design SPD.

1 Refusal - No negotiation

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

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CONSULTATIONS/REPRESENTATIONS

Notification letters were sent to 7 neighbouring properties. One representation was received as a result of the neighbour consultation and can be summarised as follows:

- Demolition of swimming pool building and construction of new garage will cause mess, dirt and noise.
- New garage will result in the loss of light.
- The site is in the Green Belt.

The Local Highway Authority has raised no objections to the proposal.

RELEVANT POLICIES

LDF

- CP14 - Green Belt
- CP17 - Design
- DC45 - Appropriate Development in the Green Belt
- DC61 - Urban Design
- SPD4 - Residential Extensions & Alterations SPD
- SPD9 - Residential Design SPD

OTHER

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

MAYORAL CIL IMPLICATIONS

The proposed garage would result in 28.34 sq.m of gross additional floorspace. Consequently there are no Mayoral CIL implications as this falls below the minimum floorspace threshold.

STAFF COMMENTS

The main considerations for this application relate to the implications for the Green Belt and the neighbouring residential amenity. Therefore the material considerations include the principle of new development within the Green Belt, whether the proposal is proportionate and appropriate to not cause any undue harm to the character and openness of the Green Belt, and the impact on the amenity of the neighbouring house at Balblair.

GREEN BELT IMPLICATIONS

The NPPF attaches great weight to Green Belts in preventing urban sprawl by keeping land permanently open. In addition the NPPF sets out five purposes of the Green Belt including to check the unrestricted sprawl of large built up areas and to safeguard the countryside from encroachment. As with previous Green Belt policy, the NPPF advises that inappropriate development is by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

The NPPF sets out forms of development that are deemed to be appropriate within the Green Belt and states that construction of new buildings should be regarded as inappropriate development. A given exception to this is the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

Policy DC45 accepts the principle of extensions and alterations to dwellings within the Green

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Belt, provided that the cubic capacity of the resultant building is not more than 50% greater than that of the original dwelling.

It is understood from the planning history at the site and from the submitted supporting statement that the original house at Highview was constructed in the late 1970's as a replacement for a smaller dwelling. Between 2001-2003 there were a series of refusal decisions issued against the construction of a detached garage including an Appeal in March 2003 which was dismissed. The Inspector noted that the original property had a volume of 645 cubic metres and that the cumulative total of subsequent additions including the swimming pool building and rear conservatory amounted to 339 cubic metres - representing 53% increase of the original dwelling.

Whilst not an extension to the dwelling, the proposed detached garage would add additional development within the curtilage of the property. In terms of cubic capacity the garage would create a further 98 cb.m of volume to the cumulative additions. Combined with the proposed dormer extension the cubic capacity of the original dwelling would be increased by 79%. There are no special circumstances to justify the increased development at the site.

As part of the application the detached swimming pool building in the rear garden will be demolished with the ground level filled and returned to soft landscaping as part of the garden. The swimming pool enclosure has a volume of 296 cubic metres and the removal of this structure will see the cumulative additions to the property decrease to 33% of the cubic capacity of the original dwelling. As such the proposal would not therefore exceed the 50% standard set out in Policy DC45.

However, as previously stated the main considerations for this application relate to the principle of new development within the Green Belt and, crucially, whether the proposal is proportionate and appropriate to not cause any undue harm to the character and openness of the Green Belt. The application must satisfy all aspects of this criteria to be considered acceptable.

The proposed detached garage would be located in the area adjacent to the house, 2.6m from the side elevation and set in approximately 2.1m from the boundary with Balblair. The proposal will have a footprint of 28.34 square metres and a roof ridge height of 4.6m, creating a tall and bulky detached structure.

The application site is characterised by its spacious nature with clear separation between the neighbouring dwellings, which serves to preserve the openness of the surrounding area. However the in-filling of the side plot with the detached garage will result in the loss of the spacious character and separation between the dwellings. In addition this will increase the overall prominence and the sense of intrusion of the built development into the side garden, particularly effecting views from Warley Road.

It is therefore considered that the proposed garage, by reason of its location, height and massing would appear as an intrusive structure resulting in a material harm to the open character of the surrounding area, contrary to the purposes of the Green Belt.

It is acknowledged that the applicant intends to demolish the swimming pool building in an attempt to reduce the cumulative volume of built development at the application site. However, this measure only serves to address a certain aspect of policy and does not counter or overcome the wider and greater issues relating to the material harm to the openness and character of the Green Belt. Therefore the demolition of the swimming pool is not considered to be justifiable in policy terms to recommend the application for approval.

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The proposed dormer will form a relatively minor addition to the roof elevation incorporating a hipped pitched roof design. The dormer will be constructed on the lower roof level of the existing integral garage which includes a set back from the main house roof which will serve to reduce the overall appearance of the structure. In contrast to the garage the proposed dormer would appear as a proportionate, appropriate and visually subservient structure in relation to the main house and the surrounding street scene. Therefore it is not considered that the dormer would result in a material harm to the openness and character of the Green Belt.

IMPACT ON AMENITY

Development Control Policy DC61 states, amongst other things, that planning permission will not be granted where the proposal results in unacceptable overshadowing, loss of sunlight/ daylight, to existing properties. The Residential Extensions and Alterations SPD carries forward this principle and sets out specific guidance in assessing side extensions stating they will not be permitted where they break a 45 degree line taken from the sill of the window of a primary original window serving a habitable room on the side wall of a neighbouring house.

The main consideration in terms of amenity relates to the impact on the neighbouring property, Balblair.

The proposed garage will be located approximately 2.1m from the boundary with Balblair, which includes flank windows facing onto the application site. The height of the garage will be contained within a 45 degree angle of these windows ensuring that the proposal does not result in undue loss of sunlight or daylight to the affected habitable room of Balblair.

It is considered that the proposed development will not result in an undue impact on the amenity of the neighbouring property. The proposal is therefore in accordance with Policy DC61 and the Residential Extensions and Alterations SPD.

HIGHWAY/PARKING

The proposed development will result in the loss of the single integral garage, but this provision would be replaced by the proposed garage with space for 2no. vehicles. The proposal will not alter the existing access arrangements and sufficient off street parking can be maintained within the site.

KEY ISSUES/CONCLUSIONS

The application will not result in any undue impact on the amenity of the neighbouring property, Balblair, but is contrary to Green Belt policy in terms of the material harm to the open character of the surrounding area.

The proposed detached garage and dormer extension would result in cumulative additions of 33% of the volume of the original property. However due to its scale, height and massing the garage would fail to appear visually subservient creating an intrusive and prominent structure resulting in a material harm to the open character of the Green Belt.

The development is considered to be contrary to the provisions of Policies DC 45 & 61, the Residential Development SPD and the NPPF. Therefore it is recommended that planning permission is refused.

RECOMMENDATION

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

1. Reason for refusal - Metropolitan Green Belt

The site is within the area identified in the Havering Unitary Development Plan as Metropolitan Green Belt. The Unitary Development Plan and Government Guidance as set out in the NPPF is 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 the new building will only be permitted outside the existing built up areas in the most exceptional circumstances. No special circumstances have been submitted in this case and the proposal is therefore contrary to Policy DC45 of the LDF Core Strategy and Development Control Policies DPD and the provisions of the NPPF.

2. Refusal non standard Condition

The proposed detached garage, by reason of its location, bulk, mass and height, would form a disproportionate addition and appear as an intrusive and prominent structure resulting in a material harm to the the character and openness of the Metropolitan Green Belt, contrary to the provisions of the NPPF and Policy DC45 of the LDF Core Strategy and Development Control Policies DPD.

1 Refusal - No negotiation

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

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APPLICATION NO:	P0084.14	
WARD :	Emerson Park	Date Received: 22nd January 2014 Expiry Date: 19th March 2014
ADDRESS:	44 Nelmes Way Emerson Park Hornchurch	
PROPOSAL:	Single storey rear extension, creation of new first and second floor including the erection at front and rear dormer windows and installation of roof-lights Revised Plans received 07.03.14	
DRAWING NO(S):	13-064/1 13-064/4 Rev D 13-064/5 13-064/11 - Rev C 13-064/10 - Rev C 13-064/12 - Rev D 13-064/13	
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

This application has been called in by Councillor Rochford as he considers that the effect on the amenity of a neighbouring property in terms of its overlooking should be considered by Committee.

SITE DESCRIPTION

The application site is located on the western side of Nelmes Way and is in Sector 2 of the Emerson Park Policy Area. This part of Nelmes Way is characterised by generally large, detached dwellings occupying spacious plots, set well back from the street with a varied building line.

The subject premises comprise a two storey detached property with much of the first floor accommodation set within the roof space in a "chalet style" when viewed from the front and a more traditional two storey appearance viewed from the side/rear. The garden is well landscaped with mature planting throughout and 1.8m high fencing to both flank boundaries.

There is space for seven or more cars on a hardstanding to the front. The site is generally level and no significant trees are affected by the development.

DESCRIPTION OF PROPOSAL

The application seeks planning permission for the construction of a single storey rear extension, the formation of a new first and second floor including the formation of front and rear dormer windows and roof-lights. The development will entirely transform the appearance and scale of the property.

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The single storey rear extension will span the full width of the dwelling to a depth varying between 4m and 4.6m. To the southern flank of the building and across the front elevation it is proposed to construct what in essence is a first floor side addition which extends the full depth of the dwelling and over part of the new single storey rear extension. It is also proposed that the existing "eye brow" window to the front elevation be removed and for the ground floor front walls to be extended upwards to form a traditional hipped roof two storey addition.

The newly extended roof will have a ridge height of 8.9m compared to the original ridge of 6.9m - an increase of 2m

RELEVANT HISTORY

P0824.12 Demolition of existing property and construction of replacement dwelling - Withdrawn.

