



# Havering

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

## REGULATORY SERVICES COMMITTEE AGENDA

7.30 pm

Thursday  
24 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:**

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

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

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

The Chairman will announce the following:

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

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

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

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

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

(if any) - receive.

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

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

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

### **4 MINUTES** (Pages 1 - 20)

To approve as a correct record the minutes of the meetings of the Committee held on 6 March and 13 March 2014 and to authorise the Chairman to sign them.

### **5 PLANNING APPLICATIONS - SEE INDEX AND REPORTS** (Pages 21 - 78)

- 6     **P0112.14 - LAND BETWEEN 115 AND 119 SHEPHERDS HILL, HAROLD WOOD**  
(Pages 79 - 90)
- 7     **P0315.14 - LAND OFF NEAVE CRESCENT ROMFORD** (Pages 91 - 106)
- 8     **P0225.14 - 67 CORBETS TEY ROAD, UPMINSTER** (Pages 107 - 134)
- 9     **P0069.14 - 44 CHESTNUT AVENUE, HORNCHURCH** (Pages 135 - 146)
- 10    **P1540.13 - 230-236 HORNCHURCH ROAD, HORNCHURCH** (Pages 147 - 162)
- 11    **P0174.14 - BROADFORD PRIMARY SCHOOL FARINGDON AVENUE, HAROLD HILL** (Pages 163 - 170)
- 12    **P1813.11 - FORMER SOMERFIELD DEPOT, NEW ROAD, RAINHAM** (Pages 171 - 220)
- 13    **P0106.14 - REAR OF 16-20 CRANHAM ROAD HORNCHURCH** (Pages 221 - 230)
- 14    **PLANNING CONTRAVENTION - 356 RUSH GREEN ROAD** (Pages 231 - 238)
- 15    **URGENT BUSINESS**

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

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**MINUTES OF A MEETING OF THE  
REGULATORY SERVICES COMMITTEE  
Havering Town Hall, Main Road, Romford  
6 March 2014 (7.30 - 9.15 pm)**

**Present:**

**COUNCILLORS:** 11

**Conservative Group** Barry Oddy (in the Chair) Rebecca Bennett, Jeffrey Brace, Lesley Kelly, Robby Misir and Eric Munday

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

**Labour Group** Paul McGeary

**Independent Residents Group** David Durant

**UKIP Group** Fred Osborne

Apologies were received for the absence of Councillors Barry Tebbutt and Roger Evans.

+Substitute members Councillor Eric Munday (for Barry Tebbutt) and Councillor Robby Misir (for Roger Evans).

Councillors Ted Eden, Billy Taylor and Linda Van den Hende were also present for parts of the meeting.

5 members of the public were present.

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

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

## **228 DISCLOSURE OF PECUNIARY INTERESTS**

*Councillor Linda Hawthorn declared a prejudicial interest in item L0010.13. Councillor Hawthorn advised that she was the Secretary of the Friends of Parklands Park and had previously expressed a view on the proposed development. Councillor Hawthorn left the room prior to the discussion of the item and took no part in the voting.*

229 **MINUTES**

The minutes of the meeting held on 9 January 2014 were agreed as a correct record and with the following amendment signed by the Chairman.

Councillor Fred Osborne to be shown as in attendance.

230 **P1524.13 - R/O 38 CORBETS TEY ROAD UPMINSTER**

The report before members detailed an application for the proposed development of a pair of semi-detached dwellings and associated landscaping and car parking.

Members noted that the application had been called in by Councillor Linda Van den Hende on the grounds of overdevelopment, concerns in regards to access and parking and the effects it had on residents of Stewart Avenue.

With its agreement Councillor Van den Hende addressed the Committee.

Councillor Van den Hende commented that the proposal was an overdevelopment and that the required parking provision for such a development had not been met.

During the debate members received clarification on the number of letters of objection and whether a second parking space could be provided for the second property. Officers confirmed that a street tree prevented the provision of a dropped kerb that would allow extra parking to the site.

Following a motion to refuse planning permission which was lost by 3 votes to 6 with 2 abstentions the Committee noted that the proposed development would be liable for a Mayoral CIL contribution of £3060 and **RESOLVED** that the proposal was unacceptable as it stood but would be acceptable subject to the applicant entering into a Legal Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended), to secure the following:

- A financial contribution of £6k per dwelling unit, £12,000 in total, towards the infrastructure costs arising from the development would be required to fulfil the requirements of the Planning Obligations SPD.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the Legal Agreement prior to the completion of the agreement irrespective of whether the agreement is completed.

- Payment of the appropriate planning obligations monitoring fee prior to the completion of the agreement.

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

The vote for resolution to grant planning permission was carried by 6 votes to 3 with 2 abstentions.

Councillors Oddy, brace, Munday, Misir, Kelly and Osborne voted for the resolution to grant planning permission.

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

Councillors Bennett and McGeary abstained from voting.

**231 P1463.13 - CHANGE OF USE TO D2 GYM WITH ASSOCIATED INTERNAL ALTERATIONS**

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

**232 P1490.13 - ERECTION OF A TWO-STOREY EXTENSION ADJACENT TO THE EXISTING DRURY FALLS WING CONSISTING OF 9 CLASSROOMS, OFFICE, STAFF ROOM AND TOILET FACILITY.**

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

**233 P1563.13 - 50 MARLBOROUGH ROAD ROMFORD - SINGLE/TWO STOREY SIDE EXTENSION (GRANNY ANNEXE)**

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

234 **P0024.13 - 134 DAVENTRY ROAD HAROLD HILL - TWO STOREY SIDE EXTENSION INCLUDING RE-LOCATION OF FRONT DOOR FROM SIDE TO FRONT OF PROPERTY**

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

235 **P1474.13 - WHITE BUNGALOW, SOUTHEND ARTERIAL ROAD**

The application before members sought planning permission for the demolition of an existing bungalow and the erection of one single storey dwelling. The application was brought before the Committee as the applicant was a Councillor.

Members were advised that a late letter of representation had been received from the LFCDA requiring the installation of a domestic sprinkler system.

During the debate members discussed the current dilapidated building that was situated on the site and received clarification from officers as to whether the outbuildings on the site were to be demolished.

Members also discussed the size of the proposed development which was disproportionate in size compared to the existing dwelling and the dwelling approved under application P1079.11.

Several members commented that the proposal would improve the streetscene of the area and was of sufficient distance from the adjacent road to be an overdevelopment of the site.

Mention was also made of the 50% rule in Policy DC45 and it was suggested that perhaps the policy was in need of updating to take into account a decent standard of conventional modern family occupation.

Members received clarification from the Legal Adviser that the proposed development would by virtue of its large footprint and resultant impact on the open nature and character of the Green Belt constitute inappropriate development in the Green Belt. The Legal advisor advised on the application of Policy DC45 in the Development Plan and the relevant paragraphs of the NPPF. Reference was made to the constitutional guidance on applications contrary to the development plan which are subject to motions against the recommendation of officers. It was stressed that the constitutional provisions were in the form of guidance.

The Legal Adviser also confirmed that it was for the applicant to demonstrate a high level of very special circumstances that would outweigh the harm to the open character and appearance of the Green Belt.



The report recommended that planning permission be refused, however following a motion to approve on the following grounds:

- Resultant building was not a disproportionate increase in comparison with extant approval.
- The building reflected the size necessary to achieve a decent standard of conventional modern family occupation.
- The proposal significantly enhanced the site's impact in streetscene, a main thoroughfare into the Borough.
- Due to topography the proposal had limited impact on visual amenity and character.
- The proposed development could be further screened by imposition of a Landscaping condition.

Members noted that the proposal would be liable for a Mayoral CIL payment of £3,220 and **RESOLVED** that it be delegated to the Head of Regulatory Services to grant planning permission contrary to recommendation subject to prior completion of a legal agreement to revoke without compensation the previous permission, payment of the Council's Legal fees for the agreement and Planning Obligation Monitoring Fee and subject to conditions based on those same as the previous permission and any other conditions considered necessary by Head of Regulatory Services including requirement for a domestic sprinkler system.

The vote for the resolution to delegate the granting of planning permission to the Head of Regulatory services subject to the foregoing was carried by 8 votes to 2 with 1 abstention.

Councillors Oddy, Bennett, Brace, Misir, Munday, Hawthorn, Ower and Osborne voted for the resolution to delegate the granting of planning permission.

Councillors McGeary and Durant voted against the resolution to delegate the granting of planning permission.

Councillor Kelly abstained from voting.

236 **L0010.13 - PARKLANDS BRIDGE, PARKLANDS PARK, CORBETS TEY ROAD, UPMINSTER - LISTED BUILDING CONSENT FOR THE REPAIR AND RESTORATION OF THE GRADE II LISTED BRIDGE**

The Committee considered the report and without debate **RESOLVED** that the application and all relevant documentation be forwarded to the Secretary of State for determination in accordance with Section 12 of the Listed Building Act 1990 and regulation 13 of the Planning (Listed Building and Conservation Areas) Regulations 1990 and that should the Secretary of State be minded to grant Listed Building Consent that the conditions and

Reason for Approval contained within the report be considered in respect of such consent:

*As mentioned previously in these minutes Councillor Linda Hawthorn declared a prejudicial interest in item L0010.13. Councillor Hawthorn advised that she was the Secretary of the Friends of Parklands Park and had previously expressed a view on the proposed development. Councillor Hawthorn left the room during the discussion of the item and took no part in the voting.*

237 **P1477.12 - ESSEX HOUSE, 1 HAROLD COURT ROAD, ROMFORD - CONVERSION OF A MIXED USE BUILDING B1(COMMERCIAL) AND RESIDENTIAL INTO A1 USE (PLUMBING SUPPLIES) AND FOUR SELF-CONTAINED FLATS WITH ASSOCIATED EXTERNAL ALTERATIONS.**

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

- A financial contribution of £18,000 to be used towards infrastructure costs.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- To pay the Council's reasonable legal costs in association with the preparation of a legal agreement, prior to completion of the agreement, irrespective of whether the legal agreement is completed.
- Payment of the appropriate planning obligation/s monitoring fee prior to completion of the agreement.

That staff be authorised to enter into a legal agreement to secure the above and upon completion of that agreement that the Committee delegate authority to the Head of Development and Building Control to grant planning permission subject to the conditions as set out in the report.

238 **P1547.13 - STORE AT JUNCTION OF CHUDLEIGH ROAD/LINDFIELD ROAD, HAROLD HILL - DEMOLITION OF EXISTING DILAPIDATED BUILDINGS ON THE SITE AND REPLACEMENT WITH A MODULAR UNIT FOR STORAGE AND DISTRIBUTION PURPOSES.**

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

239 **PLANNING OBLIGATIONS / LEGAL AGREEMENTS**

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

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

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

240 **PLANNING AND ENFORCEMENT APPEALS RECEIVED, PUBLIC INQUIRIES /HEARINGS AND SUMMARY OF APPEAL DECISIONS**

The report accompanied a schedule of appeals and a schedule of appeal decisions, received between 2 November 2013 and 14 February 2014.

The report detailed that 30 new appeals had been received since the last meeting of the Monitoring Committee in December 2013.

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

241 **SCHEDULE OF ENFORCEMENT NOTICES**

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

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

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

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

242 **PROSECUTIONS UPDATE**

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

The Committee **NOTED** the report.

243 **EXCLUSION OF THE PUBLIC**

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

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

The report before the Committee compiled a schedule listing, by Ward, all the complaints received by the Planning Control Service over alleged planning contraventions for the period from 2 November 2013 and 14 February 2014.

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

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**Chairman**

**MINUTES OF A MEETING OF THE  
REGULATORY SERVICES COMMITTEE  
Havering Town Hall, Main Road, Romford  
13 March 2014 (7.30 - 10.15 pm)**

**Present:**

**COUNCILLORS:** 11

**Conservative Group** Barry Oddy (in the Chair) Barry Tebbutt (Vice-Chair),  
Jeffrey Brace, Roger Evans, Robby Misir and  
+Billy Taylor

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

**Labour Group** +Pat Murray

**Independent Residents  
Group** David Durant

**UKIP Group** Fred Osborne

Apologies were received for the absence of Councillors Rebecca Bennett, Lesley Kelly and Paul McGeary.

+Substitute members Councillor Robby Misir (for Rebecca Bennett), Councillor Billy Taylor (for Lesley Kelly) and Councillor Pat Murray (for Paul McGeary).

Councillor Linda Van den Hende was also present for part of the meeting.

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

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

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

**245 DISCLOSURE OF PECUNIARY INTERESTS**

*Councillor Linda Hawthorn declared a prejudicial interest in applications P0137.14 and L0002.14. Councillor Hawthorn advised that she had connections with Upminster Windmill and considered herself to have had a pre-determined position on the consideration of both applications. Councillor Hawthorn left the room prior to the discussion of both items and took no part in the voting.*

246 **MINUTES**

It was **NOTED** that Councillor Fred Osborne had been present at the meeting dated 30 January 2014.

Subject to the amendment shown above, the minutes of the meetings held on 30 January and 20 February 2014 were agreed as a correct record and signed by the Chairman.

247 **P0047.14 - ORCHARD VILLAGE, RAINHAM**

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

Members were advised that two late letters of representation had been received which correctly highlighted inaccuracies in the report relating to window patterns in the proposed development and the corrections were detailed by the officer presenting the report.

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

The objector commented that he lived in the schoolhouse connected with Newtons Primary School. The objector stated that he had concerns regarding the loss of identity of his residence (postcode, street address) which would be lost if the proposed development went ahead.

In reply the applicant commented that the plans were in accordance with the previously submitted Outline planning permission which had been granted in November 2009. The applicant confirmed that discussions with the Royal Mail were on-going regarding street naming and numbering which in any event falls under separate statutory provision to the Planning Acts and that all the distances were within the parameters of the local Development Plan. Officers confirmed that the distance from lowen Road for refuse collection was acceptable.

During the debate members received clarification of the exact layout of the site and sought to address the objectors concerns regarding the loss of identity of his property.

Members also discussed the access road that would lead to the development and received clarification regarding the refuse collection arrangements and lighting to the parking area.

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

248 **P0193.14 - THE FRANCES BARDSLEY ACADEMY FOR GIRLS  
BRENTWOOD ROAD, ROMFORD**

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

Members noted that one late letter of representation had been received detailing concerns regarding light pollution, noise disturbance during construction and declining property values.

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

The objector commented that the proposed development would lead to an overshadowing in his rear garden and noise pollution both during the construction period and when the development was in use.

In reply the applicant commented that the Academy was extremely successful and needed to expand from September 2014. The applicant confirmed that the Academy had failed to consult with neighbouring residents prior to the plans being submitted and wished to apologise to neighbouring residents for this oversight. The applicant also confirmed that the residences closest to the development would not be overlooked as a hedge separated the two buildings and the height of the development had been reduced to prevent overshadowing.

During the debate members received clarification as to whether a daylight assessment had been carried out. Officers advised that this was something that was usually carried out by the applicant before submitting an application.

Members also discussed the possibility of adding a condition that would restrict the hours of use of the proposed development.

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

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

Councillor Tebbutt voted against the resolution to grant planning permission.

249 **P1542.13 - 190 UPMINSTER ROAD SOUTH, RAINHAM**

The application before members sought planning permission for the change of use of the ground floor premises from a shop (A1 use) to a dog grooming salon (Sui Generis). The application indicated the provision of a reception, a work room, a holding area with dog cages, a kitchen and W.Cs. The existing workshop would be used for storage and the potential for adverse impact on the goodwill established overtime if there were confusion between the businesses.

Officers confirmed that competition between businesses was not a material planning consideration. Members noted that a petition, containing approximately 200 signatures, objecting to the proposal had been submitted possibly by the lead objector on the grounds of commercial competition.

Members noted that the proposal was contrary to Policy DC16 but officers felt that the proposal was conducive to the vitality of the Major Local Centre and brought an empty retail unit back into use.

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

The objector commented that a good reputation was important in attracting and keeping customers ensuring a vibrant business, the objector advised that there was already a number of dog grooming parlours in the Rainham area and that some of the businesses were possibly unlicensed making it harder for legitimate businesses to thrive.

In reply the applicant commented that the vitality of the area had suffered in the past due to a decline in the uptake of properties and that the proposal would be bringing an empty unit back into use. The applicant also confirmed that the previous use of the premises had not been a retail one as only specialist businesses were now interested in taking over leases in the parade of shops.

During the debate members discussed the proposed environmental improvements that were planned under a separate re-generation of the area and the possible impact this may have on an upturn in retail lets.

It was **RESOLVED** to delegate to Head of Regulatory Services to grant planning permission provided no further representations being received within the remaining consultation period which raised new material considerations. Should any such representations be received then the application was to come back to the Committee for further consideration.

The vote for the resolution to delegate the granting of planning permission was carried by 9 votes to 2.

Councillors Ower and Durant voted against the resolution to delegate the granting of planning permission.



250 **P1140.12 - BROOKSIDE YARD CLOCKHOUSE LANE, COLLIER ROW,  
ROMFORD**

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

Members noted that the application had been called in by Councillor Barry Oddy on the grounds that the application had been outstanding and undetermined for a considerable length of time.

During the debate members discussed the planning history of the site and properties of a similar nature in the area.

Members received guidance from the Legal Advisor who explained the relevance of LDF Policy DC45, the application of national guidance in the NPPF, the appropriateness or otherwise of the development within the Green Belt and the very special circumstances that the applicant needed to present to allow approval of the scheme. The Legal Advisor pointed out that those Very Special Circumstances were not presented to the Local Planning Authority by the applicant whose role it was to do so.

Members also discussed the buildings that were on the site and their appropriateness and received clarification of the residential curtilage. Members explored the possibility of an application being submitted under Section 191 of the Town and Country Planning Act 1990 for a Certificate of Existing Lawful Use or Development in respect of the built form. Clearly if the built form fell outside of the residential curtilage and the residential curtilage were controlled and demarcated by a planning condition the period that would need to be evidence in terms of breach may be 10 rather 4 years.

The report recommended that planning permission be refused, however following a motion to it was **RESOLVED** that consideration of the planning application be deferred to allow the applicant the opportunity to clarify the dates of additions to the dwelling and dependant on that, to consider the merits subject entirely to the objective facts of submitting an application under Section 191 of the Town and Country Planning Act 1990 for a Certificate of Existing Lawful Use or Development .

The vote for the resolution to defer the consideration of the planning application was carried by 9 votes to 2.

Councillors Murray and Durant voted against the resolution to defer consideration of the planning application.

251 **P1451.13 - 155 BILLET LANE, HORNCHURCH**

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

Members noted that the application had been called in by Councillor Barry Tebbutt on the grounds of the change of use and operating hours.

Members were advised that Environmental Health officers had raised objections on the grounds of noise nuisance with continuing complaints relating to noise and disturbance being received which had in turn led to an Abatement Notice being served on the owner of the premises in August 2011.

During the debate members commented that the premises which situated within fifty yards of another drinking establishment that had longer opening hours than those recommended for approval in this particular application.

Members also discussed the commercial properties that were adjacent to the premises and highlighted that only one letter of representation, recommending refusal, had been received. Members considered the hours of use proposed in the report and initially tabled a motion to approve the application subject to the applied for hours. Having further considered the matter members withdrew that motion and gave consideration to deferral to seek further information.

The report recommended that planning permission be granted for the reduced number of hours, however following a motion it was **RESOLVED** that the consideration of the planning application be deferred to allow staff to seek further information concerning (a) whether the applicant was willing to adjust the proposed hours to coincide with those of the Chequers Public House (with permitted hours/licence conditions of the Chequers itself to be checked) (b) what measures the applicant could take to seek to address the noise complaints (c) what action had been taken to date or was anticipated by Environmental Health in addressing third party noise complaints about prevailing use, including clarification of the previously served Noise Abatement notice.

The vote for the resolution to the consideration of the planning application was carried by 8 votes to 3.

Councillors Ower, Murray and Durant voted against the resolution to defer the consideration of the planning application.

252 **P1453.13 - 39 CORBETS TEY ROAD, UPMINSTER - CHANGE OF USE FROM A2 (FINANCIAL AND PROFESSIONAL SERVICES) TO A3 (FOOD AND DRINK) RESTAURANT AND NEW SHOP FRONT**

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

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

Councillor Ron Ower voted against the resolution to grant planning permission.

253 **P0042.14 - RICON ASHTON ROAD, HAROLD HILL - DEVELOPMENT OF 4060SQM OF INDUSTRIAL AND WAREHOUSE UNIT(S) (WITHIN B1C,B2,B8 USE CLASSES) TOGETHER WITH ANCILLARY OFFICES, SERVICE AREAS, CAR PARKING, GATE HOUSES, SERVICE/ANCILLARY STRUCTURES AND INFORMAL LANDSCAPING. RESERVED MATTERS APPLICATION.**

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

254 **P0092.14 - 28 CRANBOURNE GARDENS UPMINSTER - TWO STOREY SIDE EXTENSION**

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

255 **P0863.13 - PLOT 2 FORMER WHITWORTH CENTRE - CREATION OF 105 ONE AND TWO BEDROOM APARTMENTS AND TWO, THREE AND FOUR BEDROOM HOUSES, PLUS ASSOCIATED ROADS, PATHS, CAR PARKING, ANCILLARY STRUCTURES AND LANDSCAPING**

The Committee considered the report noting that the proposed development was liable for a Mayoral CIL payment of £218,320 and without debate **RESOLVED** that the proposal was unacceptable as it stood but would be acceptable subject to the conditions set out in the report and:

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

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

- The provision on site of 15% of the units within the development (comprising 6 no. one bed apartments, 9 no. two bed apartments and 1 no. two bed house) as affordable shared equity ownership units and should any owners of shared equity units staircase to 100% equity provision shall be made for any subsidy (if relevant) to be recycled for alternative affordable housing provision in accordance with Annexe 2 of the National Planning Policy Framework .
- A financial contribution of £630,000 to be used towards infrastructure costs and paid prior to the commencement of development in accordance with the Planning Obligations Supplementary Planning Document.
- A travel plan to encourage the use of sustainable modes of transport, including a scheme for submission, implementation, monitoring and review.
- The contribution sums shall be subject to indexation on the basis of the Retail Price Index or an alternative index acceptable to the Council from the date of the agreement to the date of payment.
- All contribution sums once received shall include any interest accrued to the date of expenditure.
- The Council's legal fees for preparation of the agreement shall be paid on or prior to completion and the Council's planning obligation monitoring fees shall be paid as required by the agreement.

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

256 **P1570.13 - RAINHAM QUARRY, LAUNDERS LANE, RAINHAM - VARIATION OF CONDITIONS 5 AND 6 OF PLANNING PERMISSION P1323.11 TO ALLOW ADDITIONAL PROCESSING PLANT**

The Committee considered the report and without debate **RESOLVED** that the proposal was unacceptable as it stood but would be acceptable subject to the applicant entering into a Deed of Variation under Section 106A of the Town and Country Planning Act 1990 (as amended), to vary the Section 106 planning obligation completed on 1<sup>st</sup> March 2012 in respect of planning permission P1323.11, by substituting that planning permission reference with a new reference to reflect the new consent.

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

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

That staff be authorised to enter into a Deed of Variation to secure the above and upon completion of that agreement, grant planning permission subject to the conditions as set out in the report with an additional Informative on the decision notice informing the applicant of their potential liability under the Highways Act 1980 should the highway be damaged as a consequent of their activities.

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

Councillor Durant voted against the resolution to grant planning permission.

257 **P1481.13 - 51 HIGH STREET, HORNCHURCH - PARTIAL CONVERSION OF EXISTING FIRST FLOOR TO A RESIDENTIAL DWELLING TO PROVIDE ANCILLARY ACCOMMODATION FOR STAFF USE**

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

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

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

258 **P0137.14 - UPMINSTER WINDMILL, UPMINSTER - CONSTRUCTION OF A NEW FACILITY TO SUPPORT AND PROMOTE THE REPAIR, MAINTENANCE AND UNDERSTANDING OF THE ADJOINING LISTED MILL. THE BUILDING PROVIDES A WORKSHOP, EDUCATION ROOM, OFFICE AND ANCILLARY SPACES**

The Committee considered the report and without debate **RESOLVED** that subject to no material objections to the proposal being received by the expiry of the consultation period on 14 March (and should further material planning considerations be raised in representations on or before 14 March 2014 the matter be remitted to the Regulatory Services Committee for further consideration) that planning permission is granted subject to the conditions as set out in the report and to include an amendment to condition four (landscaping) the reference to Rec C should read Rev D.

*As mentioned previously in these minutes Councillor Linda Hawthorn declared a prejudicial interest in applications P0137.14 and L0002.14. Councillor Hawthorn advised that she had connections with Upminster Windmill and considered herself to have had a pre-determined position on the consideration of both applications. Councillor Hawthorn left the room prior to the discussion of both items and took no part in the voting.*

259 **L0002.14 - UPMINSTER WINDMILL, UPMINSTER - LISTED BUILDING CONSENT FOR REPAIR OF MILL. REOPENING OF DOORWAY ON NORTH SIDE**

The Committee considered the report and without debate **RESOLVED** that subject to no material objections to the proposal being received by the expiry of the consultation period on 14 March (and should further material planning considerations be raised in representations on or before 14 March 2014 the matter be remitted to the Regulatory Services Committee for further consideration), it was recommended that the application and all relevant documentation be forwarded to the Secretary of State for determination in accordance with Section 12 of the Listed Building Act 1990 and regulation 13 of the Planning (Listed Building and Conservation Areas) Regulations 1990 and that should the Secretary of State be minded to grant Listed Building Consent that the conditions and Reason for Approval contained within the report be considered in respect of such consent.

*As mentioned previously in these minutes Councillor Linda Hawthorn declared a prejudicial interest in applications P0137.14 and L0002.14. Councillor Hawthorn advised that she had connections with Upminster Windmill and considered herself to have had a pre-determined position on the consideration of both applications. Councillor Hawthorn left the room prior to the discussion of both items and took no part in the voting.*

260 **PLANNING CONTRAVENTION - 11 KINGS ROAD, ROMFORD**

The Committee considered the report and without debate **RESOLVED** it expedient that an Enforcement Notice be issued and served to require within 3 months of the effective date of the enforcement notice:

- i) To relay the hard surface with porous materials; or
- ii) Provision shall be made to direct runoff water from the hard surface area to a permeable or porous area or surface within the curtilage of the dwelling house; or
- iii) Take up the hard surface
- iv) Remove from the Land all materials, rubble, machinery, apparatus and installations used in connection with or resulting from compliance of (i, ii, iii) above.

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

261 **ALLEGED BREACH OF PLANNING CONTROL - 30 KIMBERLEY AVENUE, ROMFORD**

The Committee considered the report and without debate **RESOLVED** that it expedient that an Enforcement Notice be issued and served to require, within 2 months of the date of the notice coming into force:

The removal of the containers from the land.

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

262 **SUSPENSION OF STANDING ORDERS**

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

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**Chairman**





## Regulatory Services Committee

24 April 2014

<b>Page No.</b>	<b>Application No.</b>	<b>Ward</b>	<b>Address</b>
1-10	P1096.13	Romford Town	110 Balgores Lane (Abbeyfield House), Gidea Park, Romford
11-18	P1257.13	Heaton	Lake View Park, Bryant Row, 61 Cummings Hall Lane, Noak Hill, Romford
19-25	P1451.13	St Andrews	155 Billet Lane, Hornchurch
26-34	P1549.13	Elm Park	11 Ryder Gardens, Rainham
35-45	P0115.14	Upminster	Land Adj Bramble Fishing Lake, Bramble Lane, Upminster
46-50	P0128.14	Harold Wood	18 Little Aston Road, Harold Wood,
51-56	P0136.14	Rainham & Wennington	Veolia Rainham Landfill, Coldharbour Lane,, Rainham & Wennington

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## REGULATORY SERVICES COMMITTEE

24th April 2014

<b>APPLICATION NO:</b>	<b>P1096.13</b>	
<b>WARD :</b>	Romford Town	<b>Date Received:</b> 10th September 2013 <b>Expiry Date:</b> 5th November 2013
<b>ADDRESS:</b>	110 Balgores Lane (Abbeyfield House) Gidea Park Romford	
<b>PROPOSAL:</b>	Change of use from C2 (nursing home) to a House in Multiple Occupation (in a class on its own/Sui Generis) Revised Plans Received 31.03.2014	
<b>DRAWING NO(S):</b>	9136 -001 9136-002 9136- 005 Rev A 9136-006 Rev A	
<b>RECOMMENDATION :</b>	It is recommended that <b>planning permission be GRANTED</b> subject to the condition(s) given at the end of the report given at the end of the report.	

### **CALL-IN**

This application has been called-in by Councillor Fredrick Thompson on the grounds that the development is likely to cause increased traffic nuisance to its neighbours and has insufficient parking for visitors and tenants. There could also be more than one occupier per bedsit if not conditioned.

### **SITE DESCRIPTION**

The application site lies within the residential area of Gidea Park. The site comprises a two-storey building constructed as a care-home for 12 residents and staff. There is a car parking area to the front with two access points from Balgores Lane and three marked out parking bays. The frontage is landscaped with shrubs and trees. There is a private landscaped rear garden area. There are detached residential properties on either side. The rear garden abuts that of no. 2 Woodfield Avenue. Opposite the site is the junction of Balgores Lane with Hare Hall Drive and the flatted development of Geddy Court. There are on-street parking restrictions in all these roads. The site lies within the Gidea Park Conservation Area.

### **DESCRIPTION OF PROPOSAL**

The application is for a change of use of the care home (C2 Use) to a House in Multiple Occupation (sui generis use). The reference to 'hostel' appeared in the original application but was removed after clarification by the applicant. The property was originally built as a care home but has been vacant for some time as it no longer complies with statutory requirements. The care home had 12 bedrooms over two floors with communal facilities and staff areas. The proposal is to convert this accommodation to provide 11 bedrooms with en-suite facilities and communal facilities, including lounge, kitchen and bathrooms and a self contained flat on the first floor. There would be no external changes to the building, but the car parking area and access arrangements would be reconfigured. One of the access points would be closed-off and six parking spaces provided. The frontage would be re-landscaped to provide a larger single grassed area following the alterations to the access and car parking layout.

A signed unilateral undertaking under S106 of the Town and Country Planning Act 1990 has

## **REGULATORY SERVICES COMMITTEE**

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been submitted with the application. This sets out legal obligations that undertake that the property would only be let in accordance with a tenancy agreement attached to the undertaking and that the property is managed through an agent or resident manager. The property would be let on Assured Shorthold tenancies of a minimum six month period.

### **RELEVANT HISTORY**

L/HAV/842/75 - Erection of home for up to 12 elderly people plus accommodation for housekeeper, one garage and parking - approved

L/HAV/1913/76 - New elderly persons house consisting of 12 bedsit units, wardens flats and ancillary accommodation -approved

P1449.88 - Hardstanding for visitors/visiting doctor - approved

P0647.98 - Form additional cross-over and layout enlarged parking area - refused

P0699.99 Additional vehicular cross-over - approved

P1149.09 - Reconfiguration of parking/hardstanding to provide accessibility to main entrance including specified disabled parking bay, 3 new car parking spaces, dropped kerbs to car park and hatched set down area - refused.

### **CONSULTATIONS/REPRESENTATIONS**

Representations:

54 neighbour notification letters were sent out and 114 representations have been received.

Of these 110 raise objections on the following grounds:

- \* Adverse impact as a result of noise which would be significantly greater than nursing home use;
- \* The use of the rear garden for entertainment would also cause disturbance;
- \* There would be an increased parking requirement in area which has limited on street parking which would lead to traffic congestion;
  - \* HMO/Hostel is not an appropriate use in a conservation area and would impact on the character of the area;
- \* Adverse impact on Conservation Area due to changes to frontage layout;
- \* Concerns over nature of potential residents. The area is mainly occupied by families and the proposal would not fit in within the area;
- \* Would compound problems of crime, antisocial behaviour and drink and drug abuse;
- \* Concerns that the property would be occupied by young offenders or others that would have an adverse impact on the area;
- \* Has the potential to have similar impacts to those when the site was used as a children's home;
- \* Sharing basic facilities does not make the proposal fit for purpose;
- \* Occupants unlikely to be local workers as suggested in the submitted details;
- \* Safety concerns for children and elderly residents in the area;
- \* No social, economic or environmental benefits for the area;
- \* Would reduce the effectiveness of the neighbourhood watch scheme by increasing the number of strangers in the area.
- \* Would adversely affect property prices;
- \* It should be kept as a care home or replaced as housing in keeping with the rest of the road;

Four Letters of support state that that the application is a perfect way of putting the property back into use. It is purpose built for multiple occupation and would meet the needs for lower cost accommodation in accordance with government guidance.

Councillor Curtin objects on the following grounds:- i) no satisfactory visibility for access given the increase in parking; ii) not enough information on whether it would be a HMO or a hostel; iii)

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it would be difficult to monitor occupancy, iv) there would be more noise and cooking smells compared with care home which would have a negative impact on residential amenity of neighbours, v) There is also no viability information that the site could not still be used as a care home.

Councillor Lesley Kelly has grave concerns about the application and has requested that the application is considered by the committee.

Councillor White is concerned about the occupancy of the accommodation and that the targeted professionals for tenants would not be enforced. Future occupants would generate similar problems to those which arose when the property was used as a children's home. The comings and goings of occupants at all hours would generate additional noise to the disturbance of residents. There are few parking spaces which would create additional parking pressures in the area.

Andrew Rosindell MP has expressed concerns about the application as follows: unacceptable loss of privacy, especially for properties either side; use of rear garden would increase noise levels; noise and disturbance from car parking which is inadequate for the number of occupiers; there would be parking overspill onto adjoining streets, affecting residential amenity. There would be a severe impact on the local community and the character of the neighbourhood.

Gidea Park and District Civic Society initially expressed concerns that there was a lack of information regarding the proposed future use of the building. The proposed accommodation would be unlikely to attract the type of workers suggested. Applicants should be more specific about the intended immediate use of the premises which should be controlled by condition. The Society understands that the premises were vacated as a care home as they were deemed inadequate. This would indicate that they are also inadequate for other occupiers. The development would neither enhance or preserve the character of the Conservation Area. The draft S106 obligation would be difficult to enforce. A different use for the building should be sought, such as self contained flats for owner occupation. The Society also identifies the restrictions on hardstandings for parking in the conservation area. An application for hardstanding at this site has previously been dismissed on appeal.

Housing raise concerns that the property could become a hostel for homeless people placed by other boroughs. The application uses the term 'hostel' and whilst 'key worker' accommodation may be required, HMO accommodation for 'London commuters' may be less in demand. Would the letting be changed to another form should key workers and commuter not seek this type of accommodation? Could allocations favour local people through a condition and could the council have an input in these management arrangements?

Streetcare (Highway Authority) raises no objections, but any works affecting the highway would need agreement and licensing.

Environmental Health (Private Sector Housing) advise that the proposed layout demonstrates that more than adequate bathing and toilet facilities would be provided. However, the one proposed ground floor kitchen may not be adequate for the high number of occupants and at very least will have to provide 2 full sets of cooking equipment and sinks clearly separated from one another. In such a large HMO it would be better to have a second shared kitchen located on the first floor.

The owner will also need to ensure that fire safety works are carried out in accordance with the latest Lacors guidance. As the property is only two storey it does not require a licence from the Council.

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### **RELEVANT POLICIES**

#### LDF

CP18 - Heritage  
DC33 - Car Parking  
DC35 - Cycling  
DC4 - Conversions to Residential & Subdivision of Residential Uses  
DC5 - Specialist Accommodation  
DC61 - Urban Design  
DC68 - Conservation Areas  
DC72 - Planning Obligations  
SPD2 - Heritage SPD

#### OTHER

LONDON PLAN - 6.13 - Parking  
NPPF - National Planning Policy Framework

### **MAYORAL CIL IMPLICATIONS**

The proposal does not create any additional floorspace, therefore, no CIL is required. It would also not trigger any Crossrail S106 contribution again because there would be no additional floorspace and also because of the type of development.

### **STAFF COMMENTS**

This application is for a house in multiple occupation (HMO) which is defined in the Housing Act 2004 as including a building which has been converted entirely into flats or bedsits which are not wholly self-contained and which are let to 3 or more tenants who form two or more households and who share kitchen, bathroom or toilet facilities.

The details submitted with the application state the the building would be used by local workers especially those from Queens Hospital and London Commuters. However, properties let to students, migrant workers or used as domestic refuges are also HMOs. The only requirement is that in order to be an HMO the property must be used as the tenants' only or main residence and it should be used solely or mainly to house tenants. Therefore, as long as the occupants have a tenancy agreement and the property is their main or only residence then it would qualify as an HMO. If permission is granted for a change of use to an HMO then in theory tenants could come from any of these categories. It would be a matter for the landlord to let to tenants he deemed appropriate. This would be the same as with any property that is let, such as fully self-contained flats.

The application details as originally submitted included reference to the building also being a 'hostel'. This is a separate use and it has been clarified by the applicant that the application is solely for an HMO as defined in the Housing Act.

Changes of use between a dwelling house (Class C3) and a smaller HMO (Class C4) and vice versa, are permitted development subject to the HMO being occupied by no more than six persons, however, this application is for a larger HMO for which there would be no permitted changes.

The children's home referred to in a number of objection letters was on the adjoining land which has since been redeveloped for three detached dwellings.

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### **PRINCIPLE OF DEVELOPMENT**

Policies DC4 and DC5 of the Core Strategy and Development Control Policies DPD accept the principle of HMOs in residential areas subject to meeting a number of criteria. Policy DC4 concerns the conversion to a residential use. It requires, amongst other things that the property is detached and well separated from neighbouring dwellings and the nature of the use does not have an adverse impact on the surrounding area. Any disturbance to adjoining residential occupiers should be no greater than that of an ordinary single family dwelling. The criteria of policy DC5 would also need to be satisfied.

The criteria in policy DC5 which relate to specialist accommodation, include location within a residential area, good accessibility to services and public transport and adequate parking for residents and visitors.

Policies CP8 and DC27 seek to ensure that a suitable range of community facilities are provided and that existing facilities are not redeveloped unless there is no longer a need for the facility or where there is suitable alternative provision made. Policy CP8 includes residential care in the definition of community facilities. Policies DC4 and DC5 refer to both residential care facilities and HMOs as communal residential uses and specialist accommodation. The current authorised Care home (C2 use) is, therefore, both a community facility and a communal residential use.

No information has been provided that there is no longer a need for such a facility. However, there are other care homes in the area and new ones are being developed. As this facility does not meet modern requirements it could not continue in use without alteration and possible extension. It is small compared with most modern care homes. The building could not be readily used for other community purposes without significant conversion and the limited parking would also make it unsuitable for many such uses. In these circumstances it is considered that a change of use under policies DC4 and DC5 would be acceptable in principle.

Policy DC61 also seeks to ensure that new development maintains, enhances or improves the character and appearance of the local area. In addition the site lies in the Gidea Park Conservation Area where policy DC68 applies. New development should preserve or enhance the character or appearance of the Conservation Area.

Subject to meeting these criteria the use of the building as an HMO would be in accordance with the Council's policies.

### **CONSERVATION AREA**

The application site lies within the Gidea Park Conservation Area where new development needs to respect the character and appearance of the area. The main impact on character and appearance would arise from external changes and these are confined to the front parking and landscaped areas. Conservation Areas are designated because of their special architectural or historic character. Given that there would be no external changes to the building there would be no impact on the architectural character of the area due to the change of use proposed. The proposed change would retain the building in a viable use.

