



Havering

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

REGULATORY SERVICES COMMITTEE AGENDA

7.30 pm

Thursday
8 May 2014

Havering Town Hall,
Main Road, Romford

Members 11: Quorum 4

COUNCILLORS:

Conservative
(6)

Residents'
(2)

Labour
(1)

**Independent
Residents'**
(0)

UKIP
1

Barry Oddy
(Chairman)
Barry Tebbutt
(Vice-Chair)
Rebecca Bennett
Jeffrey Brace
Roger Evans
Lesley Kelly

Linda Hawthorn
Ron Ower

Paul McGeary

Fred Osborne

**For information about the meeting please contact:
Richard Cursons 01708 432430
richard.cursons@onesource.co.uk**

AGENDA ITEMS

1 CHAIRMAN'S ANNOUNCEMENTS

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

The Chairman will announce the following:

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

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

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

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

2 APOLOGIES FOR ABSENCE AND ANNOUNCEMENT OF SUBSTITUTE MEMBERS

(if any) - receive.

3 DISCLOSURE OF PECUNIARY INTERESTS

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

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

4 MINUTES (Pages 1 - 26)

To approve as a correct record the minutes of the meetings of the Committee held on 3 April and 24 April 2014 (To Follow) and to authorise the Chairman to sign them.

5 PLANNING APPLICATIONS - SEE INDEX AND REPORTS (Pages 27 - 54)

- 6 **P0778.12 - LAND R/O 411-419 SOUTH END ROAD & 1-17 CORONATION DRIVE, ELM PARK** (Pages 55 - 68)

- 7 **P1053.13 - LAND OFF HARLOW GARDENS, ROMFORD** (Pages 69 - 84)

- 8 **P1388.13 - LAND AT HAYDOCK CLOSE, HORNCHURCH - ERECTION OF NINE FLATS (ONE 1 BEDROOM AND EIGHT 2 BEDROOM) WITH ASSOCIATED LANDSCAPING AND OFF STREET PARKING** (Pages 85 - 100)

- 9 **P1644.11 - ONGAR WAY AND RAINHAM ROAD, SOUTH HORNCHURCH** (Pages 101 - 122)

- 10 **P0370.14 - UNITS 4A & 4B MARKET PLACE, ROMFORD - CHANGE OF USE OF UNITS 4A AND 4B (FIRST FLOOR LEVEL) FROM USE CLASS D1/B1 TO RESIDENTIAL UNITS (CLASS C3), INSERTION OF MEZZANINE FLOORS AND EXTERNAL ALTERATIONS AT FIRST FLOOR LEVEL AND GROUND FLOOR ENTRANCE** (Pages 123 - 134)

- 11 **P0080.14 - HIGHVIEW 2 WARLEY ROAD, UPMINSTER** (Pages 135 - 144)

- 12 **URGENT BUSINESS**

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

Andrew Beesley
Committee Administration
Manager

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**MINUTES OF A MEETING OF THE
REGULATORY SERVICES COMMITTEE
Havering Town Hall, Main Road, Romford
3 April 2014 (7.30 - 9.55 pm)**

Present:

COUNCILLORS: 10

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

Residents' Group Linda Hawthorn and Brian Eagling

Labour Group

Independent Residents Group David Durant

UKIP Group Fred Osborne

Apologies were received for the absence of Councillors Roger Evans and Ron Ower.

+Substitute members Councillor Robby Misir (for Roger Evans) and Councillor Brian Eagling (for Ron Ower).

Councillors Andrew Curtin, Roger Ramsey, Paul Rochford and Linda Van den Hende were also present for parts of the meeting.

30 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.

263 P1430.13 - LAND TO THE REAR OF NO.179 CROSS ROAD, ROMFORD

The report before members detailed an application for a residential development to provide four 3 bedroom houses, demolition of the existing dwelling and garage to the front of the site.

The application was first brought before Members on the 19 December 2013 when Members resolved to approve the application subject to

conditions, the completion of a legal agreement, and no adverse comments being received prior to the expiration of the statutory consultation period. However, objections were received within the consultation period and the application was reported back to Members on 30 January 2014.

On the 30 January 2014 Members again resolved to approve the application subject to conditions, and the completion of a legal agreement. However, some errors in the recommendation made to Members on the 30 January, namely the figures provided in relation to the Mayoral CIL contribution and the Infrastructure contribution required the application to be reconsidered.

It was noted that one late letter of representation had been received.

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

The objector raised concerns relating to the possible removal of asbestos, unacceptable harm to living conditions and noise nuisance during the construction period. The objector also raised concerns over the risk of flooding.

In reply the applicant confirmed that the proposal had not changed since the application was last considered and approved in January and that the confusion regarding Section 106 funding had now been resolved.

During a brief debate members received clarification of the width of the access road and refuse storage arrangements.

Members noted that the proposal was liable for a Mayoral CIL contribution of £4,720 and **RESOLVED** that the proposal was unacceptable as it stood but would be acceptable subject to the applicant entering into a Section 106 Legal Agreement under the Town and Country Planning Act 1990 (as amended), to secure the following:

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

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

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

264 **P0115.14 - LAND ADJACENT TO BRAMBLE FISHING LAKE, BRAMBLE LANE UPMINSTER**

The report before members detailed an application for landscaping works to a landfill site.

Members noted that the application had been called in by Councillor Linda Van den Hende on the grounds that it was 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 was also considered that the proposal would be harmful to highway safety and amenity.

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 works would involve over six hundred vehicle movements on the site. The objector stated that the proposed works would result in a change to the character of the land to the detriment of the green belt. The objector also questioned the need for the works to take place and suggested that the works could increase the potential flood risk of the site in the future.

In response the applicant commented that the scheme was environmentally friendly and would remedy the past problem of back filling of household waste on the site. The applicant also commented that the site was prone to flooding due to poor drainage and that the proposed works would result in a modest raising of land levels.

With its agreement Councillor Van den Hende addressed the Committee.

Councillor Van den Hende commented that the application site was a small area of land at the end of a field. The field was regularly farmed and there was no seeming difference in land quality between the field and the application site. Councillor Van den Hende questioned the purpose behind the importation of materials onto the site stating that the proposed clay fill was of a non-porous nature and could lead to future drainage problems. Councillor Van den Hende also commented that no special circumstances had been submitted by the applicant to justify the works in the Green Belt.

During the debate Members discussed the number of lorry movements to and from the site and the possibility of placing controls on the number of movements. Members sought clarification on the types of crops that could be successfully farmed on the site and drainage arrangements for surface water.

The report recommended that planning permission be granted, however it was **RESOLVED** that consideration of the planning permission be deferred to seek clarification on the following points:

- The extent of possible/reasonable controls over lorry movements to include vehicle tracking and possible controls on frequency of vehicles to the site;
- Clarification on the end use crops capable of being farmed / to be farmed at the site;
- Why the adjoining land is capable of sustaining crops and the application site, in its current form, is not.
- Where would surface water drain to and would this carry contamination beyond the site?

When reporting back to the Committee it was agreed to also cover the proportionality and reasonableness of conditional controls in relation to the scale of the specific development.