P1034.10 Increase in roof height, front, side and rear extensions to form a two storey dwelling with accommodation in the roof space with front dormer windows - Withdrawn.

P0126.10 Increase in roof height, front, side and rear extensions to form a two storey dwelling with accommodation in the roof space with front and rear dormer windows - Refused.

P1146.03 Two storey rear extension, pitched roof to existing garage, side dormer windows and canopy to front door (amendments to planning consent P1938.02) - Approved.

P1884.03 Detached garage to front garden - Refused.

P0246.03 - Detached garage to front garden - Approved.

P1938.02 - Two storey rear extension, pitched roof to existing garage, side dormer windows and canopy to front door - Approved.

P1747.02 Detached garage to front garden - Refused.

P1318.02 Detached garage - Refused.

P0851.00 Single storey side, two storey rear and roof space extensions/alterations and new roof to garage at the side - Approved.

P1332.12 - Demolition of existing property and erection of a replacement two storey dwelling
Withdrawn 26-04-2013

P0824.12 - Demolition of existing property and erection of a replacement dwelling
Withdrawn - Invalid 14-09-2012

P1034.10 - Increase in roof height, front, side and rear extensions to form a two storey dwelling with accommodation in the roof space with front dormer windows
Withdrawn 07-09-2010

P0126.10 - Increase in roof height, front, side and rear extensions to form a two storey dwelling with accommodation in the roof space. With front and rear dormer windows
Refuse 19-04-2010

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- P1884.03 - Detached garage to front garden
Refuse 25-11-2003
- P1146.03 - Two storey rear extension, pitched roof to existing garage, side dormer windows and canopy to front door (amendments to planning consent P1938.02)
Apprv with cons 30-07-2003
- P0246.03 - Detached garage to front garden.
Apprv with cons 28-03-2003
- P1938.02 - 2 Storey rear extension, pitched roof to existing garage. Side dormer window and canopy to front door.
Apprv with cons 13-12-2002
- P1747.02 - Detached garage to front garden
Refuse 26-11-2002
- P1318.02 - Detached garage
Refuse 18-09-2002
- P0851.00 - Single storey side, two storey rear, and roofspace extensions/alterations and new roof to garage at side
Apprv with cons 21-07-2000

CONSULTATIONS/REPRESENTATIONS

Surrounding occupiers were notified of the development.

2 letters of representation have been received the contents of which are summarised below:-

The first representation from an adjoining occupier expressed the following concerns:-

- the proposals will increase the depth of extensions beyond their living room to approx 12m.
- the rear extension incorporates a large roof lantern which will be visible from their living room and patio and will appear unduly dominant after dusk.
- the extended first floor bathroom contains full height windows facing their patio and garden resulting loss of privacy.
- the extended building will appear obtrusive in the rear garden environment and features a large window in the rear gable adding to the sense of intrusion.
- the supporting statement refers to planning permission for extensions to a neighbouring property the objector wishes to make clear that these have not been constructed and at present they have no intention to implement the permission at this time.
- the extension is almost as large and obtrusive as an earlier demolition/rebuild refused planning permission under ref P1332.12.
- in the event planning permission is granted, a condition requiring all flank windows/doors be glazed with obscure glass should be imposed.

A second letter of representation submitted by a planning consultant on behalf of another adjoining occupier expressed the following concerns, again in summary form:-

- it is not clear from the submitted plans how much of the original building will be retained and the proposals more properly could be described as a replacement dwelling rather than extensions.
- reference was made to the special character of the Emerson Park Policy Area and concern is raised that the development will fill almost the entire width of the plot with minimal separation to the party boundaries.
- the development will give rise to a cramped appearance and will erode the spacious character

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of the area.

- the scale bulk and mass of the building will materially out of character with the locality.
- the proposed two storey front projection would sit significantly forward of No.46 Nelmes Way and would appear prominent in the street scene.
- reference is made to the similarities to a previously refused scheme and in particular the excessive forward projection of the development.
- the proposals introduce several new window openings on the flank of the building and will overlook the adjoining property.
- the proposed window serving bedroom No.6 would in particular afford elevated views over the private patio area and swimming pool of the neighbour.
- numerous roof lights could also afford views over adjoining garden areas.
- the proposals are harmful to the special character of the area and thus contrary to adopted policies.
- requesting an officer inspect the site from their premises.

A response to these concerns where necessary, is contained in the officer assessment below.

RELEVANT POLICIES

DC33, DC61 & DC69 - LDF Core Strategy and Development Control Policies Development Plan Document.

Residential Extensions and Alterations Supplementary Planning Document

Emerson Park Policy Area Supplementary Planning Document

Residential Design Supplementary Planning Document

LDF

DC33 - Car Parking

DC61 - Urban Design

SPD4 - Residential Extensions & Alterations SPD

SPD5 - Emerson Park Policy Area SPD

OTHER

NPPF - National Planning Policy Framework

MAYORAL CIL IMPLICATIONS

The CIL payment may be applicable as the proposal is for significant alterations and extensions to the existing dwelling. The gross internal floor area of the existing dwelling is 187 square metres. The gross internal floor area of the existing dwelling will be increased figure by 343 sqm.

On this basis, the CIL liability equals $343 \times £20$ per sq.m = £6,860. However, such payment may be subject to exemption in accordance with Regulations 42A, B and C of the CIL Regulations.

STAFF COMMENTS

The main issues in this case are considered to be the impact of the extended dwelling upon the character and appearance of the street scene and the Emerson Park Policy Area, its impact upon neighbouring occupiers and any highway or parking issues.

DESIGN/IMPACT ON STREET/GARDEN SCENE

The site is located within Sector 2 of the Emerson Park Policy Area. The Emerson Park Policy Area Supplementary Planning Document (SPD), along with Policy DC69, are relevant and the former states that this sector contains in the main medium sized family houses and development must comprise of detached single family, individually designed dwellings. The SPD states that

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no new building will be permitted unless its massing and architectural character, and the resultant space between adjacent buildings, are compatible with the character of the local street scene; thereby maintaining the varied character of the Emerson Park area.

Inspection reveals that the subject dwelling forms part of a loose knit group of dwellings which are set slightly further back than the prevailing development along this particular part of Nelmes Way. It is noted that the building lines of Nos 42, 42A, 44 and 46 Nelmes Way are staggered and that the application dwelling has a recessed front facade set slightly back from the front facade of No. 46 Nelmes Way whilst the main bulk of the building is set slightly forward. The adjoining neighbour to the north, No 42a is set slightly forward of the subject dwelling. The front garden areas of this loose knit group are attractively laid out with mature planting evident throughout.

Viewed from the front, the subject dwelling at present has a generally lower profile than its neighbours with first floor accommodation set generally within the roof space. In visual terms the subject dwelling appears subordinate to its neighbours both in terms of overall height and its general massing.

Staff consider the proposals will entirely transform the appearance of the subject dwelling as well as raising its ridge height by 2m. Particular care must be exercised therefore to ensure that the resultant building is of appropriate scale and massing and that it relates acceptably to both neighbouring properties and the street scene more generally.

Visual relationship between properties:

In this respect, though differing in individual design, the general bulk and massing of the development will result in an extended building which is broadly comparable to the adjacent neighbour, No.46. Staff note that the site falls within Sector 2 and whilst not achieving a full 2m separation to the boundary as required elsewhere for Sector 6 properties, the first floor component will be set approx 1.8m away from the common boundary with this neighbour and a total separation distance of approx 2.8m will remain between the two buildings. Such a relationship is considered to be acceptable in this location and not out of keeping or otherwise harmful to the character of this part of Nelmes Way.

Viewed in relation to the property to the north, No.42a (Cedar Lodge), the plans show the separation gap to the boundary of about 2.3m remains unchanged from existing and that a total separation distance of about 5.9m is retained between the two buildings. Staff consider the visual relationship between the two buildings to be acceptable when viewed from the street.

It is noted that the proposals provide for the ridge height of the subject dwelling to be increased by 2m. However, the development remains lower than both of the adjoining neighbours and again in Staff view, an acceptable visual transition/relationship between the properties is achieved.

Approved extension at No.42a Nelmes Way:

Staff are mindful that planning permission was granted for a two storey side extension as well as single and two storey rear extensions to 42A Nelmes Way (application P1824.11). Though not constructed, the permission remains extant until 6th February 2015 and could be implemented at any time. Separate consideration has therefore been given as to the resultant relationship between the two separate developments.

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In this respect, the approved plans for No.42a provide for the construction of a two storey side addition to within 1m of the common boundary, leaving a separation gap of about 3.3m to the flank wall of the subject dwelling. Again, staff consider this relationship to be acceptable.

Viewed from the rear, the development will be noticeable within the garden environment and again care will need to be exercised.

Following discussion with Staff, previously proposed full height glazing to the rear elevation serving the master bedroom on the first floor and bedroom No.6 at second floor level has been omitted in favour of a more traditional window arrangement. Elsewhere, plain clay tiles with half round and bonnet hip tiles are employed throughout. Viewed from the rear, the development is considered to relate acceptably to the existing dwelling.

Having regard to the above considerations, Staff recognise that the development will entirely change the appearance of this building and its visual relationship to both its immediate neighbours and the street scene more generally. However, taken on its merits and for the reasons discussed above, it is considered that the development will not be harmful to the character and appearance of the street scene or the wider Emerson Park Policy Area

IMPACT ON AMENITY

The neighbouring properties potentially most affected by the development are Nos.42a and 46 Nelmes Way.