With regard to the changes proposed to the area to the front, previous proposals to increase the car parking area have been refused due to the impact of the additional hardsurfacing on the character and appearance of the conservation area.

Most dwellings within the conservation area have restrictions on development in front of buildings through Article 4 Directions which require planning applications for new or replacement hardsurfacing. This is to help protect the character and appearance of the conservation area.

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Whilst the property at no.110 is not covered by the directions (as there is no permitted development) the same principles would apply. The proposals in this case involve the reconfiguration of the parking areas which would result in a small overall increase in the area of landscaping. Therefore, subject to a condition regarding materials there would be no material impact on the conservation area as a result of this development. The area of hardsurfacing would not increase and it is judged that the change in its configuration would not materially affect the character and appearance of the area.

### **IMPACT ON AMENITY**

Polices DC4 and DC5 set criteria that seek to ensure a change of use to an HMO would not be out of character with the locality and would not be likely to give rise to unacceptable levels of noise and disturbance to residential occupiers nearby. Policy DC4 requires that the proposal should not result in an unacceptable loss of privacy enjoyed by the occupants of adjoining dwellings by reason of overlooking and that it would not be likely to give rise to significantly greater levels of noise and disturbance compared with an ordinary single family dwelling.

The property has been purpose built for multiple occupation as a care home. When the care home was proposed consideration would have been given to the potential impact on adjoining occupiers from its siting and internal layout, including any impact from overlooking. The existing bedrooms would be re-used and there are no proposals for any additional windows or other openings. Therefore, the impact from overlooking of the proposed change of use would not be significantly different.

Concerns have been raised by local residents that there would be a significant impact on adjoining occupiers from the proposed use, especially when compared with the previous care home use. In assessing this impact staff consider that it would be appropriate to also compare the impact with the use of the property as a dwelling. Whilst the building is large it is comparable with dwellings elsewhere in the Borough and a change to C3 use would clearly be an acceptable alternative use. Staff have also had regard to the potential redevelopment of the site (similar to the adjacent site) should the HMO development not go ahead. Redevelopment for 2/3 new dwellings is likely to be acceptable in principle.

The the main impact on adjoining residents would be likely to arise from activities in the rear garden and front parking area. The proposal level of occupancy is likely to be much greater than for a single dwelling or if it were converted into a number a smaller self-contained flats, giving rise to the potential for a greater impact. However, if the site were redeveloped with 2/3 new dwellings then the level of occupancy could be similar. The applicant has sought to address the concerns raised in representations regarding the nature of the use and type of person who would occupy the property through the submission of a unilateral undertaking.

Whilst there would be some additional impact on adjoining residents compared with the care home use, staff judge that it would an acceptable alternative use of the site. A change of use of an existing dwelling to an HMO for up to six people is permitted development, therefore it has been assessed as being similar in nature. In this case it is the impact of the additional six residents that is the issue. In reaching a judgement on the level of potential impact the fact that the building is purpose built to accommodate 12 people is a material consideration.

It has been clarified by the applicant that the change would be to a HMO and not a hostel. The HMO use is termed sui generis, i.e. in a class of its own, so no changes, such as to a hostel could take place without a planning application. A condition is proposed restricting the use and occupancy to a maximum of twelve persons. The submitted unilateral undertaking seeks to



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provide reassurance that the property would be properly managed and only occupied as a main residence under a tenancy agreement. The minimum lease period proposed is six months. The undertaking sets out the terms of any occupancy in similar terms to a lease for fully self-contained accommodation. There is no policy requirement for such an undertaking, but as it has been formally submitted it is a material consideration which some weight can be given. Should permission be granted it will remain as a charge on the land. The proposed use is different from the former children's home on the adjoining land and staff do not consider it appropriate to make a comparison with that use in assessing the potential impact as suggested by objectors.

Taking these matters in to account staff consider that as a matter of judgement the level of impact on adjoining residents arising from noise and disturbance from the change of use would not be of such significance to justify refusing the application.

### **HIGHWAY/PARKING**

Policy DC33 sets out the appropriate level of parking for this type of development. Annex 5 of the LDF sets a maxima of one space per two habitable rooms and the development meets this requirement. There are parking restrictions on adjoining roads so there would not be any significant impact from on-street parking. The Highway Authority has not raised any objections. The site is located close to local amenities including shops and other services, and to Gidea Park railway station. There is also good access to other town centre services via bus services to Romford Town centre along Main Road, which is nearby. The town centre is also within walking and cycling distance. Secure cycle storage is proposed within the property which would help to encourage cycle use in accordance with policy DC35.

### **OTHER ISSUES**

The impact of changes of use of buildings in residential areas to uses such as HMOs can materially alter the character of the streetscape in which they are set. In this case the building has been specifically designed for multiple occupation and the main changes required to make it suitable for the new use would be internal. The external changes only relate to parking areas and this would not materially affect the character or appearance of the area. The building is well separated from neighbouring dwellings and is of appropriate appearance for a residential area.

The building is considered suitable to accommodate an HMO and the standard of accommodation is considered acceptable. The comments from Environmental Services regarding the internal layout have been passed onto the applicant. There is sufficient room within the building for two separate kitchens and the ground floor kitchen could also potentially accommodate adequate cooking and washing-up facilities. The proposal is for a change of use and it would not be appropriate to seek to control the details of the internal layout through conditions, only the use and maximum number of occupants. The overall standard of accommodation that should be achieved in HMOs is set out in guidelines issued jointly by East London Councils and the applicant is aware of these. Overall the standard of accommodation that would be provided as shown in submitted drawings would be acceptable, including the amount of external amenity space to be provided. As the building is only two storey it would not require separate licensing by the Council under housing legislation.

### **KEY ISSUES/CONCLUSIONS**

The property is purpose built for multiple occupation and the proposed internal changes would provide a satisfactory level of accommodation for future occupiers. The site is in a sustainable location with good access to public transport and other local services. Romford Town centre is within walking and cycling distance. There are also areas of public open space reasonably close

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by. Car parking in accordance with the Council's adopted standards would be provided and there would be no material impact on the local highway network from the changes to the access arrangements or from on-street parking which is generally restricted in the local area. The external changes in front of the property would not have any material impact on the character and appearance of the Gidea Park Conservation Area.

A house in multiple occupation (HMO) is a recognised form of residential use that is acceptable in a residential area, subject to there being no significant adverse impacts. In this case whilst there could be some additional impact on neighbours compared with the former care home use or use as a single dwelling house, staff consider that, as a matter of judgement the likely impact on adjoining residents would not be materially harmful to an extent to justify the refusal of planning permission. In reaching this conclusion staff have also taken account of the potential for residential redevelopment of the site should the HMO use not go ahead and the submitted unilateral undertaking. Staff consider, therefore, that the proposals would comply with the relevant policies of the Core Strategy and Development Control Policies DPD. However, should members judge that there would be a material adverse impact on local residents then this could form the basis of a reason for refusal.

### **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. Non Standard Condition 32**

The use of the building shall be as a House in Multiple Occupation (HMO) as defined in the Housing Act (2004) and shall not be occupied by more than twelve persons at any time, including a resident site manager.

Reason: In order to ensure that the use of the building and level of occupancy does not give rise to an unacceptable level of impact on adjoining residential occupiers or have an adverse impact on the character and appearance of the area in accordance with policies DC4, DC5 and DC61 of the Core Strategy and Development Control Policies DPD.

#### **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

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### **4. SC11 (Landscaping) (Pre Commencement Condition)**

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

Reason:-

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

### **5. SC06 (Parking provision)**

Before the building(s) hereby permitted is first occupied as a House in Multiple Occupation (HMO), the area set aside for car parking shall be laid out and surfaced in accordance with details that have previously been submitted to and approved in writing by the local planning authority and retained permanently thereafter for the accommodation of vehicles visiting the site and shall not be used for any other purpose.

Reason:-

To ensure that car parking accommodation is made permanently available to the standards adopted by the Local Planning Authority in the interest of highway safety, and that the development accords with the Development Control Policies Development Plan Document Policies DC33 and DC68.

### **6. SC59 (Cycle Storage)**

Prior to the first occupation of the building as a 'house in multiple occupation' hereby permitted, secure cycle storage shall be provided within the building 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 in accordance with Development Control Policies Development Plan Document policy DC35.

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## **INFORMATIVES**

### **1 Highways Informatives**

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

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Engineering on 01708 433750 to commence the Submission/ Licence Approval process.

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

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

**2 Approval following revision**

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

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<b>APPLICATION NO:</b>	<b>P1257.13</b>	
<b>WARD :</b>	Heaton	<b>Date Received:</b> 13th February 2014 <b>Expiry Date:</b> 10th April 2014
<b>ADDRESS:</b>	Lake View Park, Bryant Row 61 Cummings Hall Lane Noak Hill Romford	
<b>PROPOSAL:</b>	Retention of residential dwelling house, decking and outbuilding.	
<b>DRAWING NO(S):</b>	Site location plan 1:1250 Floor plan and elevations of dwelling house LV_003 Detail of proposed fencing Elevations & Floor Plan of shed	
<b>RECOMMENDATION :</b>	It is recommended that <b>planning permission be GRANTED</b> subject to the condition(s) given at the end of the report given at the end of the report.	

### **SITE DESCRIPTION**

A plot of land comprising of a single storey dwellinghouse located south west of Cummings Hall Lane, Noak Hill. The site is located within Lake View Caravan Park. The site is within the Metropolitan Green Belt. There is a steep drop in ground levels south east of the application site adjacent to the patio doors of the living area.

### **DESCRIPTION OF PROPOSAL**

The proposal seeks consent for the retention of a residential dwelling house, decking and an outbuilding. The dwelling house has a width of 11.5 metres, a depth of 6.1 metres and a pitched roof with a height of 3.1 metres. There is an area of timber decking and block paving around the perimeter of the dwelling.

The outbuilding comprises of a shed, with a width of 2.1 metres, a depth of 2.5 metres and a height of 2.4 metres.

### **RELEVANT HISTORY**

Land North West of Noak Hill, Lakeview Park, Bryant Row, Cummings Hall Lane, Noak Hill, Romford, RM3 7LE. 2009 appeal decision (APP/B5480/C/09/2102281) - This appeal decision granted planning permission on 20th November 2009 for the 'use of the building as a single dwellinghouse together with the residential curtilage showed coloured and hatched in black on the amended plan' subject to conditions. Conditions 3 (hard and soft landscaping, boundary treatment and details of an outbuilding), 4 (landscape maintenance), 6 (removal of wooden decking), 7 (removal of all mobile homes, vehicles and trailers) and 11 (no vehicles or caravans parked or stored on the curtilage area except one vehicle for Mr Peel) of the appeal were not adhered to resulting in further Enforcement action currently subject to appeal and the submission of this planning application.

### **CONSULTATIONS/REPRESENTATIONS**

The proposal was advertised by way of a site notice and in the local press as development which is contrary to the Metropolitan Green Belt Policies of the LDF Core Strategy and Development Control Policies Development Plan Document. 8 neighbouring occupiers were consulted and no

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letters of representation were received.

Environmental Health - The site is identified as potential for contaminative uses. Although it is recommended that a condition is placed regarding contamination, Staff consider that it is not reasonable to impose this condition given that this application seeks the retention of the dwelling house and this condition was not imposed for the appeal decision.

### **RELEVANT POLICIES**

Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP14 (Green Belt), CP17 (Design), DC33 (Car Parking), DC45 (Green Belt), DC61 (Urban Design) of the LDF Core Strategy and Development Plan Document are considered material, together with the Residential Design Supplementary Design Guidance, the Landscaping Supplementary Planning Document and the Planning Obligations Supplementary Planning Document.

Policies 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 3.8 (Housing Choice), 5.3 (Sustainable Design and Construction), 6.13 (parking), 7.1 (building London's neighbourhoods and communities), 7.13 (safety, security and resilience to emergency), 7.16 (Green Belt), 7.4 (local character) and 8.3 (Community infrastructure levy) of the London Plan are relevant.

Chapters 6 (Delivering a wide choice of high quality homes), 7 (Requiring good design) and 9 (Protecting Green Belt land) of the National Planning Policy Framework are relevant.

### **MAYORAL CIL IMPLICATIONS**

The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The CIL payment is applicable as the proposal is for the retention of a dwelling. According to the CIL form, the dwelling has a floor space of 65 square metres. On this basis, the CIL liability would be payable up to £1,300 (subject to indexation).

### **STAFF COMMENTS**

The main issues in this case are considered to be the principle of development, the impact upon the character and appearance of the Green Belt, the impact on the streetscene, impact on local amenity and parking and highways issues. The appeal decision for the application site is also a material planning consideration.

### **PRINCIPLE OF DEVELOPMENT**

The application site lies within Metropolitan Green Belt. The proposal is for the retention of a residential dwelling house, decking and an outbuilding. Paragraph 89 of the National Planning Policy Framework (NPPF) states that the construction of new buildings is inappropriate in Green Belt. The exceptions to this are:

- buildings for agriculture and forestry;
- provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or

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

Policy DC45 of the LDF states that planning permission for new buildings will only be granted for the following purposes - they are essential for agriculture and forestry, outdoor recreation, nature conservation, cemeteries, mineral extraction or park and ride facilities, or they involve limited infilling or redevelopment on a site designated as a Major Developed Site in accordance with DC46.

The provision of a new residential dwelling is not one of the specified purposes listed in the NPPF and as such this proposal is inappropriate in principle. The NPPF provides that where inappropriate development is proposed within the Green Belt planning permission should not be granted unless the applicant can demonstrate very special circumstances exist that outweigh the harm resulting from the development. Although Policy DC45 does allow for limited filling this is relating to sites designated as a major development site in accordance with Policy DC46, which does not include the application site.

In this instance, some very special circumstances have been put forward to outweigh the harm to the Green Belt (some of which were applicable at the time when the appeal was being considered). It is noted that the previous appeal on the site was allowed on the basis of very special circumstances, which granted personal planning permission for the existing dwelling on the site to Mr Christopher Peel subject to conditions being met. Prior to appraising these very special circumstances, it is necessary to consider other impacts that may arise from the proposal.

### **GREEN BELT IMPLICATIONS**

Policy 9 of the NPPF states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

It is Staff's view that the site has an open and spacious character. In this instance, the dwelling is single storey and it is considered that it is visually detrimental in this location and materially harmful to the open character of the Green Belt. The residential dwelling house replaces an undeveloped area of land and as a result, materially erodes the openness of the Green Belt.

In respect of the shed, the Inspector stated that the curtilage area shall only be used for purposes associated with the residential use of the single dwellinghouse and for no other purposes whatsoever and that there shall be no open storage within the curtilage area. The Inspector agreed to the provision of an outbuilding to protect the character and appearance of the surroundings and to reflect the personal storage needs of the site occupant. Taking the above factors into account, if the residential use of the land is accepted, it is considered that the shed is not materially harmful to the Green Belt, particularly given its relatively modest proportions and height.

Should the residential dwelling be considered acceptable, staff consider that the decking does not result in material harm to the character and openness of the Green Belt, particularly given its siting around the perimeter of the dwelling house. In addition, the majority of the decking is approximately 0.3 metres in height (with the exception of the decking adjacent to the living area), which minimises its impact. The Planning Statement submitted with the application details the

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reasons for the decking. Firstly, the applicant is not well, walks with a stick and has various medical conditions that are worsening. The decking is required to safely access and egress the dwelling. Secondly, the decking enables the applicant to access around the dwelling, particularly as there is a steep drop in ground levels adjacent to the patio doors of the living area. Removal of the decking would result in only one point of entry to the dwelling. Staff consider that the provision of the decking ensures that the applicants special needs are met by improving the accessibility to the dwelling in accordance with Policies CP2 and CP17.

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

It is considered that the residential dwelling house is not materially harmful to the streetscene, as it is relatively modest in height at 2 metres to the eaves and 3.1 metres to the ridge and is single storey, which minimises its bulk. The dwelling is located south east of Cummings Hall Lane and is set back from the Lakeview Park car park, which minimises its prominence.

Staff consider that the decking does not adversely affect the streetscene, particularly given its siting around the perimeter of the dwelling house. Also, the majority of the decking is approximately 0.3 metres in height (with the exception of the decking adjacent to the living area), which minimises its impact. It is considered that the shed is not materially harmful to the streetscene given its relatively modest proportions and height.

The Planning Statement provides details of hard and soft landscaping (which includes field maple, mountain ash and oak trees), boundary treatment, landscape maintenance and time scales for implementation, which would provide some screening of the dwelling house, shed and decking and can be secured by condition if minded to grant planning permission.

The site owner has confirmed that they will co-operate with condition compliance in relation to this application. Previously the permission granted on appeal was subject to conditions requiring boundary treatment and landscaping details to be submitted and implemented. The failure to do this resulted in the permission lapsing.

### **IMPACT ON AMENITY**

It is considered that the residential dwelling house does not result in a significant impact on residential amenity, as it is located centrally within the plot and taking into account its residential curtilage, it is reasonably well separated from neighbouring properties. Details of boundary treatment, hard and soft landscaping (which includes field maple, mountain ash and oak trees), landscape maintenance and time scales for implementation have been outlined in the Planning Statement, which would provide some screening of the dwelling house, shed and decking and can be secured by condition if minded to grant planning permission.

Staff consider that the decking does not result in any undue overlooking or loss of privacy of neighbouring properties, as a large proportion of it is approximately 0.3 metres in height. The highest part of the decking near the living area of the dwelling is located adjacent to an overgrown area, which is at a substantially lower ground level. Given the modest size and height of the shed, it is not deemed to be harmful to residential amenity.

### **HIGHWAY/PARKING**

It is considered that the residential dwelling house does not create any highway or parking issues. The block plan shows an area of block paving that would accommodate two vehicles, which is sufficient. The Highway Authority has no objection or comments in relation to the proposal.



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### **OTHER ISSUES**

#### The Case for Very Special Circumstances

A statement of very special circumstances has been submitted in support of the application (some of which were applicable at the time when the appeal was being considered).

- The mobile home park requires a secondary presence on site day and night to respond to emergencies especially as the Park accommodates numerous elderly residents.
- Mr Peel provides an essential maintenance and security presence on the site and is responsible for any emergencies on the site which might arise. A security/care taker presence is essential for the site's proper management.
- The use of the site as a dwelling and residential curtilage represents a significant visual enhancement of the site when assessed against its previous storage use and without resulting in additional harm to the Green Belt.

It is noted that the previous appeal on the site was allowed on the basis of very special circumstances, which granted personal planning permission for the existing dwelling on the site to Mr Christopher Peel subject to conditions being met. Paragraph 23 of the appeal decision states: "The Council accepts that the former mobile home occupied by Mr Peel should now be regarded as a building and, on its merits, it is not considered to be expedient to pursue enforcement action in respect of Mr Peel's occupation of that structure. The appellant acknowledges that the development represents inappropriate development in the Green Belt. However, the Council accepts that, insofar as Mr Peel's residence is concerned, the harm by reason of inappropriateness and any other harm would be clearly outweighed by other material considerations thus justifying the development on the basis of very special circumstances". The Inspector concluded that, subject to the imposition of the agreed planning conditions, there are very special circumstances in this case to justify permitting the retention of the building and its use as a single dwellinghouse for occupation by Mr Peel.

Staff consider that the very special circumstances are consistent with the earlier appeal decision and as such, they outweigh the harm to open character and appearance of the Green Belt resulting from the development.

Permission would also continue to be personal, such that when the single dwelling house and curtilage area cease to be occupied by Mr Christopher Peel the use would end and the building and any paraphernalia associated with the residential use shall be removed.

### **SECTION 106**

Proposals for new dwellings would normally be subject to a financial contribution of £6,000 to be used towards infrastructure costs in accordance with Policy DC72 and the Planning Obligations Supplementary Planning Document. However, in this case, consideration has been given to fact that the dwellinghouse had been in use before the enforcement notice had been issued on 13th February 2009 and has now been in situ for a number of years prior to the introduction of the Planning Obligation SPD in 2012. Therefore, Staff consider that the financial contribution of £6,000 shall not be applied in this instance.

### **KEY ISSUES/CONCLUSIONS**

The retention of a residential dwelling house, decking and outbuilding represents inappropriate development in a Green Belt location contrary to national and local planning policies. Inappropriate development is by definition harmful to the character of the Green Belt and the purposes of including land within it. Staff consider that the very special circumstances outweigh the harm to the open character and appearance of the Green Belt. It is therefore recommended that personal planning permission be approved.

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### RECOMMENDATION

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

#### 1. **Non Standard Condition 31 - Personal condition**

The use hereby permitted shall be carried on only by Mr Christopher Peel and the single dwellinghouse and curtilage area hereby permitted shall be occupied only by Mr Christopher Peel.

Reason: Permission has been granted on the basis of the applicant's very special circumstances. This permission is therefore granted on a personal basis to enable the Local Planning Authority to retain control, and the development accords with Policies DC45 and DC61 of the LDF Core Strategy and Development Control Policies DPD.

#### 2. **Non Standard Condition 32 - Use of site**

When the single dwellinghouse and curtilage area cease to be occupied by Mr Christopher Peel, the use hereby permitted shall cease and the building and any paraphernalia associated with the residential use shall be removed.

Reason: Permission has been granted on the basis of the applicant's very special circumstances. This permission is therefore granted on a personal basis to enable the Local Planning Authority to retain control, and the development accords with Policies DC45 and DC61 of the LDF Core Strategy and Development Control Policies DPD.

#### 3. **Non Standard Condition 33 - Boundary fencing**

The use hereby permitted shall cease and the single dwellinghouse, outbuilding and decking hereby permitted shall be demolished and removed from the land together with all equipment and materials brought onto the land for the purposes of such use and any materials resulting from the demolition within 28 days of the date of failure to meet any one of the requirements set out in (i) below:

(i) within 4 months of the date of this decision, the boundary fencing hereby permitted shall be erected carried out in accordance with the 'Detail of proposed fencing' drawing and Drawing No. LV\_003 and shall be permanently retained and maintained thereafter to the satisfaction of the Local Planning Authority.

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

#### 4. **Non Standard Condition 34 - Mobile homes, vehicles & trailers**

The use hereby permitted shall cease and the single dwellinghouse, outbuilding and decking hereby permitted shall be demolished and removed from the land together with all equipment and materials brought onto the land for the purposes of such use and any materials resulting from the demolition within 28 days of the date of failure to meet any one of the requirements set out in (i) below:

(i) within 4 months of the date of this decision, all mobile homes, vehicles and trailers shall be removed from the curtilage area.

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 Policies DC45 and DC61.

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### **5. Non Standard Condition 35 - Permitted development**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), there shall be no development on the site save for the provision of the outbuilding and hard surfaces hereby permitted pursuant to condition 3 above and development and hard surfaces permitted under Classes G and H of Part 1, Schedule 2 of the Order.

Reason: In the interests of amenity and to enable the Local Planning Authority to retain control over future development, and in order that the development accords with Development Control Policies Development Plan Document Policies DC45 and DC61.

### **6. Non Standard Condition 36 - Permitted development**

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

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

### **7. Non Standard Condition 37 - Landscaping**

The use hereby permitted shall cease and the single dwellinghouse, outbuilding and decking hereby permitted shall be demolished and removed from the land together with all equipment and materials brought onto the land for the purposes of such use and any materials resulting from the demolition within 28 days of the date of failure to meet any one of the requirements set out in (i) below:

(i) within 4 months of the date of this decision, the hard and soft landscaping scheme, landscape maintenance and timescales for implementation shall be carried out in accordance with Planning Statement dated 15th October 2013 and Drawing No. LV\_003 and shall be permanently retained and maintained thereafter to the satisfaction of the Local Planning Authority. Any trees or plants which within a period of 5 years from the date of this decision notice 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.

### **8. Non Standard Condition 38 - Curtilage area**

The curtilage area shall only be used for purposes associated with the residential use of the single dwellinghouse hereby permitted and for no other purposes whatsoever.

Reason: In the interests of amenity and to enable the Local Planning Authority to retain control over future development, and in order that the development accords with

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### **9. Non Standard Condition 39 - Use of outbuilding**

The outbuilding hereby permitted and pursuant to conditions 5 and 7 above shall not be used for any other purpose other than storage ancillary to the residential use of the single dwellinghouse.

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 Policies DC45 and DC61.

### **10. Non Standard Condition 40 - Open storage**

There shall be no open storage within the curtilage area.

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 Policies DC45 and DC61.

### **11. Non Standard Condition 41 - Vehicles**

No vehicles or caravans shall be parked or stored in the curtilage area save for one vehicle for the use of Mr Christopher Peel only.

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 Policies DC45 and DC61.

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## **INFORMATIVES**

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

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

### **2 Approval and CIL (enter amount)**

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 £1,300 (subject to indexation). CIL is payable within 60 days of commencement of development. A Liability Notice will be sent to the applicant (or anyone else who has assumed liability) shortly and you are required to notify the Council of the commencement of the development before works begin. Further details with regard to CIL are available from the Council's website.

### **3 Fee Informative**

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

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

### **CALL-IN**

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

### **BACKGROUND**

The application was deferred at the Committee meeting on 13th March 2014 in order for staff to seek further information and clarification on the following matters:

(a) Whether applicant is willing to adjust the proposed hours to coincide with those of the Chequers Public House:

- The applicant has declined to consider this option on the grounds that the manner in which the KC's Bar venue operates is wholly different to that of the Chequers Public House and those opening hours would not be suitable. The late operating hours form an important part of the KC Bar business model and this is highlighted by the future bookings that the venue has taken into next year. The applicant contends that without the late operating hours the bar would lose a significant number of bookings and customers and would go out of business.

(b) What measures the applicant can take to seek to address noise complaints:

- The late premises licence has been in place for several years and the applicant contends that there has not been any trouble with noise or disturbance. The applicant has stated that this fact is reflected by the Licensing Committee's decision to grant the current licensing hours after scrutiny by the Council and Police where no issues were raised. The applicant has provided detailed documents in relation to the Dispersal Policy, Drugs Policy and Queue Management Policy which were logged with the Council and Police and considered as part of the licensing application. The applicant also states that the premises has been granted 7 or 8 Temporary Event Notices by the Council with opening until 2am, during which occasions no trouble or nuisance was reported.

(c) Exactly what action has been taken to date or is anticipated by Environmental Health in addressing third party noise complaints about prevailing use, including clarification of Noise

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Abatement notice.

- Following extensive investigations abatement notices were served on the then owners of the premises, dated the 8th August 2011. Despite working with the owners the problems with loud music from the premises and raised voices from patrons using external area at the front of the premises continued. As a result the premises was the subject of monitoring by officers working on the Council's Out-Of-Hours Noise Service.

- The last problems witnessed by officers was in January 2014. The premises will continue to be monitored particularly as the problems in the past have been worst during the summer months when the weather is warmer.

- Should Environmental Health officers witness any further issues then we will work with the new owners to resolve the matter. However should this fail then it could result in further enforcement action in the form of prosecution in the Magistrates Court and/or a review of their Premises Licence.

The report as presented to committee on 13th March is reproduced below.

### **SITE DESCRIPTION**

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

### **DESCRIPTION OF PROPOSAL**

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

### **RELEVANT HISTORY**

- P1208.09 - Change of use of rear car park to a car wash / valeting operating between the hours of 8am and 5.30pm  
Refuse 17-11-2009
- P0770.09 - Modification of Condition 6 of planning permission P2071.03 to vary opening hours  
Apprv with cons 31-07-2009
- P2130.06 - Variation of conditions to approved application to alter cafe opening times to 6:am to 7:pm Monday to Saturday and 7:am to 7:pm on Sundays  
Refuse 27-12-2006
- E0003.04 - Certificate of lawfulness for the sale of hot food and drink - class A3  
Withdrawn 16-02-2004

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P2071.03 - Change of use to A3 and removal of existing fridge unit and lean to structures for new single storey toilet block and store room  
Apprv with cons 16-02-2004

P1961.03 - Removal of existing fridge unit and lean to structure for new single storey toilet block and store room  
Withdrawn 13-11-2003

### **CONSULTATIONS/REPRESENTATIONS**

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

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

### **RELEVANT POLICIES**

#### LDF

DC23 - Food, Drink and the Evening Economy

DC55 - Noise

SPD1 - Designing Safer Places SPD

#### OTHER

LONDON PLAN - 7.15 - Reducing noise and enhancing soundscapes

LONDON PLAN - 7.3 - Designing out crime

NPPF - National Planning Policy Framework

### **MAYORAL CIL IMPLICATIONS**

There are no Mayoral CIL implications for this application.

### **STAFF COMMENTS**

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

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

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

In December 2006 planning permission (P2130.06) was sought to vary the condition relating to the opening hours in order to allow a cafe to operate between times of 6am to 7pm Monday to Saturday and 7am to 7pm on Sunday. The application was refused on the grounds that the proposal would result in a level of noise, general disturbance and an increase in early morning activity, which would be seriously prejudicial to the amenity of the adjacent occupiers and of the

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surrounding area in general.

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

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

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

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

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

### **IMPACT ON AMENITY**

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

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

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

Section 27. of the 'Designing Safer Places - Supplementary Planning Document, 2010', states that development proposals involving a change of use to an A4 Drinking Establishment will need to be considered within the local context, together with the impact the proposal might have on the local and wider community. Proposals that could have a singular or cumulative impact on an



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area involving nuisance, amenity, crime prevention and community safety will require careful consideration. A use of this nature can result in potential issues such as noise and anti-social behaviour.

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

Development Control Policy DC55 - Noise states that planning permission will not be granted if it will result in exposure to noise or vibrations above acceptable levels affecting a noise sensitive development such as all forms of residential accommodation.

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

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

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

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

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

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

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

It is considered that the opening hours are excessive and are more suited to the operation of a nightclub, which is wholly unacceptable in this location given that the site lies in close proximity to the surrounding residential accommodation. The seating and smoking area to the front

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provides a location for outdoor gatherings and is a particular focus for the nuisance caused to surrounding residents. For these reasons the proposal will result in an unacceptable level of noise and disturbance late into the evening and early hours of the morning.

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

### **HIGHWAY/PARKING**

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

### **KEY ISSUES/CONCLUSIONS**

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

### **RECOMMENDATION**

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

#### **1. SC27 (Hours of use) ENTER DETAILS**

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

Reason:-

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

#### **2. Non standard condition No 2**

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

Reason:

In the interest of residential amenity.

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**INFORMATIVES**

**1 Approval - No negotiation required**

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

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<b>APPLICATION NO:</b>	<b>P1549.13</b>	
<b>WARD :</b>	Elm Park	<b>Date Received:</b> 19th December 2013 <b>Expiry Date:</b> 13th February 2014
<b>ADDRESS:</b>	11 Ryder Gardens Rainham	
<b>PROPOSAL:</b>	Variation of condition 8 of planning application P0574.09 to increase the number of children on the premises from 12 to 15 - Retrospective.	
<b>DRAWING NO(S):</b>	Proposed ground floor plan Ordnance survey map	
<b>RECOMMENDATION :</b>	It is recommended that <b>planning permission be GRANTED</b> subject to the condition(s) given at the end of the report given at the end of the report.	

### **CALL-IN**

Councillor Matthews requested this application be called in to committee on the grounds that the site, a day nursery, is wholly unsuitable for an increase in 12 to 15 children.

### **SITE DESCRIPTION**

The site is a semi-detached property which lies to the west of Ryder Gardens, on the junction with Wells Gardens. The site comprises of a children's day care facility entitled Ladybird nursery. The locality is formed from similar semi-detached dwellings set back from the highway, generating a continuous street scene, which is residential in character.

### **DESCRIPTION OF PROPOSAL**

Retrospective planning permission is sought for the variation of condition 8 of planning application P0574.09 to increase the number of children on the premises from 12 to 15.

According to the Planning Statement, there are currently 6 pre-school children and 6 toddlers with a total of 12 children. The proposal seeks to increase this to 8 pre-school children and 7 toddlers with a total of 15 children.

### **RELEVANT HISTORY**

- P1264.12 - Variation of condition 8 and 15 of planning application P0574.09 to increase the number of children on the premises and use of the rear garden.  
Refuse                      14-12-2012
- P1156.12 - Retrospective change of use of first floor of the dwelling to a day nursery.  
Refuse                      14-12-2012
- P0724.11 - Retention of boundary fencing at a reduced height and relocation of air conditioning units  
Refuse                      26-07-2011
- P1328.10 - Change of use of first floor from residential to nursery and increase of number of children on site from 12 to 36 and number of children outside from 6 to 12 and 1m boundary fence

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Refuse                      02-11-2010

P0605.10 - Amendment to approved planning application P0574.09  
Refuse                      23-06-2010

P0574.09 - Part change of use of existing dwelling into day nursery for up to 12 children with three carers (opening hours : 8.00am - 6.30pm Mon-Fri).  
Apprv with cons        26-06-2009

P0111.09 - Part change of use of existing dwelling into day nursery for up to 10 children with two carers (opening hours : 8.00am - 4.30pm Mon-Fri).  
Withdrawn                23-03-2009

P0524.07 - Conversion of existing side extension of 11 Ryder Gardens to provide a one bed dwelling.  
Refuse                      11-05-2007

P1147.05 - Conversion of existing two storey side extension to form one two bedroom house  
Refuse                      08-08-2005

P1839.04 - Amendment to approved plans - additional door and windows to side and rear, and front elevations.  
Apprv with cons        03-12-2004

P0942.04 - Single storey extension amendment to approved plan no. P0346.04  
Refuse                      07-07-2004

P0346.04 - Two storey side and rear extension  
Apprv with cons        20-04-2004

**CONSULTATIONS/REPRESENTATIONS**

Neighbour notification letters were sent to 47 properties. 10 letters of objection were received (two of which were from the same address) with detailed concerns that have been summarised as follows:

- Impact on residential amenity including noise and disturbance.
- Parking.
- Traffic and congestion.
- Access.
- Impact on property value.
- It was alleged that the nursery originally had 8 children, not 12.
- A commercial property in this location is not appropriate.
- The premises are too small for the business. This residential housing estate with narrow streets and small back gardens is not meant for a nursery for 15 children.
- Litter.
- Permission should be sought prior to the implementation of this proposal.
- It is alleged that the number of children in the garden area is often exceeded.
- The first batch of consultation letters were not received by residents and these were resent on 24th January 2014.
- The conditions of planning permissions are not being adhered to.
- The proposal would increase the number of staff.
- The feasibility of the 6 parking spaces.
- Impact on residential amenity from vehicle headlights.
- Highway and safety concerns with additional vehicles.

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- Increased levels of noise and general disturbance.
- Fire exits and assembly points.
- Use and noise from outdoor play areas
- Children use the rear garden all day.
- Lack of space for emergency vehicles and refuse collection vehicles
- Correspondence was submitted regarding the previous appeal decisions.
- The supporting information states that the majority of parents walk to the nursery with their children and this is disputed.
- Open evenings take place in the evenings.
- Intensification of the use.
- Would set an undesirable precedent.
- Overlooking and loss of privacy from CCTV at the nursery.
- Application is against previous planning conditions.
- The site should be returned to a residential use.

In response to the above, comments regarding property value are not material planning considerations. Planning permission was granted for the part change of use of the existing dwelling into a day nursery for up to 12 children (including the applicant's own children) under application reference P0574.09. Comments that this application is retrospective and would set an undesirable precedent are not material planning considerations. The agent's supporting statement advises that there is no need for extra staff to accommodate the additional children, as the ratio is within the EYFS framework. Comments regarding CCTV at the nursery are not material planning considerations. Staff consider that the appeal decision for planning application P1328.10 are not directly relevant to this application, as the description of the proposal was materially different to this application and each application is determined on its individual planning merits. The remaining issues are addressed in the following sections of this report.

Fire Brigade - No objection.

Childcare Services - As a London Borough, Havering is duty bound to deliver Section 13 of the Childcare Act 2006 and the Childcare Sufficiency Assessment (CSA) highlights the areas for need within the Borough. The CSA 2011 supports the evidence that there is a fundamental shortage of childcare provision. There is, therefore, a real need to increase the number of childcare places within this area.

### **RELEVANT POLICIES**

Policies CP8 (Community needs), DC27 (Provision of community facilities), DC33 (Car parking), DC34 (Walking), DC35 (Cycling), DC55 Noise, DC61 (Urban Design) and DC62 (Access), of the Local Development Framework.

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

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

### **MAYORAL CIL IMPLICATIONS**

This application is not liable for Mayoral CIL.

### **STAFF COMMENTS**

This proposal follows a previous planning application that sought retrospective consent for the

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variation of conditions 8 and 15 of P1264.12 to increase the number of children on the premises from 12 to 19 and the use of the rear garden for 4 children, which was refused for the following reasons:

1. The development has an absence of drop off points for parents, which results in unacceptable overspill onto the adjoining roads to the detriment of highway safety and residential amenity, thereby increasing congestion in the area and harming road safety contrary to Policy DC33 of the LDF Core Strategy and Development Control Policies DPD.
2. The development, by reason of the increased number of children allowed on site and number of children allowed outside, results in unacceptable levels of noise and disturbance to the detriment of residential amenity and contrary to Policy DC61 of the Core Strategy and Development Control Policies DPD.
3. The development results in the loss of a residential unit and has turned a property into a fully commercial use in a residential area, where there has been no justification provided, the proposals are therefore contrary to Policy DC1 of the LDF Core Strategy and Development Control Policies DPD.

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

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

- The number of children on the premises has been reduced from 19 to 15.
- This application does not seek retrospective consent for the use of the rear garden for 4 children.

The main issues in this case are increasing the number of children on the premises and its impact on the amenity of neighbouring properties as well as highway and parking issues.

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

The proposal does not involve any external changes to the building.

### **IMPACT ON AMENITY**

Permission was granted under reference P0574.09 to change the use of the ground floor of the dwelling to a day nursery for 12 children. This proposal seeks consent for the variation of condition 8 of P0574.09 to increase the number of children on the premises from 12 to 15.

The Planning Statement clarifies that the first floor of the property is used as an office, staff room and storage in connection with the nursery. In addition, the increase in children will mainly be in the pre-school classroom located to the right hand side of the building adjacent to Wells Gardens. The use at first floor as an office/staff room is unauthorised and is being investigated by the Enforcement Team.

Members' attention is drawn to the fact that this proposal to increase the number of children on the premises relates solely to the ground floor of the premises and this can be secured by condition if minded to grant planning permission. Conditions can also be placed regarding opening hours, the maximum number of children using the side garden for outdoor play and the use of the rear garden if minded to grant planning permission.

The Planning Statement advises that there is no need for extra staff to accommodate the

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increase in children, as the ratio is within the Early Years Foundation Stage (EYFS) framework. It is considered that maintaining existing levels of staffing minimises the intensification of accommodating three additional children.

According to the Planning Statement there are flexible hours of attendance either between 8am to 1pm or 8am to 6.30pm, so children arrive and depart at staggered times throughout the day. Staff consider that the flexible hours of attendance would help to stagger pick up and dropping off times and help mitigate the impact of the proposal.

The Planning Statement stipulates that the increase in children will mainly be in the pre-school classroom located to the right hand side of the building adjacent to Wells Gardens. While this statement should be taken at face value, Staff consider that the potential for increased noise and disturbance would be balanced against children utilising the whole of the ground floor of the premises.