265 **P0084.14 - 44 NELMES WAY HORNCHURCH**

The application before members sought planning permission for the construction of a single storey rear extension, the formation of a new first and second floor including front and rear dormer windows and roof-lights.

Members noted that the application had been called in by Councillor Paul Rochford on the grounds that the effect on the amenity of a neighbouring property in terms of its overlooking should be considered by Committee.

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 application was not in keeping with the special character of the Emerson Park Policy Area. The development would fill almost the entire width of the plot with minimal separation to the party boundaries leading to a loss of privacy and an adverse effect on the street scene.

In reply the applicant commented that every effort had been made to comply with local and national policy and that the development was needed to improve family accommodation to the existing property.

With its agreement Councillors Paul Rochford and Roger Ramsey addressed the Committee.

Councillor Rochford commented that he had been asked to examine the application by ward constituents as several felt that the special character of the Emerson Park area was being eroded by developments such as the one proposed.

Councillor Ramsey commented that there were a lot of enlarged houses within the Emerson Park area which represented the way in which the area was evolving. Councillor Ramsey stated that the report dealt with those issues that needed to be addressed and that the proposed development accords with policy.

During a brief debate Members discussed the special character of the Emerson Park area and how the development would sit in the existing streetscene.

Members noted that the proposed development qualified for a Mayoral CIL payment of £6,860, however such payment could be subject to exemption in accordance with Regulations 42A, B and C of the CIL Regulations and **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 8 votes to 2.

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

266 **P1528.13 - 22-28 NORTH STREET ROMFORD**

The proposal before members was for the demolition of the existing four retail units, with vacant office accommodation above, and the erection of a seven storey building with four (A1) retail units at ground floor level, and 28 flats above (twenty four 2 bedroom and four 1 bedroom units), occupying six storeys. The seventh storey element comprised a services block at the top of the building.

Members noted a number of updates and amendments to the report that included confirmation of agreement by the applicant to pay the Council's standard infrastructure tariff associated with the development in accordance with the Planning Obligations SPD;

Members were informed that there would be no requirement for the removal of occupier rights to resident parking permits as such a restriction had not been requested by the Highways Authority. A Member voiced his concerns over the removal of restrictions on the issue of resident parking permits for new town centre developments.

Members noted that the application been called in by Councillor Robby Misir as it was considered that the scale of the application warranted a decision by Members.

With its agreement Councillor Andrew Curtin addressed the Committee.

Councillor Curtin commented that he agreed with the officer's recommendation that planning permission should be refused. Councillor Curtin also commented that the development proposed by reason of its height, bulk and massing within a conservation area and its close proximity to a grade two listed building would result in significant harm to the character of the conservation area and was contrary to planning policy DC68.

During the debate Members received clarification on the extent of the conservation area and discussed the Council's policy on tall buildings. The Committee considered the impact of the development on the streetscene and whether it would create a "*canyon*" effect in North Street. Members also discussed the lack of parking provision in the area and agreed that a condition be included removing occupier's rights to apply for parking permits. Members noted that there had only been five letters of objection to the proposed development.

The report recommended that planning permission be refused, however it was **RESOLVED** that the consideration of the planning permission be deferred to allow officers to obtain further information and to allow negotiations to take place with the applicant with regards to the following:

- Legal agreement details proposed by applicant to be clarified.
- Legal agreement to remove occupier rights to apply for parking permits.
- Whether the applicant would be willing to reduce bulk of building by removing top two storeys (ie the "set back" element)?
- Further clarification of the storeys/levels within description of the development.
- Further clarification of the response from the Police on Secure by Design considerations.
- Further clarification of the response from Environmental Health on noise considerations including whether any regard had/should be given to relationship to the nearby nightclub.
- Is there any proposal by applicant to secure closure of the nightclub (allegedly in same ownership) upon completion of the proposed development should such be approved? If so, can that be secured in any legal agreement?
- Clarification of the nature and purpose of the £45K contribution proposed by applicant and whether such is the subject of a viability assessment?
- Clarification of the development status of the part completed redevelopment scheme at ring road end of North Street.
- Clarification of the nature of any proposed contribution/improvements to rear courtyard/ highway environment.

- Clarification of the nature, purpose and adoption date of the Conservation Area appraisal and date of other influencing developments relative to this (the Rubicon, the part complete development top end North Street).

The vote for the resolution to defer consideration of the application was carried by 8 votes to 1 with 1 abstention.

Councillor Durant voted against the resolution to defer.

Councillor Kelly abstained from voting.

267 **P0080.14 - HIGHVIEW 2 WARLEY ROAD UPMINSTER**

The report before members proposed the conversion of an existing integral garage, construction of a new detached garage and the provision of a front dormer window with a hipped roof design. In order to reduce the volume of cumulative additions to the property the proposal included the demolition of the existing single storey swimming pool building in the rear garden.

The application had been called in by Councillor Pam Light on the grounds that the site was located in the Green Belt and the issues surrounding the application needed to be discussed further.

With its agreement Councillor Light addressed the Committee.

Councillor Light commented that the development site was situated within the Green Belt and that the proposal represented a land swap which could be beneficial to the green belt as it involved the removal of an existing swimming pool building.

During a brief debate Members received clarification of the impact the proposed development would have on neighbouring properties and its material harm to the open character of the Green Belt. Members discussed the impact of the proposed development on the openness of the green belt. Members noted the negative impact of the existing swimming pool building on the green belt and the benefits to the green belt of securing the removal of the building.

The report recommended that planning permission be refused, however it was **RESOLVED** that the consideration of the planning permission be deferred to allow staff to explore the scope for a legal agreement to secure the demolition of the swimming pool building and any subsequent buildings built as permitted development prior to implantation of proposal and prevention of any further permitted development post implementation.

268 **P0108.14 - LAND ADJACENT TO 18 AINSLEY AVENUE**

The application before members proposed the construction of a three bedroom detached house on a plot of land adjacent to 18 Ainsley Avenue Romford.

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

During a brief debate Members discussed the varying types of properties in the area, comparable development in the area, and the amenity provided by the proposed development.

The report recommended that planning permission be refused, however following a motion to approve planning permission which was carried by 9 votes to 1 Members noted that the proposed development qualified for a Mayoral CIL contribution of £2,160 and **RESOLVED** to delegate to the Head of Regulatory Services to grant planning permission subject to prior completion of legal agreement to secure infrastructure tariff payment and subject to conditions covering:

- Standard time limit.
- Accordance with plans.
- Materials.
- Construction hours.
- Removal of permitted development.
- Parking to be provided and retained as per plans.
- Landscaping.
- Boundary treatment.
- The reasons for approval were that the setting of the development was not cramped; the lower roofline of the building addressed any issues of bulk impact; the locality of the development presented a mix of dwellings and there would be no harm to the streetscene.

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

Councillor Durant voted against the resolution to grant planning permission.