No.42a Nelmes Way lies directly to the north of the subject dwelling and comprises a two storey detached dwelling set within a pleasant maturely planted plot. Inspection reveals that No. 42A Nelmes Way has a ground floor window on the south eastern flank, which serves a lounge and is a secondary light source with a window on the front facade. There is also a first floor bedroom window on the south eastern flank, which is a primary light source. Dense vegetation/shrubs exist along the common boundary ranging from between approx 4m and 6m in height.

Looking firstly at the potential impact of building up the front main wall of the property to full two storey height. Application of a simple "Rule of Thumb" 45 degree notional line to the cills of both the ground and first floor of these windows shows no encroachment by the development. Moreover, given the separation distance between the two properties of about 5.9m, any loss of light or shadow cast towards this neighbour early in the morning or in the later part of the afternoon will be modest and not unacceptable.

With regard to the proposed single storey rear extension, at a height of 3.25m the extension is slightly higher than the 3m guidelines would normally permit. However this element of the development is set about 2.3m away from the common boundary and will result in no significant loss of light or overshadowing effect. Impact is further reduced by the boundary vegetation

The proposals introduce a number of windows and rooflights in the flank facing this neighbour and consideration has been given to the potential overlooking that may arise. In this respect, 3No. high level windows on the ground floor serving a drawing room and library will be enlarged to form small oriel bay windows. However, the existing 1.8m high boundary fencing and vegetation will maintain an adequate degree of privacy.

Two first floor windows, each serving bathrooms would overlook this neighbour and will result in loss of privacy. In the event of planning permission being granted a condition requiring said windows be obscure glazed would be appropriate. A first floor flank window serving the master

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bedroom facing is approx 8.5 away from the boundary and any overlooking potential will be mitigated both by the subject dwelling itself and by existing boundary vegetation. A condition to prevent the use of the roof of the ground floor rear extension as a balcony would be recommended in the event of permission being granted.

4No. roof lights are to be formed at second floor level serving bedroom No.5 and a games room. The submitted plans indicate that the cill level of these windows will be positioned 1.8m above finished floor level. Staff consider this sufficient to prevent undue overlooking downwards towards this neighbour and also No.46. A safeguarding condition is nonetheless recommended.

In terms of neighbourliness, whilst the development is considered to be acceptable on its merits, it is noted that planning permission has been granted for two storey side extensions as well as single and two storey rear extensions to this neighbour(application P1824.11). The occupier has indicated that they do not wish to implement this permission and this statement must be taken at face value. However, they have not sought to revoke this permission and were it to be implemented, Staff consider any adverse effect on this neighbour would be further mitigated.

To summarise, it is considered that the proposal would not result in a significant loss of amenity to No. 42a Nelmes Way.

No. 46 Nelmes Way is located to the south of the application site and comprises a very substantial dwelling of comparatively recent construction. Inspection reveals that the property is set away from the common boundary with the subject site by about 1m to facilitate a pedestrian access. There is a 1.8m approx close boarded fence along the common boundary. The property itself has a half-glazed door on the flank which serves a utility room and two first floor obscure glazed windows serving a bathroom and en-suite. Mindful of the aspect and orientation, the development will result in no sunlight loss to the flank wall of this neighbour. The development will however cast a shadow and result in some loss of natural light, primarily to the first floor windows but mindful that they do not serve habitable accommodation, little weight is given to such light loss.

Viewed from the rear, the proposed first floor addition will extend along the full depth of this property and when viewed from the rear garden will approximately align with the rear wall of No.46. Again, mindful of the aspect and particular relationship between the two properties the proposals will result in no significant loss of light to the rear elevation or patio area of this neighbour. Moreover, the resultant visual relationship between the two properties when viewed from the garden area is not deemed unusual or unduly oppressive or overbearing. No objections are thus raised to this aspect of the development.

Of greater concern is the overlooking potential arising from the proposed first and second floor windows looking downwards towards the rear patio and swimming pool area and this requires more careful consideration.

In this respect, the proposals originally proposed full height glazing to both the first floor master bedroom and bedroom No.6 within the roof space. Staff considered that this arrangement would give rise to an uncomfortable sense of being overlooked by this neighbour and as a consequence the applicant for reasons of neighbourliness agreed to a more traditional window arrangement. This is a welcome improvement and Staff consider that there is now little difference in the overlooking potential between the two properties.

Staff consider that the proposals in their revised form directly address some of the issues raised by adjoining occupiers and provide for a more neighbourly form of development which meet the

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spirit of adopted guidelines.

Subject to the imposition of appropriate safeguarding conditions, no objections are raised to the proposals from the neighbourliness point of view.

HIGHWAY/PARKING

Policy DC33 seeks to ensure all new developments make adequate provision for car parking. There would be space for approximately seven vehicles on hardstanding to the front of the property, which is deemed to be sufficient to meet the needs of the development.

KEY ISSUES/CONCLUSIONS

For the reasons set out above, Staff consider that the proposal complies with Policies DC33, DC61 and DC69 of the Local Development Framework Development Plan Document and the Emerson Park Policy Area Supplementary Planning Document and 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:-

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 of the existing building(s) to the satisfaction of the Local Planning Authority.

Reason:-

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

3. SC32 (Accordance with plans)

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

Reason:-

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

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4. SC34B (Obscure with fanlight openings only) ENTER DETAILS

The proposed first floor windows on both the northern and southern flanks of the subject dwelling and shown on the submitted plans as serving bathrooms, shall be permanently glazed with obscure glass and with the exception of any top hung fanlight(s) shall remain permanently fixed shut and thereafter be maintained to the satisfaction of the Local Planning Authority.

Reason:-

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

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.

6. Non Standard Condition 31

That the cill height of the roof lights located at second floor level shall be no less than 1.8m above the finished floor level of the accommodation they serve.

Reason:-

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

7. SC48 (Balcony condition)

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

Reason:-

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

INFORMATIVES

1 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

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were negotiated and submitted, in accordance with para 186-187 of the National Planning Policy Framework 2012.

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APPLICATION NO:	P0115.14	
WARD :	Upminster	Date Received: 31st January 2014 Expiry Date: 2nd May 2014
ADDRESS:	Land Adj Bramble Fishing Lake Bramble Lane Upminster	
PROPOSAL:	Landscaping works to Landfill Site Additional Info received 19.03.14	
DRAWING NO(S):	2013/08/07 B 2013/08/06	
RECOMMENDATION :	It is recommended that planning permission be GRANTED subject to the condition(s) given at the end of the report given at the end of the report.	

CALL-IN

The application has been called-in by Councillor Van Den Hende as it is considered that the proposal would be harmful to the openness and visual amenities of the Green Belt without any very special circumstances having been demonstrated. It is also considered that the proposal would be harmful to highway safety and amenity.

SITE DESCRIPTION

The site comprises an approximately 1.7ha area of open, agricultural land located around 100m to the north of Bramble Lane, near Upminster. The site forms a rectangular area of land; its western and eastern boundaries being around 86m and 60m in length respectively, and its northern and southern boundaries being approximately 280m in length. The site's western boundary adjoins an access track, which leads to Bush Farm to the north, whilst the northern boundary adjoins open agricultural land associated with Bush Farm. The southern boundary, at its western end, lies adjacent to a lake, which is also owned by the applicant; whilst at its eastern end, the site's southern boundary adjoins land associated with Bramble Farm, which includes a residential property further to the south. The site's eastern boundary abuts Sunnings Lane.

The site forms part of a wider area of land which, it is understood, was the subject of sand and gravel extraction in the 1950s. In subsequent years, the sand and gravel workings were back filled with various types of waste overlaid with topsoil. The standard of restoration is very poor by modern standards, and this is reflected in the quality of the land at surface level, which is only able to support the cultivation of a limited number of crops and is subject to poor drainage.

DESCRIPTION OF PROPOSAL

The submitted information states that the proposal is required to improve what is currently low grade agricultural land.

It is intended to remove approximately 600mm of the existing capping material, which would be stored in stockpiles along the southern boundary. Inert material, in the form of clay, would then be deposited over the landfill to a depth of 450-600mm, creating a low permeability cap to remove any pathways between any sub-surface, contaminated material and the topsoil. The proposed cap would help to prevent the transfer of contaminated ground water to the surface; the movement of contaminated ground waters horizontally, into the adjoining pond; the release

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of any greenhouse gases; and would improve the site's surface drainage arrangements.

The proposed subsoil cap would include 100mm diameter drains running north to south across the site at 3m intervals, each connecting with ditches running along the site's northern and southern boundaries. The ditches would connect with existing ditches running along the eastern and western extents of the site, with the captured surface water ultimately draining to the Main Rainham Sewer.

Approximately 9000m³ (10,800 tonnes) of material would need to be imported to complete the project. The stockpiled, existing topsoil would be used to finish the new subsoil cap. The end result would be an increase in ground levels of 600mm, with the site being returned to open, agricultural use. The equipment employed on site would comprise an excavator, bulldozer, and dump truck for transferring material from the reception area and into the wider site.

A new hedge would be planted along the northern boundary, but otherwise, there will be no changes to the site's boundary treatment. The land, once regraded, would be used to grow a wider range of crops than is currently possible.

According to the supporting material submitted with the application, it is anticipated that the importation of material would involve the use of ten HGVs per day, over a period of ten weeks. A further two weeks would be required for the initial excavation of the existing topsoil, and the laying of drains and landforming following the deposition of material.

RELEVANT HISTORY

There are several historic planning permissions relating to the landfilling operations referred to earlier in this report. More recently, the planning decision of most relevance to the proposal relates to an adjoining piece of land and is as follows:

P0206.13 - Inert material importation and engineering operations to create safety ledge and island within the lake together with excavation to increase average lake depth from 3m to 3.8m - Approved.