With regard to application P1264.12, increasing the number of children from 12 to 19 represented a percentage increase of 58%. In comparison, this proposal involves increasing the number of children from 12 to 15 represents a percentage increase of 25%. When reviewing the merits of this application, consideration was given to the impact of this percentage difference in terms of the impact of this proposal on neighbouring properties, including noise, disturbance and the number of traffic movements. For instance, an increase of 7 children is likely to have resulted in 14 extra car journeys to the application site, compared with six extra journeys for an additional three children.

On balance, Staff consider that a difference of three children on the premises would not result in significant levels of additional noise, disturbance and general levels of activity over and above existing conditions to warrant a refusal based upon harm to residential amenity. Although, Members could reasonably reach a different view.

### **HIGHWAY/PARKING**

6 parking spaces have been provided off street to the front and side. A drawing shows one parking space to the rear of the site, which is located behind the double gates. For application P1264.12, it is noted that this car parking space is impractical, as it located in the immediate vicinity of the rear garden area (with no boundary treatments in between), which is used by 4 children (without the benefit of planning permission) and concerns have previously been raised that it presents a health and safety hazard.

Annex 5 of LDF Policy DC33 states that 1 parking space should be provided per member of staff on site. There is a total of 5 staff, which would have access to five parking spaces, which is sufficient. A drop off space is also required under Annex 5 of DC33, the plans submitted additionally do not make clear a space which could be utilised as a drop off zone.

Staff do not deem it reasonable to request a drop off space to accommodate three additional children on the premises, which is judged not result in an unacceptable overspill onto the adjoining roads. Staff consider that an increase of 7 children is likely to have resulted in 14 extra car journeys to the application site, compared with six extra journeys for an additional three children. On this basis, it is considered that a percentage increase of 25% in the number of children on the premises would not result in a significant difference to create any unduly harmful highway and parking issues. The Council's Highway Authority has no objections to the proposal as the number of staff is not being increased.



## **KEY ISSUES/CONCLUSIONS**

With regard to application P1264.12, increasing the number of children from 12 to 19 represented a percentage increase of 58%. In comparison, this proposal involves increasing the number of children from 12 to 15 represents a percentage increase of 25%. When reviewing the merits of this application, consideration was given to the impact of this percentage difference in terms of the impact of this proposal on neighbouring properties, including noise, disturbance and the number of traffic movements.

Staff consider that increasing the number of children on the premises from 12 to 15 would not result in significant levels of additional noise, disturbance and general levels of activity over and above existing conditions to warrant a refusal based upon harm to residential amenity. The impact of the additional three children would be offset by the staggered operating hours and no increase in the number of staff. Staff consider that the potential for increased noise and disturbance would be balanced against children utilising the whole of the ground floor of the premises. A condition can be placed to ensure that the proposal relates solely to the ground floor of the premises.

There are five car parking spaces for five staff, which is sufficient. It is considered that a percentage increase of 25% in the number of children on the premises would not result in a significant difference to create any unduly harmful highway and parking issues. The Council's Highway Authority has no objections to the proposal.

The current proposal has required some judgement in relation to the planning issues arising. Members may place different weight on these issues. Overall, Staff are of the view that planning permission should be granted, subject to conditions.

## **RECOMMENDATION**

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

### **1. Non Standard Condition 31 - Parking spaces**

The 6 car parking spaces shown on the site plan shall continue to be made permanently available for use of the day nursery unless otherwise agreed in writing by the Local Planning Authority.

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

### **2. Non Standard Condition 32 - Screen fencing/walling**

The screen fencing and walling on the western, south western and northern boundaries of the site shall be permanently retained and maintained thereafter to the satisfaction of the Local Planning Authority.

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

### **3. SC14A (Visibility splay)**

The proposals should provide a 2.1 by 2.1 metre pedestrian visibility splay on either

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**4. SC27 (Hours of use)**

The premises shall not be used for the purposes hereby permitted other than between the hours of 8.00am and 6.30pm on Mondays to Fridays and not at all on Saturdays, Sundays, Bank or Public holidays without the prior consent in writing of the Local Planning Authority.

Reason:-

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

**5. SC28 (Number of children)**

The number of children accommodated within the premises hereby approved shall not exceed 15 at any one time, including the applicants own children without the prior consent in writing of the Local Planning Authority.

Reason:-

To enable the Local Planning Authority to retain control and to avoid disturbance to adjoining residents, and that the development accords with Development Control Policies Development Plan Document Policy DC61.

**6. 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.

**7. SC19 (Restricted use)**

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 the use hereby permitted shall be for day nursery purposes only and shall be used for no other purpose(s) whatsoever including any other use in Class D1 of the Order, unless otherwise agreed in writing by the Local Planning Authority.

Reason:-

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

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

Provision shall continue to be made for the storage of refuse and recycling awaiting collection located adjacent to the side garden of the application site.

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**9. Non Standard Condition 33 - Delivery hours**

No deliveries to the site shall take place other than between the hours of 08:00 to 18:00 on Monday to Friday and 08:00 to 13:00 hours on Saturdays unless agreed in writing with the Local Planning Authority. No deliveries shall take place on Sundays, Bank or Public holidays unless otherwise agreed in writing by the Local Planning Authority.

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

**10. 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.

**11. Non Standard Condition 34 - Use of building**

The nursery use shall be restricted to the ground floor of the building only.

Reason: For the avoidance of doubt.

**12. Non Standard Condition 35 - Side garden**

The maximum number of children using the side garden for outdoor play shall not exceed 6 at any one time without the prior written consent of the Local Planning Authority.

Reason: To safeguard the amenities of neighbouring and nearby residential occupiers and to accord with Policies DC55 and DC61 of the Local Development Framework Development Control Policies DPD.

**13. Non Standard Condition 36 - Rear garden**

The rear garden of the property shall only be used as a residential amenity area in association with the residential use of the property.

Reason: To safeguard the amenities of neighbouring and nearby residential occupiers and to accord with Policies DC55 and DC61 of the Local Development Framework Development Control Policies DPD.

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**INFORMATIVES**

**1 Approval - No negotiation required**

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

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**2 Non Standard Informative 1**

You are reminded that the first floor of the property, the subject of this application, remains controlled by the effective Enforcement Notice dated 19th September 2011, upheld and amended by the Planning Inspector's Decision Notice dated 6th June 2012. Appeal reference: APP/B5480/C/11/2163359.

The permitted use of the first floor must be for residential purposes as conditioned in planning application P0574.09.

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

### **CALL-IN**

The application has been called-in by Councillor Van Den Hende 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 9000m<sup>3</sup> (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**

This application was presented to Members on 3rd April, with the resolution being to defer pending additional information. The following queries were raised:

a) Is it possible to control the number of vehicle movements?

A condition could be imposed limiting the number of vehicles visiting the site on a daily basis, however, such conditions can be difficult to enforce owing to the level of surveillance that would be required. For much larger operations, such as quarries, and where vehicle movements are not controlled by third parties, it may be possible to employ electronic tracking systems to monitor the numbers of vehicles visiting a site, meaning vehicle movement data could be made available to the LPA on request.

In this particular case, the operation is of a much smaller nature and the applicant would rely on third parties to deliver the material required to cap the site. It is therefore considered unreasonable to require the applicant to provide a sophisticated tracking system. It is understood that the applicant would be required, by the Environmental Permit granted for the proposal, to scrutinise the nature and origin of each load of material that is delivered to the site, to ensure it is suitable. This process would involve a consideration of the paperwork accompanying each load. The applicant has offered to keep a log of all vehicles visiting the site, and to make this

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available to the LPA on request.

Given the nature of the proposal, including its scale, and the inherent difficulties in monitoring vehicle movements, officers consider this proposal to be reasonable and proportionate. Members should bear in mind that the number of vehicle movements is ultimately limited by the ground levels being proposed, which are associated with the volumes of material to be imported, and a condition that is already recommended requiring the completion of the development within a given timescale. In any case, to address Members' concerns, an additional condition has been recommended requiring the approval of a vehicle monitoring scheme.

b) Which crops would be grown following the completion of development?

It is the applicant's intention to grow vegetables at the site. However, the applicant is taking advice from a specialist to ascertain what types of crop would be supported by the finished site and Members will be updated about this at committee. Information will also be provided in relation to the types of crop currently supported.

c) Why is the adjoining land capable of sustaining crops but the application site is not?

The submitted information states that the site is capable of supporting crop growth, but only to a limited extent, and this is understood to be the case for the adjoining land. Satellite images of the site and the adjoining land do reveal extensive bare patches, which are not obvious on photographs taken at ground level. The bare patches are particularly extensive over the application site area. This is likely to be a reflection of the poor drainage regime and low quality, including contaminated, ground conditions, and this is confirmed by the Council's Contaminated Land officer. If the application site is particularly affected by these problems in comparison to the adjoining land, this could simply be a reflection of variations in the quality of past restoration, differences in the nature of the waste beneath the surface, and area-specific drainage conditions.

d) Where would surface water drain to and would this carry contamination beyond the site?

This matter was addressed in the previous report. Surface water would run-off into ditches at the northern and southern ends of the application site and from those would be transferred into the surrounding drainage infrastructure. The proposed capping material, which would be impermeable, is intended to significantly reduce the amount of surface water that comes into contact with subsurface contamination. It is therefore expected that the proposal would reduce the amount of contamination leaving the site in the first place, and so would represent an improvement over the existing situation. The Environment Agency are the statutory body advising the Council in relation to drainage arrangements and contamination, and they support the proposed development subject to the conditions recommended in this report.

### **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:-



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- a) It must be determined whether or not the development is inappropriate development in the Green Belt. The NPPF and the LDF set out the categories of development not deemed to be inappropriate.
- b) If the development is considered not to be inappropriate, the application should be determined on its own merits.
- c) If the development is inappropriate, the presumption against inappropriate development in the Green Belt applies.

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

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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.

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 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,

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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 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 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

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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.

### **16. Non Standard Condition 59**

No development shall take place until a scheme for the monitoring and recording of vehicle movements to the site, in relation to the proposed development, has been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved scheme, and details of daily vehicle movements made available to the Local Planning Authority in writing, on request, within 5 working days.

Reason:

In the interests of highway safety and amenity, and in accordance with Policy DC32 of the Development Control Policies DPD.

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## **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.

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<b>APPLICATION NO:</b>	<b>P0128.14</b>	
<b>WARD :</b>	Harold Wood	<b>Date Received:</b> 29th January 2014 <b>Expiry Date:</b> 26th March 2014
<b>ADDRESS:</b>	18 Little Aston Road Harold Wood Romford	
<b>PROPOSAL:</b>	Part single and part two storey rear extension	
<b>DRAWING NO(S):</b>	Existing Plans & Elevations Proposed Plans & Elevations	
<b>RECOMMENDATION :</b>	It is recommended that <b>planning permission be GRANTED</b> subject to the condition(s) given at the end of the report given at the end of the report.	

### **BACKGROUND**

This application is being brought before committee for decision as the issues in relation to residential amenity require judgement, particularly in relation to a recent dismissed appeal for an extension, which this application seeks to address through revision to that proposal.

### **SITE DESCRIPTION**

The application site is a two storey semi-detached dwelling house located on the west side of the Road. The property features a detached rear garage accessed from a shared driveway to the north of the house.

Ground level gently rises towards the north of the site and there is one car parking space at the front on hard standing. No trees will be affected.

The surrounding area is residential and mainly characterised by two storey dwellings.

The site is not within a conservation area and the building is not listed.

### **DESCRIPTION OF PROPOSAL**

This is a resubmission of application (Ref: P0801.13) refused on 18.09.13, which seeks planning permission for the erection of a part single part two storey rear extension.

Plans show that a new kitchen will be provided on the ground floor and a new bedroom will be created on the first floor.

It has been decided that the application should be referred to the planning committee following appeal decision (Ref: APP/B5480/D/13/2206547), by which the planning inspectorate commented on the effect of a proposed two story rear extension would be harmful to the living conditions of the occupants of No.20 Little Aston Road.

### **RELEVANT HISTORY**

P0801.13 - Part single and part two storey rear extension  
Refuse 18-09-2013

### **CONSULTATIONS/REPRESENTATIONS**



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Letters were sent to 8 neighbouring properties. One letter of objection was received.

The objector has referred to points made by the planning inspectorate following appeal decision (Ref: APP/B5480/D/13/2206547), which considered the previous proposal as an unneighbourly form of development that would cause an adverse effect on living conditions. The above concerns are of material planning consideration, please see amenity section for officer's response.

The objector also mentioned concerns regarding the devaluation of their property which is not a planning consideration.

### **RELEVANT POLICIES**

#### LDF

DC32 - The Road Network

DC61 - Urban Design

SPD4 - Residential Extensions & Alterations SPD

#### OTHER

LONDON PLAN - 7.4 - Local character

LONDON PLAN - 7.6 - Architecture

NPPF - National Planning Policy Framework

### **MAYORAL CIL IMPLICATIONS**

N/A

### **STAFF COMMENTS**

The proposal is a resubmission of application (ref: P0801.13) which was dismissed following an appeal decision (Ref: APP/B5480/D/13/2206547). The applicant has revised plans to reduce the depth of the first floor rear extension from 3.5m to 3m.

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

Further to appeal decision (Ref: APP/B5480/D/13/2206547) the Planning Inspector accepted that the previous proposal (Ref: P0801.13) would not have an adverse effect on the character and appearance of the property, area, or garden scene in that it would not be visible from the street.

The applicant has revised plans to reduce the depth of the proposed first floor rear extension to 3m from 3.5m as previously proposed under application (Ref: P0801.13). It should be noted that the dimensions and design of the proposed ground floor rear extension, as well as the other details of the scheme i.e. windows, doors etc. remain the same as previous application (Ref: P0801.13). Thereby the proposed revisions are considered to be of a minor change in terms of design and appearance, thus the proposal is not judged to harm the character and appearance of the property, area, or garden scene in accordance with the Planning Inspectors appeal decision.

### **IMPACT ON AMENITY**

To the north is a driveway providing a separation distance of over 3m between the subject dwelling, so thereby the proposal would not cause any considerable impact upon the adjacent neighbouring property at No.16.

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The ground floor rear extension is proposed to a depth of 3.5m, which is within the Councils recommended maximum depth of 4m for semi-detached dwellinghouses. In addition, the proposed flat roof also accords with the Councils recommended maximum height of 3m. Thus the ground floor extension is not considered to cause an adverse impact upon the adjoining neighbouring property at No.20.

In terms of the proposed first floor rear extension, it should be noted that following appeal decision (Ref: APP/B5480/D/13/2206547), the Planning Inspector explains 'the two storey element of the appeal proposal, due to its height and depth would be seen clearly from the rear of No. 20. The first floor bedroom and the dining room, being the rooms of No.20 closest to the common boundary, would be adversely affected. The combined depth and height of the proposed extension in close proximity to these rooms would create an overbearing effect, exacerbated to a material extent by a similar impact upon users of the garden patio.'

The applicant has revised plans to reduce the depth of the proposed first floor rear extension from 3.5m to the usual 3m standard and has retained a 2m setback from the common boundary in accordance with Council guidance. The proposed depth would create an impact upon No.20 as mentioned by the planning inspector, however the 3m reduced depth provides some improvement from the previous proposal, which in most circumstances would be considered acceptable as it complies with Councils SPD guidance.

In addition, as also mentioned by the Planning Inspector, there would be no significant loss of daylight/sunlight or overshadowing due to the orientation of the proposed extension from No.20 and the separation gap provided between No.16.

The proposal would be clearly noticeable from the rear of No.20, nonetheless, on the balance, the overall impact of the proposal is not judged to cause an unreasonable loss of amenity to the surrounding neighbouring occupants.

### **HIGHWAY/PARKING**

There will be no loss of parking and two car parking spaces will remain on site.

### **KEY ISSUES/CONCLUSIONS**

The proposed extensions would not harm the character of the property or the appearance of the area and is not considered to cause an unreasonable loss of amenity to the attached neighbouring properties. In light of the above, it is recommended that planning permission is approved.

### **RECOMMENDATION**

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

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

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

Reason:-

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).

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**2. SC10 (Matching materials)**

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

Reason:-

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

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

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

Reason:-

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

**4. SC46 (Standard flank window condition)**

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

Reason:-

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

**5. 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.

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**INFORMATIVES**

**REGULATORY SERVICES COMMITTEE**

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**1 Approval - No negotiation required**

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

## REGULATORY SERVICES COMMITTEE

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<b>APPLICATION NO:</b>	<b>P0136.14</b>	
<b>WARD :</b>	Rainham & Wennington	<b>Date Received:</b> 5th February 2014 <b>Expiry Date:</b> 7th May 2014
<b>ADDRESS:</b>	Veolia Rainham Landfill Coldharbour Lane Rainham & Wennington	
<b>PROPOSAL:</b>	Construction of an extended area for bales storage, water storage tank, pump house and electrical sub-station	
<b>DRAWING NO(S):</b>	Site Location Plan VES_TD_RAINECO_300_002 VES_TD_RAINECO_300_004	
<b>RECOMMENDATION :</b>	It is recommended that <b>planning permission be GRANTED</b> subject to the condition(s) given at the end of the report given at the end of the report.	

### **SITE DESCRIPTION**

The site forms an irregular shaped area of land located at the southern end of the wider Rainham Landfill site, and is currently used as an informal car park for staff working at the materials recycling facility (MRF) located nearby. To the east of the site are an internal access road, structures associated with the MRF, and an existing product storage area. Beyond the remaining site boundaries are internal access roads, a disused site office building, storage areas, along with plant and structures associated with the wider landfill and waste recycling facility in which the application site is located. The application site is accessed from Coldharbour Lane, along with the wider site.

### **DESCRIPTION OF PROPOSAL**

This planning application proposes the installation of a new bailed-waste storage area covering the northern end of the site, a substation adjoining the existing MRF building, along with a water storage tank and pump house located at the southern end of the site. The proposed development is associated with the upgrading of the MRF facility, which will involve the installation of new plant inside the existing buildings. It is not anticipated that the upgraded MRF would result in an increase the quantities of waste being recycled. The additional bailed-waste storage capacity is required to accommodate the increased range and separation of plastic products being produced from the incoming wastes, and the need to accumulate enough material from each category prior to shipping. The water tank and pumphouse are required to provide an enhanced fire suppression system in association with the upgraded MRF. The individual elements are as follows:

- i) The bale storage area would comprise a concrete hardstanding area approximately 2700sqm in area;
- ii) Water storage tank, constructed of galvanised steel and measuring 11m in diameter and 12.3m in height;
- iii) Pump house, constructed of plastic and measuring 7m x 5.5m in area and 2.5m in height.

The existing car park, which is used by MRF staff, would be relocated to an existing site car park located alongside a now disused office building.

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The proposal would be a temporary development in view of the fact that waste management operations at the application site, and the wider waste management facility, would need to cease and the buildings/structures be removed with the cessation of tipping operations. The existing planning permission for the wider site (P1275.96) requires that the site be restored by December 31st, 2018.

### **RELEVANT HISTORY**

The site has a long planning history; the previous decisions of most relevance to this proposal concern the wider waste management facility:

P1566.12 - Planning application for the continuation of waste inputs and operation of other waste management facilities (materials recycling facility, waste transfer station, open air composting site and associated soil plant, gas engines, leachate treatment plant, and incinerator bottom ash processing) until 2024 and re-profiling of final contours - Under consideration.

P1275.96 - Deposit of refuse materials through controlled landfill provision of material recovery facilities and creation of contoured landform and restoration scheme - Approved.

### **CONSULTATIONS/REPRESENTATIONS**

This application was advertised by site notice and in the local press. Notification letters were sent to 23 neighbouring addresses. No representations have been received.

#### Statutory Consultees

English Heritage

No objections.

Environment Agency

No objections; conditions recommended.

Environmental Health

No objections. Planning conditions recommended in relation to contaminated land.

Highways

No objections.

### **RELEVANT POLICIES**

Core Strategy and Development Control Policies Development Plan Document ("the LDF"):

CP11 (Sustainable Waste Management)

DC32 (The Road Network)

DC48 (Flood Risk)

DC53 (Contaminated Land)

DC61 (Urban Design)

Site Specific Allocations DPD

SSA17 - London Riverside Conservation Park

Joint Waste Development Plan Document ("the Waste DPD")

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W1 (Sustainable Waste Management)  
W2 (Waste Management Capacity, Apportionment and Site Allocation)  
W5 (General Considerations With Regard to Waste Proposals)

The London Plan

Policy 5.16 (Waste Self-Sufficiency)

Relevant national planning guidance:

The National Planning Policy Framework

PPS10 (Planning for Sustainable Waste Management)

### **MAYORAL CIL IMPLICATIONS**

The proposed development would not give rise to a contribution under the Mayoral CIL Regulations.

### **STAFF COMMENTS**

This proposal is brought before Members as it involves an application for Major development, where officers are recommending approval. The main issues to be considered by Members in this case are the principle of development, visual impact, amenity, access considerations, and other considerations.

### **PRINCIPLE OF DEVELOPMENT**

Policy CP11 of the LDF states that the Council is committed to increasing recycling and reducing the amount of waste being sent to landfill. Policy W1 of the Joint Waste DPD states that the East London Waste Authorities (ELWA) will encourage the reuse and recycling of materials, and the recovery of resources. The proposal would assist in diverting waste from landfill by permitting greater separation of different categories of recycled materials, enhancing their onward use-value. The proposal is therefore considered to be in accordance with Policy CP11 of the LDF and W1 of the Waste DPD.

The Waste DPD was formally adopted by the East London Boroughs on 27th February 2012. This document sets out East London's waste planning strategy to 2021, identifying the levels of waste management capacity required by the area and guiding the location of facilities to address this requirement.

The recycling facility that the proposal is associated with is listed in Schedule 1 of the Waste DPD, and Policy W2 states that such facilities will be safeguarded, and encouraged to run at higher capacities towards their licenced capacities. In this particular case, the proposal is not expected to result in any increase in waste processing capacity at the safeguarded facility. The proposed development relates to waste processing activities that could otherwise take place at the associated MRF facility.

The proposal has been considered in relation to the criteria detailed in Policy W5 of the Waste DPD and is considered to be acceptable.

The site is located at the southern end of the London Riverside Conservation Park, which is designated in the Site Specific Allocations DPD. The restoration of the site under consideration, alongside the surrounding land, all of which is being used for the management of waste, would support the objectives of Policy SSA17.

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The proposed development is considered to be acceptable in principle.

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

Policy DC61 of the LDF 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 be located within an existing, large scale waste management facility including buildings, plant, waste storage, and an imposing landform relating to the associated landfill operations. The proposed development would be of a temporary nature. It is recommended that a condition be imposed, should planning permission be granted, requiring that the proposed structures and storage area be removed by September 2018, and the land restored in accordance with the restoration scheme approved as part of planning permission P1275.96. A further condition is recommended, limiting the height of the proposed bailed-waste to 3.5m. A condition is also recommended to control the use of cladding materials and the colour scheme of the proposed structures, to ensure they are as inconspicuous as possible within the wider landscape.

Subject to the use of these conditions, it is considered that the proposed development, including the proposed structures, would not result in any significant additional visual intrusion in the local area. Given the nature of the proposal, including its siting, scale, and design, it is considered that it would be in accordance with 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 proposed development would not result in any significant increase in the intensity of activity within the wider site, which is an established waste management facility. Moreover, the site is not located in close proximity to any sensitive land uses.

The Council's Environmental Health officers have been consulted about the proposal and raised no objections in relation to noise.

It is considered that the proposal would not result in any significant adverse impacts on local amenity, and in this regard, is in accordance with Policy DC61 of the LDF.

### **HIGHWAY/PARKING**

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

The proposed development would not result in any significant increase in vehicle movements to the site during the operational phase. It is not anticipated that the proposed MRF enhancements, which the application proposal is associated with, would result in any increase in waste processing capacity at the wider site. In any case, the Council's Highway officers have been consulted about the proposal and raised no objections.

In terms of its impact on highway safety and amenity, and having regard to access considerations generally, it is considered that the proposed development would be acceptable and in accordance with Policy DC32 of the LDF.



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### **OTHER ISSUES**

#### Environmental Considerations

The proposal would be located on an existing area of hardstanding, although the applicant has stated that this will be reinforced where necessary, providing a superior cap over the existing contaminated land than currently exists. The proposed development has been considered by the Environment Agency and the Council's Environmental Health officers. No objections have been raised subject to the use of conditions relating to contaminated land.

#### Other

Policy W5 of the Waste DPD stipulates the types of information that should be included with planning applications for waste development, including mitigation measures to minimise or avoid various types of impact. With the exception of that part of this policy already discussed above, the proposal is considered to be in accordance with this policy in all other respects.

### **KEY ISSUES/CONCLUSIONS**

Subject to the afore mentioned conditions, the proposal is considered to acceptable having had regard to Policies CP11, DC32, DC48, DC53, 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 accordance with the approved plans (as set out on page one of this decision notice).

Reason:-

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

#### **3. Non Standard Condition 32**

The approved development, including the bailed-waste storage area and associated hardstanding, along with the proposed structures, shall be removed by 30th September 2018. The land shall thereafter be restored by 31st December 2018, in accordance with

## **REGULATORY SERVICES COMMITTEE**

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### **4. Non Standard Condition 33**

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 present on site is disposed of appropriately.

### **5. Non Standard Condition 34**

The development hereby permitted shall not be commenced until such time as a scheme to dispose of foul and surface water has been submitted to, and approved in writing by, the local planning authority. The drainage plan shall demonstrate that potentially polluting parts of the bales storage are drained to foul sewer and that the existing hardstanding has been repaired to prevent infiltration of surface water. The scheme shall be implemented as approved.

Reason:

To protect controlled waters by ensuring that the site drains appropriately and ensuring that no infiltration occurs through potential contaminated land.

### **6. Non Standard Condition 35**

No development shall take place until the cladding materials and exterior colour scheme associated with the proposed structures have been submitted to and approved in writing by the Local Planning Authority.

Reason:

In the interests of visual amenity and in accordance with Policy DC61 of the Development Control Policies Development Plan Document.

### **7. Non Standard Condition 36**

Only bailed waste derived from the materials recycling facility shall be stored at the site, and to a height no greater than 3.5m from ground level.

Reason:

In the interests of visual amenity and in accordance with Policy DC61 of the Development Control Policies Development Plan Document.

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## **INFORMATIVES**

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

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

**REGULATORY  
SERVICES  
COMMITTEE**

**REPORT**

24 April 2014

**Subject Heading:**

P0112.14 – Land between 117 and 119  
Shepherds Hill, Harold Wood– New  
detached dwelling (received 5/02/14)

**Report Author and contact details:**

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

**Policy context:**

Local Development Framework  
The London Plan  
National Planning Policy Framework

**Financial summary:**

None

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

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

**SUMMARY**

The application seeks planning permission for a detached dwelling. Staff consider that the proposal would be contrary to the Green Belt and urban design policies contained in the Local Development Framework Core Strategy and Development

Control Policies Development Plan Document and the National Planning Policy Framework. It is recommended that planning permission be refused.

Councillor Oddy requested this application be called in to committee, on the grounds that there is possible merit in the proposal and that Members may take an alternative view considering the site's location.

## RECOMMENDATIONS

That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable fee would be £2,508.66, subject to indexation. This is based on the creation of 126 square metres of new gross internal floor space.

That planning permission is refused for the following reasons:

1. The site is within the area identified in the Local Development Framework as Metropolitan Green Belt. Policy DC45 of the LDF and Government Guidance as set out in the National Planning Policy Framework (Green Belts) states that in order to achieve the purposes of the Metropolitan Green Belt it is essential to retain and protect the existing rural character of the area so allocated and that new development will only be permitted outside the existing built up areas in the most exceptional circumstances. The development is inappropriate in principle in the Green Belt. The special circumstances that have been submitted in this case, do not outweigh the in principle harm and visual harm to the character and openness of the Green Belt arising from this proposal. The proposed development is therefore contrary to Policy DC45 of the LDF Core Strategy and Development Control Policies Development Plan Document, as well as the National Planning Policy Framework.
2. The proposed development would, by reason of its scale, bulk, mass and position close to the boundaries of the site, appear unduly cramped in the site, harmful to the setting of the locally listed building as well as the character and appearance of the surrounding area contrary to Policies DC61 and DC67 of the Local Development Framework Development Plan Document.
3. In the absence of a legal agreement to secure a financial contribution of £6,000 to be used towards infrastructure costs of new development, the proposal is contrary to the provisions of Policy DC72 of the LDF and the Havering Planning Obligations Supplementary Planning Document.

## INFORMATIVES

1. The proposal, if granted planning permission on appeal, would be liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be £2,508.66 subject to indexation. Further details with regard to CIL are available from the Council's website.

2. Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: 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.

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

- 1.1 The application has been advertised as required under The Town and Country (Development Management Procedure) (England) Order 2010 as contrary to the policy of the Development Plan. The application site is located on the northern side of Shepherds Hill. The application site comprises of a parcel of land in between No.'s 115 and 119/121 Shepherds Hill. The site previously formed part of the garden area of No.117 Shepherds Hill which is located towards the rear of the existing plot. The application site has since been subdivided from No. 117 Shepherds Hill. The surrounding area is characterised by two storey residential properties on large spacious plots. The application site and surrounding area is located within the Metropolitan Green Belt.

2. **Description of development:**

- 2.1 The application seeks full planning permission for the erection of a two storey dwelling on land between no.115 and 119/121 Shepherds Hill. The proposed dwelling would measure 11.5 metres in depth by 6.7 metres in width and have a hipped roof. The roof would be 7.9 metres in height at the ridge. A statement of very special circumstances has been submitted in support of the application.

3. **Relevant History:**

- 3.1 P1345.11 – Two storey detached family dwelling – Refused. Appeal dismissed.  
P1588.09 - Residential annexe - Refused.  
P1210.09 - Detached building to form annexe to rear of 117 Shepherds Hill - Withdrawn.  
P2039.07 - New two bedroom bungalow - Refused.  
P2299.88 - Detached house and garage - Refused and appeal dismissed.  
P0091.87 - Detached dwelling - Refused  
P0402.86 - Erection of detached dwelling - Refused  
185/82 - Detached dwelling and garage (outline) - Refused and appeal dismissed  
1153/79 - Outline domestic dwelling - Refused  
L/HAV/773/66 – New dwelling and garage – Refused.

#### 4. Consultations/Representations:

4.1 The application has been advertised in a local newspaper and by way of a site notice as a departure from Green Belt policies. Nineteen neighbouring occupiers were notified of the planning application. A petition has been received in support of the application with 19 signatures. Three letters of objection were received (one didn't have any address details) with detailed comments that have been summarised as follows:

- The Design and Access Statement advises that the application is in line with the National Planning Policy Framework, although there is no supporting evidence provided with this statement.
- This planning application is very similar to the original planning application.
- This location would deter, not encourage fly tippers as it's in between two houses and is a dangerous place to park including commercial vehicles to dump rubbish.
- There is no evidence of site clearance since planning application P1345.11.
- Loss of amenity – would appear cramped on the plot and remove the open aspect of the site.
- It is suggested that the site could be sold to someone else who would not develop the land for residential use, if the current owner does not want to clear the area.
- Would set an undesirable precedent for other properties in Shepherds Hill, with occupiers dividing their gardens to build houses.
- This is the 10<sup>th</sup> planning application and previous appeals have been dismissed. The reasons for refusal for the previous applications have not diminished.
- No. 119/121 Shepherds Hill may be included in the Register of Buildings of Local Heritage Interest.
- The impact of the proposal on the character and appearance of a locally listed property, which is of historical and architectural merit.
- The proximity of the proposal to the boundaries of neighbouring properties.
- The narrow width of the plot, access and highway safety.
- The proposal would be visually intrusive and out of character with neighbouring properties and the surrounding area.
- The site used to be a pleasant garden area, now it is barren land.
- The rural character of the Metropolitan Green Belt needs to be protected.
- Loss of light and outlook.
- Loss of privacy.
- There is a restrictive covenant on the application site preventing the development of a dwelling.
- Noise and disturbance during construction works.

4.2 Restrictive covenants and noise and disturbance from construction works are not material planning considerations. The remaining issues are addressed in the following sections of this report.

4.3 Crime Prevention Design Advisor – Recommends an informative if minded to grant planning permission.

4.4 The Highway Authority has no objections to the proposal and recommends conditions regarding cycle storage, pedestrian visibility splays and vehicle access and various informatives if minded to grant planning permission.

4.5 English Heritage – The proposal is unlikely to have a significant effect on heritage assets of archaeological interest.

## 5. **Staff Comments:**

5.1.1 The issues arising from this application are the principle of development, the impact upon the character and openness Metropolitan Green Belt, the impact on the streetscene, amenity implications, any highway and parking issues and the case for very special circumstances.

5.1.2 Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP14 (Green Belt), CP17 (Design), DC3 (Housing Design and Layout), DC33 (Car Parking), DC61 (Urban Design), DC63 (Delivering Safer Places) and DC72 (Planning Obligations) of the LDF Core Strategy and Development Control Policies Development Plan Document are considered material together with the Residential Design Supplementary Design Guidance, the Landscaping Supplementary Planning Document, the Planning Obligations Supplementary Planning Document. Policies 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 3.8 (Housing Choice), 5.3 (Sustainable Design and Construction), 6.13 (parking), 7.1 (building London's neighbourhoods and communities), 7.13 (safety, security and resilience to emergency), 7.16 (Green Belt), 7.4 (local character) and 8.3 (Community infrastructure levy) of the London Plan are relevant. Chapters 6 (Delivering a wide choice of high quality homes), 7 (Requiring good design) and 9 (Protecting Green Belt land) of the National Planning Policy Framework are relevant.

## 5.2 **Background**

5.2.1 The last planning application for this site was P1345.11, which sought permission for a two storey detached family dwelling and this was refused for the following reasons:

1) The site is within the area identified in the Havering Local Development Framework as Metropolitan Green Belt. The Council's development plan and Government Guidance as set out in Planning Policy Guidance Note 2 (Green Belts) 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. The special circumstances that have been submitted in this case, to the Council's satisfaction, do not outweigh the in principle harm and visual harm arising from this proposal. The proposed development is therefore contrary to Policy DC45 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document and the provisions of Government guidance contained in PPG2 (Green Belts).

2) The proposed development would, by reason of its roof form, scale, bulk, mass and position close to the boundaries of the site, appear unduly cramped in the site, harmful to the setting of the locally listed building as well as the character and appearance of the surrounding area contrary to Policy DC61 of the Local Development Framework Development Plan Document.

3) It is considered that the proposed development would, by reason of its excessive depth, scale, bulk and mass, appear dominant and visually intrusive in the rear garden environment harmful to the amenity of adjacent occupiers, particularly No. 115 Shepherds Hill contrary to Policy DC61 of the Local Development Framework Development Plan Document.

The application was subsequently dismissed on appeal.

### **5.3 Principle of Development**

5.3.1 The application site lies within Metropolitan Green Belt. The proposal is for a new detached dwelling. Paragraph 89 of the National Planning Policy Framework (NPPF) states that the construction of new buildings is inappropriate in Green Belt. The exceptions to this are:

- buildings for agriculture and forestry;
- provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or
- limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

5.3.2 Policy DC45 of the LDF states that planning permission for new buildings will only be granted for the following purposes - they are essential for agriculture and forestry, outdoor recreation, nature conservation, cemeteries, mineral extraction or park and ride facilities, or they involve limited infilling or redevelopment on a site designated as a Major Developed Site in accordance with DC46.

5.3.3 The provision of a new residential dwelling is not one of the specified purposes listed in the NPPF and as such this proposal is inappropriate in principle. The NPPF provides that where inappropriate development is proposed within the Green Belt planning permission should not be granted unless the applicant can demonstrate very special circumstances exist that outweigh the harm resulting from the development. The NPPF states that a Local Planning Authority should regard the construction of new buildings as



inappropriate in Green Belt, although one exception is limited infilling in villages or limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

- 5.3.4 Although Policy DC45 does allow for limited infilling this is relating to sites designated as a major development site in accordance with Policy DC46, which does not include the application site. The appeal decision for application P1345.11 stated that “The Framework requires local planning authorities to regard the construction of new buildings as inappropriate in the Green Belt, unless they meet certain, specified criteria. The Council asserts and the appellant does not dispute, that the proposed development does not meet any of these criteria. As such, the proposal would represent inappropriate development, which is, by definition, harmful to the Green Belt...and contrary to the NPPF and Policy DC45 of the LDF”.
- 5.3.5 When reviewing the merits of this application, consideration was given to an appeal decision regarding a separate planning application for a new dwelling in the vicinity of the application site. Planning application P0995.12 sought consent for a new dwelling at land to the north/rear of the Shepherd & Dog Public House, Shepherds Hill, which was refused planning permission on the following grounds (which have been summarised): 1) The development is inappropriate in principle in the Green Belt and no very special circumstances were submitted to outweigh the harm caused by inappropriateness and visual harm to the character and openness in the Green Belt. 2) The proposed development, by reason of the bulk and size of the proposed dwellings, would result in a visually intrusive form of development, which is detrimental to the open character of the Green Belt at this point. 3) 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. This planning application was subsequently allowed on appeal.
- 5.3.6 The Inspector (for application P0995.12) referred to the NPPF which states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this include limited infilling in villages. The Inspector was of the view that the proposal would conflict with development plan policy DC45, however this is out of date as it is inconsistent with Government policy in the Framework in respect of development in the Green Belt, with which the proposal would comply. The Inspector concluded that Shepherds Hill forms a sufficiently extensive area of residential development to be considered a village and the new single dwelling would comprise limited infilling in a village. As a result the proposal would not comprise inappropriate development in the Green Belt for the purposes of the Framework. The Inspector referred to the appeal decision for P1345.11 at 117 Shepherds Hill, noting that the appellant in that case did not seek to contest the Council’s view that the dwelling would be inappropriate development and the issue of whether the proposal constituted limited infilling in a village did not

therefore arise. Therefore, the appeal decision for P0995.12 was considered on its own merits.

5.3.7 Staff maintain the view that the proposal is inappropriate development within the Green Belt, as Shepherds Hill is not a village or hamlet with its own facilities. The NPPF refers to local services and community facilities in villages, such as shops, meeting places, sports venues, cultural buildings, public houses and places of worship. With the exception of the Shepherd & Dog public house, there are no other local services or community facilities in Shepherds Hill. In addition, the application site is not in a Minor Local Centre and therefore, does not constitute a village. It is considered more appropriate to describe the application site as being located in an area of ribbon development within the Green Belt, rather than within a village. Such areas of ribbon development maintain a degree of openness by virtue of the spacing between properties and generally less dense nature of development compared to villages or nearby suburban areas. The impact of the development on the openness of the Green Belt is considered further below.

5.3.8 In this instance, some very special circumstances have been put forward to outweigh the harm to the Green Belt. Prior to appraising these very special circumstances, it is necessary to consider other impacts that may arise from the proposal.

#### **5.4 Impact on the character and appearance of the Green Belt**

5.4.1 Policy 9 of the NPPF states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

5.4.2 In this instance, the proposed dwelling would be two storey in nature. It is Staff's view that the site has an open and spacious character. The proposed dwelling would be visually detrimental in this location and materially harmful to the open character of the Green Belt. This view is supported by the appeal decision (for application P1345.11), which stated that openness is an essential characteristic of the Green Belt. The additional built development proposed would replace an undeveloped area of land and would, as a result, materially erode the openness of the Green Belt.

5.4.3 Although it is considered that an adequate access to the application site could be made from Shepherds Hill, this along with the associated vehicle hardstanding would be materially harmful to the visual amenity of the Green Belt contrary to Policy DC45 and the NPPF.