269 **P1239.13 - ATC CENTRE, THE PADDOCK, WOOD LANE, HORNCHURCH - DEMOLITION OF EXISTING CADET BUILDINGS AND REPLACEMENT WITH PREFABRICATED BUILDING WITH PITCHED ROOF**

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

Chairman

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**MINUTES OF A MEETING OF THE
REGULATORY SERVICES COMMITTEE
Havering Town Hall, Main Road, Romford
24 April 2014 (7.30 - 11.15 pm)**

Present:

COUNCILLORS: 11

Conservative Group Barry Oddy (in the Chair) Barry Tebbutt (Vice-Chair),
Rebecca Bennett, Roger Evans, Lesley Kelly and
+Pam Light

Residents' Group Linda Hawthorn and Ron Ower

Labour Group Paul McGeary

**Independent Residents
Group** +Michael Deon Burton

UKIP Group Fred Osborne

Apologies were received for the absence of Councillors Jeffrey Brace and David Durant.

+Substitute members Councillor Pam Light (for Jeffrey Brace) and Councillor Michael Deon-Burton (for David Durant).

Councillors Andrew Curtin, Wendy Brice-Thompson, Frederick Thompson and Barbara Matthews were also present for parts of the meeting.

50 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.

270 MINUTES

The minutes of the meetings held on 6 March and 13 March 2014 were agreed as correct records and signed by the Chairman.

271 DISCLOSURE OF PECUNIARY INTERESTS

Councillor Lesley Kelly declared a prejudicial interest in application P0315.14. Councillor Kelly advised that as the Cabinet member for Housing and Public Protection she held a prejudicial interest in the application. Councillor Kelly left the room prior to the discussion of the item and took no part in the voting.

272 P0115.14 - LAND ADJACENT TO BRAMBLE FISHING LAKE, BRAMBLE LANE UPMINSTER

The report before members detailed an application for landscaping works to a landfill site.

The application had previously been to Committee on 3 April 2014 with Members deferring the granting of planning permission to allow officers to seek additional information.

Members noted that the application had been called in by Councillor Linda Van den Hende on the grounds that it was 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 was also considered that the proposal would be harmful to highway safety and amenity.

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 works would involve over six hundred vehicle movements on the site. The objector also commented that there was no need for the works to take place and that the proposal could increase the potential flood risk of the site in the future. The objector also commented that the change to the landscape would look unsightly and lead to problems of overlooking during the construction period.

In response the applicant commented that the scheme was environmentally friendly and was remedying the past problem of back filling of household waste on the site. The applicant also commented that the site was prone to flooding due to poor drainage and that the scheme proposed was only a modest raising of land levels. The applicant also confirmed that all vehicular movements onto and off of the site would be logged using waste transfer records which could be scrutinised by the Environment Agency.

With its agreement Councillor Van den Hende addressed the Committee.

Councillor Van den Hende commented that the land was situated in the Green Belt and was regularly farmed for wheat although a wider range of crops could be grown on the land. Councillor Van den Hende also commented that no special circumstances had been submitted by the

applicant and that the proposed clay fill for the site was of a non-porous nature and could lead to future drainage problems.

During the debate members received clarification of the size of the piece of land in question and its proximity to neighbouring residential properties.

Views were expressed by a member that the report provided no very special circumstances which the Legal Advisor has highlighted in previous instances. The Legal Advisor clarified that in this case the proposed use was in policy terms an appropriate uses within the Green Belt, therefore there was no requirement to demonstrate very special circumstances.

Following a motion to refuse planning permission which was lost by 3 votes to 8. It was **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 8 votes to 2 with 1 abstention.

Councillors Oddy, Tebbutt, Bennett, Evans, Kelly, Light, Osborne and McGeary voted for the resolution to grant planning permission.

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

Councillor Deon-Burton abstained from voting.

273 **P1096.13 - 110 BALGORES LANE, (ABBNEYFIELD HOUSE) GIDEA PARK ROMFORD**

The report before members detailed an application for a change of use of a care home (C2 use) to a House in Multiple Occupation (sui generis use).

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

Members were advised that an additional condition was being sought to restrict the occupation of the management flat to the Resident Manager.

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 house twelve tenants but would only provide four communal bathrooms and a shared kitchen. The development would also lead to overlooking of

neighbouring properties and would only provide on-site parking for six vehicles.

In reply the applicant commented that the application had now been revised to provide en-suite bathroom facilities to all twelve units. The applicant also confirmed that a Unilateral Undertaking had been provided to the Council on the evening of the Committee to ensure that the property was properly managed. It was clarified that there was nothing in the Unilateral Undertaking save for reference to proper management and a schedule annexing a standard for tenancy agreement.

With its agreement Councillors Andrew Curtin and Wendy Brice-Thompson addressed the Committee.

Councillor Curtin commented that he wished to object to the proposed development for the following reasons mainly due to its intensive use. Councillor Curtin commented that there would be an adverse impact by reason of noise and disturbance to neighbouring occupiers due to the use of the communal kitchen. Councillor Curtin also commented that there was no satisfactory visibility for access and egress given, to and from the site, given the increase in parking which could also lead to displaced parking in neighbouring side roads.

Councillor Brice-Thompson commented that there had been a large number of local residents who had raised objections to the scheme. Councillor Brice-Thompson also commented that the proposal would lead to a loss of amenity to neighbouring occupiers caused by intensification of the use of the garden and kitchen of the proposed development.

During the debate Members discussed the need for Key Worker accommodation in the area taking into account the new development on the former Oldchurch Hospital site.

Members also raised concerns regarding the management of the proposed development and agreed that enforcing conditions relating to occupiers of the development would prove difficult.

The report recommended that planning permission be granted, however following a motion to refuse planning permission which was carried by 11 votes to 0 it was **RESOLVED** that planning permission be refused on the grounds that:

- The proposal would result in excessively intensified occupation of the building, including in comparison with existing lawful use, that would cause material harm to living conditions of adjoining residents by reason of noise and disturbance. This would be exacerbated by the likelihood of extensive collective amplified and similar noise (eg TVs/radios/music) experienced through open windows, assembly of residents in collective areas such as undersized communal kitchen etc.

- The intensity of the use would result in vehicular movements to, from the premises and in the vicinity of the site would materially harm neighbours' amenity.
- The above harm to amenity, particularly in reason 1, would not be satisfactorily controlled/mitigated through the proposed managerial arrangements provided in the Unilateral Undertaking.

274 **P1549.13 - 11 RYDER GARDENS RAINHAM**

The report before Members sought retrospective planning permission for the variation of condition 8 of planning application P0574.09 to increase the number of children on the premises from twelve to fifteen.

Councillor Barbara Matthews had called in the application on the grounds that the site, a day nursery, was wholly unsuitable for an increase from twelve to fifteen children.

Members were advised that the applicant had submitted a letter advising that the application was no longer a retrospective but a prospective application with a proposed increase in child numbers.

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

The objector commented that the proposed increase of three children was a 25% increase in numbers and that the applicant was currently in breach of several planning conditions already attached to the previous planning permission.

With its agreement Councillor Barbara Matthews addressed the Committee.

Councillor Matthews commented that she supported the objector's views and was surprised that the applicant had applied for an increase in child numbers whilst being in breach of current planning conditions. Councillor Matthews also commented that the premise was not suitable for looking after 15 children.