CONSULTATIONS/REPRESENTATIONS

Notification letters were sent to 6 neighbouring properties; a site notice was placed in the vicinity of the site and advertisements have been placed in the local press. One letter of objection has been received from the occupiers of Bramble Farm, raising the following concerns:

- a) The proposed level of HGV movements would be detrimental to highway safety and amenity;
- b) The proposal is likely to result in mud being tracked into the highways;
- c) The proposed access arrangements are not safe;
- d) The siting of stockpiles along the boundary would be unsightly;
- e) The proposed increase in ground levels would be harmful to the appearance of the landscape;
- f) There is no need for the development given that adjoining land is successfully farmed;
- g) The proposal would result in run-off to neighbouring land;
- h) The proposal would result in a loss of amenity to the occupiers of Bramble Farm during construction, including noise, odour, and overlooking impacts;
- i) The proposal would be harmful to the openness of the Green Belt;
- j) The removal of inert material from the top of the landfill would result in the release of odour;
- k) There is Japanese Knotweed at the site, which could be spread to neighbouring properties.

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Comments have been received from the following consultees:

Essex and Suffolk Water - No objections.

Thames Water - No objections.

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

Highways - No objections; condition recommended.

Environment Agency - No objections; conditions recommended.

RELEVANT POLICIES

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

DC32 - Road Network

DC45 - Appropriate Development in the Green Belt

DC61 - Urban Design

The London Plan

Policy 7.16 - Green Belt

National Planning Guidance

National Planning Policy Framework ("the NPPF")

MAYORAL CIL IMPLICATIONS

The proposal would not result in the construction of any new buildings and therefore would not give rise to a contribution under the Mayoral CIL regulation.

STAFF COMMENTS

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

PRINCIPLE OF DEVELOPMENT

This planning application proposes engineering operations in the Green Belt. Policy DC45 of the LDF states that planning permission will be granted for development in the Green Belt that is for given purposes. The purposes listed do not include engineering operations, however, this type of development is addressed in the National Planning Policy Framework ("the NPPF").

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

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

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

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

In terms of Green Belt policy, this application proposes engineering operations.

Paragraph 90 of the NPPF states that "certain other forms of development", that are separate from building operations, may also constitute appropriate development in the Green Belt providing they preserve the openness of and do not conflict with the purposes of including land in the Green Belt. These include engineering operations. As discussed, the proposal would result in the site's ground levels being raised by upto 600mm. The submitted information states that the operations would take around 12 weeks to complete.

Given that the proposal would result in a modest increase in ground levels, particularly when considered in relation to the site area; that the proposed construction works would be temporary and relatively brief; and that the land would be restored to agricultural use, it is considered that the proposal would not be detrimental to the openness of the Green Belt, or that it would conflict with the purposes of including land in the Green Belt. It is therefore considered that the proposal would not constitute inappropriate Green Belt development. The proposal is considered to be acceptable in principle.

DESIGN/IMPACT ON STREET/GARDEN SCENE

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

The proposed development would result in the raising of open, agricultural land by upto 600m. It is considered that neither the proposed land-raising works, the proposed creation of a ditch, or the landscaping works would result in any significant adverse visual impacts. The end result would be open agricultural land that rises in relation to the adjoining land, but given the site's overall size, its location in relation to surrounding development and vegetation, and the proposed landscaping, it is considered that the proposal would not be harmful to the visual amenities of the Green Belt or the area generally. In terms of its visual impact, it is considered that the proposal would be in accordance with Policy DC61 of the LDF and the guidance contained in the NPPF.

IMPACT ON AMENITY

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

A neighbouring occupier has objected to the proposal on the grounds that it would result in significant noise, overlooking, and odour impacts.

The Council's Environmental Health officers and the Environment Agency have been consulted about the proposal and raised no objections, subject to the use of conditions in relation to testing of imported material, and contaminated land. Advice received from the Council's Environmental Health officers is that the removal of the topsoil is unlikely to result in any significant release of odour given the passage of time since the land was originally filled and that the topsoil layer is not of a particularly impermeable nature.

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Given the distance between the site and the nearest neighbouring dwelling (approximately 50m), and given the extent of vegetation between the two sites, it is considered unlikely that the proposal would result in any significant overlooking during the period of construction works or after. The anticipated period of working would be twelve weeks, with approximately ten HGVs visiting the site daily for a ten week period. Given the limited amount of plant to be involved in the process, it is considered unlikely that noise levels would significantly exceed those of, for example, agricultural equipment that might be used at any time. The proposed hours of working are 0830-1630 Monday to Friday, and 0830-1200 on Saturdays, with no working on any other day. These working hours are considered reasonable and can be imposed through the use of a planning condition.

The siting of subsoil stockpiles along the southern boundary will also help to create a screen between the development and the neighbouring property. A condition should be imposed to limit the height of these stockpiles, in the interests of neighbouring amenity.

In light of the separation distances between the site and the nearest residential property; the types and amount of plant to be employed on site; the number of HGV movements; and the temporary nature of the development, it is considered that the the proposal would not be significantly harmful to the amenities of neighbouring occupiers. In this regard, it is considered that the proposal would not be contrary to Policy DC61 of the LDF.

HIGHWAY/PARKING

Policy DC32 of the LDF states that development will only be approved where it does not significantly harm the functioning of the road network.

The proposal would involve ten HGV vehicles visiting the site per day for a period of ten weeks. The submitted information indicates a material reception area, which would be covered with hardcore, and a wheel wash and road sweep would be employed to prevent the tracking of material into the public highway.

The Council's highway officers have raised no objections to the proposal subject to the use of a wheel wash condition. It is recommended that this condition be imposed should planning permission be granted, and that further details be required of the proposed reception area and how it will be restored, along with a construction method statement providing more detailed information about the way in which the operation will be undertaken.

Subject to the use of the afore mentioned conditions, it is considered that the proposal would not result in significant adverse impacts on highway safety or amenity, and that it would be in accordance with Policy DC32 of the LDF.

OTHER ISSUES

It is considered that the proposed development could result in significant environmental benefits, which are material considerations that should be given weight in the determination of this application. The land under consideration is currently in a poor condition, being underlain by contaminated land and the subject of drainage problems that result in pooling throughout the site during wetter conditions. It is possible that, as things stand, owing to the poor standard of restoration undertaken, that contaminated ground water is able to leach onto surrounding land, including the pond to the south, and possibly other neighbouring land.

The proposal would result in the laying of an impermeable cap that would help to prevent vertical and horizontal movements of contaminated water beyond the site boundary. The inclusion of a

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new drainage system would help improve the site's drainage arrangements, and assist in permitting the cultivation of a greater number of crops than is currently possible. The performance of the land from an agricultural point of view would be improved.

Given the nature of the development, conditions are recommended to ensure that the land is properly restored. Should planning permission be granted, conditions should be imposed requiring the restoration of the site within six months of the development commencing; this would allow the applicant adequate time in which to complete the proposed works, considering the working period indicated in the application. It is also recommended that a condition be imposed requiring details of phasing, with an independent topographical survey needing to be submitted at weeks 5 and 10 of the operation, such that the LPA can ensure the site's levels have not exceeded those approved on the submitted plans.

In order to ensure that the imported material is of an acceptable standard, the Environment Agency have recommended a condition for material testing, which can be imposed should planning permission be granted.

KEY ISSUES/CONCLUSIONS

It is considered that the proposal would result in significant environmental benefits and that, in terms of its impact on the Green Belt, visual and residential amenities, and its highways impact, that, subject to the use of conditions, it would not result in any significant adverse impacts. The proposed development is considered to be acceptable having had regard to Policies DC32 DC45, and DC61 of the LDF, and all other material considerations.

RECOMMENDATION

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

1. SC4 (Time limit) 3yrs

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

Reason:-

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

2. SC32 (Accordance with plans)

The development hereby permitted shall not be carried out otherwise than in complete accord 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.

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3. SC11 (Landscaping) (Pre Commencement Condition)

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

Reason:-

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

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)

Operations in connection with the approved development shall only take place between the hours of 8.30am and 4.30pm Monday to Friday, and between 8.30am and 12.00pm 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 the approved 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;

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7. Non Standard Condition 31

The Local Planning Authority shall be notified in writing, at least one week in advance, of the proposed date that the approved operations will commence. The Local Planning Authority shall also be notified in writing, within one week, of the date that the engineering operations have been completed.

Reason:

In the interests of ensuring the completion of the development, and the site's restoration in a timely fashion.

8. Non Standard Condition 32

The engineering operations hereby approved shall be completed within six months of the commencement date referred to in condition 7, unless otherwise agreed in writing by the Local Planning Authority. Following the completion of the approved engineering operations, the site shall be landscaped in accordance with the details approved as part of condition 3.

Reason:

In the interests of ensuring the completion of the development, and the site's restoration in a timely fashion.

9. Non Standard Condition 33

No development shall take place until a scheme of operational phasing has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include details of the means by which the development will be undertaken, along with the locations and order of phases to be individually completed. The development shall be undertaken in accordance with the approved details.

Reason:

In the interests of ensuring the completion of the development, and the site's restoration in a timely fashion.

10. Non Standard Condition 34

Unless otherwise agreed in writing by the Local Planning Authority, independently prepared topographical surveys, detailing the site's ground levels, shall be submitted to the Local Planning Authority at 5 weekly intervals following the commencement of development, and shall continue to be submitted until the engineering operations have been completed.

Reason:

To ensure that the development is undertaken in accordance with the approved plans.

11. Non Standard Condition 35

No development shall take place until details of the proposed material reception area have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.

Reason:

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12. Non Standard Condition 36

No development/importation of materials/capping of the landfill shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1. A preliminary risk assessment which has identified:

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

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

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

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

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

Reason:

To ensure that no activities are undertaken on site until an accurate assessment of the risks of contamination to controlled waters has been undertaken. This should include site investigation works and any necessary remediation works. This is required to protect the quality of ground and surface water.