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

5.6.1 Council policy and guidance seeks to ensure that new developments are satisfactorily located and are of a high standard of design and layout. Furthermore, the appearance of new developments should be compatible with the character of the surrounding area, and should not prejudice the environment of the occupiers and adjacent properties. In this case, existing

local character is drawn largely from detached and semi-detached single and two storey dwellings. Many of these dwellings have been previously extended and are each of varying architectural styles and design. To either side of the application site are two storey detached dwellings.

- 5.6.2 In comparison with the previous planning application P1345.11, it is noted that the gabled roof of the dwelling has been replaced with a hipped roof and the height of the dwelling has been reduced from 8.9 metres to 7.9 metres - both of these changes represent modest improvements.
- 5.6.3 No. 119/121 Shepherds Hill is a locally listed dwelling, which currently benefits from an open and spacious setting and is well separated from neighbouring properties. The appeal decision (for application P1345.11) stated that the existing gap fronting Shepherds Hill between No.'s 115 and 119/121, provides a visual break in the street, to the benefit of the area's identified green and spacious character. The proposed development would largely fill its plot, from side to side, and this would eliminate the existing visual break along Shepherds Hill; lead to the proposed development appearing cramped on its plot; and when seen together with the existing dwellings to either side, would create the effect of continuous development, whereby this is not currently the case.
- 5.6.4 The Council's Heritage Officer was consulted for this application, given the impact of the proposal on the setting of an historic asset – 119/121 Shepherds Hill. Staff consider that the dwelling would, by reason of its scale, bulk, mass and position close to the boundaries of the site, appear unduly cramped in the site, harmful to the setting of the locally listed building as well as the character and appearance of the surrounding area contrary to Policies DC61 and DC67.

## 5.7 Impact on amenity

- 5.7.1 With regard to amenity issues, consideration should be given to future occupiers of this property and also the amenity of the occupiers of neighbouring properties. Policy DC61 of the DPD states that planning permission will not be granted where the proposal results in unacceptable overshadowing, loss of sunlight/daylight, overlooking or loss of privacy to existing and new properties.
- 5.7.2 No. 119/121 Shepherds Hill has two ground floor windows on its western flank - one of which is in the original dwelling and the other window forms part of a single storey rear extension. Both windows serve an open plan lounge/dining room and are secondary light sources with windows to the front and rear. It is considered that the proposal would not result in a significant loss of amenity to No. 119/121 Shepherds Hill, as there would be a separation distance of approximately 2.5 metres between the western flank of this neighbouring property and the eastern flank of the proposed dwelling.
- 5.7.3 No. 115 Shepherds Hill has two ground floor flank windows. The first ground floor window serves a hallway, which is not a habitable room. The second window serves a lounge, which is a secondary light source, as there is a

window on the front façade. No. 115 Shepherds Hill has a first floor flank window, which serves a landing and is not a habitable room.

5.7.4 It is considered that the proposal would not result in a significant loss of amenity in terms of loss of light and outlook to No. 115 Shepherds Hill, as there are no primary light sources serving habitable rooms on the flank of this neighbouring property. It is noted that the first floor window on the rear façade of No. 115 Shepherds Hill is obscure glazed and serves a bathroom, which is not a habitable room. In addition, there would be a separation distance of approximately 2.5 metres between the eastern flank of this neighbouring property and the western flank of the proposed dwelling. No. 115 Shepherds Hill has a single storey rear extension, which would partly mitigate the impact of the proposal at ground floor level.

5.7.5 The proposed dwelling would be in general alignment with the front and rear building lines of No.'s 115 and 119/121 Shepherds Hill, which would help to mitigate its impact.

5.7.6 It is considered that the proposal would not result in any undue overlooking or loss of privacy to neighbouring properties, as details of boundary treatment can be secured by condition if minded to grant planning permission. In addition, the ground floor flank stairwell and utility room windows can be obscure glazed and fixed shut with the exception of top hung fanlights. The first floor flank windows serve a bathroom and stairwell and can be obscure glazed and fixed shut with the exception of top hung fanlights if minded to grant planning permission.

## 5.8 Highway/parking issues

5.8.1 The proposal has provision for two off street parking spaces, which is sufficient. The Highway Authority has no objection to the proposal and recommends conditions regarding cycle storage, pedestrian visibility splays and vehicle access and various informatives if minded to grant planning permission. It is considered that the proposal would not create any highway or parking issues.

## 5.9 The Mayor's Community Infrastructure Levy

5.9.1 The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The CIL payment is applicable as the proposal is for a dwelling. According to the CIL form, the new dwelling would have a floor space of 126 square metres. On this basis, the CIL liability would be payable up to £2,508.66 (subject to indexation).

$£20\text{sq.m} \times 126 = £2,520.$

$£2,520 \times 0.9955 = £2,508.66.$

## 6. Planning Obligations

6.1 In the absence of a legal agreement to secure a financial contribution of £6,000 to be used towards infrastructure costs of new development, the

proposal is contrary to the provisions of Policy DC72 of the LDF and the Havering Planning Obligations Supplementary Planning Document.

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

7.1 A statement of very special circumstances has been submitted in support of the application.

- This plot is the only gap in a ribbon development and has become an unsightly tip for fly tipping.
- It would be unacceptable to fence this site off, which would become even more unsightly in the green belt.
- The current owner has now refused to remove any more rubbish from this land.
- The derelict nature of this barren site does not contribute to the green belt but creates an eye sore with an overall negative impact to the area.
- Reference was made to the appeal decision for planning application P0995.12 – Land to the north/rear of the Shepherd & Dog public house, Shepherds Hill. The applicant asserts that this is now typical case law and should be used as part of the current special circumstances to approve the application until the Government change their policy or wording for limited infilling in villages.

7.2 Staff consider that the very special circumstances, in themselves, are not particularly unusual or weigh significantly in favour of the development proposed. It is considered that there are not overriding considerations that outweigh the harm to the open character and appearance of the Green Belt. In response to the negative argument that the current owner has now refused to remove rubbish from the land, there are a number of enforcement provisions including Section 215 of the Town and Country Planning Act 1990 that can be employed to tackle this. Therefore, it is recommended that planning permission is refused.

## **8. Conclusion**

8.1 The proposed construction of a residential dwelling represents inappropriate development in a Green Belt location contrary to national and local planning policies. Inappropriate development is by definition harmful to the character of the Green Belt and the purposes of including land within it. Staff consider that the very special circumstances are not overriding considerations and do not outweigh the harm to the open character and appearance of the Green Belt. It is therefore recommended that planning permission be refused.

8.2 If Members are minded to grant planning permission, Staff suggest that conditions shall be placed that consist of at a minimum: time limit, a landscaping scheme, samples of materials, in accordance with plans, permitted development (including no development and outbuildings under Classes A, B, C, D and E), boundary treatments, obscure glazing to flank windows, flank windows, visibility splays, vehicle access, refuse storage, cycle storage and hours of construction.

## IMPLICATIONS AND RISKS

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

None.

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

None.

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

None.

### **Equalities implications and risks:**

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

## BACKGROUND PAPERS

Application forms and plans received 5/02/2014.

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

**REGULATORY  
SERVICES  
COMMITTEE**

**REPORT**

24 April 2014

**Subject Heading:**

P0315.14 - Land off Neave Crescent, Romford - The erection of 2 no. 2-bed bungalows for the general needs of the over 55's. (received 07/03/14)

**Report Author and contact details:**

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[helen.oakerbee@havering.gov.uk](mailto:helen.oakerbee@havering.gov.uk)  
01708 432800

**Policy context:**

Local Development Framework  
The London Plan  
National Planning Policy Framework

**Financial summary:**

None

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

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

**SUMMARY**

This application relates to Council owned land. The application proposes the erection of 2 no. 2-bed bungalows with associated car parking and amenity space. Staff consider the proposal to be acceptable. The application is recommended for approval subject to conditions.

## RECOMMENDATIONS

- That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable fee is based on an internal gross floor area of 150m<sup>2</sup> for the 2-bed bungalows and amounts to £3,000.

That Staff be authorised to grant planning permission subject to the conditions set out below:

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

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

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

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

3. Parking standards: Before the building(s) hereby permitted is first occupied, provision shall be made for 13 no. off-street car parking spaces within the site in accordance with drawing no. 9140-1000 Rev H and thereafter this provision shall be made permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

10. Secured by Design/Crime Prevention: Prior to the commencement of the development hereby permitted, details of the measures to be incorporated into the development demonstrating how 'Secured by Design' accreditation can be achieved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, and shall not be occupied or used until written confirmation of compliance with the agreed details has been submitted to and approved in writing by the LPA.

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

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

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

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

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

13. External lighting: No development shall take place until a scheme for external lighting has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior commencement of the hereby approved development and permanently maintained in accordance with the approved scheme.

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

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

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

15. Pedestrian Visibility Splay: The proposals should provide a 2.1 by 2.1 metre pedestrian visibility splay on either side of the proposed access to Plot 1, set back to the boundary of the public footway. There should be no obstruction or object higher than 0.6 metres within the visibility splay.

**Reason:** In the interests of highway safety, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC32.

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

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

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

**Reason:** In the interests of ensuring good design and ensuring public safety and to comply with policies of the Core Strategy and Development Control Policies DPD, namely CP10, CP17, and DC61.

18. Personal condition: The benefit of the planning permission hereby approved shall enure solely for the benefit of London Borough of Havering and its tenants.

**Reason:** Due to the particular circumstances of the proposal and need for infrastructure contribution should the development become general specialist housing.

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

**Reason:** To ensure that the occupants of the development are not subject to any risks from soil contamination in accordance with the LDF Core Strategy and Development Control Policies DPD Policy DC53.

## INFORMATIVES

1. Fee Informative:

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

2. The applicant is advised that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted considered and agreed. If new or amended access as required (whether temporary or permanent), there may be a requirement for the diversion or protection of third party utility plant and it is recommended that early involvement with the relevant statutory undertaker takes place. The applicant must contact Engineering Services on 01708 433751 to discuss the scheme and commence the relevant highway approvals process. Please note that unauthorised work on the highway is an offence.

3. The developer (including their representatives and contractors) is advised that planning consent does not discharge the requirements of the New Roads and Street Works Act 1991, the Road Traffic Regulations Act 1984 and the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works of any nature) required during the construction of the development. Please note that unauthorised work on the highway is an offence.

4. The developer is advised that if construction materials are proposed to be kept on the highway during construction works then they will need to apply for a license from the Council. If the developer requires scaffolding, hoarding or mobile cranes to be used on the highway, a licence is required and Streetcare should be contacted on 01708 434343 to make the necessary arrangements. Please note that unauthorised use of the highway for construction works is an offence.

5. There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted in some cases for extensions to existing buildings. The applicant is advised to contact Thames Water Developer Services on 0845 850 2777 to discuss the options available at this site.

6. With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.
7. In aiming to satisfy condition 10 the applicant should seek the advice of the Police Designing Out Crime Officers (DOCOs). The services of the Police DOCOs are available free of charge and can be contacted via docomailbox.ne@met.police.uk or 0208 217 3813. It is the policy of the local planning authority to consult with the DOCOs in the discharging of community safety condition(s).
8. Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.

### **Mayoral CIL**

The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable fee is based on an internal gross floor area of 150m<sup>2</sup> which, at £20 per m<sup>2</sup>, equates to a Mayoral CIL payment of £3,000 (subject to indexation).

## **REPORT DETAIL**

### **1. Site Description**

- 1.1 The application site consist of two empty pieces of land (site 1 and site 2) which are located to either side of No's 75 – 97 Neave Crescent, Harold Hill and is currently used as a grass area and parking area respectively. The ground is relatively level. The two sites have an overall area of approximately 430m<sup>2</sup> and 690m<sup>2</sup> respectively.
- 1.2 Development in the vicinity is characterised by one, two and three storey residential units which predominantly have a brick finish.

## **2. Description of Proposal**

- 2.1 The application seeks permission for the erection of 2 no. 2-bed bungalows for general needs accommodation for the over 55's and for the provision of 13 new parking spaces (11 space within site 2 to the west and 2 spaces within site 1 to the east).
- 2.2 The bungalows would measure 9.6m in width and 9.1m in depth. The bungalows will be covered by a hipped roof measuring 2.8m in height to eaves and 5.6m to the ridge. The proposed bungalow on site 1 would be located in close proximity to the southern boundary set 1.1m off this neighbouring boundary at the closest point. The proposed bungalow on site 2 would be located towards the southwestern part of the site with the closest point set 4m off the southwestern boundary.
- 2.3 The proposed 2-bed bungalows would consist of a bathroom, living room, kitchen/ dining room, living room and two bedrooms.
- 2.4 The access arrangements are sufficient to allow access into the site for refuse collection. The storage of cycles could be accommodated in the rear gardens.
- 2.5 The dwellings would have a northeast-southwest orientation with garden spaces towards the rear and side, measuring approximately 80m<sup>2</sup> for each plot.

## **3. History**

- 3.1 P1485.13 - Erection of 3 no. 2 bed bungalows for the general needs for the over 55's - Withdrawn

## **4. Consultation/Representations**

- 4.1 Notification letters were sent to 77 neighbouring properties and no letters of objection were received.
- 4.2 The Highway Authority has raised no objection to the proposal provided that a pedestrian visibility splay and vehicle access to Unit 1 be provided. The Highway Authority also stated that Unit 2 will require the stopping up of a section of public highway (a footway) which is a process additional to the planning application
- 4.3 Thames Water has stated that there are public sewers crossing or close to the development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer.

4.4 The Fire Brigade (access) are satisfied with the proposals.

## **5. Relevant Policies**

5.1 Policies CP1 (Housing Supply), CP17 (Design), DC3 (Housing Design and Layout), DC33 (Car parking), DC35 (Cycling), DC55 (Noise), DC61 (Urban Design) and DC63 (Crime) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Documents and the Residential Extensions and Alterations Supplementary Planning Document (SPD) and the Residential Design SPD are also relevant.

5.2 Policies 3.3 (Increasing Housing Supply), 3.4 (Optimising Housing Potential), 3.5 (Quality and Design of Housing Developments), 3.8 (Housing Choice), 6.9 (Cycling), 6.10 (Walking), 6.13 (Parking), 7.1 (Building London's Neighbourhoods and Communities), 7.2 (Inclusive Design), 7.3 (Designing out Crime), 7.4 (Local Character), 7.5 (Public Realm), 7.6 (Architecture) of the London Plan (2011).

5.3 National Planning Policy Framework (NPPF) Section 6 "Delivering a wide Choice of Homes", and Section 7 "Requiring Good Design".

## **6. Staff comments**

6.1 This proposal is put before the Committee owing to the application site comprising land owned by the Council. The main issues to be considered by Members in this case are the principle of development, the site layout and amenity space, design/street scene issues, amenity implications, and parking and highways issues.

### *6.3 Principle of Development*

6.2.1 The site lies outside the Metropolitan Green Belt, Employment Areas, Commercial Areas, Romford Town Centre and District and Local Centres. The principle of residential development is considered acceptable in land use terms and the provision of additional housing is consistent with the National Planning Policy Framework.

6.2.2 Policy 3.8 of the London Plan states that DPD policies should offer a range of housing choices, in terms of the mix of housing sizes and types, taking account of the housing requirements of different groups. Policy 3.5 states that Local Development Frameworks should incorporate minimum space standards. The Mayor has set these at 70m<sup>2</sup> for a 2-bed 4-person dwelling. The proposed dwellings have individual internal floor space of 75m<sup>2</sup> which is in line with the recommended guidance and considered acceptable.

### *6.3 Site Layout / Amenity Space*

6.3.1 The Council's Residential Design SPD in respect of amenity space recommends that every home should have access to suitable private and/or communal amenity space in the form of private gardens, communal



gardens, courtyards, patios, balconies or roof terraces. In designing high quality amenity space, consideration should be given to privacy, outlook, sunlight, trees and planting, materials (including paving), lighting and boundary treatment. All dwellings should have access to amenity space that is not overlooked from the public realm and this space should provide adequate space for day to day uses.

6.3.2 Amenity space would mainly be provided with garden spaces towards the rear (southwest) and wrapping around to the sides, measuring approximately 80m<sup>2</sup> for each plot. The site currently has screen fencing around part of the site however, fencing can be required by means of a planning condition to those boundaries that do not have appropriate fencing.

6.3.3 Amenity provision in the locality is generally arranged towards the rear of dwellings. Staff consider the amenity space to be sufficient and would not detract from the surrounding area. Staff are of the opinion that the garden areas would be large enough to be practical for day to day use and with the provision of fencing, would generally be screened from general public views and access, providing private and usable garden areas. Staff acknowledge that there would be some overlooking of the rear garden of plot 1 from No's. 75-85 Neave Crescent, however Staff consider this to be acceptable given the separation distance and the oblique angle at which the application site is set and given that the new occupiers would be aware of the situation prior to occupation. There would also be some overlooking of the rear garden of plot 2 from No's. 1-38 Neave Crescent (Holsworthy House). However Staff consider this to be acceptable given the angle of the proposed dwelling in relation to Holsworthy House and given that the new occupiers would be aware of the situation prior to occupation. As a result, it is considered that the proposed amenity areas of the new dwellings would comply with the requirements of the Residential Design SPD and are acceptable in this instance.

6.3.4 The residential density range for this site is 30 - 50 units per hectare. The proposal would result in a density of approximately 18 units per hectare. Although this is below the density range the density is only one means of assessment and there is a need to evaluate the quality of the accommodation and its impact on the streetscene.

6.3.5 In terms of the general site layout, the proposed terraced dwellings would have sufficient spacing towards the front with adequate amenity areas towards the rear, and therefore are not considered to appear as an overdevelopment of the site. The proposal would have sufficient spacing between buildings and is not considered to appear as a cramped form of development. The layout of the site is therefore considered acceptable.

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

6.4.1 Policy DC61 of the LDF Development Plan Document seeks to ensure that new developments are satisfactorily located and are of a high standard of

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

- 6.4.2 The proposed bungalow on plot 1 would be visible in the streetscene and set slightly forward of the building line along this part of Neave Crescent, however Staff do not consider this to have an unacceptable impact on the streetscene given the relatively low height of the bungalow proposed. The modest bungalow would still be seen in relation to much higher buildings within the immediate vicinity. The proposed bungalow on plot 2 would be well set back from Neave Crescent and is not considered to have a harmful impact on the streetscene.
- 6.4.3 The characteristic built form in the immediate surrounding varies from bungalows to two and three storey brick built dwellings.
- 6.4.4 In terms of its design and visual appearance, Staff are of the opinion that the development of the proposed detached bungalows in this location would have an acceptable appearance with no harmful impact to the character and appearance of the surrounding area. In light of sufficient separation distances between the proposed dwellings and neighbouring properties, Staff are of the opinion that the proposal would not appear as a cramped form of development and overall would have an acceptable design and appearance, compliant with the aims and objectives of Policy DC61 of the Local Development Framework.

## 6.5 *Impact on Amenity*

- 6.5.1 Policy DC61 considers that new developments should not materially reduce the degree of privacy enjoyed by the occupants of adjoining properties or have an unreasonably adverse effect on sunlight and daylight to adjoining properties.
- 6.5.2 Staff do not consider the proposed bungalows to have an unacceptable impact on neighbouring properties as there are no roof accommodation proposed. Any potential overlooking from windows at ground floor would be mitigated by boundary fencing.
- 6.5.3 Overall, Staff do not consider unacceptable levels of overshadowing or overlooking to occur as a result of the proposed bungalows.
- 6.5.4 In terms of vehicular activity Staff are of the opinion that 2 no. bungalows would not give rise to an unacceptable level of vehicular activity. It should be noted that plot 2, which would accommodate the bulk of the parking proposed, is currently used as an open parking area.

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

#### 6.6 *Highways / Parking Issues*

- 6.6.1 Policy DC33 in respect of car parking refers to the density matrix in Policy DC2. The site has a PTAL rating of 1-2 and therefore requires 2 - 1.5 parking spaces per unit for a development of this type. The development would provide a total of 13 no. on-site parking spaces and 2 no. spaces to plot 1 and 11 spaces to plot 2. In terms of the number of spaces proposed, the provision of off-street parking spaces would comply with the requirements of Policy DC33 and no issues are raised in this respect.
- 6.6.2 Staff do acknowledge that the existing parking arrangements for the site would be altered but consider the provision of 13 no. spaces to be sufficient to meet the needs of this site and existing properties. Also, the Highways Authority has not raised an objection to the proposed development. The proposal will require the stopping up of a section of the highway (footway). This will be subject to a separate process outside of the planning application.
- 6.6.3 A condition would be added to provide storage for 2 no. cycle spaces per unit in order to comply with the Council's standards.
- 6.6.4 In light of the above, the proposal is considered to satisfy the requirements of Policy DC2 and DC33 and would not result in any highway or parking issues.

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

- 6.7.1 The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The

applicable fee is based on an internal gross floor area of 75m<sup>2</sup> for the 2-bed bungalows and amounts to £3000.

#### 6.8 *Infrastructure Contribution*

6.8.1 The proposal would have been subject to a financial contribution of £12,000 to be used towards infrastructure costs in accordance with the Planning Obligations Supplementary Planning Document. However, in this instance, the development would be owned and managed by the Council. Therefore in this particular instance it is considered that a condition personal to the London Borough of Havering would be appropriate.

#### 6.9 *Other Issues*

6.9.1 The access arrangements are sufficient to allow access into the site for refuse collection. Staff therefore consider the refuse arrangements to be acceptable.

### 7. **Conclusion**

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

## IMPLICATIONS AND RISKS

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

The application relates to a land which is within the Council's ownership.

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

None.

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

None

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

The Council's planning policies are implemented with regard to Equalities and Diversity. The supported housing units is specifically designed for over 55's for affordable rent.

**BACKGROUND PAPERS**

1. Application forms and plans received 07/03/14.

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**REGULATORY  
SERVICES  
COMMITTEE**

**REPORT**

**24 April 2014**

**Subject Heading:**

**P0225.14 67 Corbets Tey Road**

**Section 73 application for a minor material change to the plans approved under planning permission P1152.13**

**Report Author and contact details:**

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

**Policy context:**

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

**Financial summary:**

**None**

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

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

**SUMMARY**

Planning permission P1152.13 granted approval for the demolition of an existing building and the erection of nine residential units. The required legal agreement was completed and the planning consent issued on 19<sup>th</sup> December 2013. It has subsequently come to light that the applicant's land ownership along the western boundary differs slightly from what was depicted on the approved plans. This

planning application therefore seeks a variation of condition 2 of planning permission P1152.13 to allow for the substitution of the approved plans to reflect the boundary change, and minor consequential changes to the scheme. The proposal would not result in changes to any other aspect of the previously approved development.

## RECOMMENDATIONS

That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable fee is based on an internal gross floor area of 828m<sup>2</sup> and amounts to £16,560.

That the proposal is unacceptable as it stands but would be acceptable subject to the applicant completing a variation of the Section 106 Legal Agreement completed in relation to planning permission P1152.13, to reflect the granting of a new permission with the reference P0225.14 and any other consequential changes as required. The legal agreement would continue to secure the following:

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

That Staff be authorised to enter into a legal agreement to secure the above and upon completion of that agreement, which shall be secured within 3 months of the committee date, grant planning permission subject to the conditions set out below.

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

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



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

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

3. Car parking - Before the buildings hereby permitted are first occupied, the areas set aside for car parking shall be laid out and surfaced to the satisfaction of the Local Planning Authority. The parking areas shall be retained permanently thereafter for the accommodation of vehicles visiting the site and shall not be used for any other purpose.

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

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

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

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

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

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

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

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

13. Construction methodology - Before development is commenced, a scheme shall be submitted to and approved in writing by the local planning authority making provision for a Construction Method Statement to control the adverse impact of the development on the amenity of the public and nearby occupiers. The Construction Method statement shall include details of:
  - a) parking of vehicles of site personnel and visitors;
  - b) storage of plant and materials;
  - c) dust management controls
  - d) measures for minimising the impact of noise and, if appropriate, vibration arising from construction activities;
  - e) predicted noise and, if appropriate, vibration levels for construction using methodologies and at points agreed with the local planning authority;
  - f) scheme for monitoring noise and if appropriate, vibration levels using methodologies and at points agreed with the local planning authority; siting and design of temporary buildings;
  - g) scheme for security fencing/hoardings, depicting a readily visible 24-hour contact number for queries or emergencies;

- h) details of disposal of waste arising from the construction programme, including final disposal points. The burning of waste on the site at any time is specifically precluded.

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

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

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

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

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.

15. Sound attenuation - The houses hereby permitted shall be so constructed as to provide sound insulation of 45 DnT,w + Ctr dB (minimum value) against airborne noise and the flats 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'.

16. Highways – The proposed alterations to the Public Highway shall be submitted in detail to the Local Planning Authority for its written approval prior to the commencement of the development hereby approved. The development shall thereafter be undertaken in accordance with the approved scheme.

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

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

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

18. Permitted Development Rights - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) Order 2008, Article 3, Schedule 2, Part 1, Classes A to E, or any future order, regulation or statutory provision revoking or re-enacting the said Order, no enlargements, improvements or other alteration shall take place to the dwellinghouses and no outbuildings or other means of enclosures shall be erected within the garden areas of the dwellinghouses, with the exception

of ancillary structures up to 10 cubic metres in volume, unless permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

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

19. *Pedestrian Barriers* - No development shall take until details of the proposed pedestrian safety barriers have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented prior to the development being brought into use, and retained as such for the life of the development.

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

20. *Sprinkler System* - No development shall take place until details of the proposed emergency sprinkler system, to be installed in each of the approved dwellings, have been submitted to and approved in writing by the Local Planning Authority. The approved sprinkler system shall be installed prior to the first occupation of the development and retained as such for the life of the development.

Reason: In the interests of fire safety and amenity, in accordance with the LDF Development Control Policies Development Plan Document Policy DC61.

21. *Traffic Management* - No development shall take place until a scheme of traffic management, including details of the proposed access arrangements for non-residents, has been submitted to and approved in writing by the local planning authority. The approved management scheme shall be implemented prior to the first occupation of the development and retained as such for the life of the development.

Reason: In the interests of highway safety and amenity, in accordance with Policy DC32 of the LDF Development Control Policies Development Plan Document.

## **INFORMATIVES**

1. The applicant is advised that planning approval does not constitute approval for changes to the public highway. Highway approval will only be given after suitable details have been submitted, considered and agreed. Any proposals which involve building over the public highway as managed by the London Borough of Havering will require a licence and the applicant must contact the StreetCare Service (Traffic and Engineering section) 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, the Road Traffic Regulations 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 aiming to satisfy condition 9 above, the applicant should seek the advice of the Metropolitan Police Designing Out Crime Officer. 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 applicant is reminded that the proposed location of the refuse and recycling storage may be contrary to the Building Regulations requirements. It is recommended that this matter be discussed with the Council's Building Control officers prior to the commencement of development.

#### Planning Obligations

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

- (a) Necessary to make the development acceptable in planning terms;
  - (b) Directly related to the development; and
  - (c) Fairly and reasonably related in scale and kind to the development.
5. Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: Improvements required to make the proposal acceptable were negotiated and submitted, in accordance with para 186-187 of the National Planning Policy Framework 2012.
  6. The 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 £16,560. 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. Further details with regard to CIL are available from the Council's website.

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

- 1.1 The site is a 0.16ha area of land located off Corbets Tey Road, Upminster and comprises a two storey building with substantial single storey

extensions which function as banqueting suites. The site includes a car park and is accessed from Corbets Tey Road, which runs through the centre of Upminster and is designated as a Major District Centre in the LDF.

- 1.2 The site's eastern, and part of its northern, boundary adjoins playing fields associated with a local school. The remainder of the northern boundary runs alongside retail and residential properties fronting onto Corbets Tey Road. These buildings comprise retail units at ground level and two floors of residential units above, which are located approximately 27m to the west of the proposed building. The southern boundary, at its eastern end, adjoins the parking areas of Upminster Baptist Church and neighbouring residential properties, whilst at its western end, the southern boundary lies adjacent to retail and residential properties fronting onto Corbets Tey Road. The western boundary adjoins the public highway along with a communal parking and access area to the rear of those buildings to the west, which front Corbets Tey Road.

## **2. Description of Proposal**

- 2.1 This planning application proposes a minor material amendment to the plans approved as part of planning permission P1152.13, to reflect changes to part of the site's western boundary. Part of the site's western boundary would move by up to 1m further to the east. The proposal involves the variation of condition 2 of planning permission P1152.13, substituting revised plans for those already approved to reflect the boundary change and consequential changes that result. These consequential changes include the narrowing of a side access path to approximately 1m at its narrowest point, and a resultant small loss of landscaping associated with the previously approved side access path. The proposed development is otherwise as previously approved, and detailed in the committee report attached at Appendix A.

## **3. Relevant History**

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

P1152.13 – Demolition of existing building and the erection of nine residential units – Approved.

## **4. Consultations/Representations**

- 4.1 Neighbour notification letters have been sent to 96 local addresses. One objection has been received. The following comments have been made:
- The site is not suitable for residential living;
  - The proposed access would be inadequate;
  - The proposal would diminish highway safety;
  - There would be excessive noise during and after construction.



## **5. Relevant Policies**

### **5.1 National Planning Policy**

National Planning Policy Framework (“the NPPF”)

### **5.2 Regional Planning Policy**

Following its adoption 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), 5.13 (sustainable drainage), 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), 6.14 (freight), 7.3 (designing out crime), 7.4 (local character), 7.6 (architecture), 7.8 (heritage assets and archaeology), 7.14 (improving air quality), 7.15 (reducing noise and enhancing soundscapes), 7.19 (biodiversity and access to nature) and 8.2 (planning obligations).

### **5.3 Local Planning Policy**

Policies CP1, CP2, CP9, CP10, CP17, DC2, DC3, DC6, DC7, DC30, DC32, DC33, DC34, DC36, DC40, DC49, DC50, DC51, 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 the Planning Obligations SPD are also material considerations in this case.

## **6. Staff Comments**

- 6.1 This planning application proposes minor material amendments to plans already approved as part of planning permission P1152.13. The proposed development is otherwise as previously approved and detailed in Appendix A. The consultation response received has been fully considered, and, overall, it is considered that the proposed amendments would not result in any significant change in circumstances such as to warrant the refusal of planning permission.

## **7. Conclusion**

- 7.1 The proposal is considered to be acceptable having had regard to Policies CP1, CP2, CP9, CP10, CP17, DC2, DC3, DC6, DC7, DC30, DC32, DC33, DC34, DC36, DC40, DC49, DC51, 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 adherence to planning 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. The development includes a mix of unit types, thus contributing to the provision of mixed and balanced communities.

## **BACKGROUND PAPERS**

Planning application P0225.14, all submitted information and plans.

5 December, 2013

# REGULATORY SERVICES COMMITTEE

# REPORT

<b>Subject Heading:</b>	<b>P1152.13 – 67 Corbets Tey Road</b>  <b>Demolition of existing building and the erection of 7 No 2 bed Flats and 2 No 3 bed Houses with private amenity spaces and 14 parking spaces</b>
<b>Report Author and contact details:</b>	<b>Helen Oakerbee (Planning Control Manager) 01708 432800</b>
<b>Policy context:</b>	<b>Local Development Framework London Plan National Planning Policy</b>
<b>Financial summary:</b>	<b>None</b>

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

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

## SUMMARY

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

## RECOMMENDATIONS

That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable fee is based on an internal gross floor area of 828m<sup>2</sup> and amounts to £16,560.

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

That Staff be authorised to enter into a legal agreement to secure the above and upon completion of that agreement, which shall be secured within 2 months of the committee date, grant planning permission subject to the conditions 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 accordance with the approved plans, particulars and specifications.

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

3. Car parking - Before the buildings hereby permitted are first occupied, the areas set aside for car parking shall be laid out and surfaced to the satisfaction of the Local Planning Authority. The parking areas shall be retained permanently thereafter for the accommodation of vehicles visiting the site and shall not be used for any other purpose.

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

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

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

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

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

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

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

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

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

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

- h) details of disposal of waste arising from the construction programme, including final disposal points. The burning of waste on the site at any time is specifically precluded.

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

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

14. 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.

15. Sound attenuation - The houses hereby permitted shall be so constructed as to provide sound insulation of 45 DnT,w + Ctr dB (minimum value) against airborne noise and the flats 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'.

16. Highways – The proposed alterations to the Public Highway shall be submitted in detail to the Local Planning Authority for its written approval prior to the commencement of the development hereby approved. The development shall thereafter be undertaken in accordance with the approved scheme.

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

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

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

18. Permitted Development Rights - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) Order 2008, Article 3, Schedule 2, Part 1, Classes A to E, no enlargements, improvements or other alteration shall take place to the dwellinghouses and no outbuildings or other means of enclosures shall be erected within the garden areas of the dwellinghouses, with the exception of ancillary structures up to 10 cubic metres in volume, unless permission under the

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

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

19. Pedestrian Barriers - No development shall take until details of the proposed pedestrian safety barriers have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented prior to the development being brought into use, and retained as such for the life of the development.

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

## INFORMATIVES

1. The applicant is advised that planning approval does not constitute approval for changes to the public highway. Highway approval will only be given after suitable details have been submitted, considered and agreed. Any proposals which involve building over the public highway as managed by the London Borough of Havering will require a licence and the applicant must contact the StreetCare Service (Traffic and Engineering section) 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 Metropolitan Police Designing Out Crime Officer. 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 applicant is reminded that the proposed location of the refuse and recycling storage may be contrary to the Building Regulations requirements. It is recommended that this matter be discussed with the Council's Building Control officers prior to the commencement of development.

## Planning Obligations

The planning obligations recommended in this report have been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy

Regulations 2010 and the obligations are considered to have satisfied the following criteria:-

- (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.
5. Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: Improvements required to make the proposal acceptable were negotiated and submitted, in accordance with para 186-187 of the National Planning Policy Framework 2012.
6. The 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 £15,560. 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. Further details with regard to CIL are available from the Council's website.

## REPORT DETAIL

### **1. Site Description**

- 1.1 The site is a 0.16ha area of land located off Corbets Tey Road, Upminster and comprises a two storey building with substantial single storey extensions which function as banqueting suites. The site includes a car park and is accessed from Corbets Tey Road, which runs through the centre of Upminster and is designated as a Major District Centre in the LDF.
- 1.2 The site's eastern, and part of its northern, boundary adjoins playing fields associated with a local school. The remainder of the northern boundary runs alongside retail and residential properties fronting onto Corbets Tey Road. These buildings comprise retail units at ground level and two floors of residential units above, which are located approximately 27m to the west of the proposed building. The southern boundary, at its eastern end, adjoins the parking areas of Upminster Baptist Church and neighbouring residential properties, whilst at its western end, the southern boundary lies adjacent to retail and residential properties fronting onto Corbets Tey Road. The western boundary adjoins the public highway.

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

- 2.1 The proposal is for the demolition of the existing building and the erection of a block of flats containing seven units, along with two attached town houses attached to the eastern end of the block (7 x 2 bed flats and 2 x 3 bed houses).

- 2.2 The proposed block would have a mansard style roof, with the flats being distributed over three storeys and including one duplex unit. The flatted element would have a maximum height of approximately 10m, whilst the adjoining houses would have a maximum height of around 9.5m. The first floor flats would each benefit from a balcony and a Juliet balcony, whilst the second floor flats, to be located in the roof space, would each benefit from two balconies. The ground floor flats and the two houses would benefit from private gardens.
- 2.3 Fourteen parking spaces would be provided within a communal parking area located at the northern end of the site. The refuse storage area would be located between the proposed dwellings and the site's boundary with the public highway. The existing vehicular access onto Corbets Tey Road would be retained.

### **3. Relevant History**

- 3.1 There is an extensive planning history related to West Lodge but no previous planning decisions of particular relevance to this proposal.

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

- 4.1 Neighbour notification letters have been sent to 96 local addresses. Four representations have been received.

- 4.2 The following comments have been made:

- The proposal could result in overlooking to a neighbouring children's play area associated with the Baptist church;
- The proposed access would be inadequate;
- The drains are inadequate;
- The access is inadequate for construction vehicles;
- The proposal would diminish highway safety;
- There would be excessive noise during construction.

- 4.3 Comments have also been received from the following:

The Environment Agency

No comments received. Members will be given a verbal update at Committee if any comments are received.

Designing Out Crime Advisor

No objections; condition and informative recommended.

Essex & Suffolk Water

No objections.

Thames Water

No objections.

London Fire and Emergency Authority  
No comments received.

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; condition and informatives recommended.

## **5. Relevant Policies**

### **5.1 National Planning Policy**

National Planning Policy Framework (“the NPPF”)

### **5.2 Regional Planning Policy**

Following its recent adoption 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), 5.13 (sustainable drainage), 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), 6.14 (freight), 7.3 (designing out crime), 7.4 (local character), 7.6 (architecture), 7.8 (heritage assets and archaeology), 7.14 (improving air quality), 7.15 (reducing noise and enhancing soundscapes), 7.19 (biodiversity and access to nature) and 8.2 (planning obligations).

### **5.3 Local Planning Policy**

Policies CP1, CP2, CP9, CP10, CP17, DC2, DC3, DC6, DC7, DC30, DC32, DC33, DC34, DC36, DC40, DC49, DC50, DC51, 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 The site is located within a fringe area of Upminster Major District Centre where Policy CP4 of the LDF states that town centre hierarchy will be promoted and enhanced by, amongst other things, ensuring that the scale and use of new development is consistent with the role and function of the town centre so as not to harm the vitality of viability of other centres. Policy DC16 is aimed at ensuring that the primary retail function of the district centres is maintained. The application site is, however, located to the rear of the shopping parade and as such has no retail frontage. The relevant policies do not preclude residential development in such locations, indeed wider policy is aimed at promoting the introduction of housing into town centres in order to maintain their vitality. Staff are therefore satisfied that the proposed development will have no adverse impact on the function of Upminster town centre and the proposal is considered to be acceptable in principle.

## 6.3 Design Considerations

6.3.1 Policy DC2 of the LDF stipulates the appropriate residential densities in given areas of the borough. Policy DC61 states that planning permission will 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 to the east of Corbets Tey Road, to the rear of retail premises and residential properties located in an area with a town centre character. The aforementioned residential properties comprise flats located above retail premises. To the south of the site is a church located in a more residential area, comprising a range of suburban house types.

6.3.3 The application proposes a traditional form of design and construction, and 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 scale and massing of the proposal is considered to be broadly in keeping with the character of the wider area, particularly given the flatted development located to the west. It is recommended that a planning condition be imposed requiring the submission of details relating to the proposed use of materials.

6.3.4 Given the nature of the proposal, including its appearance, layout, scale, massing and design in relation to the surrounding area and within the proposed development itself; it is considered that the proposal would have an acceptable impact on the character of the area, and that it would therefore be in accordance with Policy DC61 of the LDF.