The report recommended that planning permission be granted, however following a motion to refuse planning permission which was carried by 11 to 0 it was **RESOLVED** that planning permission be refused on the grounds that:

- Over intensification of use in a limited sized building causing noise and disturbance materially harmful to the neighbours' amenity, including the rear garden environment.
- Vehicular activity associated with the use would cause noise and disturbance materially harmful to the residential amenity.

275 **P1813.11 - FORMER SOMERFIELD DEPOT, NEW ROAD, RAINHAM**

The application before members was for the redevelopment of the former Somerfield Depot site to create a predominantly residential development providing four hundred & ninety seven residential units within eighteen apartment blocks and terraces of houses between three and six storeys in height. The development was proposed as an entirely private development with no affordable housing at the current time. The application was subject to an Environmental Impact Assessment and had been submitted with an Environmental Statement. The application had been previously included on the agenda for 25 April 2013, but had been withdrawn at staff's request.

Members were advised that condition 48 of the proposal was to be deleted following withdrawal of the representation of the Health and Safety Executive.

During the debate members discussed the possible impact the proposal could have on the surrounding area, in particular, its possible effect on schooling and medical provision for residents of the development. Officers advised that there was a review mechanism referred to in the Heads of Terms of the S106 of a financial re-appraisal should residential values increase, which could mean that on periodic financial reappraisal the site could support affordable housing provision.

Members received clarification on several points including why there was no provision for affordable housing within the proposal and whether Havering would receive nomination rights on any future lettings should an interested Registered Provider become involved in the development. Members questioned why a Registered Provider had not been secured given the length of the negotiation on the application.

Officers advised that the energy centre included in the proposal provided a source of both heat and power for residents and explained that lifetime homes meant that residents should be able to continue to live in the properties even if they were to need adapting in the future.

Mention was also made of the possible new railway station at Beam Reach, however members felt that this proposed station was still some way from reaching fruition.

Members also discussed the possible monitoring of air quality in the area and possible traffic movements affecting the A13/A1306.

A motion to refuse the granting of planning permission was lost by 4 votes to 7.

Members noted that the proposed development qualified for a Mayoral CIL payment of £723,500 and **RESOLVED** that having taken account of the environmental information included in the Environmental Statement and its

Addendum that the proposal was unacceptable as it stood but would be acceptable subject to:

- a) No direction to the contrary on referral to the Mayor for London (under the Town and Country Planning (Mayor of London) Order 2008) ;
- b) The 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. That Blocks M and N shall be so designed to achieve the desired pedestrian, cycling and vehicular linkages to the land to the west of the application site which is the potential site of a future Beam Reach Station.

- 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 as set out in the report and to include the following additional conditions and adjustments to the heads of terms:

- Additional conditions covering (1) waste management scheme especially for demolition/construction and (2) air quality.
- Adjust the head of term covering design review (bottom page 173/top page 174 of the report) deleting final sentence and wording to effect that "Blocks M and N shall be so designed to achieve the desired pedestrian, cycling and vehicular linkages to the land to the west of the application site which is the potential site of a future Beam Reach Station."

The vote for the resolution to grant planning permission was carried by 7 votes to 4.

Councillors Oddy, Tebbutt, Bennett, Evans, Light, Kelly and Osborne voted for the resolution to grant planning permission.

Councillors Hawthorn, Ower, McGeary and Deon-Burton voted against the resolution to grant planning permission.

276 **P0315.14 - LAND OFF NEAVE CRESCENT ROMFORD - THE ERECTION OF TWO 2-BEDROOM BUNGALOWS FOR THE GENERAL NEEDS OF THE OVER 55'S**

The Committee considered the report noting that the proposed development qualified for a Mayoral CIL payment of £3,000 and without debate **RESOLVED** that planning permission be granted subject to the conditions as set out in the report.

As mentioned previously in these minutes Councillor Lesley Kelly declared a prejudicial interest in application P0315.14. Councillor Kelly advised that as the Cabinet member for Housing and Public Protection she held a prejudicial interest in the application. Councillor Kelly left the room prior to the discussion of the item and took no part in the voting.

277 **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**

The Committee considered the report noting that the proposed development qualified for a Mayoral CIL payment of £2,160 and without debate **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 £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 as set out in the report.

278 **P0128.14 - 18 LITTLE ASTON ROAD HAROLD WOOD - PART SINGLE & PART TWO STOREY REAR 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.

279 **P0136.14 - VEOLIA RAINHAM LANDFILL, COLDHARBOUR LANE, RAINHAM AND WENNINGTON - CONSTRUCTION OF AN EXTENDED AREA FOR BALES STORAGE, WATER STORAGE TANK, PUMP HOUSE AND ELECTRICAL SUB-STATION**

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

280 **P0174.14 - BROADFORD PRIMARY SCHOOL FARINGDON AVENUE, HAROLD HILL - SINGLE STOREY EXTENSIONS**

The Committee considered the report and without debate **RESOLVED** that planning permission be granted subject to the conditions as set out in the report and subject to the inclusion of two further conditions the precise wording of which is delegated to the Head of Regulatory Services as listed below in summary form:

- Details of site levels and finished building heights to be submitted to and agreed in writing by LPA prior to the development commencing.
- Details of a landscaping scheme designed specifically to screen and soften the visual impact of the development upon neighbouring residential properties should be submitted to and approved by the LPA prior to development commencing.

281 **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**

The Committee considered the report noting that the proposed development qualified for a Mayoral CIL payment of £1,618 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 £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 Regulatory Services to grant planning permission subject to the conditions as set out in the report.

282 P1257.13 - LAKE VIEW PARK, BRYANT ROW, 61 CUMMINGS HALL LANE, NOAK HILL ROMFORD - RETENTION OF A RESIDENTIAL DWELLING HOUSE, DECKING AND OUTBUILDING

The Committee noted 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 0 with 1 abstention.

Councillor Kelly abstained from voting.

283 P1451.13 - 155 BILLET LANE HORNCURCH

The application before Members sought a retrospective change of use to A4 (drinking establishment) from A3 (café/restaurant).

The application was deferred at the Committee meeting on 13 March 2014 to allow staff to seek further information and clarification on several matters.

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

The Committee considered the report and noted the additional information contained therein.

The report recommended that planning permission be refused, however following a motion to approve which was carried by 9 votes to 2. It was **RESOLVED** that planning permission be granted for the hours applied for and for a temporary twelve month period.

The vote for the resolution to grant planning permission was carried by 8 votes to 0 with 3 abstentions.

Councillors Hawthorn, Ower and Deon-Burton abstained from voting.

284 **P0225.14 - 67 CORBETS TEY ROAD, UPMINSTER - SECTION 73 APPLICATION FOR A MINOR MATERIAL CHANGE TO THE PLANS APPROVED UNDER PLANNING PERMISSION P1152.13**

The application was made pursuant to Section 73 of the Town and Country Planning Act 1990 to vary Condition 2 of planning permission planning reference P1152.13 under Planning Application reference P0225.14. Condition 2 related to the standard 'in accordance with plans' condition. The Committee considered the report noting that the proposed development qualified for a Mayoral CIL payment of £16,560 and without debate **RESOLVED** that the proposal was unacceptable as it stood 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 and dated 19th December 2013, 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 as set out in the report.