13. Non Standard Condition 37

Within one month of the completion of the engineering operations hereby approved, a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason:

To ensure that any necessary remediation works are carried out appropriately within a reasonable time scale. To ensure that the site no longer poses a risk to controlled waters.

14. Non Standard Condition 38

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14. Non Standard Condition 38

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

Reason:

To protect controlled waters. To ensure that any unsuspected contamination within the old landfill encountered during the proposed works is disposed of appropriately to ensure that there is no risk to controlled waters.

15. Non Standard Condition 39

Stockpiled material shall not at any time be above a height of 2 metres from ground level.

Reason:

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

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**

REPORT

3 April, 2014

Subject Heading:

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

Report Author and contact details:

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

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

Policy context:

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

Financial summary:

None

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

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

SUMMARY

This planning application was brought before Members on the 30th January, 2014. That committee report is attached (Appendix A). Members resolved to approve the application subject to conditions, and the completion of a legal agreement. Some errors in the recommendation made to Members on the 30th January require the application to be reconsidered.

RECOMMENDATIONS

(A)

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

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

- The sum of £18,000 towards the costs of infrastructure associated with the development in accordance with the Planning Obligations SPD;
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council;
- The Council's reasonable legal fees for shall be paid prior to completion of the agreement and if for any reason the agreement is not completed the Council's reasonable legal fees shall be paid in full;
- The Council's planning obligation monitoring fees shall be paid prior to completion of the agreement.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16. Lifetime Homes No development shall take place until the developer has submitted, for the approval in writing of the local planning authority, details to ensure that the proposed dwellings would be compliant with Lifetime Homes standards. The development shall thereafter be undertaken in accordance with the approved details and be retained as such.

Reason: To ensure the proposal is in accordance with Policy DC7 of the Core Strategy and Development Control Policies DPD.

Or (B)

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

INFORMATIVES

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

2. Should this application be granted planning permission, the developer, their representatives and contractors are advised that this does not discharge the requirements under the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works) required during the construction of the development.
3. In aiming to satisfy condition 9 above, the applicant should seek the advice of the Borough Crime Prevention Design Advisor. He can be contacted through either via the London Borough of Havering Planning Control Service or Romford Police Station, 19 Main Road, Romford, Essex, RM1 3BJ.
4. 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 £4,720 (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.

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

Planning Obligations

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

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

REPORT DETAIL

- 1.1 This planning application was brought before Members on the 30th January 2014, and prior to that on the 19th December 2013. The associated committee reports are attached at Appendices A and B respectively. In the case of the earlier committee, Members resolved to approve the application subject to conditions, the completion of a legal agreement, and no adverse comments being received prior to the expiration of the statutory consultation period. However, objections were subsequently received from neighbouring occupiers

and the application was therefore reported back to Members in January 2014. Members again resolved to grant approval for the proposal, subject to the completion of a legal agreement and conditions.

- 1.2 The application is brought back before Members owing to errors in the recommendation, namely the figures provided in relation to the required Mayoral CIL contribution and the required infrastructure contribution. The proposal would result in the construction of 236sqm of new floor space, which, when the existing floor space to be demolished is considered, would give rise to a Mayoral CIL contribution of £4,720. As the proposal would result in the creation of four residential units, the proposal would give rise to an infrastructure contribution of £18,000, once the existing dwelling, to be demolished, is considered.
- 1.3 The date in recommendation B has been amended to allow the applicant around six months to complete the required legal agreement. This takes into account the need to provide the applicant and the Council's legal officers sufficient time to complete the agreement, subject to the potential delays that can arise; and the need to ensure that the agreement is completed in a reasonable amount of time.
- 1.4 The opportunity has also been taken to add an additional condition relating to Lifetime Homes standards, which was recommended to Members as an update at the last committee.

Appendix A

30th January, 2014

REGULATORY SERVICES COMMITTEE

REPORT

Subject Heading:

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

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

Report Author and contact details:

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

Policy context:

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

Financial summary:

None

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

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

SUMMARY

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

RECOMMENDATIONS

(A)

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

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

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

- The Council's planning obligation monitoring fees shall be paid prior to completion of the agreement.

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

3. 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).

4. Accordance with plans - The development hereby permitted shall not be carried out otherwise than in complete accord with the approved plans.

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

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

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

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

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

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

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

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

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

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

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

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

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

9. Secure by Design - Prior to the commencement of the development hereby approved a full and detailed application for the Secured by Design award scheme shall be submitted to the Local Planning Authority, setting out how

the principles and practices of the Secured by Design Scheme are to be incorporated. Once approved in writing by the Local Planning Authority in consultation with the Havering Crime Prevention Design Advisor the development shall be carried out in accordance with the agreed details.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Or (B)

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

INFORMATIVES

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

4. Should this application be granted planning permission, the developer, their representatives and contractors are advised that this does not discharge the requirements under the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works) required during the construction of the development.
3. In aiming to satisfy condition 9 above, the applicant should seek the advice of the Borough Crime Prevention Design Advisor. He can be contacted through either via the London Borough of Havering Planning Control Service or Romford Police Station, 19 Main Road, Romford, Essex, RM1 3BJ.

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

Planning Obligations

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

- (d) Necessary to make the development acceptable in planning terms;
- (e) Directly related to the development; and
- (f) Fairly and reasonably related in scale and kind to the development.

REPORT DETAIL

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

This matter was discussed in section 6.3 of Appendix A.

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

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

Paragraph 53 of the NPPF states that:

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

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

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

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

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

APPENDIX B

REGULATORY SERVICES COMMITTEE

19 December 2013

REPORT

Subject Heading:

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

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

Report Author and contact details:

Helen Oakerbee (Planning Control
Manager) 01708 432800

Policy context:

Local Development Framework
London Plan
National Planning Policy

Financial summary:

None

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

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

SUMMARY

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

RECOMMENDATIONS

(A)

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

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

- The sum of £18,000 towards the costs of infrastructure associated with the development in accordance with the Planning Obligations SPD;
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council;
- The Council's reasonable legal fees for shall be paid prior to completion of the agreement and if for any reason the agreement is not completed the Council's reasonable legal fees shall be paid in full;
- The Council's planning obligation monitoring fees shall be paid prior to completion of the agreement.

That, subject to no new and significant adverse comments being received prior to the expiration of the statutory consultation period, should material considerations be raised which were not considered by members prior to the expiry of the statutory consultation period the report with the additional material considerations be remitted back to the Regulatory Services Committee for further consideration, officers subject to the foregoing be authorised to enter into a legal agreement to

secure the above and upon completion of that agreement, grant planning permission subject to the conditions set out below.

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

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

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

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

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

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

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

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

5. No development shall take place until details of all proposed hard and soft landscaping have been submitted to and approved in writing by the Local Planning Authority. All planting, seeding or turfing comprised within the scheme shall be carried out in the first planting season following completion

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

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

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

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

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

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

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

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

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

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

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

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

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

11. Prior to the commencement of any works pursuant to this permission the developer shall submit for the written approval of the Local Planning Authority;
 - a) A Phase I (Desktop Study) Report documenting the history of this site, its surrounding area and the likelihood of contaminant/s, their type and extent incorporating a Site Conceptual Model.
 - b) A Phase II (Site Investigation) Report if the Phase I Report confirms the possibility of a significant risk to any sensitive receptors. This is an intrusive site investigation including factors such as chemical testing, quantitative risk assessment and a description of the sites ground conditions. An updated Site Conceptual Model should be included showing all the potential pollutant linkages and an assessment of risk to identified receptors.

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

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

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

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

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

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

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

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

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

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

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

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

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

Or (B)

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

INFORMATIVES

1. The Highway Authority requires the Planning Authority to advise the applicant that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted, considered and agreed. The Highway Authority requests that these comments are passed to the applicant. Any proposals which involve building over the public highway as managed by the London Borough of Havering, will require a licence and the applicant must contact StreetCare, Traffic & Engineering on 01708 433750 to commence the Submission/ Licence Approval process.
2. Should this application be granted planning permission, the developer, their representatives and contractors are advised that this does not discharge the requirements under the New Roads and Street Works Act 1991. Road Traffic Regulation Act 1984 and the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works) required during the construction of the development.
3. In promoting the delivery of safer, stronger, sustainable places the Local Planning Authority fully supports the adoption of the principles and practices of the Secured by Design Award Scheme and Designing against Crime. Your attention is drawn to the free professional service provided by the Metropolitan Police Designing Out Crime Officers for North East London, whose details can be found by visiting <http://www.securedbydesign.com/professionals/details.aspx?forcecode=met> They are able to provide qualified advice on incorporating crime prevention measures into new developments.

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

Planning Obligations

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

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

REPORT DETAIL

1. Site Description

- 1.1 The site is a 0.1ha area of land comprising a two storey, pitch roofed, detached dwelling and its curtilage, at No. 179 Cross Road, Romford. The Site forms an L-shape with its northern and southern boundaries adjoining neighbouring residential properties; its western boundary lying adjacent to open fields, designated as Green Belt; and its eastern boundaries abutting neighbouring residential properties and the public highway.
- 1.2 The Site is located in a residential area, approximately two miles to the north west of Romford Town Centre, and to the south west of the district centre of Collier Row. The area is generally characterised by two-storey, pitch roofed dwellings, however, there are examples of other building types including post war and more recent flatted development. A number of similar, "back land" residential developments have been approved in the local area.

2. Description of Proposal

- 2.1 This planning application proposes the demolition of an existing, detached dwelling, and the provision of an access road off its southern elevation, allowing vehicular access to the rear curtilage. A new terrace of four houses would be constructed at the western end of the Site, in what is currently the rear curtilage of the existing dwelling.