## 6.4 Layout and Amenity Considerations

- 6.4.1 Policy DC2 of the LDF provides guidance in relation to the dwelling mix within residential developments. Policy DC61 states that planning permission will not be granted for proposals that would significantly diminish local and residential amenity. The Residential Design SPD provides guidance in relation to the provision of adequate levels of amenity space for the future occupiers of new dwellings. Neighbouring occupiers have objected to the proposal stating that it would result in significant adverse noise impacts. Concerns have also been raised that the proposal would result in significant overlooking to a neighbouring play area associated with the church.
- 6.4.2 It is considered that the siting of the proposed building would not result in any significant adverse impacts on the amenities of neighbouring occupiers, particularly in terms of overlooking, loss of light, and outlook, given the separation distances between the proposal and the location of its fenestration. It is also considered that there are adequate stand-off distances between the proposed building and neighbouring sites that are likely to come forward for redevelopment in future.
- 6.4.3 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 moderate Public Transport Accessibility Level Zone (PTAL 3-4). The recommended density range in such a location would be between 50 and 110 dwellings per hectare where flats and houses are proposed, and 80-120 dwellings per hectare where “mostly” flats are proposed. The density of the proposed development would be approximately 61 units per hectare, if the access road is excluded from the calculation. This is below the LDF guidelines for this location, however, this need not, in itself, constitute a reason for refusal providing the amount of development being proposed is appropriate to the site under consideration.
- 6.4.4 Given that the proposal falls just below the number of units required to trigger an affordable housing contribution, considered has been given as to whether the proposal would result in an under development of the site. The applicant has submitted information indicating that a range of options have been considered. Given the size and shape of the site, and its relationship to adjoining properties, officers are satisfied that the proposal would not result in an under development of the site.
- 6.4.5 Policy 3.5 of the London Plan stipulates minimum internal space standards for new dwellings. These stipulate that two bed flats, for three people, should have gross internal areas of 61sqm in area, and for four people: 70sqm. For two storey, three bedroom houses such as those proposed in this case, a minimum gross internal areas of 87sqm or 96sqm should be provided. All of the proposed units exceed these requirements.
- 6.4.6 The Council's Residential Design Supplementary Planning Document is of relevance in relation to the setting out of new development and amenity

space provision. Unlike previous guidance the SPD does not prescribe fixed standards for private amenity space or garden depths. Instead, the SPD places emphasis on new developments providing well-designed, high quality spaces that are useable. In this respect the private gardens proposed for the two houses and the ground floor flats and the balconies proposed for the upper floor flats, are considered to be acceptable.

## **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.

## **6.6 Parking and Highway Issues**

6.6.1 The application proposes the retention of the site's existing access. Neighbouring occupiers have objected to the proposal stating that it would be detrimental to highway safety and that access arrangements would be inadequate during the construction phase.

6.6.2 The submitted information states that access to the proposal would be taken from Corbets Tey Road, which would involve crossing a pedestrian footpath serving a parade of shops with residential accommodation above. It is considered that the proposed use would have no more of an impact on highway safety and amenity than the Site's existing use.

6.6.3 The Highway Authority has raised no objections to the proposal subject to the use of conditions relating to wheel wash facilities and a construction method statement. In order to improve pedestrian visibility along the public highway, the proposal would involve the installation of pedestrian barriers at the site entrance, which the Council's Highway officers are satisfied with in principle. A condition is recommended requiring the approval of details in relation to the proposed barriers. A condition is also recommended requiring the submission of details relating to cycle storage.

6.6.4 The Highway Authority has discussed the proposed location of the refuse and recycling storage with Refuse Collection Services, and they are satisfied that refuse would be stored in close enough proximity to the public highway. It has been stated that the distances between the refuse storage and some of the proposed units would be in excess of that allowed by Building Regulations. This has been explained to the applicant; it is recommended that an informative be attached, should planning permission be granted, advising the applicant to discuss this matter with the Council's Building Control officers.

6.6.5 Policy DC2 of the LDF recommends, in this location, the provision of 1 to 1.5 parking spaces per dwelling where a mix of flats and terraced houses are proposed. In this case, the proposal would involve the provision of two



spaces for each of the proposed houses, and 1 per dwelling for each of the flats, along with three visitor parking spaces.

- 6.6.6 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**

- 6.7.1 The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The chargeable floor space of the development once the demolition works are taken into account is approximately 1238sqm, which equates to a Mayoral CIL payment of £16,560.

- 6.7.2 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 £54,000 towards infrastructure costs. This payment should be secured by a legal agreement, and planning permission should not be granted until this agreement has been completed.

## **6.8 Other Considerations**

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

- 6.8.2 A neighbouring occupier has stated that the sewerage arrangements are unsuitable to accommodate the proposed development. This matter is not a planning consideration.

## **7. Conclusion**

- 7.1 The proposed residential development is acceptable in principle. The design and layout of the proposed development is considered to be in keeping with the character and amenity of the locality and would provide a suitably high quality living environment for the enjoyment of future occupiers. There is judged to be no material harm to neighbouring residential amenity arising from the proposal and the application makes acceptable provision for the retention and replacement of landscaping and for environmental protection. The proposal is considered to be acceptable in respect of parking and highways issues.

- 7.2 The proposal is considered to be acceptable having had regard to Policies Policies CP1, CP2, CP9, CP10, CP17, DC2, DC3, DC6, DC7, DC30, DC32, DC33, DC34, DC36, DC40, DC49, DC51, 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 adherence to planning 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. The development includes a mix of unit types and includes the provision of an element of affordable housing, thus contributing to the provision of mixed and balanced communities.

## **BACKGROUND PAPERS**

Planning application P1152.13, all submitted information and plans.

# REGULATORY SERVICES COMMITTEE

# REPORT

24 April 2014

**Subject Heading:**

P0069.14 - 44 Chestnut Avenue,  
Hornchurch

Proposed 2 bedroom house on land adjacent to 44 Chestnut Avenue and demolition of existing conservatory and erection of a single storey rear extension to 44 Chestnut Avenue. (Received 31 January 2014)

**Report Author and contact details:**

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

**Policy context:**

Local Development Framework  
The London Plan  
National Planning Policy Framework

**Financial summary:**

None

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

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

## SUMMARY

This report concerns an application for the proposed 2 bedroom house on land adjacent to 44 Chestnut Avenue and demolition of an existing conservatory and erection of a single storey rear extension to 44 Chestnut Avenue.

The residential development on the site is considered to be acceptable in principle. As a matter of judgement, Staff are of the view that the proposal would have an acceptable relationship to adjoining properties and would provide suitable amenity provision for future occupiers. The development is also considered to be acceptable in respect of parking and highway issues.

## RECOMMENDATIONS

That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 .

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

- A financial contribution of £6,000 towards the infrastructure costs arising from the development would be required to fulfil the requirements of the Planning Obligations SPD.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the Legal Agreement prior to the completion of the agreement irrespective of whether the agreement is completed.
- Payment of the appropriate planning obligations monitoring fee prior to the completion of the agreement.

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

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

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

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

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

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

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

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

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

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

5. 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. Noise levels: Prior to the approved units being brought into use, the building shall be adapted to provide sound insulation of 45 DnT,w + Ctr dB (minimum values) against airborne noise to the satisfaction of the Local Planning Authority.

**Reason:** To prevent noise nuisance to adjoining properties in order that the development accords with the Development Control Policies Development Plan Document Policies DC55 and DC61.

7. Landscape: No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping, which shall include indications of all existing trees and shrubs on the site, and details of any to be retained, together with measures for the protection in the course of development. All planting, seeding or turving 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.

8. Boundary treatment: Prior to the commencement of the development hereby approved, details of all proposed walls, fences and boundary treatment shall be submitted to, and approved in writing by, the Local Planning Authority. This scheme shall make provision for a wall or fence alongside the flank of the new dwelling. The boundary treatment shall then be carried out in accordance with the approved scheme and retained permanently thereafter to the satisfaction of the Local Planning Authority.

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

9. Removal of Permitted Development rights: Removal of permitted development rights: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 Article 3, Schedule 2, Part 1, as amended by the Town and Country Planning (General Permitted development) (Amendment) (no. 2)(England) Order 2008, or any subsequent order revoking or re-enacting that order, no development shall take place under Classes A and B for extensions and roof alterations of the proposed property unless permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

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

10. Matching materials: All new external of the walls and roofing finishes shall be carried out in materials to match those of the existing building 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.

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

**Reason:** In the interests of highway safety, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC32.

## **INFORMATIVES**

1. Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: Improvements required to make the proposal acceptable were negotiated and submitted, in accordance with para 186-187 of the National Planning Policy Framework 2012.
2. The applicant is advised that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted considered and agreed. The Highway Authority requests that these comments are passed to the applicant. Any proposals which involve building over the public highway as managed by the London Borough of Havering, will require a licence and the applicant must contact Street Care, Traffic & Engineering on 01708 433750 to commence the Submission/ Licence Approval process.
3. In aiming to satisfy condition 8 the applicant should seek the advice of the Police Crime Prevention Design Advisor. The services of the local Police CPDA are available free of charge through Havering Development and Building Control. It is the policy of the local planning authority to consult with the Borough CPDA in the discharging of community safety condition.
4. The planning obligations recommended in this report have been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the obligations are considered to have satisfied the following criteria:-
  - (a) Necessary to make the development acceptable in planning terms;

- (b) Directly related to the development; and
- (c) Fairly and reasonably related in scale and kind to the development.

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

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 £2160 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. Further details with regard to CIL are available from the Council's website.

## REPORT DETAIL

### **1. Site Description**

- 1.1 The application site contains a 2 storey end-of-terrace dwellinghouse which benefits from an existing attached single storey side extension, rear conservatory, front porch, rear detached garage with double gate access from Chestnut Glen and off-street car parking space for 2 cars. The plot measures approximately 110 square metres in floor area.
- 1.2 The property lies on a corner plot to the south of Chestnut Avenue and to the west of Chestnut Glen. The area is characterised by similar 2 storey terraced residential properties whom have had extensions built.

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

- 2.1 The application seeks permission for a proposed 2 bedroom house adjoining the side of the host property No.44 Chestnut Avenue, and a single storey rear extension to the rear of the host property following the demolition of existing conservatory
- 2.2 The proposed house would be 9.7 metres in depth, 5.3 metres in width and 6 metres to the ridge to match the height of the existing dwelling. The design of the roof would be hipped to the side to match. It would contain a lounge, kitchen and dining room on the ground floor and 2 bedrooms and a bathroom on the first floor. The house would have a slight extension to the front of 0.9 metres depth to adjoin the porch of the existing house.
- 2.3 The proposed single storey rear extension to the donor property would be 3.3 metres in depth as well, with hipped roof 3.6 metres adjoining the rear of



the house sloping down to 2.8 metres height to the eaves. This would contain an enlarged kitchen/dining room area.

- 2.4 The materials for both of these buildings would be in white render and roof tiles to similarly match those of the existing house. It is also proposed to dedicate off-street parking, cycle storage/bin storage for the new house.

### **3. Relevant History**

- 3.1 No relevant planning history for this site.

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

- 4.1 21 neighbouring properties were consulted, no representations received to date.
- 4.2 Highways - No objections subject to visibility splay condition
- 4.3 London Fire Brigade Water Team - No objections
- 4.4 London Fire and Emergency Planning - No objections
- 4.5 Environmental Health - No objections subject to appropriate conditions

### **5 Relevant Policies**

- 5.1 Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP17 (Design), DC2 (Housing Mix and density), DC3 (Housing Design and layout), DC33 (Car parking), DC61 (Urban Design), of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document are material planning considerations together with the Design for Living Supplementary Planning Document, the Landscaping Supplementary Planning Document, the Planning Obligations Supplementary Planning Document and the Residential Extensions and Alterations Supplementary Planning Document. In addition, Policies 7.4 (Local character) of the London Plan and Chapters 6 (Delivering a wide choice of high quality homes), 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 and design, amenity issues and parking and highways implications.

### **7. Principle of Development**

- 7.1 Policy DC11 states that where sites which are suitable for housing become available outside the Green Belt, the employment areas, the commercial

areas, Romford Town Centre and the district and local centres, the Council will not normally permit their use for other purposes. The location of the site complies with these criteria.

## **8. Density/Layout**

- 8.1 It is proposed to erect a 2 storey house. Policy 3.5 of the London Plan states that Local Development Frameworks should incorporate minimum space standards. The Mayor has set the standard for a 2 bedroom (4 persons) house at 83 square metres. The proposed house is approximately 90 square metres floor area, and therefore, is in accordance with the Mayor's standards.
- 8.2 The site is identified as having a relatively low level of Public Transport Accessibility (PTAL) of 1-2, as defined by Policy DC2 on Housing Density. Within this zone and part of the Borough, housing density of between 30-50 dwellings is anticipated.
- 8.3 The application site comprises an area of 0.044 hectares and the proposal and host dwelling on this site would produce a density of 45 dwellings per hectare which would accord with this guidance.
- 8.4 The Council's Design for Living SPD in respect of amenity space recommends that every home should have access to suitable private and/or communal amenity space in the form of private gardens, communal gardens, courtyards, patios, balconies or roof terraces. In designing high quality amenity space, consideration should be given to privacy, outlook, sunlight, trees and planting, materials (including paving), lighting and boundary treatment. All dwellings should have access to amenity space that is not overlooked from the public realm and this space should provide adequate space for day to day uses.
- 8.5 The proposal would provide approximately 61 square metres of amenity space for the new dwelling and 198 square metres for the donor property. Staff are of the opinion that the amenity space would be private, screened from general public view and access, and in a conveniently usable form. As a result, it is considered that the proposed amenity area for the new dwelling complies with the requirements of the Design for Living SPD and is acceptable.
- 8.6 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. With the above taken into consideration, the living accommodation of the dwellinghouse 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 In regards to the single storey rear extension, the materials and pitch roof design matches the one of the house. The height is 3.6 and 3.3 metres in depth. The depth be the same as the existing conservatory and would be similar to the neighbouring properties rear extensions, therefore such design is not out-of-character and considered acceptable.
- 9.3 The Council's Residential Extensions and Alterations SPD, 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 and should not project forward of the building line of properties along the adjoining street in order to maintain the building line. Where a side extension is to be combined with a two storey rear extension a particularly sensitive approach should be adopted in view of the generally greater impact on the street scene.
- 9.4 On this specific junction, the property on the other side of the road, no. 46 Chestnut Avenue, already has a two storey side extension with a gap of a metre to the boundary. The road itself, Chestnut Glen has a large verge and footpath either side of the road which adds to the impression of spaciousness.
- 9.5 In this case, the gap to the boundary would not meet the 1m standard. Instead, a gap of 0.15m at the front increasing to 0.38m at the rear would result. This gap would allow for the flank walls of these properties to be separated by approximately 11.3 metres.
- 9.6 Very similar circumstances were taken into account when considering an application at land to 76 Chestnut Avenue nearby, which had two planning applications granted; one for a dwelling with a gap of 0.9m (which was implemented) and a second which was set closer to the boundary with a taper of approximately 0.25m at the front reducing to 0.15m at the rear (closer to the boundary than this current proposal). The latter was considered acceptable on the basis of the remaining separation gap (13m) between the flanks of the junction properties together with the presence of a large grass verge and footpath either side of the road, which collectively maintained a sense of openness on the junction. It is considered that the same circumstances pertain here and the proposal would not result in an undue sense of enclosure. The proposed dwelling is designed in accordance with the surrounding properties and would not appear unduly dominant or visually obstructive on the end of the terrace.
- 9.7 It is also noted that there are examples of two storey side extensions nearby which extend up to the boundaries of properties, albeit that these are not in junction locations.
- 9.8 In granting planning permission, it is also recommended that a boundary wall or fence is erected alongside the flank of the dwelling to help soften the appearance of the new build from Chesnut Glen.

9.9 Taking into consideration the circumstances outlined above together with recent decisions taken by the Regulatory Services Committee in respect of two storey extensions on road junctions, it is considered as a matter of judgement that this application can be supported. Members are invited to apply their judgement to this particular aspect of the scheme.

## **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 It is considered that the closest neighbouring property and the one that would be affected by the proposed dwellinghouse would be the donor property itself, No.44. Due to the proposed single storey to the host property, the proposed property would be the same depth as the donor at ground floor. However in regards to the first floor extent of the dwellinghouse, the depth would go beyond the rear wall by 3.3 metres, which would be within a 45 degree angle of the closest neighbouring window. However, in this case the closest first floor window of the donor property serves a bathroom. This is considered to not be a habitable room and as such, any impact to light or outlook would not be material to warrant a refusal. In regards to the other first floor window which serves a bedroom, the extent of the new house would stay clear of the 45 degree angle from the mid-point of this window to avoid adverse amenity impacts. The extension does not propose any side windows and therefore would not create overlooking nor loss of privacy issues.

10.3 In regards to the single storey rear extension, the closest neighbour that may be affected would be the adjoining property No.42 Chestnut Avenue. The extension would be 3.3 metres in depth, this would replace the existing conservatory of the same depth, although slightly higher. The neighbour has an existing extension of approximately 3 metres depth. It is considered that the proposal would not create amenity impacts to this neighbour.

10.4 In regards to the amenity of the future occupiers of the proposed house, it is considered that each habitable room is well served by an opening to allow sufficient light and outlook. Furthermore, a sound insulation condition would be placed on the permission to ensure that the new occupiers and the occupiers of the donor property are sufficiently protected.

10.5 With the above taken into consideration, staff are therefore satisfied that the proposed development is unlikely to result in any material harm. The development is considered to be acceptable and accords with the principles of Policy DC61.

## **11. Parking and highway issues**

11.1 Policy DC33 seeks to ensure all new developments make adequate provision for car parking. Hornchurch has a PTAL rating of 3-4, and Policy

DC2 of the LDF indicates that in this part of the Borough parking provision for residential development should be 1.5 to 1 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 There already exists hardstanding to the front of the property for 2 off-street car parking spaces, one would be allocated to the new house in front of the dwelling and one to be retained for the host property. The host property also has off-street parking space for 2 to the rear of their garden area.
- 11.3 Highways have no objection to the car parking arrangements and no objections to highway issues subject to a condition requiring a clear visibility splay.
- 11.4 It is proposed to have the refuge to the front of the new dwelling and cycle storage to its new rear garden area.
- 11.5 With the above taken into consideration with the appropriate conditions, it is considered that the proposal is 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 Section 106 Legal Agreement is required to secure a financial contribution of £6,000 to be used towards infrastructure costs in accordance with Policy DC72 and the Planning Obligations Supplementary Planning Document.

## **13. Conclusion**

- 13.1 Staff consider that the principle of residential development in this location is suitable, the site and design is considered to be appropriate for a new dwelling.
- 13.2 For the reasons outlined above within the report, as a matter of judgement, the proposal is considered to be acceptable and approval is recommended as it would not 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 31st January 2014.

# REGULATORY SERVICES COMMITTEE

24 April 2014

## REPORT

**Subject Heading:**

**P1540.13: 230-236 Hornchurch Road,  
Hornchurch**

**Change of use of existing A2 Office Use Class to C3 Residential Use Class, by internal reconfiguration of existing accommodation, the addition of first floor over part of ground floor at rear, and a two storey extension along Purbeck Road, to provide nine flats over two storeys. Reconfiguration of existing car park to provide communal amenity space, parking and refuse area. (Application received 20 December 2013)**

**Report Author and contact details:**

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

**Policy context:**

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

**Financial summary:**

**None**

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

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

**SUMMARY**

The proposal is for the change of use of existing A2 Offices to C3 Residential, through the internal reconfiguration of existing building at ground floor, the addition of first floor extensions over part of the ground floor at the rear and a two storey extension along the frontage to Purbeck Road.

The proposal will create 9no. units consisting of 6no. one-bedroom and 3no. two-bedroom flats.

The existing rear car park and servicing area will be reconfigured to provide communal amenity space, car parking provision, cycle storage and a refuse area.

Planning permission was refused in September 2013 for a scheme to convert and extend the premises to create 9no. flats and an A2 office unit. This was due to reasons relating to the impact on the street scene, internal and external layout and amenity.

Following this refusal decision the scheme has been amended considerably, reducing the size of the extension, removing the office unit and reconfiguring the car park and amenity area. It is considered that the previous reasons for refusal have been addressed.

The proposal is considered to be acceptable in all material respects and it is recommended that planning permission is granted subject to conditions and the applicant entering into a Section 106 Agreement.

**RECOMMENDATIONS**

That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable fee would be £1,618, subject to indexation. This is based on the creation of 80.9 Square metres of new gross internal floor space.



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

- A financial contribution of £54,000 to be used towards infrastructure costs.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 Agreement to the date of receipt by the Council.
- To pay the Council's reasonable legal costs in association with the preparation of a legal agreement, prior to completion of the agreement, irrespective of whether the legal agreement is completed.
- Payment of the appropriate planning obligations/ monitoring fee prior to completion of the agreement.

That staff be authorised to enter into a legal agreement to secure the above and upon completion of that agreement that the Committee delegate authority to the Head of Development and Building Control to grant planning permission subject to the conditions set out below:

1) Time Limit

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

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

2. In Accordance with Plans

The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans detailed on page 1 of the decision notice approved by the Local Planning Authority.

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

3. Parking Provision

Before any of the flats hereby permitted are first occupied, the car park to the rear shall be laid out to the full satisfaction of the Local Planning Authority and be made available for 12 no. car parking spaces and thereafter this car parking provision shall remain permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

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

#### 4. Matching Materials

All new external finishes shall be carried out in materials to match those of the existing building(s) and samples of the materials to be used shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of any of the works hereby permitted.

**Reason:** To safeguard the appearance of the premises and the character of the immediate area, and that the development accords with the Development Control Policies Development Plan Document Policies DC61 and DC54.

#### 5. Landscaping

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

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

#### 6. Refuse and Recycling

Prior to the first occupation of the development hereby permitted, the proposed provision shall be made available for the storage of refuse and recycling awaiting collection and permanently retained thereafter.

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

## 7. Secure by Design

Prior to the commencement of the development hereby approved a full and detailed application for the Secured by Design award scheme shall be submitted to the Local Planning Authority, setting out how the principles and practices of the Secured by Design Scheme are to be incorporated. Once approved in writing by the Local Planning Authority in consultation with the Metropolitan Police Designing Out Crime Officers (DOCOs), the development shall be carried out in accordance with the agreed details.

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

## 8. Cycle Storage

Prior to the first occupation of the development hereby permitted, the proposed cycle storage provision shall be made available and permanently retained thereafter.

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

## 9. Balcony Restriction

The remainder of the flat roof area not specifically indicated for use as the balcony/roof terrace hereby permitted on the approved plan 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.

## 10. Balcony Screening Panel

Prior to occupation a partition screening panel shall be installed on the roof terrace associated with flat 5, adjacent to the boundary with 238 Hornchurch Road in accordance with details previously submitted to and agreed by the Local Planning Authority. Following installation, the screening panel shall remain in place permanently.

**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.

11. The buildings shall be constructed as to provide sound insulation of 45 DnT, w + Ctr dB (minimum value) against airborne noise to the satisfaction of the Local Planning Authority.

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

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

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

13. No development shall take place until a scheme for external lighting has been submitted to and approved in writing by the Local Planning Authority. The approved scheme of lighting shall include the low level lighting of the access road and details of continuing maintenance. The approved scheme shall be implemented in full prior to commencement of the development hereby approved and permanently maintained in accordance with the approved scheme.

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

## **INFORMATIVESa**

1. A fee is required when submitting details pursuant to the discharge of conditions. In order to comply with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which came into force from 22.11.2012, a fee of £97 per request or £28 where the related permission was for extending or altering a dwellinghouse, is needed.
2. Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.
3. In aiming to satisfy condition 7 the applicant should seek the advice of the Police Designing Out Crime Officers (DOCOs). The services of the Police DOCOs are available free of charge and can be contacted via docomailbox.ne@met.police.uk or 0208 217 3813. It is the policy of the local planning authority to consult with the DOCOs in the discharging of community safety condition(s).
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 £1618.00(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.

5. The planning obligations recommended in this report have been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the obligations are considered to have satisfied the following criteria:-
  - (a) Necessary to make the development acceptable in planning terms;
  - (b) Directly related to the development; and
  - (c) Fairly and reasonably related in scale and kind to the development.

## REPORT DETAIL

### **1. Site Description**

- 1.1 The application relates to the ground and first floors of 230-236 Hornchurch Road. This is a two-storey property and forms the eastern end of a row of 8no. terrace properties, with a mixture of two-storey dwellings and units with commercial at ground floor and residential at first floor level. There is a rear servicing access which also provides parking for vehicles associated with the premises.
- 1.2 The site is located within an area of mixed residential and commercial uses. To the east, the adjacent cluster of commercial properties forms a Minor Local Centre.

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

- 2.1 The application comprises the change of use of existing A2 Offices to C3 Residential, through the internal reconfiguration of existing building at ground floor, the addition of first floor extensions over part of the ground floor at the rear and a two storey extension along the frontage to Purbeck Road.
- 2.2 The proposal will create 9no. units consisting of 6no. one-bedroom and 3no. two-bedroom flats.
- 2.3 The existing rear car park and servicing area will be reconfigured, with the demolition of the rear detached garage structure, creating additional space to allow for the creation of a communal amenity area of approximately 100

square metres, car parking provision for 12no. vehicles, cycle storage and a refuse storage area.

- 2.4 The proposed two storey rear extension will project 3.37 metres from the main rear elevation extending the building frontage along Purbeck Road. This section of the extension will incorporate a hipped roof design and will continue the eaves and roof profile of the existing building.
- 2.5 The proposed first floor extension will project 2.87 metres from the main rear elevation above the existing single storey flat roof elements. The extension will be set in 5.79 metres from the boundary with No.238 Hornchurch Road and will include a 0.28 metre step down over two sections matching the level changes of the existing building. The remainder of the flat roof area will be partitioned and utilised as separate private outdoor terrace areas for 3no. of the first floor flats.
- 2.6 The existing rear dormer will be re-configured and an additional flat roof dormer will be constructed on the adjacent roof elevation serving the converted attic space of flats 6 and 7.

### **3. Relevant History**

- 3.1 P0422.13 - Extension of accommodation by the addition of first floor - Refused

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

- 4.1 Neighbour notification letters were sent to 61 properties. 4 representations were received as a result of the consultation raising the following issues:
- The development will result in overlooking and loss of privacy.
  - The proposal will create additional on-street parking problems which could cause an obstruction to emergency vehicles.
  - The proposed extensions will result in a loss of light and overshadowing.
- 4.2 Thames Water have recommended informatives relating to waste water, surface water drainage and water to be included in any approval notice.
- 4.3 The London Fire and Emergency Planning Authority have raised no objections.
- 4.4 The Metropolitan Police - following amendments to the scheme, the Designing Out Crime Officer is satisfied that the proposal meets secure by design principles and has requested the inclusion of a secure by design condition and informative are included in any approval notice.
- 4.5 The Council's Highway Authority has raised no objections to the proposal.

## **5. Background**

- 5.1 Planning permission was refused in September 2013 for a scheme involving the extension of the accommodation by the addition of first floor over existing ground floor at the rear and the erection of a two storey wing to Purbeck Road elevation over part of the existing car park and the conversion of the existing loft space as habitable space. The proposal included the change of use from an existing A2 Office use class to 1no. A2 and nine number flats.
- 5.2 The proposal was considered to be unacceptable and planning permission was refused citing a range of concerns relating to the design, scale, internal and external layout and impact on neighbouring amenity. The refusal reasons can be summarised as follows:
- Undue impact on the streetscene due to the scale, bulk and positioning of the extensions,
  - Substandard internal layout with insufficient sound proofing measures between bedrooms and living rooms of neighbouring flats,
  - An unsuitable external layout – lack of defensible space to rear ground floor windows and unsatisfactory relationship between the building and car park leading to overlooking and loss of privacy,
  - Inadequate provisions of amenity space leading to resulting in a cramped overdevelopment of the site.
  - Loss of sunlight and daylight due to the proximity to the neighbouring properties.
- 5.3 The current proposal has been amended and revised in light of the previous refusal reasons and considerable measures have been taken to address the previous concerns and issues.

## **6. Staff Comments**

- 6.1 The main considerations relate to the impact on the character and appearance of the street scene, the implications for the residential amenity of occupants of nearby houses and the suitability of the proposed parking and access arrangements.
- 6.2 Policies CP1 (Housing Supply) CP17 (Design), DC2 (Housing Mix and Density), and DC63 (Delivering Safer Places) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document we considered to be relevant.
- 6.3.1 Other relevant documents include the Residential Design SPD, Sustainable Design and Construction SPD and the Planning Obligations SPD.
- 6.4 Policies 7.4 (Local Character) of the London Plan (2011) and the National Planning Policy Framework (NPPF) are also relevant.

## **7. Principle of Development**

- 7.1 The NPPF and Policy CP1 support the increase in the supply of housing in existing urban areas where development is sustainable.
- 7.2 The proposal is for the redevelopment of a commercial site to provide residential accommodation in a location which is not designated as employment area within the Development Plan. This is in accordance with Policy DC11, which states amongst other things, that outside of the designated employment areas the Council will support the redevelopment of commercial sites for housing when they become available for development. Therefore the proposed change of use is considered to be acceptable in principle.

## **8. Density/ Layout**

- 8.1 Policy DC2 of the LDF provides guidance in relation to the dwelling mix within residential developments. Policy DC61 states that planning permission will not be granted for proposals that would significantly diminish local and residential amenity.
- 8.2 The development involves the conversion and extension of a two storey building to provide a block of one and two bedroom flats. This complies with the aims of Policy DC2 in respect of dwelling mix and density.
- 8.3 Policy 3.5 of the London Plan advises that housing developments should be of the highest quality internally, externally and in relation to their context and to the wider environment. To this end Policy 3.5 requires that new residential development conform to minimum internal space standards set out in the London Plan.
- 8.4 The proposal would provide 9no. flats consisting of 6no one-bedroom and 3no. two-bedroom units at a density equivalent to around 75 units per hectare.
- 8.5 The London Plan sets out minimum space standards for one-bedroom flats at 50 square metres and two bedroom flats at 61 square metres. The proposal will provide units with varying floor space sizes all of which exceed the respective minimum standards. Given this factor it is considered that the proposed flats would be of an acceptable size for day to day living.
- 8.6 In comparison to the previously refused scheme the internal layout has been reconfigured with bedrooms and living areas of adjacent flats now sharing partition walls in the interests of the residential amenity of each unit. The current internal arrangement therefore presents a much more satisfactory layout than the refused scheme and overcomes previous concerns.
- 8.7 The car parking provision will provide 12no. spaces making use of the existing car park cross over. The layout of the car park will see a continuation of the current arrangements where by cars part at a



perpendicular angle to the boundary fence with 1a Purbeck Road. With the removal of the detached garage structure this parking arrangement will continue to the footway with Purbeck Road, changing the orientation of the parking bays which currently run parallel to the fence line, at the rear of the detached garage. Given the existing parking arrangements, staff do not consider that the revised layout will not adversely impact on 1a Purbeck Road.

- 8.8 The Residential Design SPD states that private amenity space should be provided in single, usable, enclosed blocks which benefit from both natural sunlight and shading. An area of approximately 100 square metres to the west of the car park will be landscaped and set out as communal shared amenity space. Each of the 4no. ground floor flats will include private external amenity areas with access from the living rooms and bedrooms. These amenity areas will include hedging and fencing offering an extra degree of privacy and security. At first floor level flats 5, 6 and 9 will be served by private external roof terraces, again accessed from the living room. Flats 7 and 8 will not benefit from an area of private amenity space associated with the apartment, but given the proposed shared amenity area to the rear, occupants of these flats will have access to a reasonable provision of outdoor amenity space.
- 8.9 Given the reduction to the proposed two storey extension the current scheme presents a more spacious and less cramped development of the site. The proposal allows for the provision of a large communal amenity area resulting in the rear of the development being more open and spacious in comparison to the previous scheme. It is therefore considered that the revised scheme has suitably addressed the refusal reason relating to the lack of amenity space and the proposed development will serve to enhance the living conditions of future occupants to a much greater extent than the previous scheme.
- 8.10 The rear outlook from the bedrooms of flat 2 will be limited in comparison to the other units due to the close proximity to the car park. However, this flat is dual aspect with unobstructed outlook to the front over Hornchurch Road. The buffer of external amenity space to the rear will offer some screening and retain a good degree of privacy and security.
- 8.11 In terms of overcoming the previous refusal reason relating to the layout of the scheme, the proposed development has been amended considerably and greater consideration has been given to demonstrate defensible space to the rear of each ground floor flat. A greater amount of separation and a clearer distinction between the private amenity space for each to the dwellings and the rear car park is apparent in the revised scheme. It is therefore considered that the current scheme has suitably addressed the previous concerns.
- 8.12 It is considered that the proposed amenity space would be of a suitable form and size and would therefore result in acceptable living conditions for future occupants. All of the proposed dwellings would have adequate access to

sunlight and daylight. Therefore the general site layout is considered to be in accordance with policy DC61.

## **9. Design/Impact on Street/Garden Scene**

- 9.1 Policy DC61 states that development must respond to distinctive local buildings forms and patterns of development and respect the scale, massing and height of the surrounding context.
- 9.2 The application site occupies a prominent location on the junction of Hornchurch Road and Purbeck Road.
- 9.3 Minor alterations to domesticate the appearance of the front elevations of the existing ground floor commercial units and the addition of external amenity space and planting will serve to soften the building frontage. It is considered that these measures will improve the visual appearance of the building and enhance the character and appearance of this section of Hornchurch Road.
- 9.4 The proposed two storey rear extension will project 3.37 metres from the main rear elevation along the frontage to Purbeck Road. The extension will incorporate a hipped roof design and will continue the eaves and roof profile of the existing building, allowing the development to harmonise well with its surroundings and within the street scene. Given the projection and the matching design features the rear extension will form a relatively subordinate addition to the building in terms of its scale and will serve to maintain the character and appearance of the street scene.
- 9.5 The proposed first floor extension and roof terrace areas will be set back within the existing bulk and mass of the building. The existing flank elevation to Purbeck Road and the proposed two storey extension will allow for some screening of first floor extension and terrace areas from Purbeck Road. Overall this section of the development will form a minimal impact on the street scene and will serve to maintain the character of the surrounding area.
- 9.6 The proposed rear dormer will match the size, scale and appearance of the adjacent existing dormer. The dormer height will be set below the main roof ridge height, with roof tiles visible to the sides and above the eaves minimising the visual dominance of the structure. As such it will not be visible from Hornchurch Road. It is not considered that the dormer will create any undue impact on the character and appearance of the street scene.
- 9.7 The proposed installation of 4no. roof lights to the front roof elevation will result in a minor addition to the appearance of the building with no detriment to the streetscene.
- 9.8 The previous scheme was refused due to dominant and visually intrusive features relating to the impact of the two storey extension, the first floor

extension and dormers. The current proposal has significantly reduced the size and scale of the extensions and revised the design and appearance of the rear dormers to a more appropriate scale, more subservient to the bulk of the original building and respectful of the architectural style. It is now considered that the revisions to the proposed extensions have addressed the previous refusal reason to a satisfactory extent.

- 9.9 Overall, it is not considered that the combination of extensions and alterations of the building will result in any undue impact on the appearance of the street scene and will serve to maintain and enhance the character of the local area.

## **10. Impact on Amenity**

- 10.1 Policy DC61 considers that new developments should not materially reduce the degree of privacy enjoyed by the occupants of adjoining properties and should not have an unreasonably adverse effect on sunlight and daylight to adjoining properties..
- 10.2 The main consideration in terms of residential amenity relates to the impact on the occupants of 1a Purbeck Road and 238 Hornchurch Road.
- 10.3 The first floor extension will be set in some 5.79 metres from the boundary with No.238 Hornchurch Road with the proposed first floor terrace for flat 5 occupying the residual existing flat roof area of the rear extension which adjoins the common boundary with this neighbour. The terrace will not cover the entire available roof area. In the interests of preserving privacy the terrace will be set in from the boundary by 2.87 metres and will include side partition screening to prevent overlooking into the rear garden of No.238.
- 10.4 A contributory factor relating to the previous refusal was the loss of sunlight and daylight to the occupants of No.238 due to the positioning of the first floor extension. It was proposed that the first floor rear extension covered the whole of the ground floor extensions right up to the boundary with No.238. The current proposal shows this section of the development has been reduced considerably and to a less bulky and intrusive feature, set in from the boundary by 5.79 metres. In terms of the impact on the amenity of the occupants of No.238 staff consider that the revised scheme has adequately addressed the previous refusal reason.
- 10.5 The proposed two storey extension will project to within approximately 18 metres from the side elevation of No.1a Purbeck Road. The side elevation of No.1a includes 2no. upper floor windows one of which is obscure glazed and the other a mid-level landing area - neither of which serve a habitable room. The windows at ground floor level in the side elevation of 1a Purbeck Road include a small single pane obscure glazed window and a secondary window to the habitable room in the rear section of the house.
- 10.6 The ground level between the application site and No.1a Purbeck Road increases slightly in gradient and it is considered that the 18 metre distance

between the proposed development and the rear garden of the existing dwelling would be sufficient to maintain suitable standards of privacy and outlook for the occupants of both the existing house and those in the proposed flats.

- 10.7 The proposed rear windows of the first floor rear extension and rear dormers would not result in a materially greater level of overlooking than currently experienced.
- 10.8 On balance, it is considered that the proposed extensions would not harm the amenities of neighbouring properties and would provide acceptable living conditions for the future occupants. The proposal is therefore in accordance with Policy DC61 and the intentions of the NPPF.

## **11. Parking and Highway Issues**

- 11.1 LDF Policy DC2 requires residential development in this location to have 1.5-1 spaces per dwelling. 12no. car parking spaces including 1no. disabled parking space are proposed through the revised layout of the existing rear car park area to the north of the site. This equates to 1no. parking space per bedroom. The car park will be accessible from Purbeck Road and will serve the nine residential units.
- 11.2 Highways have no objection to the proposed location of the car parking provision and its access arrangements from Purbeck Road.
- 11.3 It is therefore considered that the proposal would not result in highway safety or parking issues.
- 11.4 The proposal includes secure storage provision for 12no. bicycles (1no. space per bedroom) in an accessible location with good surveillance adjacent to the shared amenity area at the rear of the development.
- 11.5 The proposal includes provision for an enclosed refuse store in the north of the rear car park adjacent to the boundary with 1a Purbeck Road. Boundary treatments in the form of fencing and planting will provide suitable screening.
- 11.5 Given that the length of the driveway is in excess of 25 metres future occupants of the proposed dwelling will be expected to transport refuse bags to the roadside at Cranham Road for collection.

## **12. Community Infrastructure Levy and Developer Contributions**

- 12.1 The proposed development will create 9.no new residential units with 80.9 square metres of new gross internal floorspace. Therefore the proposal is liable for Mayoral CIL and will incur a charge of £1,618 based on the calculation of £20.00 per square metre.
- 12.2 Under the provisions of Policy DC72 of the LDF and the Planning Obligations SPD a payment of £6,000 should be made for each new

dwelling in respect of the infrastructure costs arising from the development. The proposal would therefore be subject to a legal agreement to provide a contribution of £54,000.

### **13. Conclusion**

Having regard to all relevant factors and material planning considerations Staff are of the view that this proposal would be acceptable.

Staff consider that the issues relating to the previous refusal reasons have been suitably addressed through the reduction to the size and scale of the extensions and by reconfiguring the internal and external layout.

Staff are of the view that due to the siting, scale and location the proposal would not be disproportionate or have a harmful impact on the character of the street scene or result in a loss of amenity to neighbouring occupiers. The proposal is considered to be acceptable in all other respects and it is therefore recommended that planning permission be granted subject to conditions.

## **IMPLICATIONS AND RISKS**

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

None.

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

Legal resources will be needed to draft the legal agreement.

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

None.

### **Equalities implications and risks:**

None.

## **BACKGROUND PAPERS**

Application form, drawings and supporting statement received on 18 December 2013, 20 December 2013 and 18 February 2014.