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

Councillor Ower voted against the resolution to grant planning permission.

285 **P0112.14 - LAND BETWEEN 115 AND 119 SHEPHERDS HILL, HAROLD WOOD**

The application before members sought planning permission for a new detached dwelling.

Councillor Barry Oddy had called the application in on the grounds that there was possible merit in the proposal and that Members may have wished to take an alternative view considering the site's location.

The Legal Adviser gave a brief explanation of the protection of the Green Belt and advised that the land was not diminished in terms of the protection afforded by Green Belt Policy by virtue of its current condition, whether overgrown or in a poor state. The land did not have to be green or open in its nature and considering a well landscaped site as not being Green Belt and therefore ripe for development was not consistent with Green Belt policy.

During the debate Members discussed the properties to the side and rear of the proposed site and questioned their influence on the openness of the Green Belt. Members also discussed the enhancement to the site that the proposed development would bring and any harm that could possibly arise.

The report recommended that planning permission be refused, however following a motion to approve the granting of planning permission which was carried by 6 votes to 3 with 2 abstentions. The Committee noted that the proposed development qualified for a Mayoral CIL payment of £2,508.66 and **RESOLVED** that it be delegated to Head of Regulatory Services to approve the application contrary to recommendation subject to applicant agreeing to and then completing a unilateral undertaking under Section 106 of the Town and Country Planning Act 1990 to secure infrastructure tariff and subject to the conditions referred to in paragraph 8.2 of the report the precise wording of which is to be settled by the Head of Regulatory Services. The reasons for approval was that the material planning considerations resulting from the site forming part of a continuum of built form contained by existing housing to the sides and rear would influence its limited contribution to the openness of the Green Belt and the enhancement of the site's appearance would outweigh Policy DC 45 of the Core Strategy and Development Control Policies Development Plan Document and guidance on the Green Belt in the National Planning Policy Framework. Notwithstanding the in principle harm of a new building in the Green Belt

and the harm to the openness of the Green Belt, no other physical or environmental harm would arise.

The vote for the resolution to delegate to the Head of Regulatory Services to approve the application was carried by 7 votes to 2 with 2 abstentions.

Councillors Oddy, Tebbutt, Bennett, Light, Evans, Osborne and Deon-Burton voted for the resolution to delegate to the Head of Regulatory Services to approve the application

Councillors Hawthorn and McGeary voted against the resolution to delegate to the Head of Regulatory Services to approve the application.

Councillors Kelly and Ower abstained from voting.

286 **P0106.14 - REAR OF 16-20 CRANHAM ROAD HORNCHURCH**

The report before members proposed the demolition of 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.

The application had been called in by Councillor Paul Rochford on the grounds that the issues associated with the suitability of the proposal and other important considerations should be discussed by the Committee.

During a brief debate members discussed the probable improvement of the site and the removal of anti-social issues that the development would bring.

The report recommended that planning permission be refused, however following a motion to approve which was carried by 11 votes to 0.

The Committee noted that the proposed development qualified for Mayoral CIL payment of £188 and **RESOLVED** to Delegate to the Head of Regulatory Services to grant planning permission subject to the applicant completing a Unilateral Undertaking to secure a infrastructure tariff and subject to imposition of conditions to be settled by the Head of Regulatory Services and subject to resolution of any Fire Brigade objection. The reasons for approval concerned the improvement of the site, removal of non-conforming and potentially anti-social uses and the absence of any other environmental harm which were considered to be material planning considerations that outweighed the conflict with Policy DC61 of the Core Strategy and Development Control Policies Development Plan Document.

287 PLANNING CONTRAVENTION - 356 RUSH GREEN ROAD

Members 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:

1. Cease using the outbuilding shown hatched black on the 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.

288 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.

Chairman

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Page No.	Application No.	Ward	Address
1-12	P0585.13	Rainham & Wennington	St Mary & St Peters Church, Wennington Road, Rainham
13-20	P0888.13	Upminster	Stonebridge Farm, Warwick Lane, Rainham
21-26	P0256.14	Hacton	57 Suttons Lane, Hornchurch, RM12 6RJ

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APPLICATION NO:	P0585.13	
WARD :	Rainham & Wennington	Date Received: 14th May 2013 Expiry Date: 9th July 2013
ADDRESS:	St Mary & St Peters Church Wennington Road Rainham	
PROPOSAL:	Demolition of existing church hall and store. Construction of new hall with alterations to access road and new external landscaping and parking Additional Information received 17/04/2014	
DRAWING NO(S):	13-001/03 Rev b 13-001/04 Rev a 13-001/05 13-001/01 13-001/02 Rev a Design and Access Statement	
RECOMMENDATION :	It is recommended that planning permission be GRANTED subject to the condition(s) given at the end of the report given at the end of the report.	

SITE DESCRIPTION

The application site lies within the village of Wennington which is entirely within the Green Belt. The existing church hall lies to the south west corner of the church yard close to the edge of Wennington Marshes. The church hall is a single-storey building with a small storage building nearby. There is a vehicular access from Wennington Road between two rows of residential properties to the west of the church. There is also a pedestrian gate access between St. Mary and St Peter's Church/Graveyard and the application site.

To the west and north of the church hall are the rear gardens of the residential properties. To the east is open ground which is separated from the churchyard by a substantial hedge.

The existing church hall is 3 metres to the eaves and 4.7 metres to the ridge. The combined floor area of the church hall and storage building is 213 square metres, with a combined volume of 960 cubic metres.

There is a Lime tree on the site access road that is covered by a Tree Preservation Order. Wennington Church is a Grade II* Listed Building. To the south of the site the land falls to Wennington Marshes across which runs the A13 viaduct.

DESCRIPTION OF PROPOSAL

The proposal is to demolish the existing buildings and erect a single-storey building to be used again as a church hall with a small stage area, storage space, an office and toilet and kitchen/bar facilities. It is intended that the building will be used to meet the needs of the Church and the local community and it is envisaged that the building would be used for youth clubs, social events, lunches for senior citizens, mother and toddler groups, children's groups including cubs, scouts, girl guides, parties, wedding receptions, art and sport clubs/groups, religious group meetings.

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The building would be 16m wide and 16m deep with a hipped, pitched roof with an eaves height of 2.5 metres and a ridge height of 3.92 metres above ground level. There would be louvred doors to the rear with a timber-decking terrace area to the south of the building. It would have a volume of 981 cubic metres. Activities would finish by 21:30 with the hall closing at 22:00 on any day.

It is proposed to widen the vehicular access to provide two-way traffic and a footpath with 19 car parking spaces on grasscrete to the east of the new building.

The preserved tree close to the access road would be removed and a new specimen tree planted adjacent to the car parking area. There would also be some new soft landscaping to the front and rear of the building and to the rear boundary with the nearest residential properties. It is proposed to provide a hedge to the eastern boundary with the field behind the churchyard.