- 2.2 The proposed dwellings would be two storeys in height, with pitched roofs, and first floor balconies to the rear. Private amenity spaces would be provided to the rear, or west, of the dwellings. A modest area of communal amenity space would be provided to the front of the proposed units, within the car park. The proposal would include a parking area with nine spaces, along with a bin storage area, cycle store, and landscaping.

3. Relevant History

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

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

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

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

4. Consultations/Representations

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

4.3 Comments have also been received from the following:

The Environment Agency

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

Essex & Suffolk Water

No objections.

Thames Water

No objections.

Environmental Health (Noise)

No objections; conditions recommended in relation to limitations on noise transfer and construction times.

Environmental Health (Contaminated Land)

No objections; condition recommended.

Highway Authority

No objections; conditions and informatives recommended.

5. Relevant Policies

5.1 National Planning Policy

National Planning Policy Framework (“the NPPF”)

5.2 Regional Planning Policy

The London Plan July 2011 is the strategic plan for London and the following policies are considered to be relevant: 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 3.8 (housing choice), 3.9 (mixed and balanced communities), 5.12 (flood risk management), 5.13 (sustainable drainage), 6.9 (cycling), 6.10 (walking), 6.13 (parking), 7.3 (designing out crime), 7.4 (local character), 7.6 (architecture), 7.8 (heritage assets and archaeology), 7.14 (improving air quality), 7.15 (reducing noise and enhancing soundscapes), and 8.2 (planning obligations).

5.3 Local Planning Policy

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

In addition, the Residential Design Supplementary Planning Document (“the SPD”), Designing Safer Places SPD, Landscaping SPD, Sustainable Design

and Construction SPD, and Draft Planning Obligations SPD are also material considerations in this case.

6. Staff Comments

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

6.2 Principle of Development

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

6.3 Design Considerations

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

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

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

6.3.4 Landscaping proposals have been submitted with the application indicating an acceptable mix of hard and soft landscaping throughout the site. Further details regarding the precise nature of hard landscaping materials and type, number and species of new planting should be required by condition. Conditions are also recommended requiring the approval of details relating to the proposed bicycle and refuse/recycling stores.

6.3.5 Given the nature of the proposal, including its appearance, layout, scale, massing, and design in relation to the surrounding area, it is considered

that, subject to the afore mentioned conditions, the proposal would have an acceptable impact on the character of the area, and that it would therefore be in accordance with Policy DC61 of the LDF.

6.4 Layout and Amenity Considerations

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

the nearest neighbouring properties, is approximately 21m in relation to the flats located to the north; 26m in relation to No.163 Cross Road, located to the south; and approximately 35m to 175 and 177 Cross Road, both of which are located to the east. These separation distances from neighbouring properties are considered sufficient to avoid any significant adverse impacts on residential amenity, in terms of overlooking, overshadowing, and loss of outlook.

6.4.6 The planning inspector who determined the afore mentioned appeal concluded that the previous proposal, for six units, would result in significant noise impacts to existing occupiers owing to the use of vehicles within the parking area and at the site access. The Council's Environmental Health officers have, again, raised no objections to the proposal with conditions being recommended to control noise levels, which can be imposed should planning permission be granted. It is considered that the proposed number of units, which would be two less than the previous proposal, would result in a less intense use of the site than the scheme refused at appeal. Moreover, amendments to the submitted plans are being sought by officers to move the proposed access gate further into the site, increasing the distance between those vehicles entering the site and the windows of neighbouring properties. Members will be given an update about these changes.

6.4.7 Subject to the proposed amendments and conditions, given the separation distances between the proposal and neighbouring units, and the use of acoustic screen fencing, it is considered that the proposal would not give rise to significant adverse noise impacts on the amenities of neighbouring occupiers. Officers consider that in terms of the standard of accommodation and amenity space to be provided, and the amenity of existing neighbouring occupiers, that the proposal is acceptable and would be in accordance with Policies DC2 and DC61 of the LDF and guidance contained in the Residential Design SPD.

6.5 Environmental Impact

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

6.5.2 The Environment Agency has raised no objections to the proposal. The SFRA is a material consideration and the Environment Agency have stated that it will be for the planning authority to decide whether the site should be considered as Flood Plain, in accordance with the SFRA, or as being in Flood Zones 1 and 2, as suggested by the Environment Agency's data. If the site is considered to be Flood Plain then the guidance contained in the NPPF indicates that the proposal should be refused. However, given that the Environment Agency, who are the Council's statutory consultee on flood risk matters, have undertaken more recent and detailed surveys, it is

considered that the site's flood risk status should be considered as being low risk, that is, in Flood Zones 1 and 2.

- 6.5.3 As a small sliver of the site would be located in Flood Zone 2, it is necessary to sequentially test the proposal. The NPPF requires that development of this nature, in areas at higher risk of flooding, undergo a sequential test, aimed at directing development towards areas at the lowest possible risk of flooding. The Council's LDF has identified a shortage of housing within the borough and Policy CP1 recommends that outside town centres and the Green Belt, priority should be made on all non-specifically designated land for housing. As the site represents a clear area of readily developable land that is mostly in Flood Zone 1, and only partially on land at moderate risk of flooding, it is considered unlikely that the proposal could take place in other areas of the borough that could so easily deliver the objectives of Policy CP1 and also be at significantly lower risk of flooding. Therefore, in terms of flood risk and drainage considerations, the proposal is considered to be acceptable.

6.6 Parking and Highway Issues

- 6.6.1 The application proposes the creation of a new site access on land currently occupied by an existing dwelling.
- 6.6.2 The application proposes 6 car parking spaces. The proposed car parking provision would therefore equate to 1.5 spaces per dwelling. Cycle storage would also be provided.
- 6.6.3 The site has a PTAL rating of 1-2, which translates to a low level of public transport accessibility, however, the proposed level of parking provision is in accordance with Policy DC2 of the LDF, and the Council's Highway officers have raised no objections, subject to the use of conditions and informatives, which can be imposed should planning permission be granted.
- 6.6.4 It is recommended that a condition be imposed requiring the submission to and approval by the Local Planning Authority for a construction method statement detailing the areas where construction vehicles and plant will be parked. A condition is also recommended requiring the submission of details relating to cycle storage.
- 6.6.5 Subject to the use of the afore mentioned conditions, the proposal is considered to be acceptable in respect of parking and highway safety issues and in accordance with Policies DC32, DC33 and DC34 of the LDF.

6.7 Community Infrastructure

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

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

7. Conclusion

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

IMPLICATIONS AND RISKS

Financial implications and risks:

None.

Legal implications and risks:

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

Human Resources implications and risks:

None.

Equalities implications and risks:

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

BACKGROUND PAPERS

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

REGULATORY SERVICES COMMITTEE

REPORT

3rd April 2014

Subject Heading:

P0108.14 – Land adjacent to 18 Ainsley Avenue, Romford

Proposed three bedroom detached dwelling (Received 5 February 2014)

Report Author and contact details:

Helen Oakerbee
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01708 432800

Policy context:

Local Development Framework
The London Plan
National Planning Policy Framework

Financial summary:

None

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

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

SUMMARY

This planning application proposes the construction of a three bedroom detached dwellinghouse on a plot adjacent to 18 Ainsley Avenue, Romford.

Councillor Barry Oddy has called in the application as a matter of judgement of consistency with other similar developments within the area.

This application is considered to be unacceptable on the grounds that the proposed dwelling would appear cramped and represent an overdevelopment of the site and secondly, the absence of a mechanism to secure a planning obligation towards the payment of infrastructure costs in accordance with the planning obligation SPD.

RECOMMENDATIONS

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

1. The proposed development would by reason of its design and proximity to the boundaries of this corner site, appear as an unacceptably cramped development being visually obtrusive and harmful to the character and appearance of the street scene, contrary to the aims and objectives of Policy DC61 of the Development Control Policies Development Plan Document.
2. In the absence of a mechanism to secure payment of a contribution towards the cost of infrastructure associated with the development the proposal is contrary to the provisions of the Havering Planning Obligations Supplementary Planning Document and Policy DC72 of the LDF Core Strategy and Development Control Policies DPD.

REPORT DETAIL

1. Site Description

- 1.1 The application site is adjacent (to the west side) of the host property No.18 Ainsley Avenue which lies within a corner plot to the north of Ainsley Avenue and to the east of Burlington Avenue in Romford.
- 1.2 18 Ainsley Avenue is a detached 2 storey house which benefits from an attached side garage, rear single storey extension, front drive, rear lawn garden with a detached rear garage and rear parking access from Burlington

Avenue. The existing boundary contains a brick wall of approximately 1 metre high and landscaping.

- 1.3 The surrounding area is predominantly residential and characterised by mainly 2 storey semi-detached and terraced family dwellinghouses, many of which have existing extensions.

2. Description of Proposal

- 2.1 Full planning permission is sought for a three bedroom detached dwellinghouse, it would be 13.5 metres deep on the ground floor and 11.5 metres deep on the first floor, 4.75 metres height to the eaves, 7.3 metres height to the highest part of the ridge, and 5 metres in width. It would be constructed in tile and brick with render to match the materials of the host property.
- 2.2 The existing plot would be sub-divided, with the proposed dwelling having 190 square metres floor area. The proposed dwelling would have its own rear garden and off-street car parking area to the rear where there is an existing a double gate access form Burlington Avenue and hardstanding.
- 2.3 The ground floor of the proposed dwelling would comprise a kitchen unit to the front and a lounge to the rear with a utility room and WC in between, the first floor would contain three bedrooms and a bathroom.

3. Relevant Planning History

- 3.1 P0109.14 Two storey rear extension Approved 24 March 2014.