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**REGULATORY  
SERVICES  
COMMITTEE**

**REPORT**

24 April 2014

**Subject Heading:**

P0174.14 – Broadford Primary School,  
Faringdon Avenue – Single storey  
extensions (received 7/2/14)

**Report Author and contact details:**

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

**Policy context:**

Local Development Framework  
The London Plan  
National Planning Policy Framework

**Financial summary:**

None

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

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

**SUMMARY**

This matter is brought before committee as the application site is Council owned. The application seeks planning permission for single storey extensions. Staff conclude the proposal to be acceptable. The application is recommended for approval subject to conditions.

## RECOMMENDATIONS

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

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

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

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

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

4. Land Contamination - The applicant shall enable a watching brief to be implemented for the presence of any land contamination throughout the construction works. In the event that contamination is found at any time when carrying out the development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must then be undertaken and where remediation is necessary a remediation scheme must be prepared, implemented and verified to the satisfaction of the Local Planning Authority before work continues.

**Reason:** To ensure that risks from any unexpected land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with LDF Core Strategy and Development Control Policies DPD Policy DC63.



5. Parking Restrictions - Within 18 months of the development being bought into use a review of parking restrictions around the school entrance shall be carried out and submitted to and approved by the Local Planning Authority. The review shall be aimed at reducing the impact of parent parking near the school entrance and to ensure that pedestrian desire lines across junctions are not unduly impeded.

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

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

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

#### INFORMATIVE

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

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

- 1.1 The application site is Broadford Primary School, which is accessed from Faringdon Avenue and Chatteris Avenue. The site is bounded by residential properties with associated rear gardens. Ground levels increase from south west to north east across the site.

2. **Description of development:**

- 2.1 The application seeks permission for two single storey extensions. One of the proposed extensions would have a width of between 13.6 and 15.2 metres, a maximum depth of 12 metres and a height of between 3.2 and 5 metres. The

space created would provide two new classrooms with toilets. There would be a flat canopy roof located either side of the classrooms, with minimum and maximum depths of 5.6 and 7.6 metres respectively, a width of between 3.6 and 3.8 metres and a height of 2.8 metres.

- 2.2 Another single storey extension would have a width of 5.2 metres, a depth of 3.8 metres and a height of 2.8 metres. The space created would provide additional storage.
- 2.3 Broadfords Primary School currently operates as a 1.5 form entry school, with up to 45 admissions per year group. The proposals seek to provide two new classrooms and expand the schools to 2 form entry (admitting 60 pupils per year group). It is intended for the new classrooms to be in place for the 2014/15 school year.

### 3. **Relevant History:**

- 3.1 There is extensive history, the most recent is listed as follows:

P0852.12 – Infill flat roof extension and ramp – Approved.

P1014.11 – Single storey nursery extension to existing primary school – Approved.

Q0019.10 – Discharge of conditions 12, 15, 16, 21 and 24 of P0933.09 – Discharge complete.

Q0018.10 – Discharge of conditions 2, 4, 6, 7, 9, 10 and 19 of P0933.09 – Discharge complete.

P0786.10 – Provision of water storage tank for sprinkler system installation serving the extension of Broadford School – Approved.

P0933.09 – Demolition of existing northern wing to school building. Extensions and additional replacement building to create new teaching accommodation. External works and remodelling of existing playground areas. New pedestrian access and remodelling of existing parking arrangements – Approved.

E0006.06 – Certificate of Lawfulness for rebuilt refectory following structural report on original – Approved no conditions.

P0557.05 – New nursery classroom and link corridor – Approved.

P0676.03 – Temporary infant classroom – Approved.

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

- 6.1 The occupiers of 60 neighbouring properties were notified of this proposal. One letter of objection was received with detailed comments that have been summarised as follows:

- There is no objection to the extensions to the school in principle, but rather to the specific location of the proposed extension, which is close to the rear gardens of neighbouring properties.
- The school currently occupies a large footprint and is located on a raised site at the end of gardens of the first 10 houses in Chatteris Avenue and as such, is quite oppressive in its current form.
- Loss of privacy and outlook.
- The extensions would appear unneighbourly, overbearing, intrusive and unattractive.
- The impact of lighting, including external lights.
- It is suggested that the extensions should be located elsewhere on the site, for instance, the rear of the school building, which is further away from neighbouring properties.
- The impact of the proposal on property value.

6.2 In response to the above, each planning application is determined on its individual planning merits. Comments regarding property value are not material planning considerations. The remaining issues will be addressed in the following sections of this report.

4.3 Environmental Health - Whilst the information available does not indicate a particular likelihood of ground contamination, the highly sensitive nature of the proposed end use and considering the site surrounding, implies the need to take a precautionary approach. A condition regarding land contamination has been requested.

## 5. **Relevant policies:**

5.1 Policies CP17 (Design), DC29 (Educational Premises), DC32 (The Road Network), DC33 (Car parking), DC34 (Walking), DC35 (Cycling), DC53 (Contaminated land) and DC61 (Urban Design) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Documents are material planning considerations. In addition, Policies 3.18 (Educational facilities), 6.13 (Parking) and 7.4 (Local character) of the London Plan and Chapters 7 (Requiring good design) and 8 (Promoting healthy communities) of the National Planning Policy Framework are relevant.

## 6. **Staff Comments**

6.1 This proposal is put before the Committee owing to the land being Council owned. The issues arising in respect of this application will be addressed under the headings impact on the streetscene, amenity issues and parking and highways implications.

## 6.2 **Principle of Development**

6.2.1 The proposal is for single storey extensions to provide two new classrooms with toilets and additional storage. The proposal is acceptable in principle and complies with LDF Policy DC29.

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

6.3.1 The single storey extension for additional storage would infill a recessed space between two projecting parts of the school building. The extension would be located approximately 40 metres from the eastern boundary of the site in Faringdon Avenue and approximately 51 metres from the southern boundary in Chatteris Avenue, which would help to mitigate its impact. The overall proportions and height of the extension are relatively modest.

6.3.2 The rear façade of the single storey extension to create two additional classrooms would be located west of the access road and approximately 41 metres from the southern boundary in Chatteris Avenue, which would help to mitigate its impact. Overall, it is considered that the single storey extensions would integrate satisfactorily with the character and appearance of the existing building and the streetscene.

### **6.3 Impact on amenity**

6.3.1 It is considered that the single storey side extension for additional storage would not result in material harm to residential dwellings in Faringdon Avenue, as there would be a minimum separation distance of approximately 65 metres between its rear façade and the front façade of No.'s 102-128 Faringdon Avenue.

6.3.2 It is noted that Broadford Primary School, including the siting of the proposed extensions, occupies a higher ground level than No.'s 6-22 Chatteris Avenue and their associated rear gardens. It is considered that the classroom extension would not result in a significant loss of amenity to No.'s 6-22 Chatteris Avenue, as there would be a minimum back to back distance of approximately 29 metres between its rear façade and the rear façade of these neighbouring properties. In addition, the extension is single storey and there would be a minimum and maximum separation distance of approximately 2 and 8 metres between the rear façade of the extension and the southern boundary of the site, which abuts the rear gardens of No.'s 6-22 Chatteris Avenue. The roof of the extension slopes away from neighbouring properties with a height of 3.2 metres that increases to 5 metres adjacent to the existing school building, which minimises its bulk and mass.

6.3.3 It is recognised that expanding the schools to 2 form entry (admitting 60 pupils per year group) would increase noise and disturbance, although this would be balanced against pupils utilising the whole of the school site. It is considered that the proposal would not create any additional overlooking or loss of privacy over and above existing conditions. There will be an external light on both flank walls of the classroom extension, which would be located under the canopy roof. It is considered that the external lights would not be harmful to residential amenity as they would be located to the side of the classroom extension.

### **6.4 Highway/parking issues**

- 6.4.1 Planning permission was granted under application P0933.09 for the demolition of the existing northern wing to the school building, extensions and an additional replacement building to create new teaching accommodation, external works and remodelling of the existing playground areas, a new pedestrian access and remodelling of existing parking arrangements. In 2009, the school had 360 pupils and 31 staff. For application P0933.09, the pupil and staff numbers remained unchanged. The site had 20 car parking spaces and the proposal involved the addition of two disabled parking spaces.
- 6.4.2 In terms of this proposal, the school presently has 390 full time education pupils and 51 staff (of which a proportion has part-time hours). The proposals seek to provide two new classrooms and expand the schools to 2 form entry. Therefore, there would be 45 additional pupils and 4 additional staff. There is capacity on the site for 17 cars to park formally, with approximately 12 additional vehicles parking in informal areas.
- 6.4.3 The LDF parking standards for primary and secondary schools require the provision of a maximum of 1 space per teaching staff. The proposal equates to a parking ratio of 0.56 spaces per member of staff (based on the maximum number of 51 staff). It is noted that the school has a travel plan in place which would seek to increase car sharing and encourage other non-car dependent modes of travel to the site. Recent surveys indicate that of the existing 390 pupils, some 70% currently walk to school, 3% use public transport, 6% makes use of private motor car, 16% use a scooter and 5% cycle. As such, Staff consider that the proposed parking provision to be adequate. The Council's Highway Engineers raised no objection to the proposal, although conditions have been placed regarding a review of parking restrictions around the school entrance and seeks a revision to the existing Travel Plan.

## 7. Conclusion

- 7.1 Staff are of the view that the single storey extensions are acceptable, would not adversely impact on the streetscene or result in a significant loss of amenity to neighbouring occupiers. It is considered that the proposal would not create any highway or parking issues. The proposal is considered to be acceptable in all other respects and it is therefore recommended that planning permission be granted subject to conditions.

## IMPLICATIONS AND RISKS

### Financial implications and risks:

None.

### Legal implications and risks:

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

**Human Resources implications and risks:**

None.

**Equalities implications and risks:**

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

**BACKGROUND PAPERS**

Application forms and plans received 7/2/2014.

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

# REGULATORY SERVICES COMMITTEE

24 April 2014

# REPORT

Subject Heading:

Proposal

P1813.11 – Former Somerfield Depot, New Road, Rainham (Date received 27/01/12, revised plans, documents and description received 5/10/12, further revised plans received 12/02/14)

Demolition of existing buildings and comprehensive development of the site comprising 170 sqm commercial floorspace within B1, retail and/or food and drink uses (A1, A2, A3, A4 & A5) and 497 no. 1, 2, 3, 4 and 5 bedroom residential units (C3) plus associated energy centre, car and cycle parking, landscape, public, communal and private amenity space.

Report Author and contact details:

Simon Thelwell (Projects and Regulation Manager) 01708 432685

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**

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

**SUMMARY**

The application is for the redevelopment of the former Somerfield Depot site to create a predominantly residential development providing 497 residential units within 18 apartment blocks and terraces of houses between three and six storeys in height. The development is proposed as an entirely private development with no affordable housing at this stage. The application is subject to Environmental Impact Assessment and has been submitted with an Environmental Statement. The application was previously included on the agenda for 25/04/2013, but was withdrawn at Staff's request.

The application has been considered against the relevant policies of the Local Development Framework and associated Supplementary Planning Guidance together with the London Plan and is judged to be acceptable in terms of its density, design, housing tenure and highway implications. It is considered that the development could be an important catalyst for the future redevelopment of the wider Havering Riverside area. A proportionate S106 contribution based upon the discounted tariff applicable in the Havering Riverside area has been negotiated. Issues of financial viability and regeneration implications have been taken into consideration and subject to no contrary direction from the Mayor for London, no call in of the application by the Secretary of State as a result of a request from the Health and Safety Executive and the completion of a legal agreement it is recommended that planning permission be granted subject to the conditions set out in the report.

The environmental information contained in the Environmental Statement and its Addendum has been taken into consideration in reaching the recommendations.



## RECOMMENDATIONS

That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable fee is based on an internal gross floor area of 36,175m<sup>2</sup> and amounts to £723,500.

That the Committee resolve that

Having taken account of the environmental information included in the Environmental Statement and its Addendum that the proposal is unacceptable as it stands but would be acceptable subject to:

- a) No direction to the contrary on referral to the Mayor for London (under the Town and Country Planning (Mayor of London) Order 2008) ;
- b) No call in of the application by the Secretary of State as a result of a request from the Health and Safety Executive;
- c) The prior completion of a Section 106 Legal Agreement under the Town and Country Planning Act 1990 (as amended), to secure the following:
  - The sum of £2,236,500 towards the costs of infrastructure associated with the development based upon the current discounted tariff per dwelling in the Havering Riverside Area as set out in accordance with the Adopted Planning Obligations SPD.

Phasing to be:

- 25% to be paid prior to the commencement of development;
  - 25% to be paid prior to occupation of no more than 125 dwellings;
  - 25% to be paid prior to occupation of no more than 250 dwellings;
  - 25% to be paid prior to occupation of no more than 375 dwellings.
- The sum of £350,000 towards the cost of bus service enhancements;
  - The inclusion of a cascade and viability review clause in relation to the provision of affordable housing to ensure that the provision of affordable housing is maximised in relation to the financial viability of the scheme.
  - The submission of a phasing plan to demonstrate that Blocks A – H would be delivered at an early stage of the development and that the western most block/s (Blocks M and N) will be the final blocks to be constructed.
  - Prior to the construction of Blocks M and N that a design review be carried out to establish whether further pedestrian and vehicular

linkages with land to the west can be achieved, subject to the design and planning of a new railway station at Beam Reach being at a sufficiently advanced stage. Agreement to implement Blocks M and N as approved not to be unreasonably withheld.

- To provide training and recruitment scheme for the local workforce during construction period.
- A travel plan to encourage the use of sustainable modes of transport, including a scheme for submission, implementation, monitoring and review.
- 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 on or 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, particulars and specifications as listed above on this decision notice.

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

3. Submissions and Approvals - Any application or submission for any other approval required by any condition attached to this permission shall be

made in writing to the Local Planning Authority and any approval shall be given in writing. Any approved works shall be carried out and retained thereafter in accordance with that approval.

Reason: To ensure that the Development is satisfactorily implemented in accordance with any approvals.

4. Accordance with Environmental Impact Assessment and Mitigation Measures - The development shall be carried out in accordance with the environmental standards, mitigation measures, requirements and methods of implementing the development contained in the environmental statement relevant to the application, appendices thereto submitted in August 2012, and any additional submission documents.

Reason: To ensure that the development is carried out in accordance with the appropriate standards, measures, requirements and methods as set out in the Environmental Statement and the mitigation measures identified therein.

5. Phasing Strategy - Prior to the commencement of development:

- i) a Phasing Plan shall be submitted and approved in writing by the Local Planning Authority which indicates the extent of each development phase.
- ii) A Condition Discharge Plan shall be submitted and approved in writing by the Local Planning Authority which indicates separate zones of the site to be subject to prior to commencement condition submissions.

Thereafter the development shall not proceed other than in accordance with the agreed phasing strategy.

Reason: To ensure that there is an appropriate phased sequence of development on the site.

6. Details of materials - No development shall commence within the particular zone indicated in accordance with condition 5 until samples and details of all materials to be used in the external construction of the buildings and surfacing of all external areas for that particular zone have been 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 that the development accords with the Development Control Policies Development Plan Document Policy DC61.

7. Boundary treatment - No development shall commence within the particular zone indicated in accordance with condition 5 until details of the treatment proposed for the boundaries for that particular zone, including where appropriate, screen fencing and walling (adjacent to highways) have been

submitted to and approved in writing by the Local Planning Authority. The approved boundary treatment shall be implemented in accordance with the agreed details prior to the occupation of the first dwelling in that particular zone and shall be permanently retained and maintained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

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

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

9. External lighting - No development shall commence within the particular zone indicated in accordance with condition 5 until a scheme for the lighting of external areas for that particular zone, including the access roads, have been submitted to and approved in writing by the local planning authority. The scheme of lighting shall include details of the extent of illumination together with precise details of the height, location and design of the lights. The scheme shall include details to show that consideration has been given to nature conservation interests as well as highway safety and public amenity. The agreed scheme shall be installed in full, prior to the first dwelling within that zone being occupied or as otherwise provided for in the phasing strategy. With the exception of any areas that have become adopted highway, the lighting scheme shall be retained and kept fully operational at all times thereafter.

Reason: In the interests of highway safety, public amenity and nature conservation and to ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

10. Lifetime homes - All residential units hereby approved are to comply with Lifetime Homes Standards, as defined in the Joseph Rowntree Foundation (JRF) publication "Achieving Part M and Lifetime Home Standards April 1999" and the joint collaboration of JRF, Mayor of London, GML Architects and Habinteg HA in the publication 'Lifetime Homes' and as referred to in the GLA Accessible London SPG (Appendix 4 correct at March 2004),.

Reason: In the interests of the amenities of future residents and visitors and to ensure that the residential development meets the needs of all potential

occupiers in accordance with Development Control Policies Development Plan Document Policy DC7 and Policy 3.8 of the London Plan.

11. Wheelchair Accessibility - 10% of new housing shall be designed to be wheelchair accessible or easily adaptable for such residents and shall be constructed in accordance with a scheme to be submitted and approved in writing by the Local Planning Authority. The units will thereafter be maintained in accordance with the approved scheme.

Reason: In the interests of the amenities of future residents and visitors and to ensure that the residential development meets the needs of all potential occupiers in accordance with Development Control Policies Development Plan Document Policy DC7 and Policy 3.8 of the London Plan.

12. Secure by Design - No development shall commence within the particular zone indicated in accordance with condition 5 until a full and detailed application for the Secured by Design award scheme for that particular zone has been submitted to the Local Planning Authority, setting out how the principles and practices of the Secured by Design Scheme are to be incorporated. Once approved in writing by the Local Planning Authority in consultation with the Metropolitan Police Designing Out Crime Officers (DOCOs), the development shall be carried out in accordance with the agreed details.

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

13. CCTV - No development shall commence within the particular zone indicated in accordance with condition 5 until details of CCTV to be installed for the safety of residents and visitors and the prevention of crime for that particular zone have been submitted to and approved in writing by the Local Planning Authority. The system shall be provided in strict accordance with the agreed details, prior to the first occupation of the residential units and thereafter, permanently retained and maintained.

Reason: In the interest of creating safer, sustainable communities and residential amenity, reflecting guidance set out in the National Planning Policy Framework, Policy 7.3 of the London Plan and including Policy CP17 Design and DC63 Delivering Safer Places of the LBH LDF.

14. Highway Alterations - No development shall commence within the particular zone indicated in accordance with condition 5 until details of the proposed alterations and additions to the Public Highway for that particular zone have been submitted to and approved in writing by the Local Planning Authority..

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

15. Highway Licence - The necessary agreement, notice or licence to enable the proposed alterations and/or additions to the Public Highway shall be entered into prior to the commencement of the development or the commencement of the relevant phase.

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. Road Safety Audit - Prior to the construction of or any works to the access or egress to the site from New Road pursuant to this permission, the developer shall submit for the written approval of the Local Planning Authority a Stage 1 and 2 Road Safety Audit as defined in HD 19/03 of the Design Manual for Roads and Bridges with any recommendations arising being reasonably dealt with. The findings of the Audit shall be implemented in accordance with the approved details prior to the construction of the access and associated works, or as otherwise allowed in the audit. Stage 3 and 4 Road Safety Audits shall be undertaken at the appropriate time as prescribed in HD 19/03 of the Design Manual for Roads and Bridges and the findings of these Audits shall be implemented as recommended.

Reason: In the interests of highway safety and to comply with Policies CP10, CP15, CP17 and DC61 of the Core Strategy and Development Control Policies DPDs.

17. Car parking - Before the buildings hereby permitted within any phase of the development are first occupied, the areas set aside for car parking within that phase shall be laid out and surfaced to the satisfaction of the Local Planning Authority. The parking areas shall be retained permanently thereafter for the accommodation of vehicles visiting the site and shall not be used for any other purpose.

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

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

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

19. Car parking management strategy - No development shall commence within the particular zone indicated in accordance with condition 5 until details to show the car parking management strategy associated within that phase or zone within the development have been submitted to the Local Planning Authority for approval in writing. The details shall include the details of

measures to be used to manage the car parking areas. The car parking management strategy shall be provided in accordance with the approved details for that zone prior to the first occupation of any dwelling in that particular zone. Such facilities shall be permanently retained and made available for residents use thereafter.

Reason: In the interests of highway safety.

20. Cycle Storage - No development shall commence within the particular zone indicated in accordance with condition 5 until details of the secure cycle storage for that zone and on street provision for visitors have been submitted to and approved in writing by the Local Planning Authority. Cycle storage facilities shall be provided in accordance with the approved details for each zone prior to the occupation of the first dwelling in that particular zone. Such facilities shall be permanently retained and made available for residents and visitors use, as appropriate, thereafter.

Reason: To seek to encourage cycling as a more sustainable means of travel for short journeys in accordance with LDF Development Control Policies Development Plan Document Policy DC35.

21. Electric Charge Points - No development shall commence within the particular zone indicated in accordance with condition 5 until details of a scheme for the provision of electric charging points within that particular zone have been submitted for written approval by the Local Planning Authority. Such scheme shall make provision for a total of 40% of the spaces to be provided with the provision of electric vehicle charging points, with a minimum of 20% of parking spaces to be fitted with active provision of electric vehicle charging points.

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

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

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

23. Hard landscaping - No development shall commence within the particular zone indicated in accordance with condition 5 until details of, a scheme of hard landscaping including details of roads for that zone and a timetable for its implementation for that particular zone have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the agreed details for that phase

prior to the occupation of the first dwelling in that phase and shall be permanently retained and maintained thereafter 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.

24. Soft landscaping - No development shall commence within the particular zone indicated in accordance with condition 5 until details of a scheme of soft landscaping and a timetable for its implementation for that particular zone have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include indications of all existing trees and shrubs on the site, and details of any to be retained, and any proposed topping or lopping, together with measures for the protection in the course of development. The scheme shall specify the size, species, and positions or density of shrubs and trees to be planted and the approved scheme shall be undertaken in accordance with the timetable approved in writing by the Local Planning Authority. If within a period of five years from the date of the planting, any tree or shrub or any tree or shrub planted in replacement of it, is removed, up-rooted or destroyed, is diseased or dies, another tree or shrub of the same species and size to that originally planted shall be planted at the same or approximately the same place.

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.

25. Landscape Management Plan - Prior to the commencement of development a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens), shall be submitted to and approved in writing by the local planning authority. The landscape management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the local planning authority.

The scheme shall include the following elements:

- A scheme to be agreed for the new swale system including, profiling of banks and materials used to form the swales.
- details demonstrating how the buffer zone will be managed/maintained over the longer term
- details of any permanent lighting and associated light levels
- details of maintenance regimes for the Southern Green Buffer Zone
- details of treatment of site boundaries and/or buffers around water bodies



Reason : To ensure protection of water voles and other habitats and to ensure that the nature conservation value of the site is improved accordingly.

26. Demolition and Site Clearance - The demolition and site clearance works shall be carried out in accordance with the Mitigation Proposals set out in the Environmental Statement Volume 1 – Chapter 16 Ecology paragraphs 16.208 to 16.266. No works of demolition or site clearance shall be carried out until details have been submitted to and agreed with the Local Planning Authority demonstrating that the measures to be undertaken comply with the recommendations set out in the above paragraphs of the Environmental Statement Volume 1 – Chapter 16 Ecology paragraphs 16.208 to 16.266. The works shall then be carried out in accordance with the agreed details.

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

27. Biodiversity – No development shall commence within the particular zone indicated in accordance with condition 5 until details of a scheme for the biodiversity enhancement measures to be incorporated into that particular zone have been submitted to and approved in writing by the Local Planning Authority. The development within that zone shall thereafter be carried out in full accordance with the agreed scheme and retained thereafter.

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

28. Sustainability Statement - No development shall commence within the particular zone indicated in accordance with condition 5 until the developer has provided a copy of the Interim Code Certificate confirming that the design of that zone of development achieves a minimum Code for Sustainable Homes 'Level 4' rating. The development shall thereafter be carried out in full accordance with the agreed Sustainability Statement. Before that particular zone is first occupied, the Final Code Certificate of Compliance shall be provided to the Local Planning Authority to demonstrate that the required minimum rating has been achieved.

Reason: In the interests of energy efficiency and sustainability in accordance with Development Control Policies Development Plan Document Policy DC49, the Council's Sustainable Design and Construction SPD Adopted April 2009 and Policies 5.2 and 5.3 of the London Plan.

29. Energy - Prior to the commencement of development, an energy statement shall be submitted to demonstrate the energy efficiency design measures and renewable energy technology to be incorporated into the final design of

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

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

30. Details of Fire Hydrants - No development shall commence within the particular zone indicated in accordance with condition 5 until a scheme detailing the location and detail of fire hydrants for that particular zone have been submitted to and approved in writing by the Local Planning Authority. Prior to the first occupation of any of the buildings within that zone to be served by the identified hydrants, such hydrants as required by the LFEPA for that zone of the development shall be provided in accordance with the LFEPA's requirements prior to the occupation of the relevant unit/s and thereafter maintained continuously to the satisfaction of the Local Planning Authority.

Reason: To ensure that adequate provision is made for fire protection on the site.

31. Fire Brigade Access - No development shall commence within the particular zone indicated in accordance with condition 5 until a scheme for the provision of adequate access for fire brigade purposes for that particular zone has been submitted to and approved in writing by the Local Planning Authority in consultation with the London Fire and Emergency Planning Authority. First residential occupation of each zone shall not take place until the approved scheme for that part of the fire brigade access has been implemented.

Reason: To ensure that adequate access for fire brigade purposes is made available in the interests of safety.

32. Plant and Machinery - No development shall commence within the particular zone indicated in accordance with condition 5 until a scheme for any new plant or machinery, including any energy centre as appropriate, in that zone has been submitted to the local planning authority to achieve the following standard: Noise levels expressed as the equivalent continuous sound level LAeq (1 hour) when calculated at the boundary with the nearest noise sensitive premises shall not exceed LA90 -10dB. Such plant and machinery

as approved shall be installed in accordance with the agreed details and maintained thereafter to the satisfaction of the Local Planning Authority.

Reason: To prevent noise nuisance to adjoining properties in accordance with the recommendations of NPPF, Planning Practice Guidance and the Noise Policy Statement for England and in order that the development accords with the Development Control Policies Development Plan Document Policies DC55 and DC61.

33. Noise Protection - No development shall commence within the particular zone indicated in accordance with condition 5 until a scheme for protecting the proposed dwellings from noise and vibration from adjacent commercial and industrial premises for that particular zone have been submitted to and approved in writing by the Local Planning Authority. Any works which form part of the scheme shall be completed before any of the permitted dwellings within that zone are first occupied.

Reason: To prevent noise nuisance to adjoining properties in accordance with the recommendations of NPPF, Planning Practice Guidance and the Noise Policy Statement for England and in order that the development accords with the Development Control Policies Development Plan Document Policies DC55 and DC61.

34. Sound Attenuation - The building(s) shall be so constructed as to provide sound attenuation of no less than 45dB(A) against airborne noise and 62dB(A) 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 NPPF, Planning Practice Guidance and the Noise Policy Statement for England and in order that the development accords with the Development Control Policies Development Plan Document Policies DC55 and DC61.

35. Noise Transmission Control - No development shall commence within the particular zone indicated in accordance with condition 5 until an assessment has been undertaken of the impact of road noise emanating from New Road and Marsh Way upon the development in accordance with the methodology contained in the Department of Transport/Welsh office memorandum "Calculation of Road Traffic Noise", 1988. Reference should be made to the good standard to be found in the World Health Organisation Document number 12 relating to community noise and BS8233:1999. Following this, a scheme detailing measures, which are to protect occupants from road traffic noise shall be submitted to, and approved in writing by the Local Planning Authority and shall be implemented prior to occupation.

Reason: To prevent future residents against the impact of road noise in accordance with the recommendations of NPPF, Planning Practice Guidance and the Noise Policy Statement for England and in order that the

development accords with the Development Control Policies Development Plan Document Policies DC55 and DC61.

36. *Railway Noise and Vibration* No development shall commence within the particular zone indicated in accordance with condition 5 until an assessment has been undertaken of the impact of:

- a) Railways noise (in accordance with Technical memorandum “Calculation of Railway Noise”, 1995)
- b) Vibration from the use of the railway lines,

upon the site. Following this, a scheme detailing the measures to protect residents from railway noise and vibration is to be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the occupancy of any units affected by railway noise and vibration identified within the scheme.

Reason: To prevent future residents against the impact of road noise in accordance with the recommendations of NPPF, Planning Practice Guidance and the Noise Policy Statement for England and in order that the development accords with the Development Control Policies Development Plan Document Policies DC55 and DC61.

37. *Flood Management Evacuation Plan* – No development shall commence within the particular zone indicated in accordance with condition 5 until details of a flood management evacuation plan has been submitted to, and approved in writing for that particular zone by, the local planning authority. This shall include provision of safe access and egress of all users and a procedure to ensure that any flooding of the car park can be managed in an appropriate way.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason : To protect the development and it’s occupants from flooding .To ensure that all users of the site will have safe access and egress during a flood and that no danger will be caused by flood water carrying the cars out of the car park in accordance with Policy DC48 of the LDF.

38. *Flood Risk Mitigation* - The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) and letters from Peter Brett Associates reference PJ/CBH/SMK/EA dated 16 April 2012, 26903/CBH/PJ/CBH/SMK/EA dated 14 May 2012 and drawing reference 26903/001/002 and in particular the provision of compensatory flood storage areas.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements

embodied within the approved flood risk assessment, correspondence and drawings referred to above, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To ensure that existing floodplain is maintained within the proposed development site and that flood risk is not increased elsewhere in accordance with Policy DC48 of the LDF.

39. Foul and Surface Water Drainage - Development shall not commence until a drainage strategy detailing any on and/ or off site drainage works, storm flow attenuation and protection of any existing public sewers crossing the site and a strategy for each phase of its provision has been submitted to and approved in writing by the Local Planning Authority in consultation with the sewerage undertaker and the Environment Agency. No works which result in the discharge of foul or surface water from the site shall be commenced until the on/and or off site drainage works and connections for that phase of the works have been completed.

Reason: To ensure that the foul and/or surface water discharge from the site shall not be prejudicial to the existing sewerage system,, to prevent the increased risk of flooding, and in order that the development accords with Development Control Policies Development Plan Document Policy DC51 and Policy 5.33 of the London Plan.

40. Infiltration - No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason: Infiltration of surface water could leach contamination from the ground and result in it migrating into groundwater which will be in connectivity with surface waters within close proximity of the site. Infiltration will only be acceptable once it has been demonstrated that it will be through clean, uncontaminated ground.

41. Refuse and recycling: No development shall commence within the particular zone indicated in accordance with condition 5 until details of the storage of refuse and recycling awaiting collection for that particular zone has been submitted to and approved in writing. Prior to the first occupation of that zone, provision shall be made for the storage of refuse awaiting collection. Unless otherwise agreed in writing these details shall include provision for suitable containment and segregation of recyclable waste. The measures shall be fully implemented in accordance with the agreed details and shall be retained thereafter.

Reason: In the interests of the amenity of occupiers of the development and also the visual amenity of the development and locality in general, in the interests of sustainable waste management and in order that the

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

42. Piling and Foundations - Piling or any other foundation designs using penetrative or impact methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater subsurface water or sewerage infrastructure. The development shall be carried out in accordance with the approved details.

Reason: Piling or penetrative foundation works have the potential to create pathways for contamination to migrate to groundwater or damage underground infrastructure. It must therefore be demonstrated that any piling will not pose a risk to ground or surface waters, water or drainage infrastructure before it is undertaken.

43. Construction Environmental Management Plan - No development shall commence within the particular zone indicated in accordance with condition 5, including demolition, until a scheme for that particular zone has been submitted to and approved in writing by the local planning authority making provision for a Construction Environmental Management Plan to control the adverse impact of the development of that zone on the amenity of the public and nearby occupiers. The Construction Environmental Management Plan/s shall include details of:

- a) parking of vehicles of site personnel and visitors;
- b) Areas hardened to enable the loading and unloading of plant and materials;
- c) storage of plant and materials, including stockpiles of crushed concrete;
- d) dust management controls (using best practicable means) and monitoring proposals;
- e) Treatment of all relevant pedestrian routes and highways within and around the site throughout the course of demolition and construction and their reinstatement where necessary;
- f) Details of access points to the site and routes within the site for construction vehicles;
- g) measures for minimising the impact of noise and, if appropriate, vibration arising from demolition and construction activities;
- h) predicted noise and, if appropriate, vibration levels for demolition and construction using methodologies and at points agreed with the local planning authority;
- i) 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;
- j) scheme for security fencing/hoardings, depicting a readily visible 24-hour contact number for queries or emergencies;
- k) details of disposal of waste arising from the construction programme, including final disposal points. The burning of waste

on the site at any time is specifically precluded.

And the development or the relevant phase thereof shall be carried out in accordance with the approved Plan.

Reason: To protect residential amenity and to ensure the works are carried out in such a way to avoid, remedy or mitigate adverse effects, and in order that the development accords with Development Control Policies Development Plan Document policy DC61.

44. 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.

45. Wheel washing: - Prior to commencement of development, including site preparation, details of wheel scrubbing/wash down facilities to prevent mud being deposited onto the public highway during demolition, site preparation and construction works shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be retained without interruption and used at relevant entrances to the site from the inception of any development activity including site preparation, demolition and throughout the course of construction works.

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

46. Archaeological Investigation – A) No development of any phase of the site or of the overall development as the case may be shall take place until the applicant has secured the implementation of a programme of archaeological work for the development or each phase thereof in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

B) The development shall only take place in accordance with the written scheme of investigation approved under Part (A).

C) The development or relevant phase thereof shall not be occupied until the site investigation and post investigation assessment has been

completed in accordance with the programme set out in the Written Scheme of Investigation approved under Part (A).

The archaeological works shall be carried out by a suitably qualified investigating body acceptable to the Local Planning Authority for the development or the relevant phases thereof as the case may be.

Reason: Important archaeological remains may survive on this site. Accordingly, the Planning Authority wishes to secure the provision of archaeological investigation and the subsequent recording of the remains prior to development, in accordance with the guidance set out in PPS5, and in order that the development accords with Development Control Policies Development Plan Document policy DC70.

47. Contamination assessment and remediation: Prior to the commencement of the development a Phase I Report having already been submitted, excluding any works of demolition, the developer shall submit for the written approval of the Local Planning Authority and carry out as required the following:

a) A further site investigation report (Phase II Report) as the submitted Ground conditions report confirms has identified the need for further investigation following demolition and clearance of the site to assess the possibility of a significant risk to any sensitive receptors. This is an intrusive site investigation including factors such as chemical testing, quantitative risk assessment and a description of the sites ground conditions. An updated Site Conceptual Model should be included showing all the potential pollutant linkages and an assessment of risk to identified receptors.

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

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

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

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



contamination proposals, then revised contamination proposals shall be submitted to the LPA ; and

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

e) Before any part of the development is occupied, site derived soils and/or imported soils shall be tested for chemical contamination and the results of this testing together with an assessment of suitability for their intended use shall be submitted to and approved in writing by the Local Planning Authority.

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

Reason: To protect those engaged in construction and occupation of the development from potential contamination. Also in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC53. Also The site lies on a Secondary aquifer and groundwater is likely to provide baseflow to proximal surface watercourses. The previous use of the site may have resulted in contamination of the ground and groundwater and therefore the site must be remediated so it no longer poses a risk to ground or surface waters.

48. Pipeline - No development shall take place until a report on the need for a scheme of pipeline risk mitigation measures for the Baker Street – Romford, Mardyke-Fords Dagenham and Horndon to Barking Pipelines has been submitted to and approved in writing by the local planning authority in consultation with National Grid and the Health and Safety Executive. If mitigation is found to be required, the details of the mitigation measures chosen shall be specified within the report and should be justified on the basis of existing risk, the extent to which the risk needs to be reduced, the benefits from each measure (to be derived from IGEM/TD/2), and the practicality of implementation of each measure. Development shall be carried out in accordance with the approved details which shall be completed prior to first residential occupation of the development.

Reason: In the interest of health and safety and in accordance with the principles of risk management found in the HSE's PADHI system of risk advice and in order that the development accords with Policy 54 of the LBH LDF and Policy 5.22 of the London Plan.

49. Easement Protection – No development shall commence within the particular zone indicated in accordance with condition 5 until details of the how the easement to the benefit of National Grid is to be maintained and protected has been submitted to and approved in writing by the Local Planning Authority in consultation with National Grid. Such details as are necessary for the relevant zone of the development should include levels,

excavations, fencing, embankments and walkways. Development shall be carried out in accordance with the approved details.

Reason: In the interest of health and safety and in accordance with the principles of risk management found in the HSE's PADHI system of risk advice and in order that the development accords with Policy 54 of the LBH LDF and Policy 5.22 of the London Plan.

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

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

51. Removal of Permitted Development Rights - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 Article 3, Schedule 2, Part 1, Classes A - F or any future order, regulation or statutory provision revoking or re-enacting the said Order, no enlargement, roof alteration, porch, out building or hard surface shall be constructed or take place unless permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

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

## **INFORMATIVES**

1. The applicant is advised that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted, considered and agreed. The Highway Authority requests that these comments are passed to the applicant. Any proposals which involve building over the public highway as managed by the London Borough of Havering, will require a licence and the applicant must contact StreetCare, Traffic & Engineering on 01708 433750 to commence the Submission/ Licence Approval process.
2. 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 12 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 development of this site may affect archaeological remains. The applicant should therefore submit detailed proposals in the form of an archaeological project design for the archaeological evaluation of the site. This design should be in accordance with appropriate English Heritage guidelines.
5. Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: Improvements required to make the proposal acceptable were negotiated and submitted, in accordance with para 186-187 of the National Planning Policy Framework 2012.
6. The planning obligations recommended in this report have been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the obligations are considered to have satisfied the following criteria:-
  - (a) Necessary to make the development acceptable in planning terms;
  - (b) Directly related to the development; and
  - (c) Fairly and reasonably related in scale and kind to the development.

## REPORT DETAIL

### 1.0 **Site Description**

- 1.1 The application site is located on the south side of New Road approximately 120m east of Marsh Way and 1.1km west of Dovers Corner (1.5km from Rainham Station). The site has an area of approximately 3.68 hectares and is currently occupied by a large 2-3 storey warehouse with an access and car parking area to the front set at a slightly lower level than New Road. The site is commonly known as the former Somerfield site and is currently in use as a distribution centre.
- 1.2 To the south the site is bounded by the C2C Shoeburyness to Fenchurch Street railway line and the High Speed 1 railway. To the west lies a vacant brownfield site with a scrap yard located adjacent to the most north western part of the boundary adjacent to New Road. Commercial warehousing is located to the east.

- 1.3 The site generally slopes gently down north to south from New Road apart from the section immediately adjacent to New Road where the level difference is more steeply defined.
- 1.4 The northern side of New Road in this area is predominantly residential in character with some interspersed commercial uses, beyond which lies the residential area of South Hornchurch. To the south of the site beyond the railway line is the Beam Reach 5 Business Park with the closest building being the former Newsfax printing plant.