RELEVANT HISTORY

None

CONSULTATIONS/REPRESENTATIONS

Twenty three neighbour notification letters were sent out and the application was advertised by site notice and in the local press. There have been 7 letters objecting to the scheme on the following grounds:

- * the information supplied is misleading as it includes in the existing volume a structure used to house rescue ponies which has no connection with the existing building, therefore 20% is an under calculation;
- * It is a village hall, not a church hall built by the villagers of Wennington in the 1960s. It is not a church building;
- * a Lime tree at the entrance is protected under a TPO;
- * the proposal would involve late night parties which will affect the peace of the area;
- * the proposal includes a high fence to the rear of a neighbouring residential property which is not acceptable as it will be visually intrusive;
- * there may be asbestos in the building;
- * the proposed access is not suitable;
- * there would be insufficient parking on site, resulting in on-street parking in Wennington Road causing problems in particular for larger vehicles including the busses and fire appliances from the fire station close by;
- * the proposed scale of building would not be in keeping with the area;
- * traffic using the drive and car park will cause noise nuisance in the winter with doors banging and headlights shining into the rear of existing properties;
- * smokers and drinkers are likely to congregate on the decked area resulting in noise in warm weather;
- * past use of the hall suggests that there will be some unacceptable behaviour by users including physical and verbal abuse;
- * local people will not use the hall as it is unsuitable for the village;
- * it is a commercial venture;
- * it is most likely to be used for weddings and parties resulting in noise and nuisance;
- * the proposal uses part of an open paddock which has been used for horse grazing a road shown on the plans to the east of the paddock does not exist;
- * Due to the scale of the new building it is likely to be used by significantly more people than the existing hall which is for 75 people;
- * the proposed car parking is inadequate

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- * the access is not sufficiently wide to provide two way vehicle access and a footpath and retain the TPO tree
- * loss of natural light
- * loss of privacy as car park area will be located directly adjacent to adjoining occupier's garden;
- * access to the new hall would be at all hours;
- * noise generated by the activities specified by the applicant will be extremely intrusive and include the smell of food cooking;
- * additional noise on Wennington Road;
- * the proposed building is too large for the local community;
- * the building is likely to be in constant use causing noise and disturbance to residential occupiers;
- * people do not service their cars regularly and fumes/emissions will be greater than might be the case if there were no recession;
- * people will keep their cars in idle in the winter for an unacceptably long time;
- * air, light and noise pollution;
- * reduced security to the rear of existing residential properties;
- * the proposed exit onto Wennington Road will have restricted site lines;
- * removal of the lime tree will cause structural damage to surrounding properties which should be compensated;
- * asbestos removal will be a cause of fear for the health of children living nearby;
- * the proposed scale of the building will unacceptably change the rural/verdant nature of the area;
- * loss of green belt/openness
- * alcohol will be served or brought by party goers

The Environment Agency identifies that the site lies within flood zone 3 and a flood risk assessment (FRA) should have been submitted with the application in compliance with paragraph 103 of the NPPF. The lack of an FRA would be a valid reason for refusing the application. The Emergency Planning officer should be consulted prior to making a decision. The site has been identified in the Council's SFRA as being at risk of flooding if there were to be a breach in the Thames tidal defences that protect the site. It is recommended that an FRA is undertaken which assesses the impact of a breach in the defences and the risk posed to potential users of the site.

Thames Water advises that it is the responsibility of the developer to make proper provision for surface water drainage. It is recommended that storm flows are attenuated or regulated into the public network or off-site storage. Any connection to the public sewer will require the agreement of Thames Water. There are no objections with regards to the sewerage infrastructure. Water supply is the responsibility of Essex and Suffolk Water.

London Fire Brigade advises that no additional fire hydrants are required.

Streetcare (Highway Authority) raises no objections. The car parking does not meet the required standard, but is an increase over the existing provision. A conditions are requested covering pedestrian visibility splays and a construction method statement, including wheel washing.

London Fire & Emergency Planning Authority is satisfied with the proposals.

The Metropolitan Police Crime Prevention Design Adviser recommends a condition covering secured by design issues and a related informative. He would also support conditions covering external lighting and cycle storage.

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RELEVANT POLICIES

LDF

CP14 - Green Belt
CP17 - Design
CP2 - Sustainable Communities
CP8 - Community Facilities
DC26 - Location of Community Facilities
DC27 - Provision of Community Facilities
DC32 - The Road Network
DC33 - Car Parking
DC36 - Servicing
DC45 - Appropriate Development in the Green Belt
DC49 - Sustainable Design and Construction
DC55 - Noise
DC56 - Light
DC60 - Trees and Woodlands
DC61 - Urban Design
DC62 - Access
DC63 - Delivering Safer Places
DC67 - Buildings of Heritage Interest
SPD3 - Landscaping SPD
SPD8 - Protection of Trees During Development SPD

OTHER

LONDON PLAN - 6.13 - Parking
LONDON PLAN - 7.1 - Building London's neighbourhoods and communities
LONDON PLAN - 7.16 - Green Belt
LONDON PLAN - 7.3 - Designing out crime
LONDON PLAN - 7.4 - Local character
LONDON PLAN - 7.6 - Architecture
LONDON PLAN - 8.3 - Community infrastructure Levy
NPPF - National Planning Policy Framework

MAYORAL CIL IMPLICATIONS

The existing buildings are stated as having a combined footprint of 213 square metres. The proposed new building would have a footprint of 256 square metres giving a net increase of 43 square metres. For existing floorspace to be taken into account the relevant building must have been in lawful use for at least six months within the last three years. No information has been provided to demonstrate that the storage building has been so used. However, even allowing for this the net increase in floorspace would still be below the 100 square metre threshold so no CIL would be payable for this development.

STAFF COMMENTS

The application is for a replacement building in the Green Belt. The NPPF at paragraph 89 states that whilst new buildings should normally be regarded as inappropriate development, where the new building is a replacement, in the same use and not materially larger then it would be an exception to this principle. Therefore, whilst the proposal is not in accordance with Policy DC45 of the Core Strategy and Development Control Policies DPD it would comply with current national planning guidance subject to the new building not being materially larger.

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The application is referred to the committee as a departure from Policy DC45, however, the restrictions on new buildings in the Green Belt set out in the policy are now updated by the NPPF which carries greater weight.

The proposed building would be in a similar location to the one being replaced and would use the same access. The main considerations are: i) whether the new building would have a materially greater impact on the openness of the Green Belt and the area generally, ii) the impact on residential amenity and iii) access and parking.

PRINCIPLE OF DEVELOPMENT

Policy DC26 supports the retention of community buildings and the proposal is to replace the existing church hall with a new one. In this respect the proposal would be acceptable in principle.

Policy DC45 indicates that the community building is an inappropriate use in the Green Belt and that it would be harmful by definition to the Green Belt by reason of its inappropriateness. However, the NPPF, adopted more recently than the 2008 LDF, indicates that it is no longer considered inappropriate to extend or replace existing buildings in the Green Belt providing they are not substantially bigger than the buildings which they replace and for the same use. Subject to this being the case a replacement building would be acceptable in principle.