4. Consultations/Representations

- 4.1 19 Neighbour notification letters were sent. 2 letters of objection have been received to date, which are summarised as follows;

-Loss of street view upon entry into and out of Burlington Avenue/Ainsley Avenue

-The house will not be in line or character with existing properties

-Overlooking to neighbouring gardens resulting in loss of privacy as the proposal extends further rearwards than the host property

- There is barely room for a house on what is currently a garden

-Spoils outlook

-Increased parking problems

Officer's response, the above issues have been carefully looked at assessed within the paragraphs 9 and 10 below.

- 4.2 Essex & Suffolk Water – No objections
- 4.3 Environmental Protection – No objections subject to suitable conditions
- 4.4 Highways – No objections
- 4.5 London fire and Emergency Planning Authority – No objections

5 Relevant Policies

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

6. Staff Comments

- 6.1 The issues in respect of this application are the principle of development, impact on the streetscene, design, amenity issues, and parking and highways implications.

7. Principle of Development

- 7.1 The site lies outside the Metropolitan Green Belt, Employment Areas, Commercial Areas, Romford Town Centre and District and Local Centres. The principle of residential development is considered acceptable in land-use terms and the provision of additional housing is consistent with the NPPF as the application site is within an established urban area.
- 7.2 Policy CP1 indicates that outside town centres and the Green Belt, priority will be made on all non-specifically designated land for housing. The proposal is for the development of a residential dwellinghouse on an existing residential site. The proposal is therefore acceptable in principle and in accordance with Policy CP1.

8. Density/Layout

- 8.1 It is proposed to erect a detached house. Policy 3.5 of the London Plan states that Local Development Frameworks should incorporate minimum space standards. The Mayor has set these (for 3 bedroom 2 storey houses) at 74 square metres for 4 person, and 86 for a 5 person, and 95 for a 6 person house. The floor area of the proposed dwelling house is

approximately 108 square metres and therefore within accordance with the Mayor's standards.

- 8.2 The Havering Local Plan sets out a density range of 55-175 units per hectare for the Romford suburban area, the application site measures at 190 square metres which is 0.019 hectares. The proposal of 1 dwelling in this area and would be calculated to 53 units per hectares. Although it falls slightly short of the density matrix within the adopted plan, the density is considered acceptable as it is in character of the area, in that there are other houses that have been built on corner plot properties.
- 8.3 The Council's Design for Living SPD in respect of amenity space recommends that in designing high quality amenity space, consideration should be given to privacy, outlook, sunlight, trees and planting, materials (including paving), lighting and boundary treatment. All dwellings should have access to amenity space that is not overlooked from the public realm and this space should provide adequate space for day to day uses.
- 8.4 The application proposes the sub-division of the existing plot of the donor property to provide approximately 40 square metres of private amenity space for the rear of the proposed dwelling and leaving approximately 50 square metres for the existing dwelling. This is considered to be a sufficient amount and would not be significantly overlooked by other dwellings due to the existing side and rear boundary which are of a sufficient height.
- 8.5 Each habitable room within the dwelling would be of a suitable size and would be served with a clear opening for suitable light and outlook.
- 8.6 With the above taken into consideration, the living accommodation for the proposed dwelling house and the existing dwelling is considered to be adequate and usable.

9. Design and Appearance

- 9.1 Policy DC61 states that development should respond to local building forms and patterns of development and respect the scale, massing and height of surrounding physical context.
- 9.2 Within close proximity to the site of the proposed development there are a number of examples of corner plot developments detailed below:
- 9.3 No.30 Derby Avenue to the north of the application site, was given consent under permission P1982.08 for a new dwelling (Implemented), this is a new house attached to an end of terrace dwelling (No.28), it matched the terrace in terms of design, floorspace, height, width and depth with a single storey rear extension of 3.3 metres in depth.
- 9.4 No.28 Kimberly Avenue, adjoining Burlington Avenue, was given was given consent under permission P0285.04 for a new dwelling (Implemented), this

is a new house attached to an end of semi-detached pair of houses (No.28 & 26), it matched No.28 in terms of floorspace, height width and depth. Much like this application, the original donor property had an application (P0284.04) for a 2 storey rear extension to be read simultaneously to the new dwelling, however, unlike this application, it was considered acceptable as the extensions for the host and new property would be attached together to give a uniform appearance and would be subservient to the host dwelling, which is in character with the other similar properties within the street to have dwellings and extensions attached to the host dwelling.

- 9.5 With regard to other types of development that have been given permission nearby, such as the extension built on No.20 Ainsley Avenue (adjacent corner plot facing the application site), the majority of them are side and rear extensions which are ancillary to the main dwellinghouse.
- 9.6 The proposed house would be smaller in height and approximately 13.5 metres deep on the ground floor and 11.5 on the first floor. The depth is substantially greater than the majority of the other houses in the neighbourhood. It is acknowledged that the donor property has an existing rear extension and a proposal to erect a 2 storey rear extension of the same depth of the new house. However, the depth of the house is substantially deeper than the other houses within the neighbourhood, and narrower in width than any other, which would make it appear out-of-character.
- 9.7 The donor property is rather unusual within the neighbourhood being a detached property. The majority, if not all, of the other residential properties in the neighbourhood are semi-detached or terraced houses, however, proposing a detached house is not unacceptable in principle per se.
- 9.8 However, unlike the examples given above, staff consider that a detached dwellinghouse with its large size and bulk on a narrow corner plot, would appear extremely cramped and would make it appear out-of-character and prominent to the streetscene.
- 9.9 The width of the application site is 6 metres from the proposed boundary with host property and the boundary adjoining the footpath on Burlington Avenue. As mentioned above, the proposed property would be 5 metres in width, which would leave a 500mm gap on each side to the donor property and the highway.
- 9.10 Although not directly related to this proposed detached house, the Residential Extensions and Alterations SPD is considered relevant, the document against which all applications are assessed, advises that side extensions to corner properties should maintain a separation of 1m from the back edge of the footway, in which the proposal would not be.
- 9.11 The application site on a corner plot is widely visible on the streetscene, as such, it would allow distant views to the proposed dwelling. The large size and bulk of the dwelling on a narrow plot would appear visually obtrusive, harmful and out-of-character to the appearance of the street scene.

9.12 Staff consider that the proposal would be overdevelopment as it would amount to a cramped form of development within the corner plot and would detract from the character of the local area and would therefore be unacceptable in this instance. It is therefore considered that the development would not safeguard and preserve the character and appearance of the surrounding area. The proposal is therefore unacceptable and fails to accord with Policy DC61 and advice contained within the NPPF.

10. Impact on Amenity

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

10.2 The nearest neighbouring properties of the proposed dwelling would be the adjoining the donor dwelling No.17 Kimberley Avenue and No.20 Ainsley Avenue. As mentioned above, the donor property would not be materially affected as it does not have side facing windows. As mentioned above, an application has been made for a 2 storey rear extension to the donor property, in the event that both applications were given consent a condition would be required to ensure completion of the extension application prior to the commencement of the new dwelling. Therefore, both occupants would not be affected by loss of light and outlook nor any overlooking issues. In regards to the other two neighbours, the distances are considered to be substantial enough to not create material amenity impact as the distances to No.17 and No.20 are 16 metres and 36 metres distance away respectively.

10.3 It should be noted that if the Committee considers that planning permission be granted for this development, it would be subject to a condition for the completion of the proposed extension in planning permission P0109.14 (as mentioned above).

10.4 With the above taken into consideration, staff are therefore satisfied that the proposed development is sufficiently removed from residential properties and unlikely to result in any material harm. The development is considered to be acceptable in this respect and to accord with the principles of Policy DC61.

11. Parking and highway issues

11.1 The application site is in a part of the Borough that has a PTAL rating of 1-2, Policy DC2 of the LDF indicates that in this part of the Borough parking provision for residential development should be 2 to 1.5 spaces per unit. The proposal provides four car parking spaces, two for the donor and two for the proposed dwelling. The parking provision is in line with policy guidelines and considered acceptable.

- 11.2 The two parking spaces to the rear of the property is for the new dwelling and already exists with its own hardstanding access and double gate opening, there would not be any external alterations to this current arrangement.
- 11.2 With the above taken into consideration with the appropriate conditions, it is considered that the proposal considered being acceptable and accords with the principles of Policy DC 33.

12. Mayoral CIL and Section 106 implications

- 12.1 The total additional internal floor space would be 108 square metres floor area, this would equal a Mayoral CIL contribution of £2160.
- 12.2 A financial contribution of £6000 per dwelling unit towards the infrastructure costs arising from the development would be required to fulfil the requirements of the Planning Obligations SPD.
- 12.3 The proposal is for one dwellinghouse, therefore the contribution required would be £6,000.
- 12.4 The applicant was been made aware of the contributions payable in the event of planning permission being granted. It should be noted that there is no agreement in place to secure the financial contribution.
- 12.5 As such in the absence of a mechanism to secure a planning obligation towards the infrastructure costs of new development the proposal is contrary to the provisions of the Havering Planning Obligations Supplementary Planning Document and Policy DC72 of the LDF Core Strategy and Development Control Policies DPD.

13. Conclusion

- 13.1 Staff consider that the principle of residential development in this location is suitable, however the site is not considered to be appropriate for the a detached dwelling.
- 13.2 The proposal would appear as a cramped overdevelopment of the site, adversely impacting on the character of the streetscene and in particular the openness of this corner location.
- 13.3 There was nothing submitted or agreed by the applicant in securing a planning obligation towards the infrastructure costs of new development the proposal.
- 13.4 For the reasons outlined above within the report, the proposal is considered to be unacceptable and refusal is recommended as it would be contrary to the provisions of the Havering Supplementary Planning Documents and

Policy DC61 and DC72 of the LDF Core Strategy and Development Control Policies DPD.