2.0 **Description of Proposal:**

2.1 General Layout - The application is submitted as a full application and is accompanied by an Environmental Impact Assessment. The development sought is a residential development of 497 units within 18 no. separate blocks and terraces, also incorporating a small element of commercial floorspace and an energy centre together with 517 car parking spaces. The development mix would be as follows:

Unit Split	Number of Units	% Units
1 Bed	130	26
2 Bed	141	28
3 Bed	198	40
4 Bed	22	5
5 Bed	6	1
Total	497	100
	<b>Floorspace (m<sup>2</sup> GEA)</b>	
Commercial	170	
Energy Centre	110	

- 2.2 Access would be taken from New Road via the existing access point to the east of the site which would also continue to serve the adjacent commercial uses to the east. The existing access road running parallel to New Road would be retained/upgraded across the front of the site with the existing egress to New Road at the North West corner of the site retained and modified. The five frontage blocks would therefore be set back from the New Road carriageway by 24m and would be separated by four roughly north to south access roads which would link to an east to west road running across virtually the entire width of the plot 110m south of New Road. One of the north south access roads between blocks B and C would serve as the main link road with the others being designed along home zone lines with shared surfaces.
- 2.3 The northern elevation along New Road would be comprise of Blocks A, B, C, D and N, all of which are proposed as flat green roofed four storey blocks. Blocks A, B and C are proposed as 3 identical blocks 12m high, 43m long and 17m deep with their eastern half formed by a 9 no. framed full width balconies on the upper floor and glazed and panelled frontage at

- ground floor. The western half of each block is proposed in brick with 3 no. recessed balconies on each upper floor, half the width of each unit and the two ground floor units each being provided with a recessed semi-private terrace. To the rear the ground and first floor would comprise duplex units with their own private gardens, with flats above, each provided with its own projecting balcony. All units would be accessed from a single central door on the northern elevation giving access to a spine corridor with a fully glazed stairwell adjacent to the entrance. Internal cycle stores are proposed at ground floor with an externally accessed refuse store located adjacent to each entrance.
- 2.4 Blocks D and N would provide “bookend” blocks at the eastern and western ends of the frontage, attached to a north/south terrace of housing H in respect of Block D and a north/south block of apartments M in respect of Block N. Block D is proposed as a four storey building 13m high, 18.6m wide at ground floor and 16.5m wide at upper levels and 19.8m deep. At ground floor a commercial unit of 170sqm is proposed together with a CHP energy centre, cycle and refuse store, with residential flats above each of which would be provided with its own balcony. The design would echo that of Blocks A – C with framed balconies and brick elevations to the New Road frontage. Block N would also be a four storey building 12m high, 20m wide and 22.3m deep with framed balconies to the eastern half of the width of the frontage at upper floors and the full depth on the eastern and western elevations. An internal cycle store is to be provided at ground floor with the refuse area located opposite the entrance closer to New Road.
- 2.5 Blocks E1, E2, F1, F2, G1, G2 and H are all proposed as north/south terraces of 3 storey town houses with blocks E – G comprising 12 no. houses and block N 13 no. houses. The two houses at either end of each terrace would be larger 4 and 5 bedroom units with the central 8 no. units or in the case of Block H, 9 no. units being 3 bedroom houses. All three bedroom houses would have integral garages with secure front garden cycle stores, whilst the four and five bedroom houses would be provided with forecourt parking or a garage to the rear of their garden accessed from the east west route to the south of the site. The houses have been designed to give a regular flat roofed appearance to the front, with a vertical emphasis to the window configuration. To the rear the three bedroom houses would have a shallow rear facing gabled roof, a ground floor projection and a first floor terrace. The four bedroom units have a flat roofed appearance to the rear but a similar ground floor projection and terrace. The five bedroom houses at the foot of terraces E to G are to be staggered forward of the rest of the terrace with their main entrance from the east/west route and a shallow south facing pitched roof. Rear garden depths vary between 6.2m for the three bedroom houses, 5.6m for the four bedroom houses and 5.2m for the five bedroom houses.
- 2.6 The southern apartment buildings I, J, K1 and K2 are based around communal garden areas on their respective northern side and separated from the southern boundary by a landscaped southern pedestrian walkway and swale area with a minimum width of 10m. The blocks would provide

176 dwellings including 10 duplex units with the remainder as apartments. The buildings would be raised up to a podium level as part of the flood risk mitigation measures and are proposed as six storey green roofed blocks, each with a longer (37 – 41m) south facing elevation set at a 15° angle to the southern boundary of the site with the railway corridor, and a shorter eastern limb elevation (9 – 22m) and a height of 18.65m AOD. The upper storey would be set back on the southern side. Each ground floor unit would have access to it's own semi-private terrace with all units above ground floor provided with at least one recessed or projecting balcony set within architectural framing with vertical timber slatted screening. Materials are proposed are predominantly brick, but with areas of glazing and aluminium cladding. All units would be accessed via central stair cores, Block 1 having one and all other blocks two on their northern side. All blocks would have a core access to the basement/car park level which would form a single car park under all of the blocks along the southern side of the site. The car park level would also contain the majority of the cycle parking facilities, although some ground floor units would have their own storage within their terrace areas. Access to the bin stores would also be at car park level.

2.7 Blocks L and M would be aligned with the western boundary of the site, with Block L following the east/west alignment and design theme of the southern blocks described above as a six storey 18.65m high green roofed building. Block L would be 48m long and 15m wide at its maximum with its eastern façade facing onto a landscaped courtyard to the north and west of block K2. Block M would be located to the north of the east/west access route and set further to the west than blocks L and N that make up the rest of the western edge of the site creating a wide boulevard and parking and amenity space on its eastern side and to the west of the terrace of houses E1. Block M would be a five storey, green roofed block 15.5m high, 60m long and 18m deep and attached to block N at its north eastern corner. The design again follows the theme of the rest of the blocks, but with angled projecting sections to the western facade with architectural framing for stacked windows and balconies. To the eastern façade all balconies would be projecting with two communal entrances to all units. Materials would be as for other blocks made up of areas of brick, glazing and aluminium and coloured panels. All units would have access to either a semi-private terrace at ground floor or a balcony for upper levels. Both Blocks L and M would be constructed above a car parking level. In the case of block L this would be a continuation of the car parking area underneath Blocks I to K2. The parking level underneath Block M and N would be accessed via a ramp from the western end of the east west access road and extend under the whole of Block M and the amenity areas to its east.

2.8 *Access, Parking and Servicing* – Access to the site would be taken from A1306 New Road via the existing access to the east of the site as the application site has access rights across this land. The east/west road across the northern edge of the site would be one way and 6 to 7m wide with parking spaces perpendicular to the road on it's northern side. The north south road between blocks B and C would be 5.5m wide and is

intended to function as the main route linking to the east west road towards the south of the site. The other three north south routes are proposed as home zone shared surface routes with a carriageway width varying between 4 and 5.5m. The north south routes to the west is intended to function as a two way route whilst the other two route between blocks A and B and C and D would be one-way northwards. The entrance to the covered car park level of block I to L would be taken from the southern side of the southern east/west road directly opposite the western north south route. The entrance to the covered car park level of blocks M and N would be taken from the northern side of the east west route at its far west extreme.

- 2.9 Pedestrian access would be available from the same point as for vehicles at the access and egress points from New Road, with a further 4 pedestrian links provided from the New Road footway to the northern east west route, with the level difference accommodated by steps and ramps. Pedestrian access to a linear boardwalk and cycle route along the southern edge of the site would be provided at all points between Blocks I to L.
- 2.10 Provision for 517 car parking spaces is proposed in a combination of covered /basement parking areas, on street, garage and forecourt parking, including a requisite proportion of disabled parking bays. 71 motorcycle spaces and 630 cycle parking spaces are proposed.
- 2.11 Refuse collection would be carried out on street with storage facilities varying from individual refuse stores for the houses, bin stores for the blocks at the front and underground storage with ground level chutes for the southern and western blocks. The latter would deposit waste into conventional Euro bins with the bins stored underground on a hydraulically operated platform. Each of the blocks would also be provided with a "lumber store" for discarded bulky items of furniture, white goods etc. All houses and flats with ground floor amenity space would be provided with their own composting facility and provision has been made for a recycling bank in the north west of the site.
- 2.12 *Amenity Space, Landscaping and Play Space* – The plans and supporting documents show that amenity space would be provided by way of private gardens, semi private terraces, roof terraces, communal/public open space, ecological corridor and private balconies. Private garden areas to the houses and duplex units would be relatively small varying from 5 to 7m deep.
- 2.13 Landscaping would be provided throughout with tree planting to the streets and rear garden areas, enhanced boundary tree planting, managed communal areas and a green buffer and ecological planting area to the south of the site incorporating a 3m exclusion zone to protect wildlife.
- 2.14 Opportunities for new play provision are integrated in all communal amenity areas.

- 2.15 *Sustainability* – The overall proposed sustainable energy strategy for the development is aimed at achieving a 29% reduction in carbon dioxide emissions. This would be achieved by incorporating a gas-fired CHP, gas condensing boilers, solar hot water collectors, high thermal performance buildings and ventilation heat recovery. It is also proposed that the scheme would be designed so that it could link into any wider district heating network such as that currently under discussion with Barking Power.
- 2.16 *CIL/S106 Obligations* – The applicants consider that the scheme cannot support any affordable housing but are currently in discussion with a Registered Provider with a view to them taking over the scheme should planning permission be granted. An assessment of the financial implications of the proposals has been provided in support of the application. Notwithstanding the results of the financial appraisal the applicants are prepared to meet the Council's S106 requirement based upon the current tariff applicable in the Havering Riverside Area together with a sum for Transport for London to meet their request for a bus service contribution and other non-monetary clauses.
- 2.17 The application has been submitted with the following supporting documents;
- Planning Statement
  - Design and Access Statement
  - Environmental Statement and Addendum (including Flood Risk Assessment)
  - Townscape and Visual Assessment
  - Landscaping Strategy
  - Economic Assessment Statement (Confidential)
  - Affordable Housing Viability Assessment
  - Marketing Report (Retail)
  - Transport Assessment and Addendum
  - Sustainable Energy Statement
  - Technical Note on Development Scope and technical safety considerations (HSE/PADHI)
  - Statement of Community Involvement

### 3. **Relevant History**

- 3.1 There is no recent planning history relevant to the application.

### 4. **Consultations and Representations:**

- 4.1 Consultees and 673 neighbouring properties have been notified of the application and re-notified of the revisions. The application has been advertised on site and in the local press as a major planning application and because it is an EIA development.
- 4.2 Twenty six letters of representation have been received including one from



a local Councillor. Objections raised relate to the following:

- Development is too dense and the flats too high;
- Council Policy is that developments in this area should be 3 storey;
- Additional traffic and related pollution;
- Potential for car parking to overspill into adjacent areas;
- Additional demands on social amenities, schools, doctors, dentists;
- Additional pressure on water and drainage facilities;
- Inadequate amenity space;
- Should be developed for quality housing;
- Covered areas of communal parking and high rise flats are a thing of the past and susceptible to anti-social behaviour and theft;
- Other areas to the west towards Dagenham are more suited to this type of development;
- Area is low lying and liable to flood;
- The size of the development would place a further burden on stretched police numbers;
- Proposal would have a negative impact upon the local area;
- There are insufficient jobs in the local area;
- Inadequate public transport in the area which needs to be improved before large new developments are considered;
- Revisions to the scheme are minor and have not addressed the main problems associated with it;
- The proposal would be contrary to numerous policies of the Local Development Framework including those related to leisure facilities, community needs and facilities, education facilities and transport.

### **Consultee Responses**

***Borough Crime Prevention Design Advisor*** – Highlights some concerns over the vulnerability of Blocks I, J, K1, K2 and L due to the potential difficulty of controlling access from the car park level to the five lift and stair cores . A number of other detailed design points and considerations relating to access and natural surveillance are highlighted most of which have been addressed by revisions to the scheme. Recommends that a condition be attached relating to secure by design and other matters which would be assessed through any subsequent SBD application.

***English Heritage (GLAAS)*** – Advise that the site is located within an archaeological priority area and request that an archaeological evaluation and mitigation condition be imposed on any permission granted.

***Environment Agency*** - No objections; conditions recommended in relation to flood management evacuation plan, flood risk, landscape management, contamination and verification, foundations and drainage arrangements.

***Environmental Health*** raise no objections subject to suitable conditions relating to contamination, noise, machinery, vibration, sound insulation, road noise assessment, railway noise assessment and hours of construction..

**Essex and Suffolk Water** – Advise that they have apparatus to the north east of the site but have no objections subject to a new water connection being made to the Company network

**Greater London Authority** – Advise that the scheme is in compliance with some polices of the London Plan but not others and on balance does not comply with the London Plan. Specifically those areas where the Mayor is not satisfied that either the original or revised plans are in conformity with the London Plan are as follows:

- Affordable Housing – a review of the viability toolkit should be submitted and a review mechanism should be included in any Section 106 agreement in order to secure on-site affordable housing should the market improve prior to implementation of the scheme.
- Density – the proposed density is high and concerns related to the identification of the site as an urban location with an excessive density for the current PTAL level of the site are identified.
- Urban design – the design of the scheme should be revised and concerns in particular related to access and density issues must be addressed.
- Climate change mitigation and adaptation – the applicant should confirm that all apartments and non-domestic building uses will be connected to the site heat network.
- Hazardous substances – the application should work with the HSE to resolve issues concerning the high pressure gas pipelines and their location.
- Employment and training – a strategy on employment and skills training should be submitted and secured as part of any S106.
- Transport – concerns detailed in the report as identified by TfL should be addressed.

**Greystar (on Behalf of Barking Power Ltd.)** – Satisfied that the proposed development will not affect their apparatus (Horndon to Barking High Pressure gas pipeline)

**Health and Safety Executive** - The proposal has been considered using Planning Advice for Developments Near Hazardous Installations (PADHI+), the HSE's planning advice software tool. The assessment indicates that the risk of harm to people at the proposed development arising from the high pressure gas pipelines is such that HSE's advice is that there are sufficient reasons, on safety grounds, for Advising Against the granting of permission. The HSE would offer support in the event of a decision to refuse planning permission on grounds of safety.

**Highways/Streetcare** – Satisfied that revisions and amendments to the scheme have now overcome the issues highlighted in original and first revision to the scheme. Conditions and informatives are suggested in the event of a recommendation for approval.

**Housing** – Satisfied that the inclusion of a review mechanism will enable the potential provision of affordable housing in the event that the development is not taken over by a Registered Provider. The implementation of the scheme by a Registered Provider is supported.

**London Borough of Barking and Dagenham** – No objection to the principle of development but concern is expressed over the lack of proposed contributions towards public transport improvements or education. The requirement of the Havering LDF Site Specific Policy SSA12 for development to be phased so that the completion of new homes coincides with improvements to public transport is highlighted. The lack of school places in Barking and Dagenham and the requirement for developments to contribute towards the cost of providing places is also commented upon.

**LFEPA** – No objections subject to the access complying with the necessary standards.

**London Fire Brigade** – Advise of the need for six new fire hydrants to be sited within the footpaths.

**National Grid** – Advise of the presence of gas apparatus in the vicinity of the development including high pressure gas pipelines and that the proposed works, unless controlled are likely to adversely impact the safety and integrity of National Grid apparatus.

**Natural England** – No objection. However, given the connectivity between the application site and nearby SSSI's via the receptor of the Rainham Railsides Site of Importance for Nature Conservation (the "SINC") and the proximity to the Beam Drain it is considered that the EIA should address any cumulative impact upon the SSSI. A condition relating to bats is requested.

**Thames Water** request the installation of a non-return valve on properties to avoid the risk of backflow at times of surcharge of the sewerage system in storm conditions. Attenuation or regulation of storm flows is required for surface water. Any public sewers on the site would need the agreement of Thames Water for building over or developing within 3 metres. A piling method statement should be conditioned to be agreed by the LPA and Thames Water. Oil interceptors should be installed in car parking areas and fat traps for any catering uses.

**Transport For London (TfL)** – Estimate that the site has an overall poor Public Transport Accessibility Level (PTAL) of 1b (at the south of the site) to 2 (adjacent to New Road) on a scale of 1-6, where 1 is considered the lowest. Summarised comments are as follows;

- Density and Public Transport Accessibility – The site is wrongly identified by the applicant as an urban location. TfL and the Mayor identify the site as a suburban location where the proposed density of 135 units per hectare exceeds the maximum range for a suburban location with a PTAL of 2 to 3. The density could be supported subject to improved public transport. Until such time as Beam Park

station is delivered there will need to be measures to improve the PTAL of the site and also to mitigate any impact on the public transport and highway network.

- Parking – Car parking is within the London Plan maximum standards. A car parking management plan should be conditioned. Electric vehicle charging points should be provided.
- Modelling assumptions and trip generation – Some criticisms of the trip assumptions that have been used in the Transport Assessment.
- Highway proposals and impact – Access options without the need for additional signals need to be considered and tested. The applicant should consider measures to improve bus service reliability. *TfL broadly welcome the changes to the access proposed by the revised scheme and the removal of the additional arm to the signalized Spencer Road junction.*
- Walking and cycling – Proposals for cyclists using the A1306 should be clarified. *Cycle parking should be increased to a minimum of 723 spaces.*
- Buses - TfL request a contribution of £390,000 towards bus service capacity enhancement and provision of Countdown at bus stops to directly benefit the site. Subsequently, TfL have confirmed that the £40,000 element of the contribution towards Countdown at bus stops is no longer necessary.
- Travel Plan – Will need to be monitored, enforced and secured by condition.
- Construction and Servicing – Construction Logistics Plan and a Delivery and Servicing Plan should be provided and conditioned.

## 5 Relevant Policies

5.1 The development plan for the area consists of the Havering Local Development Framework (Core Strategy, Development Control Policies and Site Specific Allocations)(LDF) and the London Plan.

5.2 LDF Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP7 (Recreation and Leisure), CP8 (Community Facilities), CP10 (Sustainable Transport) CP9 (Reducing the need to Travel), CP10 (Sustainable Transport), CP12 (Use of Aggregates), CP15 (Environmental Management), CP16 (Biodiversity and Geodiversity) and CP17 (Design), CP18 (Heritage) of the Local Development Framework Core Strategy are considered relevant.

5.3 Policies DC2 (Housing mix and density), DC3 (Housing Design and Layout), DC6 (Affordable Housing), DC7 (Lifetime Homes and Mobility Housing), DC20 (Access to Recreation and Leisure Including Open Space), DC21 (Major Developments and Open Space, Recreation and Leisure Activities), DC27 (Provision of Community Facilities), DC29 Educational Premises), DC30 (Contribution of Community Facilities). DC32 (The Road Network). DC33 (Car Parking), DC34 (Walking), DC35 (Cycling), DC49 (Flood Risk), DC50 (Sustainable Design and Construction), DC51 (Renewable Energy),

DC52 (Water Supply, Drainage and Quality), DC53 (Contaminated Land), DC54 (Hazardous Substances), DC55 (Noise), DC58 (Biodiversity and Geodiversity), DC59 (Biodiversity in New Developments), DC61 (Urban Design), DC62 (Access), DC63 (Delivering Safer Places), DC70 (Archaeology and Ancient Monuments), DC 72 (Planning Obligations) of the Local Development Framework Development Control Policies Development Plan Document (“the LDF”) are material considerations.

- 5.4 In addition, the Site Specific Allocations DPD (“the DPD”) Policy SSA12, 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. The Beam Park Planning Prospectus is a further consideration.
- 5.5 The London Plan July 2011, as altered by the Revised Early Minor Alterations published 11.10.13 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), 3.6 (children’s play facilities), 3.8 (housing choice), 3.9 (mixed and balanced communities), 3.10 (definition of affordable housing), 3.11 (affordable housing targets), 3.12 (negotiating affordable housing), 3.13 (affordable housing thresholds), 5.2 (minimising carbon dioxide emissions), 5.3 (sustainable design and construction), 5.7 (renewable energy), 5.12 (flood risk management), 5.13 (sustainable drainage), 5.16 (waste self sufficiency), 5.21 (contaminated land), 5.22 (hazardous substances and installations), 6.1 (strategic transport approach), 6.3 (assessing effect on transport capacity), 6.9 (cycling), 6.10 (walking), 6.13 (parking), 7.3 (designing out crime), 7.4 (local character), 7.6 (architecture), 7.8 (heritage assets and archaeology), 7.14 (improving air quality), 7.15 (reducing noise and enhancing soundscapes), 7.19 (biodiversity and access to nature) and 8.2 (planning obligations). There is also a range of Supplementary Planning Guidance to the London Plan including ‘Housing Supplementary Planning Guidance – November 2012’; ‘Shaping Neighbourhoods Play and Informal Recreation’ - September 2012. The draft Opportunity Area Framework for London Riverside (OAPF) published by the GLA in December 2011 is also a material consideration.
- 5.6 The National Planning Policy Framework (“the NPPF”) specifically Sections 1 (Building a strong, competitive economy), 4 (Promoting sustainable transport), 6 (Delivering a wide choice of high quality homes), 7 (Requiring good design), 8 (Promoting healthy communities), 9 (Protecting Green Belt land) and 10 (meeting the challenge of climate change, flooding and coastal change) are relevant to these proposals..

## 6.0 **Staff Comments**

- 6.1 The main issues arising for the consideration of Members are:
- Principle of development.

- Density and design considerations.
- Layout and Amenity considerations
- Transportation, highways and parking.
- Housing considerations
- Sustainability.
- Flood risk.
- Planning Obligations and community infrastructure requirements.
- Consideration of Environmental Impact Assessment.
- Planning constraints, including health and safety implications.

## 6.2 Principle of Development

- 6.2.1 Beyond National and Regional Guidance documents and policy the overarching policy to be taken into account in consideration of any application for the redevelopment of the former Somerfield site is the LDF Site Specific Allocation Policy 12 Rainham West (SSA12). This identifies that residential, ancillary community, retail, recreation, education and leisure uses will be allowed on the site. Importantly, SSA12 states that 33% of the development site needs to be developed for compatible employment land uses and other non-residential land uses.
- 6.2.2 This policy follows from the Havering Employment Land Review (2006) which identified that arising from the realignment of the A13 and subsequent environmental improvements to the de-trunked A1306, the area had become suitable for de-designation from employment use. The former Somerfield site is identified as a constituent part of the area where piecemeal development would not be allowed.
- 6.2.3 The reasoned justification for SSA12 advises that the policy seeks to ensure that a high standard of public transport is introduced to the area as a prerequisite to enabling residential development at the densities and car parking standards identified within the policy. Accordingly in assessing this application, whilst the principle of redevelopment is accepted it is important to consider to what extent the proposal satisfies the policy requirements, including consideration of to what extent changing circumstances since the adoption of the LDF should influence its interpretation and application.
- 6.2.4 In this respect in terms of the principle of the development proposed it is also relevant to consider whether the scheme can legitimately now be called a mixed use scheme. The revisions to the scheme have deleted all but a single ground floor commercial unit within Block D and the development is therefore to all intents and purposes a single use residential re-development

contrary to SSA12 which states that such applications will not be allowed. However, the policy is open to interpretation as was evidenced by the Inspectors Report into the Dovers Corner scheme which postulated that the 33% compatible employment or non-residential land use requirement of Policy SSA12 could be applied across the whole of the Rainham West policy area south of the A1306. This is also an interpretation of the policy which has informed the Draft OAPF. Nevertheless, however the policy is interpreted, the implications of a scheme which is almost entirely residential need to be considered.

### 6.3 Density and design

#### Density

- 6.3.1 Policy SSA12 identifies that the density of residential redevelopments to the south of the A1306 should be within the range of 30-150 units per hectare, but that with the exception of the Dovers Corner site that new development must be phased so that the completion of new homes coincides with the implementation of high standard public transport improvements such as East London Transit and a new rail station at Beam Park.
- 6.3.2 The application proposes a total of 497 units on a site with an area stated in the application as 3.68 hectares which equates to a density of 140 units per hectare. However, this site area figure used by the applicants includes the area up to the central reservation of the A1306 and also includes other parts of the site which do not comply with the widely accepted definition of areas which should be included for the purposes of calculating density. The Mayor of London Housing Supplementary Planning Guidance states that net site area should be used for density purposes. If the site ownership area of 3.34 hectares were used this would give a density of 149 units per hectare. The most generous interpretation of the area to be used to calculate density would exclude certain areas of highway particularly along the front of the site. This results in a site area for density purposes of 3.08 hectares which would equate to a density of 161 units per hectare, some way above the maximum 150 units per hectare set out in SSA12.
- 6.3.3 The applicant has referred to the policy 2.13 of the London Plan which deals with Opportunity Areas and identifies the London Riverside Area as such. The applicant stresses that within such areas housing density should be maximised. The actual wording of the policy advises that development opportunities should “seek to optimise residential ... densities, provide necessary social and other infrastructure to sustain growth and, where appropriate, contain a mix of uses.” The maximisation of residential density should not therefore be taken as a driver for dense residential development irrespective of other constraints and material considerations.
- 6.3.4 Members will be aware that housing density is only one aspect in the judgement of the acceptability of a scheme and that a mechanistic application of density is not encouraged. The quality of the design and the prospect of improved transport capacity are factors, as well as local context,

social infrastructure and open space that could lead to a judgement that a higher density could be appropriate.

- 6.3.5 Staff recognise that the apparent lack of progress towards the improvement of transport facilities in the area creates a “chicken and egg” scenario for new development proposals. In this situation new developments and associated contributions are required in order to fund such improvements, whereas developments that come forward in the absence of such improvements in the current housing market in this part of the Borough struggle to be viable and therefore cannot afford the scale of contribution required to fund the necessary improvements. Equally, new infrastructure in the current economic climate requires a strong business case and third party funding which is difficult to achieve in the absence of a known unsatisfied demand. The applicants have pointed out that the size of the development and the nature of the current housing market is such that the scheme would be built out over several years which it is suggested would give time for transport and infrastructure improvements to the area to take place, which would then justify the density of development proposed. In this respect staff can advise that the realistic prospect of a new railway station at Beam Reach has moved closer with Network Rail moving to the options appraisal stage of their project delivery process. The favoured location for the new station is to the immediate west of the site, east of Marsh Way on land owned by the GLA.
- 6.3.6 The viability case for the development needing to be at a high density is recognised. Furthermore, staff accept that a scheme of this magnitude would be developed out over several years and that the highest density part of the redevelopment to the south of the site is likely to be constructed towards the end of the build. That part of the site would also be closest to the most likely prospective location for any new station. The development would, in addition, provide a meaningful S106 contribution which could potentially be used to further the realisation of these ambitions or to fund other infrastructure requirements in the area. A decision to approve a scheme of this scale and at this density would in staff’s opinion signal a positive faith in the future redevelopment of the area and the realisation of the long term development goals set out in Policy SSA12.
- 6.3.7 For this reason staff are satisfied that the density of the development proposed can be supported, despite being in excess of that set out in Policy SSA12.

#### Scale, Design and Appearance

- 6.3.8 Policy SSA12 requires that development of the former Somerfield site should be predominantly three storey in height. However, there is no guidance offered by the policy or its written justification as to the interpretation of the word “predominant” and this was an issue which raised by the Inspector in his deliberations over the Dovers Corner appeal case.



- 6.3.9 The main bulk of the central east west core of the site does comprise 3 storey town houses and this would be evident when viewed from New Road along the access roads between the frontage blocks. The area makes up a sizeable portion of the site and on this basis staff are satisfied that it would be difficult to maintain a standpoint that the scheme failed to meet the policy requirement.
- 6.3.10 That being said, it is recognised that there are significant concentrations of buildings which are more than three storeys high. These concentrations, together with the number of storeys proposed explain how the high density of the development has been achieved.
- 6.3.11 In terms of the scale and bulk of the buildings, staff are satisfied that the relationship of the four storey frontage blocks to New Road would not appear unduly out of character or out of scale with development on the northern side of the road. It is considered that the width of New Road together with the distance that the buildings would be set back from the highway, the difference in levels from New Road and the set back of the upper floor would all serve to reduce their apparent height and bulk. It is also considered that the height proposed is helpful in creating a visible edge to the development in townscape and street scene terms. This is supported in order to create a sense of enclosure which would be difficult to achieve with lower buildings given the width of the road and verges and the setback of the buildings from the highway.
- 6.3.12 To the south of the site the six storey blocks I – L create a physical and visual barrier which would provide a defined edge to the development when viewed from New Road, whilst the distance from New Road and the falling level of the land would reduce their visual impact. However, as the blocks are six storeys in height they need to be assessed against Policy DC66 (Tall Buildings).
- 6.3.13 Policy DC66 advises that outside of Romford Town Centre buildings of 6 storeys or greater will only be granted planning permission in exceptional circumstances provided that they:
- create an attractive landmark building which would clearly improve the legibility of the area
  - preserve or enhance the natural environment, the historic environment, local amenity and the local character of the area
  - act as a catalyst for regeneration
  - preserve or enhance views from Havering Ridge
  - do not mar the skyline
  - do not have a significant adverse impact on the amenity of nearby occupiers
  - are appropriate to the local transport infrastructure and capacity in the area.

6.3.14 In addition, DC66 requires that all tall buildings should be of exemplary high quality and inclusive design and, in particular, they must:

- Ensure that the proposed density is suited to the site and to the wider context in terms of proportion, composition, relationship to other buildings, streets, public and private open spaces, the waterways or other townscape elements
- Be attractive city elements as viewed from all angles and where appropriate contribute to an interesting skyline
- Create a well defined public realm with a human scale, with continuity of frontage and accessible entrances from street level
- Be sensitive to their impact on micro-climates in terms of wind, sun, reflection and overshadowing
- Contain internal spaces, which do not become redundant over time and can easily adapt to changing social, technological and economic conditions
- Be oriented and profiled taking into account the potential negative impact on aircraft, navigation and telecommunication networks

6.3.15 In this respect staff are satisfied that Blocks I to L are well designed and would create an acceptable environment for future occupiers. They display careful attention to detailing and the design of the facades is intended to break down the bulk of the buildings. In order for the development to act as a catalyst for regeneration it is staff's view, and that of TfL, that the scheme would need to make a significant contribution towards improved transport and infrastructure in the area. On the basis that the applicants are offering a phased contribution which meets the both the Council and TfL's suggested figures it is considered that the scheme also satisfies the final criteria of DC66 as it offers the potential to fund or contribute an appropriate sum towards enhancing the local transport infrastructure and capacity requirements in the future. On the basis that Members are satisfied that the buildings satisfy the first set of criteria of DC66 it is also considered that arguments set out in the preceding paragraphs could provide adequate justification for the proposed density which would also demonstrate compliance with the second set of criteria that tall buildings are required to meet.

6.3.16 The western edge of the development formed by blocks N, M and L would in staff's view provide an acceptable visual appearance when viewed from the west with a staggered increase in height from four storeys at the New Road frontage to the six storey height to the south. Whilst this would mask views of the interior of the site, there is no overriding objection to the perimeter block design. Members may take the view that this aspect of the scheme bears comparison to that which was objected to by the Council at Dovers Corner. However, staff consider that the site does have the potential for a development at the higher end of the density scale (subject to the infrastructure improvements being in place). Furthermore, the height of the blocks and their visual prominence are considered to have a more

positive relationship to the character of the surrounding area than that which caused such objection to the Dovers Corner scheme.

6.3.17 In recognition of the potential need to improve vehicular and pedestrian linkages to the site to the west, which is identified as the most likely location for a new railway station, a clause within any S106 would require a design review of the western section of the development, prior to the commencement of that part of the development. Depending on the degree of certainty of the delivery of a new station at that time, this would give a commitment to possible revisions which could address the need for improved linkages.

6.3.18 The design and appearance of the proposed north/south housing displays careful attention to detailing and landscaping with the intention of creating an intimate mews style of housing where, with the exception of the route which would act as the main north south access, shared surfaces would define the areas as ones where pedestrians are given priority. Staff are satisfied that this aspect of the scheme has been well considered and thoughtfully designed.

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

6.4.1 Policy DC2 of the LDF provides guidance in relation to the dwelling mix within residential developments. 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 and not be granted for proposals that would significantly diminish local and residential amenity. The Residential Design SPD provides guidance of the policies of the LDF relating to new residential development and seeks to ensure that new residential development is built to the highest quality with the aim to create vibrant, attractive, safe and accessible places which add economic, social and environmental value to the borough and contribute positively to the existing character.

6.4.2 In respect of site layout the application proposes an arrangement based upon a traditional urban street layout with north/south orientated terraces of housing with blocks to the north, south and west which reinforces the street frontage to New Road and maximises the overlooking of the public realm as advocated by Policy SSA12. The majority of the north/south streets are based upon an interpretation of home zone principles where a front to front separation of 15m or greater is proposed which is considered to be acceptable in street scene and residential amenity terms. A first floor separation rear to rear of 18m is achieved which it is considered will not result in any unacceptable overlooking or loss of privacy. Each of the houses has access to private, screened garden which although small are nonetheless considered to meet the requirements of the Residential Design SPD. The properties also incorporate a first floor rear terrace which provides further amenity for the units. The flatted units to the south and west are located within well landscaped settings, provided at ground level and podium courtyards for Blocks I to L which are considered to be

acceptable and will provide areas of communal amenity. All new flats above ground floor would be provided with a balcony of useable size and the majority of ground floor units, with the exception of those fronting onto the north of the site, would be provided with their own semi private areas of defensible space.

- 6.4.3 Areas of play space are proposed within all communal areas which the GLA are satisfied comply with the Mayor's standards. In addition, the ecological swale area to the south of the site will be easily accessible at various locations and provide further amenity primarily for residents of the development. The raised walkways have the potential to be linked both east and west into adjacent sites as and when these come forward, as does the southern east/west access road in accordance with the requirements of Policy SSA12 in terms of connectivity.
- 6.4.4 Some aspects of the development have been revised in response to concerns raised by the Borough Crime Prevention Design Advisor, including the removal of the rear access for the duplex units in the northern blocks and the switching of the entrance to the houses at the southern end of the terraces so as they are accessed from the southern east/west route, thereby increasing surveillance. Staff consider that concerns raised in respect of the need for controlled access to Blocks I to L from the large covered/underground parking area could be addressed by conditions.
- 6.4.5 Detailed proposals for the hard and soft landscaping of the site have been submitted with the application. Variations of hard surface materials would assist with defining areas of pedestrian and vehicular priority. Tree planting and landscaping would help soften the appearance of the mews routes, create attractive communal areas and improve the biodiversity of the site.
- 6.4.6 The development is designed to Lifetime Homes standard and 10% of the units are designed to be adaptable to wheelchair housing standards. Accordingly the scheme is in accordance in principle with Policy DC7 of the LDF and the requirements of Policy 3.8 of the London Plan.
- 6.4.7 The development is separated from all nearby housing by the A1306 and accordingly there are no concerns in relation to the direct impact of the development on the residential amenity of any other residential properties.
- 6.4.8 There is an existing scrap yard adjacent to the north west boundary of the site which could create amenity concerns for any prospective occupiers of adjacent flats in Blocks N and M. However, this could in part be addressed by conditions relating to noise insulation. Such an issue is one that future occupiers would at present have to contend with on a buyer beware basis. However, staff consider that there is a reasonable prospect that the use would move should the rest of the site to the west be redeveloped and the new rail station be constructed.

## 6.5 Transportation, Highways and Parking

- 6.5.1 A Transport Assessment (TA) prepared by traffic consultants accompanied the planning application. Staff are satisfied that this represents an accurate portrayal of the likely trip generation for the site. It is predicted that the vehicular traffic generated by the development would impact on the operational capacity and saturation of the local signalised junctions in the area, particularly the Spencer Road junction with New Road. There are potential solutions to this which could include demand management through a Travel Plan, impact monitoring and the identification of measures to improve the operation of the junction. Other improvements to the A1306 junction with Marsh Way and/or a new railway station at Beam Reach are also measures for which the funding available through a S106 could be used.
- 6.5.2 Policy DC32 requires that new road scheme will only be allowed where, amongst other things they improve conditions for pedestrians and cyclists and improve public transport accessibility. The north / south internal road layout has been revised to address concerns about the width of the roads and pavements. The two roads intended for two way use are both 5.5m wide which is sufficient for larger vehicles to pass. The other two north / south roads would operate in a one way northerly direction and are intended to operate on "home zone" principles. A single footway of adequate width is proposed which is considered acceptable for these roads.
- 6.5.3 The application proposes a total of 517 parking spaces which equates to 1.04 spaces per unit. This is within the range identified by Policy SSA12. and is considered to be acceptable.
- 6.5.4 The application makes provision for cycle parking in accordance with the Council's adopted standards and any additional capacity required to comply with the London Plan could be required by condition were the application to be deemed acceptable in other respects.
- 6.5.6 The size of the development is such that TfL advise that a contribution would be required for improved public transport, namely an additional morning peak time bus for a five year period. In addition, in order for the PTAL level to be increased in the area as a precursor for higher densities, there is a need for other public transport improvements with a new station at Beam Reach being the favoured option. Whilst such an improvement will not be achieved without third party funding and a positive business case, the proposal is offering a developer contribution proportionate to the size of the development. On this basis the realisation of such goals would be advanced by the scheme subject to the contribution being targeted in an appropriate manner.

## 6.6 Housing Considerations

- 6.6.1 Policy DC2 of the LDF provides guidance in relation to the dwelling mix within residential developments with the intention of ensuring the new development widens housing opportunity and creates mixed and balanced communities. Policy SSA12 also advocates development that avoids a preponderance of flatted development. The development proposes a mix of housing type and unit size which includes 85 houses, 30 duplex units and 382 flats with a size range from one to five bedrooms. Whilst the mix of unit size proposed does not provide a perfect match for that set out in Policy DC2 it is acknowledged by staff that the mix set out within the policy is indicative and that the mix proposed is broadly consistent. Accordingly the mix proposed is not considered by staff to be unacceptable, and would furthermore provide a sizeable number of family sized units.
- 6.6.2 Policy CP1 identifies the need for a minimum of 535 new homes to be built in Havering each year which has been increased by the London Plan to 970 new homes per year, and it is acknowledged that the development proposed would make a significant contribution towards enabling this target to be met over the period that it would be built out. However, this fact needs to be balanced against many other material planning considerations relevant to the proposed development.
- 6.6.3 Policy DC6 of the LDF states that the Council will aim to achieve 50% of all new homes built in the borough as affordable housing, and that a tenure mix of 70:30 between social rented housing and intermediate forms (such as shared ownership) will be sought. As with the target for the provision of new homes, the London Plan has modified this to a requirement that boroughs should seek to maximise affordable housing provision. However, it is also stated that the Council, in seeking to achieve these targets, will give consideration to factors such as the viability of schemes which is also reflected in the London Plan.
- 6.6.4 The development as submitted would provide no affordable housing that falls within accepted definition for it within the NPPF. The applicant's economic viability statement provides justification for this on the basis that the scheme would not be viable if were to be required, indeed the viability assessment suggests that it is not even viable on paper without it. However, it does suggest that the anticipated values of the 1 and 2 bedroom units (between £130,000 and £170,000) would be at an affordable level for first time buyers within the income level set for intermediate housing by the GLA in Policy 3.10 which defines the household income in the range of £18,100 to £61,400 with this extended to £74,000 for homes with more than two bedrooms which are particularly suitable for families.
- 6.6.5 The Council currently has 2,271 people on the housing waiting list. Those that are on the list are not in a position where they can afford to buy on the open market within the price range suggested. This does not lend support to the applicants contention that the scheme would provide "affordable"

housing or even low cost market housing within its accepted meaning, which is defined as having been discounted to a defined level below the normal market value.