GREEN BELT IMPLICATIONS

Policy DC45 seeks to promote uses in the Green Belt that have a positive role in fulfilling Green Belt objectives. The main uses considered acceptable are agriculture and forestry, outdoor recreation, nature conservation and cemeteries. New buildings and extensions associated with these uses are also acceptable in principle. The guidance in the NPPF revises that given in PPG2 (which has now been withdrawn) on which DC45 is based. Whilst the NPPF follows the previous guidance in PPG2 on what is appropriate development, it now clarifies that replacement buildings for the same use that are not materially larger are not inappropriate development.

The existing hall and outbuilding (which would also be demolished as part of the development) have a combined footprint of 213 square metres and has a volume of 960 cubic metres. The proposed hall would be 256 square metres with a volume of 981 cubic metres. This would represent an increase in size of 43 square metres or 20% and 21 cubic metres or 2.2%. It is therefore considered, in line with the NPPF, that the proposal would not be substantially bigger than the building it replaces and therefore not inappropriate development in the Green Belt. The new building would have a similar impact on openness compared with the building it would replace.

IMPACT ON AMENITY

Visual Impact

The proposed building would be set back within the site close to the southern boundary and would not be readily visible from Wennington Road. The access is relatively narrow and there are residential properties on either side, which would also restrict views of the proposed building from the highway. There are views of the site from an access track to the rear of properties in 'The Green' and from the first windows of these properties. However, as a replacement to an existing building the impact on the character and appearance of the area would not be markedly different. Whilst it would have a larger footprint it would be 0.8 metres lower at ridge height. It would also be set further back into the site compared with the existing building. The area to the south of the site is open, however, there would only be distant views of the site from publicly accessible areas, which are obstructed to a large extent by the A13 viaduct across the marshes.

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There would be landscape planting along the boundaries with residential properties and a new hedge along the edge of the car park. This would help to limit views of the building.

Impact on residential amenity

The existing access that runs between two of the houses that front on to Wennington Road would be widened to improve access. This would have some impact on residential amenity, especially during the summer months as it runs alongside their rear gardens. The proposed parking area would also come close to one of these gardens. However, the impact is unlikely to be materially different from the existing situation and this would be off-set to some extent by the new building being further away from the properties. A number of objectors have raised issues concerning the impact arising from activities at the new building. Hours of use could be controlled by condition and there are licensing requirements for the sale of alcohol. The use would be no different than the existing church hall and this could also be limited by condition. The proposed decking would be on the south side of the building which would limit any noise impact from outside activities.

HIGHWAY/PARKING

It is proposed to provide 19 car parking spaces on the eastern side of the new building. These would be formed in 'grasscrete'. Whilst the number of spaces would not meet the Council's parking standards set out in Policy DC33 and Annex 5 it does represent an increase over the current provision. The maximum number of spaces set out in Annex 5 is 64 spaces. Such provision could have a significant visual impact on the Green Belt and the character and appearance of the area. Therefore, on balance the number provided is considered acceptable. There are no objections from the Highway Authority subject to appropriate pedestrian visibility splays. These can be addressed by condition.

OTHER ISSUES

The site of the proposed building lies close to the Grade II* listed church and there is the potential for the new building to have an impact on its setting. The new building would be located further from the church than the current church hall and would have a lower ridge height. Staff consider that in these circumstances the new building would have less impact on the setting of the Listed Building than the current building and would, therefore, be acceptable.

TREES

The application site includes a Lime tree that is covered by a Tree Preservation Order. The Council's Tree Officer has advised that the widening of the site access road could adversely affect the tree. Providing adequate protection for the tree if the road is rebuilt would present engineering difficulties that would significantly limit the width of upgraded road that could be provided. There would also be issues in providing adequate root protection as part of the upgrading. Due to the limited width of the access route between the two dwellings there is no alternative option. In these circumstances staff consider that the tree could be removed subject to a replacement tree being provided elsewhere on the site. The Tree Officer has advised that a Liquid Amber of minimum girth 12cm would be acceptable. This would be incorporated in the landscaping scheme.

FLOOD RISK

The site lies within Flood Zone 3a as defined in the technical guidance to the NPPF and a flood risk assessment (FRA) has been submitted. In Flood Zone 3a there is a high probability of flooding and less vulnerable uses of land are appropriate in this zone. According to the technical guidance assembly and leisure uses are classified as 'less vulnerable'. The use of the building

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as a Church hall would fall within this category.

At the time of writing this report the comments of the Environment Agency on the FRA had not been received. An update will be given at the meeting. The Emergency Planning Officer has advised that given the distance from the tidal flood risk (River Thames) there are no objections subject to the consideration of mitigation measures to lessen the risk to the property and future occupants. The FRA states that raising the ground level of the building would aid the protection of the property depending on the construction of the floor. Subject to any further advice from the Environment Agency following the submission of the FRA, it is considered prudent to require further details of finished floor levels through a condition.

KEY ISSUES/CONCLUSIONS

This application is referred to the committee because it is a departure from LDF Policy DC45. The site lies within the Green Belt where new buildings would normally be considered inappropriate unless for specified uses as set out in the policy. However, as a replacement building for the same use and of similar scale the guidance in the NPPF is that such development is not inappropriate. This guidance is more recent than the LDF and, therefore, carries greater weight. Consequently the proposed development is considered appropriate development in the Green Belt.

The siting of the new church hall and proposed access widening is close to residential properties in Wennington Road and there is the potential for an adverse impact on their occupants. However, if account is taken of the existing use and the limited increase in the size of the building staff consider that any increase in noise and disturbance would not be significant, subject to appropriate conditions.

In terms of other impacts, including on visual amenity and the setting of the nearby listed building, these are considered acceptable taking account of the revised design and siting of the building. The removal of a Lime tree covered by a Tree Preservation Order to facilitate the widening of the access is considered acceptable subject to an appropriate replacement. The development would also be acceptable in terms of flood risk.

Overall staff consider that the proposed replacement building in the Green Belt would, on balance be acceptable having regard to the relevant LDF policies and government guidance, subject to the conditions as recommended.

RECOMMENDATION

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

1. SC4 (Time limit) 3yrs

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

Reason:-

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

2. SC05A (Number of parking spaces) ENTER NO.

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2. SC05A (Number of parking spaces) ENTER NO.

Before the building hereby permitted is first occupied, provision shall be made within the site for 19 car parking spaces and thereafter this provision shall be made permanently available for use.

Reason:-

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

3. SC09 (Materials) (Pre Commencement Condition)

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

Reason:-

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

4. 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. SC13B (Boundary treatment) (Pre Commencement)

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

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.

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6. SC14A (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.

7. SC19 (Restricted use) ENTER DETAILS

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 the use hereby permitted shall be as a church hall only and shall be used for no other purpose(s) whatsoever including any other use in Class D2 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. SC25 (Open storage)

No goods or materials shall be stored on the site in the open without the prior consent in writing of the Local Planning Authority.

Reason:-

In the interests of visual amenity, and that the development accords with Development Control Policies Development Plan Document Policy DC61.

9. SC27 (Hours of use) ENTER DETAILS

The premises shall not be used for the purposes hereby permitted other than between the hours of 08:00 and 22:00 on any day that the hall is in use.