IMPLICATIONS AND RISKS

Financial Implications and risks:

None directly arising from this application.

Legal Implications and risks:

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

Human Resource Implications:

None

Equalities and Social Inclusion Implications:

None directly arising from this application.

BACKGROUND PAPERS

Application form, drawings and supporting statement received on 5th February 2014.

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REGULATORY SERVICES COMMITTEE

REPORT

3rd April 2014

Subject Heading:

P1239.13 ATC Centre

The Paddock, Wood Lane Hornchurch

Demolition of existing cadet buildings and replacement with prefabricated building with pitched roof (Application received 15 October 2013, revised plans received 13 November 2013)

Report Author and contact details:

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

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	<input type="checkbox"/>
Championing education and learning for all	<input checked="" type="checkbox"/>
Providing economic, social and cultural activity in thriving towns	

and villages	<input checked="" 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 application is for the demolition of two existing single storey buildings used by the Reserved Forces & Cadets Association (Air Training Corps) and the erection of a single storey replacement building. The footprint area of the replacement building at 180 square metres would be very similar to that of the existing buildings. The application is brought to the Committee for consideration because it concerns Council owned land and there has been a third party objection. The overall Paddock site is leased by the Council in three parts, the other tenants being the Scouts and Sea Cadets. Access to the Sea Cadets' leased area is through the ATC site and an objection has been raised regarding access issues which would be affected by the proposed replacement building. The objection relates to site management issues and is not considered to amount to a material planning objection. The proposed replacement building is considered acceptable and approval is recommended.

RECOMMENDATIONS

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

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. Materials (details no samples)

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

Reason:-

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

3. 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. SC63 (Construction Methodology)

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

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

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

Reason:-

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

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. SC9 (Restricted use)

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 the use of the building hereby permitted shall be for training and other purposes associated with the main use of the site by the Reserved Forces & Cadets Association (Air Training Corps) and shall be used for no other purpose(s) whatsoever including any other use in Class D2 of the Order.

Reason:-

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

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 paragraphs 186-187 of the National Planning Policy Framework 2012.

REPORT DETAIL

1. Site Description

- 1.1 The application site lies off Wood Lane and comprises two single storey buildings and open areas enclosed by a steel palisade fence. The site is used by the Air Training Corps (ATC) and forms part of a larger area of Council owned land, known as The Paddock, that is leased out for community uses. In addition to the ATC the wider site is occupied by the Elm Park Scout Group and the Hornchurch Unit of the Sea Cadets Corps. Each has several buildings on the southern part of the site. There is a single car width access road from Wood Lane to all three occupiers' premises, although the Sea Cadets part of the site also has access from Astra Close. To the north of the various buildings on site is a communal car parking area and a communally maintained area of grassed open space.
- 1.2 The application site amounts to about 700 square metres which includes the two buildings. These comprise a garage and an HQ building which is used for training and other facilities. The application site has a steel palisade fence along its northern and western boundaries and a brick and render wall to the east where it adjoins residential properties in Astra Close. To the south is the Sea Cadet compound and buildings. This area is not fenced separately from the ATC part of the compound. Access for the Sea Cadets is taken through the ATC site and there are three gated access points, two on the northern boundary and one on the western boundary adjacent to the building used by the Scouts.
- 1.3 The HQ building is a wooden panelled building with corrugated asbestos sheet roof. The garage has a pebble-dashed finish also with a corrugated asbestos roof. There is a metal storage container to the front of the site.

2. Description of proposal

- 2.1 It is proposed to demolish the two existing buildings and replace them with a new single storey building of 180 square metres. The building would have dimensions of approximately 15 metres by 12 metres and be in a similar location to the existing HQ building. The building would be 4.8 metres high, single storey with a hipped tiled roof and pre-fabricated wall cladding on a brick plinth. The Windows and doors would be powder coated aluminium. The proposed accommodation would include classrooms, storage areas, offices, a hall area and other facilities. There would be external security lighting and solar panels are proposed on the south facing roof elevation. The existing storage container would be removed and the access realigned and a new gate and fencing erected.

3. Relevant History

3.1 None

4. Consultations/Representations

4.1 London Fire Brigade (Water Officer) - no objection.

4.2 London Fire and Emergency Planning Authority (Fire & Community Safety) - would be satisfied with the proposals if turning facilities provided adjacent to car parking area.

4.3 Streetcare (Highway Authority) - no objection.

4.4 Strategic Property Services - no objection to demolition of existing buildings and erection of replacement building. However, the ATC effectively has two sites with an access way to the Sea Cadet Corps site between them. The revised plan submitted does not appear to have addressed all the issues relating to this right of access. There are potential safety issues for sea cadets walking across the new hardstanding/parade ground area.

4.5 Public Protection - no objection, but based upon the information available a land contamination condition is recommended.

4.6 Forty six neighbour consultation letters have been sent out. One letter of representation has been received from the Sea Cadets that occupy land to the south of the application site objecting on the grounds that the new building would restrict an existing access to their storage area. This existing access gate is on the western boundary which is not shown on the submitted plans. This gate provides access for trailers to the Sea Cadets storage area.

5. Relevant Policies

5.1 LDF Core Strategy Development Plan Document

CP8 - Community Facilities

CP17 – Design

5.2 LDF Development Control Policies Development Plan Document

DC26 - Location of Community Facilities

DC33 - Car Parking

DC34 - Walking

DC35 - Cycling

DC53 - Contaminated Land

5.3 The London Plan (2011)

6.5 – (Funding Crossrail and other strategically important transport)

8.3 – (Community infrastructure Levy)

5.4 Government Guidance

National Planning Policy Framework

6. Staff Comments

Principle of the Development

- 6.1 The application site lies within the urban area of Hornchurch and already accommodates community facilities. The site is not allocated for any purpose on the LDF proposals map. Policy CP8 seeks to ensure that a suitable range of community facilities are provided to meet existing and future needs. New facilities should be located in accessible locations. Policy DC26 also seeks to ensure that new community facilities are in accessible locations. This proposal is for a replacement building to provide improved facilities for an existing occupier of the site. The building would be of similar size to those being demolished and would have no greater impact on the area. Therefore, the proposal would be acceptable in principle.

Impact on Streetscene

- 6.2 The proposed building lies within a group of single storey buildings within the area known as the Paddock. The buildings are not visible from the public highway. The replacement of existing buildings with one of similar scale and footprint would be acceptable in terms of its design and impact.

Impact on amenity

- 6.3 The proposed replacement building would have no material impact on adjoining residential occupiers. However, the removal of the existing garage/store building would provide a larger area of hardstanding that could be used for parade purposes. However, this is unlikely to alter the range of activities that take place at the site. Training currently takes place on two evenings a week although there are no restrictions on the hours of use of the site. Forty six neighbour letters were sent out and no objections have been received from any residential occupiers in relation to activities at the site.

Highways/Parking

- 6.4 The requirement for car parking is limited due to the age of the cadets using the site. There is an existing communal car park within The Paddock and the site is large enough to provide for any additional parking that might be required. There is cycle parking on site and the site is readily accessible by foot and by public transport.

Contamination

- 6.5 Public Protection (Environmental Health) has requested a condition regarding contamination based on the information available requiring an assessment of ground conditions prior to development. However, there is no evidence to suggest that the land is contaminated as a result of previous uses. The land was formerly part of the wider Hornchurch Airfield complex that closed in 1962. The proposal is for a pre-fabricated building and given the scale and nature of the development it is considered that such a condition is unnecessary.

Mayoral CIL Implications

- 6.6 No CIL contribution is required as the proposal is for a replacement building of similar floor area to the existing.

Other issues

- 6.7 This application is brought before the committee because of the representation received on behalf of the Sea Cadets that lease the southern part of the site from the Council. The Sea Cadets occupy a number of buildings and their lease area also includes storage and parade areas. There is a vehicular access to the Sea Cadets' site from Astra Close and a right of access through the application (ATC) site. This is set out in the lease for both the ATC and Sea Cadet occupied areas. The right that is stipulated is to "pass and repass with or without vehicles over the service road" identified. The proposed new building would not obstruct that service road so the right to pass and repass would be maintained. Therefore, the proposals would not affect any formal right of access. The objection relates to a different access that is not addressed by any of the clauses in either of the leases. Staff understand that the gate in question was provided under a private agreement between the two occupiers when new fencing was erected on the western boundary. Accordingly any obstruction of the gate by the proposed building would be a matter for the two occupiers to resolve and is not considered to be material to the consideration of this planning application.

- 6.8 Strategic Property Services has not objected to the proposals, but has indicated that if permission is granted then a separate agreement may be required with the Council as landowner. However, this is not material to the consideration of this application.
- 6.9 There is a storage container to the front of the site that was granted a temporary planning permission in 2004 which expired in 2006. The continued placement of the container on the site is, therefore, unauthorised. However, it is proposed as part of the development that the container is removed.

Conclusion

- 6.10 The proposal to construct a single building to replace two existing buildings of similar scale and floor area would not have any significant impact on adjoining occupiers or on residential amenity of nearby residents. The site is in an accessible location within the urban area and the proposal would accord with Policies CP8 and DC26 of the Core Strategy and Development Control Policies DPD. It would improve an existing community facility in accordance with the sustainability principles of the NPPF. The objections raised by the adjoining lessee to the obstruction of an existing gate for which there is no formal right of access does not amount to a material planning objection to the proposal. The proposed development is accordingly recommended for approval.

IMPLICATIONS AND RISKS

Financial implications and risks: The grant of planning permission for a replacement building has no direct financial implications or risks for the Council. Strategic Property Services advise that a revised lease may be required.

Legal implications and risks: The revision of the lease will require a legal input.

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

1. Application forms and plans received on 15th October 2013. Amended plans received on 13th November 2013.