- 6.6.6 However, Staff do acknowledge that there is an argument that stimulating the first time buyer's market could be an important step towards reinvigorating the local housing market. Staff also accept the financial viability position of the proposed development which has been subject to a further review prior to reporting to Committee. Moreover, staff are also aware that the applicant is in advanced negotiation with a Registered Provider with a proven local track record which is intending to purchase the site and build it out as a mixed tenure development. Whilst a scheme of this magnitude, which offers no prospect of affordable housing within the accepted definition would be difficult to accept, the most likely scenario is that the scheme would in reality deliver a significant proportion of affordable housing, albeit outside of any Legal Agreement.
- 6.6.7 In order to safeguard the potential for affordable housing provision within the scheme in the event that the prospective deal with a Registered Provider does not take place it is suggested that a review mechanism could be put in place under a legal agreement whereby the potential for additional affordable housing could be reviewed on the basis of an open book appraisal at given stages during the development. If the housing market improves and the level of developers profit increases then this would equate to increased affordable housing provision.
- 6.6.8 Staff are therefore optimistic that notwithstanding the viability appraisal and the current offer of no provision of defined affordable housing, that there is a realistic prospect of the scheme delivering a good mix of housing tenure. It should be recognised that beyond the inclusion of a review mechanism, the final delivery of affordable housing could be dependent upon factors outside the Council's control. Nevertheless, staff are satisfied that the proposal can be demonstrated to comply with the spirit, if not the word of Policies CP2 and DC6.

## 6.7 **Sustainability**

- 6.7.1 The application is accompanied a Sustainable Energy Strategy whilst the Technical Appendices to the ES contains a preliminary Code for Sustainable Development and BREEAM Assessment. In line with the requirements of the London Plan and Policies DC49 and DC50 of the LDF, the proposal is required to meet high standards of sustainable design and construction, as well as to demonstrate a reduction in predicted carbon dioxide emissions by at least 20% (at the time the application was submitted). The London Plan requires that from 2013 the level of improvement on 2010 Building Regulations should be 40%.
- 6.7.2 The scheme as originally submitted would achieve Code for Sustainable Homes Level 3 and proposes a range of passive design features and demand reduction measures to reduce the carbon dioxide emissions of the

proposed development. A combination of measures is predicted to achieve a 9% reduction in carbon dioxide emissions compared to a 2010 Building Regulations compliant scheme. Together with proposals for Combined Heat and Power (CHP), the potential for the development to link to a wider district heating network and thermal solar collectors it is anticipated that the scheme would achieve a 29% saving over the 2010 Building Regulations and would therefore exceed the target for carbon dioxide savings set out in the London Plan for a pre 2013 proposal. The applicant has also demonstrated that the proposed use of green roofs, SuDS and biodiversity enhancements would be of further benefit to the sustainability of the scheme. Further enhancements would be necessary to demonstrate that the scheme would be in accordance with the Mayor and Councils Policies and guidance in respect of sustainability and energy efficiency. In view of the fact that the application was submitted over 2 years ago it is suggested that this matter could be adequately addressed through suitably worded condition/s.

## 6.8 **Flood Risk**

- 6.8.1 According to Havering's Strategic Flood Risk Assessment (SFRA), the site is located in Flood Zone 3. The guidance contained in the NPPF states that proposals involving development in Flood Zones 2 and 3 should be subject to the Sequential Test, the aim of which is to steer new development onto land 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.
- 6.8.2 The proposal is for a "more vulnerable" use in Flood Zone 3, and the NPPF therefore advises that the Exceptions Test is required in addition to the Sequential Test. In order for the proposal to be acceptable, it must be demonstrated that the development would provide wider sustainability benefits, and a site specific Flood Risk Assessment must demonstrate that the development will be safe for its lifetime, without increasing flood risk elsewhere.
- 6.8.3 A Flood Risk Assessment (FRA) has been submitted with the application as part of the Environmental Statement. Measures to be incorporated into the scheme to address surface water runoff would include SuDS in the form of green roofs to all apartment blocks and the use of permeable paving. In order to address the issue of flood plain storage capacity and flood risk the habitable development would be set above the agreed flood level and the area to the south of blocks I-L would incorporate swales which together with the lower level car parking would provide compensatory flood storage capacity. The Environment Agency originally objected to the proposals on the basis that they were not satisfied that the development was safe because of the proposed use of the partially enclosed underground car park beneath Blocks I – L to accommodate fluvial floodplain storage, together with other concerns about the flood storage compensation proposed.



6.8.4 Subsequent amendments to the proposed levels within the car park and further clarification of the proposed design have satisfied the EA that there would be no loss of flood storage capacity and that the area could flood safely and in a controlled manner. Subject to conditions requiring a flood management evacuation plan and that the development be carried out in accordance with the approved FRA the EA have no objections.

## 6.9 **Planning Obligations and community infrastructure requirements.**

6.9.1 The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The chargeable floor space of the development net of existing floorspace is approximately 36,175sqm, which equates to a Mayoral CIL payment of £723,500. CIL is a statutory requirement and there is no option for a reduced contribution as the Mayor made a decision not to allow exceptions.

6.9.2 Many of the objections received state that the proposal would place a strain on local services including the provision of school places and the demand for doctors and dentists. Policy DC72 sets out the items for which contributions or provisions may be sought where they satisfy all the tests set out in Circular 05/05 and these include the contributions towards local service provision together with other matters which have been raised by the GLA, TfL and Streetcare.

6.9.3 The application was submitted prior to the implementation of the Council's tariff requirement under the provisions of the Planning Obligations SPD. Had that have been in force the proposal would give rise to a required contribution of £2,236,500 towards infrastructure costs (£4,500 per unit). That amount, discounted further from the £6,000 discounted rate applicable outside of the Havering Riverside area, has been calculated taking into account the levels of infrastructure and services and viability considerations that apply in the Havering Riverside area. The SPD identifies that each new dwelling has a non-discounted infrastructure impact in excess of £20,000. On the basis that the development at the size and density proposed would require infrastructure improvements, particularly to public transport, a reduced contribution lower than the discounted SPD levels would be unacceptable on the grounds of an unsustainable infrastructure impact.

6.9.4 The applicant's economic assessment statement and an Addendum to it have been subject to independent scrutiny on behalf of the Council and it is accepted that it demonstrates that the scheme cannot viably support the level of S106 contribution which is being offered. However, the economics of development are such that having been the owners of the site for a long period of time it is more beneficial to the applicant to develop a site out and maintain a reasonable level of profit from the development, than to crystallise loss in value through sale of the site at a deflated market price.

Accordingly, in recognition of this and in acceptance of the Council's case as set out above, the applicant is offering to meet the required level of contribution as well as that required by TfL, a total of £2,586,500 in the form of a S106 contribution to be phased at given stages throughout the development.

6.9.5 As set out in the Housing section a review mechanism is suggested which would be triggered during the phased development which would enable an assessment of whether as result of any upturn in the economy, higher residential sales value or other factors, that the scheme were proving more profitable than originally forecast and therefore able to incorporate some affordable housing or pro-rata contributions in lieu..

6.9.6 The level of S106 contribution now on offer would cover the contribution that would be required under the current tariff system, albeit on a phased basis. Accordingly, whilst a development of this scale will give rise to a variety of infrastructure requirements and demands staff are satisfied that it would make sufficient contribution towards the infrastructure requirements of the development in accordance with Policy DC72.

#### 6.10 **Consideration of Environmental Impact Assessment**

6.10.1 The purpose of Environmental Impact Assessment (EIA) is to enable a full evaluation of the potential impacts of the proposed development upon the environment, looking at the scale and magnitude of those impacts both during and post construction, how likely they are to occur and how wide an area they could be predicted to affect. Potential mitigation for any such impacts are also assessed. It is a requirement that the decision maker properly considers the range of impacts which might occur and that this is acknowledged in its decision.

6.10.2 Several of the areas covered by the EIA have already been dealt with in previous sections of the report. Those which have not been addressed include the following.

6.10.3 Waste – The development would generate waste during demolition, construction and operation. A waste strategy would be targeted at minimising waste and maximising recycling and re-use. The proposed facilities for refuse storage and collection are well considered and include a novel approach for the communal refuse stores for several of the flats whereby the refuse would be deposited into chutes at ground level with the actual bins out of sight on a underground hydraulic platform which would bring the bins up to ground level when due for collection. Suitable conditions are suggested.

6.10.4 Socio-economics – The assessment of the socio-economic impact of the proposed development identifies a positive impact through the creation of employment during construction, additional local spending from the new population and the contribution that the development would make towards meeting the Council's targets for the provision of new housing. Whilst

there are acknowledged concerns that the development would impose additional pressure on local services Staff are satisfied that the contributions proposed will provide funding for proportionate improvements.

- 6.10.5 Air Quality – The EIA has included an assessment of both constructional and operational impacts on air quality. The declaration of the entire Borough as an Air Quality Management Area has been taken into account in the assessment. Staff accept the findings of the EIA which predict a minor adverse impact during the demolition and construction phase which could be mitigated by appropriate controls which are required by condition. Staff also accept that the completed development would have only a negligible impact on local air quality.
- 6.10.6 Noise and Vibration – An assessment has been undertaken of potential noise and vibration impacts associated with the development during the demolition/construction phase and during operation. The conclusion that the potential impact during demolition and construction would be at a level that could be adequately mitigated by appropriate conditions is supported. Appropriate construction materials, techniques and insulation would be capable of addressing the potential for future residents to be affected by adverse noise and vibration from the adjacent roads and railways. Suitable conditions are suggested.
- 6.10.7 Ground Conditions – The assessment of ground conditions identifies the need for appropriate mitigation owing to the developed nature of the site and the potential for contamination to be present. Any such contamination would need to be remediated as part of the normal preparatory works prior to the commencement of development and conditions are suggested to cover these requirements.
- 6.10.8 Wind Microclimate – A desk based study has been carried out under the standard methodology for assessing and classifying the nature of wind impacts. The study concludes that there would be no significant impact on pedestrian comfort within the development and staff are satisfied with these findings.
- 6.10.9 Archaeology – The site is located within an area of archaeological potential. The development could have an impact upon un-recorded archaeology but any such impact could be mitigated by appropriate archaeological watching brief and targeted excavations which are subject to conditions.
- 6.10.10 Ecology – An ecological assessment was carried out comprising of an evaluation of existing historical data, an ecological site walkover and an assessment of the site's ecological importance. The site is not identified as a statutory designated site although there are several such designated sites within 2km of the site. There are no records of protected species having been recorded within the site although again there are records of several protected species within 2km of the site. A bat survey showed no

indication of bats on the site although surveys would be undertaken prior to any demolition. Ecological enhancements are proposed as part of the landscaping together with the provision of bird nesting boxes and bats boxes which would be built into the proposed structures and are subject to appropriate conditions. Staff are satisfied that the development would have a positive impact upon nature conservation and no objections are raised.

## 6.11 **Other matters, including health and safety implications**

- 6.11.1 Policy DC54 advises that development adjoining areas in hazardous use will be controlled if this would create unacceptable risk. Policy 5.22 of the London Plan advises that when assessing developments near hazardous installations that site specific circumstances and proposed mitigation measures should be taken into account when applying the HSE's PADHI methodology and that the risks should be balanced with the benefits of development and should take account of existing patterns of development.
- 6.11.2 The site is located in close proximity to three high pressure gas pipelines which are located to the south of the site, one within the railway corridor, one to the south of the railway close to the Beam Reach Business Park boundary, and one just inside the southern boundary. The Health and Safety Executive have advised against the grant of planning permission via the PADHI system as a result of the development falling within a more sensitive category of development and the fact that areas of the site fall within the middle consultation zone for two of the pipelines thereby making occupants more vulnerable to the risk that could arise.
- 6.11.3 Current advice on handling development proposals around hazardous installations is contained within recent Planning Practice Guidance. This suggests that when considering such development proposals that the LPA is expected to seek technical advice on the risks presented by major accident hazards which might affect people in the surrounding area. In this respect confirmation has been sought from the HSE in relation to the Consultation Zone distances to be used for the Horndon to Barking Pipeline, which is known to have been relaid to a higher specification in this location when the CTRL was built. The advice also restates that which was previously contained within Circular 04/2000, that although the decision on whether to grant permission rests with the LPA, that *"In view of its acknowledged expertise in assessing the off-site risks presented by the use of hazardous substances, any advice from Health and Safety Executive that planning permission should be refused for development for, at or near to a hazardous installation or pipeline should not be overridden without the most careful consideration."*
- 6.11.4 The applicants have submitted a Technical Note and Risk Summary as part of the application and consideration of the matters raised therein in the light of the above advice is necessary. The document advises that during the development of the scheme a number of different scenarios for developing the site were investigated including one for a PADHI compliant

scheme, which could only allow 10% of the area occupied by residential development to be located within the Middle Zone of the developed site. However, in order to achieve a workable scheme this resulted in a taller denser development but a broader swathe of open space or an area with potential for commercial use to the south.

6.11.5 The submitted scheme is acknowledged by the applicant as being non-compliant and that it results in some of the denser areas of development being located closer to the inner zone boundary. However, a similar scenario arose in the case of the Dovers Corner development where the Inspector decided that the Advise Against recommendation generated by the HSE PADHI consultation response should not be a barrier to the grant of permission. More recently at the former Carpetright site, the HSE decided against requesting call in of an application for the development of 51 units where an Advise Against consultation response had been generated. In that case a condition was imposed requiring the submission and approval of a report on the need for a scheme of pipeline risk mitigation measures and a scheme of protective measures to mitigate such risk (if required). A similar approach was adopted by the Inspector when considering the appeal for the Dovers Corner redevelopment. It is considered that a similar condition could be employed in this case but with the extent of any engineered mitigation measures being restricted to the pipeline within the boundary of the site in order to satisfy the test for reasonableness.

6.11.6 The HSE advice and recommendation to Advise Against is an important material consideration to be taken into account and Members must consider this, together with other material considerations. In this respect the site remains a key development site within the Riverside area and one which is identified by Policy SSA12 as having potential for a major mixed use development with potential regeneration benefits for the wider area. The two pipelines whose Middle Consultation Zones of which have generated the Advise Against recommendation lay outside of the site within the railway corridor and a swale area of a Business Park to the south. In these locations it is considered that the risk from 3<sup>rd</sup> Party interference would be substantially reduced. The risk comparison factors contained within the applicants report are not necessarily accepted, but in considering the circumstances described above, together with the pressure for new housing, Members may reasonably consider that there are factors which would outweigh the potential risks posed by proximity to the high pressure gas pipelines, subject to the imposition of a suitable condition. Restricting the scope of any engineered mitigation works to the pipeline within the boundary of the site is considered necessary as works outside of the site would be outside of the applicants control and are likely to render the scheme financially unviable. Should Members arrive at such a conclusion the Council are required to allow the HSE 21 days in which to decide whether to request that the Secretary of State call-in the application for his own consideration.

## 6.12 **Conclusions**

- 6.12.1 The proposed residential development on the site is acceptable in principle. Although there are issues relating to the scheme as a largely single use scheme and the interpretation of the requirement of Policy SSA12 that single use schemes will not be allowed there are alternative interpretations of the Policy which have been upheld in other situations.
- 6.12.2 The redevelopment of the site would be in accordance with the NPPF by achieving the sustainable re-use of land. The layout, scale and form of the development is thoughtfully designed and shows great attention to detail. The proposed density is above the maximum set for the area but staff consider that the realistic prospect of the area becoming part of a new residential hub based around a new railway station, together with the likely build out time for the development, lend weight to a favourable recommendation.
- 6.12.3 The proposal offers an acceptable mix of housing type and unit size and although no provision for defined affordable housing is proposed, there is again a realistic prospect of a good tenure choice being offered by a Registered Provider. In the scenario where this does not occur safeguards are proposed within a S106 Agreement to require provision, or payments in lieu, if the finances of the development improve.
- 6.12.4 The viability appraisal submitted with the application supports the applicant's case that the scheme cannot offer a full CIL/S106 contribution. However, the applicants are nonetheless committed to funding such a contribution in full over a phased timescale.
- 6.12.5 Taking all factors into account it is accordingly recommended that planning permission be granted subject to no contrary direction by the Mayor and no call in of the application by the Secretary of State if requested by the HSE.

## **IMPLICATIONS AND RISKS**

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

Should members agree the recommendation there would be additional staff time and expenses arising as result of negotiations with the HSE and in the preparation of the S106 Agreement. In the event that the application is called in by the Secretary of State there would be expenses involved in staging a Public Inquiry.

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

Legal resources would be required for the preparation of a Legal Agreement and in the event of a Public Inquiry.

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

There are no human resources and risks directly related to this report.

**Equalities implications and risks:**

There are no specific social inclusion and diversity issues that arise directly from this report. The council's policies and guidance, the London Plan and Government guidance all seek to respect and take account of social inclusion and diversity issues. The development incorporates specifically designed accommodation for wheelchair users, would offer good levels of accessibility throughout as well as meeting the requirement for all new dwellings to meet the Lifetime Homes standard.

**BACKGROUND PAPERS**

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

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# REGULATORY SERVICES COMMITTEE

# REPORT

24 April 2014

**Subject Heading:**

**P0106.14: Rear of 16-20 Cranham Road, Hornchurch**

**Demolition of existing workshops and erection of a new detached chalet style bungalow (with first floor). (Application received 10 February 2014)**

**Report Author and contact details:**

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

**Policy context:**

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

**Financial summary:**

**None**

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

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

## **SUMMARY**

This matter is brought before committee because the application has been called in by Councillor Rochford. The call in is on the grounds that the issues associated with the suitability of the proposal and other important considerations should be discussed by the Committee.

The proposal is for the demolition of the existing workshops and buildings and the erection of a new two bedroom detached chalet style bungalow, with a garden to the side and parking area to the front served by an existing narrow access from Cranham Road.

Due to the awkward and cramped nature of the site and close proximity to the adjacent railway line, Staff consider that the proposed development would create an awkward and incongruous dwelling within a cramped and enclosed environment leading to an unacceptable living environment for future occupants.

The proposal is therefore considered to be contrary to policy and it is recommended that planning permission is refused.

## **RECOMMENDATIONS**

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

1) Layout

The proposal would, by reason of its layout, bulk and mass, create an awkward and incongruous dwelling within a cramped and enclosed environment resulting in an unsatisfactory relationship to the neighbouring residential dwellings and surrounding streetscene. The proposed development is therefore contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD and the Residential Design SPD.

2. Outlook and Setting

The proposed development would, by reason of the cramped and enclosed layout, bulk and mass and the close proximity to the railway line, result in over-development together with an inadequate setting and poor outlook which would create an unacceptable living environment to the detriment of future occupiers. The proposed development is therefore contrary to Policy

DC61 of the LDF Core Strategy and Development Control Policies DPD and the Residential Design SPD.

### 3. 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.

## INFORMATIVES

1. 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.

## REPORT DETAIL

### 1. Site Description

- 1.1 The application site is a collection of 2no. workshop buildings to the rear of houses at 16 and 20 Cranham Road. The site is set to the rear of residential gardens with a hardstanding yard area leading to an approximately 30 metre long and 3.35 metre wide driveway providing a narrow vehicular access to Cranham Road. The buildings and yard have a historical light industrial use.
- 1.2 The site is located within a predominantly residential area with the southern site boundary immediately adjacent to the Romford to Hornchurch railway line and the rear gardens of houses on Cranham Road to the north.

### 2. Description of Proposal

- 2.1 The proposal is for the demolition of the existing workshop buildings and the construction of an 8.75 metre deep x 12.32 metres wide, and 6.2 metres high (up to the roof ridge) chalet style bungalow. The building will be sited on an L-shaped footprint covering a floor area of approximately 84 square metres, with two bedrooms on the first floor and a kitchen, dining room, lounge and bathroom at ground floor level. On the south elevation the proposed bungalow will include a first floor dormer window and a Juliet balcony and on the north elevation a single first floor dormer window. The

building will incorporate a traditional pitched roof design with a 3.24 metre forward projecting wing to the east.

- 2.2 Off street car parking spaces for 2no. vehicles will be provided immediately to the front of the proposed bungalow in an area of hardstanding adjacent to the main access driveway.
- 2.3 The proposed dwelling will be positioned in the south eastern corner of the site, 1 metre from the southern boundary with the adjacent railway line and 1 metre from the rear garden boundary of 22 Cranham Road. The area to the west of the site bounded by the railway line and the rear garden at 20 Cranham Road will be laid out as private amenity space, providing an area of around 73 square metres of garden to the side of the bungalow.

### **3. Relevant History**

- 3.1 There is no relevant planning history relating to the site.

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

- 4.1 Neighbour notification letters were sent to 17 properties. 1 representation was received as a result of the consultation raising the following issues:
- The proposed first floor windows will directly overlook the rear garden and rear windows.
  - The privacy in the neighbouring property will be reduced.

### **5. Staff Comments**

- 5.1 The issues arising from this proposal are the principle of development and the impact on neighbouring residential amenity and on the character and appearance of the surrounding area.
- 5.2 Policies CP1 (Housing Supply) CP17 (Design), DC2 (Housing Mix and Density), DC3 (Housing Design and Layout) DC33 (Car Parking), DC61 (Urban Design) and DC63 (Delivering Safer Places) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document are considered to be relevant.
- 5.3 Other relevant documents include the Residential Design SPD, Sustainable Design and Construction SPD and the Planning Obligations SPD.
- 5.4 Policies 3.17 (Health and Social Care Facilities) and 7.4 (Local Character) and 8.3 (Mayoral CIL) of the London Plan (2011) and the National Planning Policy Framework (NPPF) are also relevant.

## **6. Principle of Development**

- 6.1 The NPPF and Policy CP1 support the increase in the supply of housing in existing urban areas where development is sustainable. Policy CP1 states that brownfield land should be prioritised for housing development.
- 6.2 The proposal would remove the existing light industrial use from its proximity to neighbouring residential gardens. The use of the workshops are relatively low key and there is no history of noise complaints, dust or nuisance issues in relation to the operation as a workshop. A continued low key commercial use is not therefore considered wholly inappropriate. Nevertheless, Staff consider that given the Policy support for residential proposals the principle of residential development is acceptable in space terms.

## **7. Density/ Layout**

- 7.1 Policy DC2 of the LDF provides guidance in relation to the dwelling mix within residential developments. Policy DC61 states that planning permission will not be granted for proposals that would significantly diminish local and residential amenity.
- 7.2 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 London Plan. Accommodation with 2 bedrooms for 4 people should provide a minimal internal spacing of 70 square metres. The proposed development exceeds this minimum standard and can demonstrate an internal floor space provision of 133 square metres in accordance with the London Plan.
- 7.3 The Residential Design SPD states that private amenity space should be provided in single, usable, enclosed blocks which benefit from both natural sunlight and shading. An area of approximately 73 square metres to the side of the bungalow will be landscaped and set out as private garden amenity space. Staff consider that amount of amenity space proposed in the development is acceptable in itself and accords with the provisions of the Residential Design SPD.
- 7.4 Staff consider that the main constraint in terms of the site layout relates to the cramped and enclosed nature of the site. The development, whilst meeting internal space standards forms an awkward and confined relationship with the surrounding area. The side and rear elevations of the bungalow will be located only 1 metre from the site boundary, leaving little in terms of a buffer from the immediately adjacent railway line.
- 7.5 With regard to the proximity of the development to the railway line the advice in the consultation response from Network Rail states that any building should be situated at least 2 metres from Network Rail's boundary to allow for construction and future maintenance of a building without requirement for

access to the operational railway environment. This 2 metre buffer is also recommended to ensure Network Rail is able to adequately maintain structures and boundary treatments on their land.

- 7.6 At 1 metre from the boundary the proposed bungalow would therefore encroach into the buffer zone recommended by Network Rail.
- 7.7 Staff consider that the outlook from the bungalow would be poor with views from the rear windows looking directly onto the railway. To the front outlook would be dominated by the long and narrow vehicular access and proposed parking area. As a result the proposal will offer little in the way of suitable setting or satisfactory outlook from the proposed dwelling. Therefore Officers are concerned that the proposal would create an unacceptable living environment contrary to the requirements of Policy DC61.
- 7.8 Taking into account the site constraints, staff consider that the proposal would result in a cramped and enclosed overdevelopment of the site.

## **8. Design/Impact on Street/Garden Scene**

- 8.1 Policy DC61 states that development must respond to distinctive local buildings forms and patterns of development and respect the scale, massing and height of the surrounding context.
- 8.2 The proposed bungalow will be of a traditional pitched roof design incorporating dormer windows within the roof level. Given the location of the site the proposed bungalow will not be visible from Cranham Road and will be screened to a large extent by the existing built development along the road frontage. To the south the site will be visible from the rear gardens of houses on Thorncroft; however this will be some 30 metres away on the opposite side of the railway line.
- 8.3 The development will replace an existing collection of single storey workshop buildings. Staff consider that the design of the bungalow will serve to maintain the visual character and appearance of the surrounding area in terms of the built development.
- 8.4 At present the site has a commercial use and its distinct separation from the residential frontage in a strip of backland creates a welcome separation between the conflicting residential and light industrial uses.
- 8.5 With the introduction of a new dwelling in this location, the relationship with the surrounding area will change and the proposal will present an additional dwelling that is outcast and disjointed from the neighbouring houses on a cramped and confined site to the rear of the main Cranham Road residential building line. As such Staff consider that the proposed dwelling will bear little relationship with the surrounding properties and this proposed arrangement will serve to emphasise the cramped and uncharacteristic nature of the backland development.

## **9. Impact on Amenity**

- 9.1 The Residential Design SPD states that new development should be sited and designed such that there is no detriment to existing residential amenity through overlooking and/or privacy loss and dominance or overshadowing. Policy DC61 reinforces these requirements by stating that planning permission will not be granted where the proposal results in unacceptable overshadowing, loss of sunlight/ daylight, overlooking or loss of privacy to existing properties.
- 9.2 The main consideration in terms of residential amenity relates to the impact on the occupants of 16 and 20 Cranham Road and 20 and 21 Thorncroft.
- 9.3 The proposed house will be located to the south of Cranham Road some 21 metres from the rear of No.20 and 24 metres from the rear of No.16. Given the existing arrangement of buildings on the site the replacement dwelling will not affect outlook from these neighbouring properties. Taking into account the distances between the existing houses and the proposed bungalow Staff consider that there will be no issues in terms of overlooking or loss of privacy, with the detached rear garage from No.20 providing a good level of screening and the 2 metre high garden boundary fencing with No.16 serving to minimising any overlooking between the development site and the neighbouring house.
- 9.4 The proposed bungalow will incorporate a first floor dormer window and Juliet balcony in the southern elevation approximately 31 metres from the rear of No.20 and No.21 Thorncroft. Staff acknowledge that the proposal will bring the built residential element of Cranham Road closer to the properties at Thorncroft; however the proposed dwelling will be located on the opposite side of an existing railway line and will not be directly overlooking the rear gardens. The distance between the dwellings would also maintain satisfactory spacing between the properties in terms of the any undue impact on amenity.
- 9.5 Overall Staff do not consider that the proposal would result in any undue impact on the amenity of the occupants of the surrounding residential accommodation in accordance with Policy DC61.

## **10. Parking and Highway Issues**

- 10.1 In terms of off street car parking arrangements the proposal can demonstrate suitable off parking provision for up to 2no. vehicles. Although the turning head area would tight, Staff consider that the proposal would allow for vehicles to manoeuvre in the area to the front of the proposed dwelling in order to enter and leave the site in a forward gear.
- 10.2 The proposed access is narrow and below standard for service and refuse vehicles, however it is an established access way for a commercial use and

it is considered that a residential use would serve to reduce the frequency and number of vehicles using the driveway.

- 10.3 The occupants of No.16 Cranham Road have a detached double garage with access rights along the driveway. This is an existing arrangement and is unlikely to create any additional issues in terms of parking or access for the proposed dwelling.
- 10.4 There are no details included in the proposal indicating the location for the secure storage of bicycles or household refuse, although this could be secured through condition.
- 10.5 Given that the length of the driveway is in excess of 25 metres future occupants of the proposed dwelling will be expected to transport refuse bags to the roadside at Cranham Road for refuse collection.
- 10.6 The Local Highway Authority has raised no objections or comments in relation to the proposal.

## **11. Community Infrastructure Levy and Developer Contributions**

- 11.1 The proposed development will create 1.no new residential unit with 133 square metres of new gross internal floorspace. Taking into consideration the existing floor space of the workshops, the net additional gross internal floor space created by the development would be 9.4 square metres. Therefore the proposal is liable for Mayoral CIL and will incur a charge of £188 based on the calculation of £20.00 per square metre.
- 11.2 Under the provisions of Policy DC72 of the LDF and the Planning Obligations SPD a payment of £6,000 should be made for each new dwelling in respect of the infrastructure costs arising from the development. The proposal would therefore be subject to a legal agreement to provide a contribution of £6,000.

## **12. Conclusion**

Having regard to all relevant factors and material planning considerations Staff are of the view that this proposal would not be acceptable.

Staff are of the view that due to the layout, bulk and mass the proposal would result in an unsatisfactory relationship to the neighbouring residential dwellings and surrounding streetscene.

Staff are of the view that due to the siting and location within a tight and constrained site the proposal would result in a poor outlook and unsuitable setting creating an inadequate living environment for future occupants. The proposal is therefore considered to be contrary to policy and it is recommended that planning permission is refused.



## **IMPLICATIONS AND RISKS**

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

None.

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

Legal resources will be required in connection with the legal agreement.

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

None.

### **Equalities implications and risks:**

None.

## **BACKGROUND PAPERS**

Application form, drawings and supporting statement received on 9 February 2014.

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# REGULATORY SERVICES COMMITTEE REPORT

24 April 2014

**Subject Heading:**

Planning Contravention  
356 Rush Green Road  
Romford

**Report Author and contact details:**

Simon Thelwell  
Projects and Regulation Manager  
01708 432685  
simon.thelwell@havering.gov.uk  
The London Plan  
Local Development Framework

**Policy context:**

**Financial summary:**

Enforcement action and a defence of the Council's case in any appeal will have financial implications.

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

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

**SUMMARY**

This report concerns an outbuilding that lies to the rear of a residential property at No. 356 Rush Green Road Romford. The outbuilding is being used as independent residential living accommodation without the benefit of planning permission.

The unauthorised use of the outbuilding provides substandard living accommodation and is unacceptable intensification of the rear garden environment, resulting in disturbance to occupiers of surrounding properties. It is

therefore requested that authority be given to issue and serve an Enforcement Notice to seek to remedy the breach of planning control.

## RECOMMENDATIONS

That the committee consider it expedient that an Enforcement Notice be issued and served to require, within 3 months of the effective date of the enforcement notice:

1. Cease using the outbuilding shown hatched black on the attached plan for residential purposes
2. Remove from the outbuilding all fixtures and fittings associated with the unauthorised residential use.
3. Remove from the land at 356 Rush Green Road all rubble and waste materials, resulting from compliance with (2) above.

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

## REPORT DETAIL

### 1. **Site Description**

- 1.1 356 Rush Green Road, Romford shown outlined bold black on the attached plan is a semi-detached house in a residential street (“the Property”). The Property has a rear garden which has side access from a shared path between 356 and 358 Rush Green Road.
- 1.2 To the rear of the garden to the Property is an outbuilding, the subject of this report.
- 1.3 The outbuilding is approximately 3 meters deep by 5 metres wide with a flat roof. The outbuilding has been fitted out with a kitchen, including sink and cooker and a bed. There is a satellite dish attached to the exterior of the outbuilding.
- 1.4 The outbuilding can be accessed independently of the Property via a side gate. The location of the outbuilding is shown hatched black on the attached plan.

### 2. **Relevant Planning and Enforcement History**

- 2.1 None relevant

### 3. **The Alleged Planning Contravention**

3.1 In October 2011 the Council received a complaint that an outbuilding at the Property had been converted for use as independent residential living accommodation.

3.2 Following investigation Officers establishing that the outbuilding was in residential use.

3.3 The owner of the Property was informed that the residential use of the outbuilding required planning permission and represented a breach of planning control.

3.4 The unauthorised use of the outbuilding has continued.

3.5 The breach has occurred within the last 4 years.

### 4. **Policy and Other Material Considerations**

4.1 The issue is whether it is expedient for the Council to serve a Planning Enforcement Notice having regard to the impact and nature of the unauthorised change of use.

4.2 Staff consider the relevant policies contained within the Havering Local Development Framework (LDF) to be policies: DC4 (conversions to residential uses), policy DC33 (parking), policy DC55 (noise) policy DC61 (urban design).

4.3 In addition 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. The Residential Design SPD states that private amenity space and/or communal amenity space should be provided for new residential development.

4.2 Policy DC61 seeks to ensure that all development is compatible with its surrounding environment. In this case it is considered that the unauthorised use of the outbuilding for independent living accommodation has led to an unacceptable intensification of residential garden through uncharacteristic comings and goings and activity associated with permanent living accommodation which materially prejudices the living conditions of neighbouring occupiers.

4.3 The development is considered to be sub- standard in terms of living conditions. Policy 3.5 of the London Plan seeks to ensure that new residential development conforms to minimum internal space standards set out in the plan – setting out a minimum size for a one person flat as 37 square metres. The outbuilding is unacceptably small being less than 20 square metres. There is a lack of private amenity space both for the outbuilding and the host dwelling. No parking or dedicated refuse storage is available for occupiers of the outbuilding. The residential use of the outbuilding is inappropriate and out of character with the neighbourhood and generates an unacceptable increase in noise, general

disturbance and loss of privacy for both occupants of the property and neighbouring occupiers and therefore the unauthorised use is contrary to the Local Development Framework.

4.4 It is considered that planning conditions cannot mitigate the adverse consequences of the unauthorised use. It is considered that the development is contrary to Policies, DC4, DC33, DC61 and policy DC55 of the Local Development Framework, Policy 3.5 of the London Plan and the Council's Residential Design SPD.

## **5. Recommendation for action**

5.1 The unauthorised use of the outbuilding as independent living accommodation within the rear garden of the Property gives rise to overdevelopment at the site and has a detrimental impact on the living conditions of adjoining occupiers by reason of noise and general disturbance. The outbuilding provides: substandard living accommodation; insufficient amenity space for occupiers of the site; a lack of parking and refuse storage facilities.

5.2 It is recommended that an enforcement notice be served requiring the residential use of the outbuilding to cease.

5.3 The alleged breaches of planning control have occurred within the last four years and the Council would be acting within the time frame for taking enforcement action.

5.4 Staff consider that a period of three months is sufficient time to cease the unauthorised use and complete the works necessary to comply with the requirements set out in the recommendation section of this report.

## **IMPLICATIONS AND RISKS**

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

Enforcement action may have financial implications for the Council.

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

Enforcement action, defence of any appeal and, if required, prosecution procedures will have resource implications for the Legal Services.

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

No implications identified.

## **Equalities implications and risks:**

Section 149 of the Equalities Act 2010 (EA) came in to force on 1<sup>st</sup> April 2011 and broadly consolidates and incorporates the 'positive equalities duties' found in Section 71 of the Race relations Act 1976 (RRA), Section 49 of the Disability Discrimination Act 1995 (DDA) and section 76(A)(1) of the Sexual Discrimination Act 1975 (SDA) so that due regard must be had by the decision maker to specified equality issues. The old duties under the RRA, DDA and SDA remain in force.

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

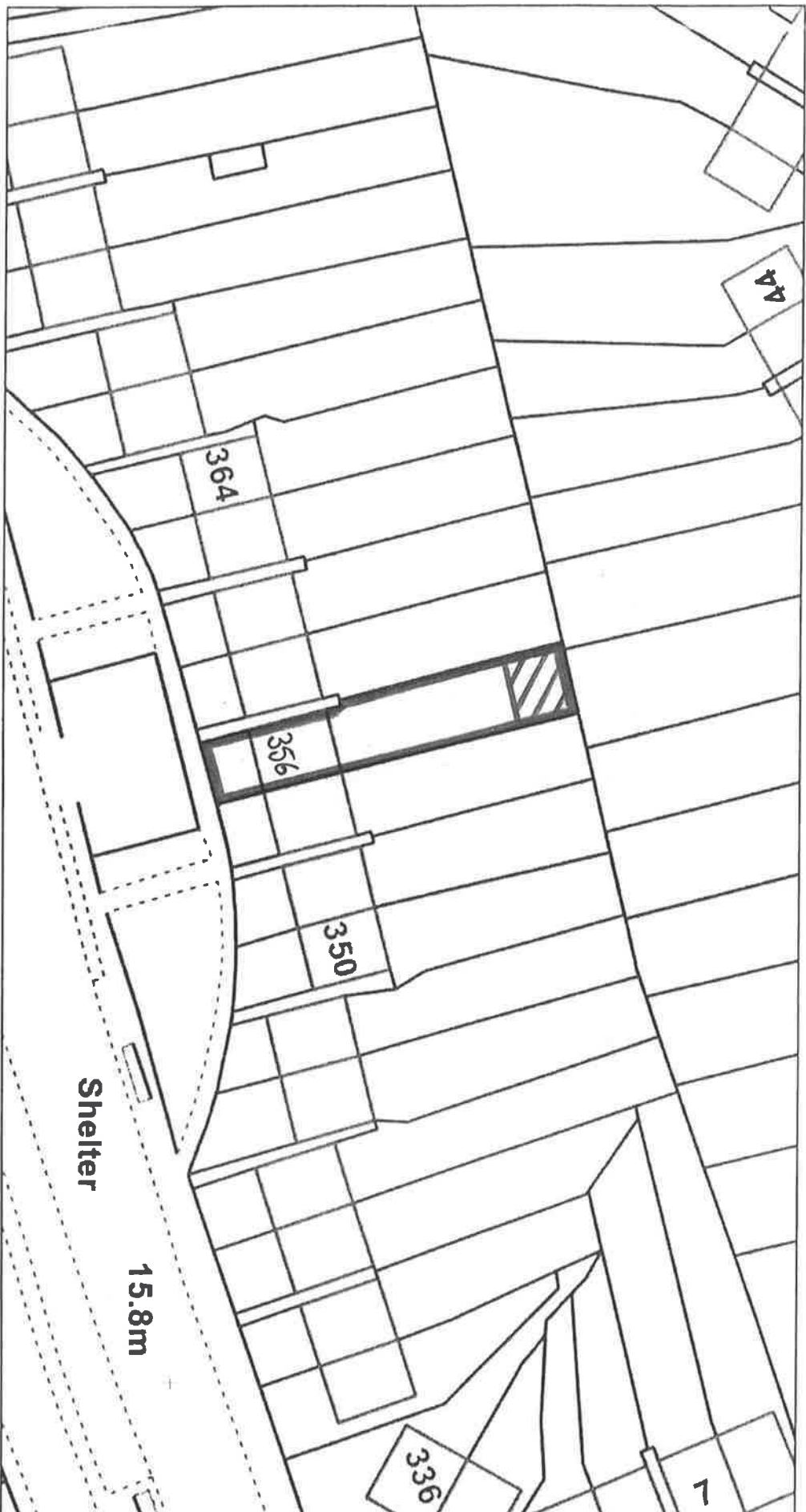
Having consider the above duty and the Human Rights Act 1998 there are no equality or discrimination implications raised

### **BACKGROUND PAPERS**

- 1. Ordnance survey extracts showing site and surroundings.*

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356 Rush Green Road Romford



Scale: 1:500  
 Date: 06 March 2014  
 Size: A4



nipg  
 NSG  
 Ordnance Survey  
 National Grid Reference: RM113800

**Havering**  
 LONDON BOROUGH

London Borough of Havering  
 Town Hall, Main Road Romford, RM1 3BD  
 Tel: 01708 434343

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 Ordnance Survey 100024327

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