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.

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

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11. SC37 (Noise insulation)

The building shall be constructed so as to provide sound insulation of 45 DnT, w + Ctr dB (minimum value) against airborne noise.

Reason:

To prevent noise nuisance to adjoining properties in accordance with Policy DC55 of the Development Control Policies Development Plan Document.

12. SC59 (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.

13. SC63 (Construction Methodology) (Pre Commencement)

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

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

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

Reason:-

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

14. SC58 (Refuse and recycling)

Prior to the first occupation of the development hereby permitted, provision shall be made for the storage of refuse and recycling awaiting collection according to details

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15. Non Standard Condition 1 (Pre Commencement Condition)

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

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

16. Non Standard Condition 2 (Pre Commencement Condition)

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.

17. Non Standard Condition 3 (Pre Commencement Condition)

The development hereby permitted shall not commence until details of the proposed finished floor levels have been submitted to and agreed in writing with the local planning authority.

Reason: The site lies within flood zone 3a as set out in the Technical Guidance to the National Planning Policy Framework on flood risk. The submitted FRA recommends that the finished floor level is set as high as possible to minimise any flood risk.

INFORMATIVES

1 Disabled Persons Act informative

In order to comply with the Chronically Sick and Disabled Persons Act 1970, (as amended in 1976) and the Disabled Persons Act 1981, the church hall hereby granted permission should not incorporate any raised threshold, and all doorways should be of sufficient width and of design, to enable easy access for wheelchairs and double buggies etc. The purpose of the legislation is to ensure that buildings which the public have access should have entrances and exits designed to enable easy passage by people with disabilities, the elderly and infirm and people with small children.

2 Highways Informatives

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

Should this application be granted planning permission, the developer, their representatives and contractors are advised that this does not discharge the requirements under the New Roads and Street Works Act 1991 and the Traffic

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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.

3 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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APPLICATION NO:	P0888.13	
WARD :	Upminster	Date Received: 12th July 2013 Expiry Date: 6th September 2013
ADDRESS:	Stonebridge Farm Warwick Lane Rainham	
PROPOSAL:	Permanent permission to retain mobile home for agricultural use re P1437.09	
DRAWING NO(S):	Site plan Site location plan 901-02/1 Floor plan Proposed block plan	
RECOMMENDATION :	It is recommended that planning permission be GRANTED subject to the condition(s) given at the end of the report given at the end of the report.	

SITE DESCRIPTION

The application site is Stonebridge Farm, which is situated on the north side of Warwick Lane, to the east of its junction with Gerpins Lane. The site is located within the Metropolitan Green Belt. The land is roughly L-shaped and has an area of 2.73 hectares. The domestic curtilage adjoins Warwick Lane, with the building in question lies 45 metres to north of Warwick Lane, and the domestic curtilage stretches to a further 15 metres to the north of this building. The rest of the land is used for agricultural purposes.

There is a mobile home with play equipment close by, and two stable blocks on the site, beyond which is a storage building attached to one of the stable blocks and a small detached barn used as an animal shelter. The site is currently used for the keeping of rare breeds of chicken, sheep and horses.

Site access is taken directly from Warwick Lane. To the west of the site is a former sand and gravel extraction site. The site known as "Epsticks" is located to the east of the site, which includes a substantial single storey timber structure on the site.

DESCRIPTION OF PROPOSAL

This is full planning application for the permanent retention of an existing mobile home on the land for agricultural occupation. The mobile home is located some 20m back from the site frontage onto Warwick Lane. The mobile home measures 14.65m wide, 6m deep and approximately 3m high to roof ridge. The building incorporates 3 bedrooms, 2no bathrooms, a study, kitchen and a large living area. The existing site access from Warwick Lane would be retained with an entrance gate set back from the frontage.

The applicant keeps rare breed sheep and chickens on site and following a number of security issues, the applicants decided to live on the site. Following a number of unsuccessful applications for a bungalow and then temporary mobile home the applicant appealed and was successful in 2006 obtaining a temporary consent for the mobile home, this consent was then renewed in 2010 for a further temporary period.

The applicant submitted a site location plan to show the land they own which measures 26,000

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square metres, of which only a small proportion is used for residential domestic curtilage and the rest for agricultural land. The domestic curtilage area adjoins north of Warwick Lane.

RELEVANT HISTORY

P2023.04 - Erection of bungalow for agricultural occupation - Refused 30-12-2004

P0265.05 - Temporary mobile home - agricultural occupation - Refused 01-04-2005

P1419.05 - Temporary mobile home- agricultural occupation - Refused 19-09-2005 - Appeal allowed

P1437.09 - Temporary retention of existing mobile home - agricultural occupation - Approved with conditions 11-06-2010 for period of three years.

P1437.09 - Permanent retention of existing mobile home - agricultural occupation

Apprv with cons 11-06-2010

P1419.05 - Temporary mobile home- agricultural occupation

Refuse 19-09-2005

P0265.05 - Temporary mobile home - agricultural occupation

Refuse 01-04-2005

P2023.04 - Erection of bungalow for agricultural occupation

Refuse 30-12-2004

CONSULTATIONS/REPRESENTATIONS

A site notice was displayed and neighbour notification letters were sent to 8 properties in the surrounding area. No representations received to date within this consultation period.

The Highways Authority has no objection to the proposal but asked that the visibility sight lines are permanently kept clear and unobstructed to the satisfaction of the Local Planning Authority. They also requested that an informative be attached to any approval outlining that planning consent does not constitute approval for changes to the public highway and any changes to the highway needs specific consent from the Highways Authority.

RELEVANT POLICIES

LDF

CP14 - Green Belt

CP17 - Design

DC3 - Housing Design and Layout

DC33 - Car Parking

DC45 - Appropriate Development in the Green Belt

DC47 - Agriculture

DC61 - Urban Design

OTHER

NPPF - National Planning Policy Framework

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MAYORAL CIL IMPLICATIONS

There are no Mayoral CIL implications as this relates to the continuing use of an existing building with no new floorspace created.

STAFF COMMENTS

The issues arising from this application are whether the development is acceptable in principle and, if not, whether there are very special circumstances sufficient to justify the development; the impact on the character and openness of the Green Belt, the impact on local amenity, parking and highway issues.

When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' to justify inappropriate development in the Green Belt will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

PRINCIPLE OF DEVELOPMENT

Applications P2023.04 and P0265.05 for residential accommodation on this site have been considered previously, both in respect of permanent and temporary accommodation. However, the view previously taken, based on information supplied by the applicant, was that the accommodation was not required in connection with an established agricultural use but rather in connection with the use of the land for conservation objectives.

Planning permission was granted on appeal (ref. P1419.05) for the provision of a temporary mobile home on the land for agricultural occupation. The conditions on the appeal decision restricted the occupancy and retention of the temporary mobile home by the applicants and for a period of 3 years, which expired on 28th November 2009.

In June 2010 a further temporary permission was granted for the retention of the mobile home for a further period of three years. This is a personal permission for Mrs Jennifer Salter and Mr Kenneth Salter, which expired 11th June 2013.

The proposed retention and occupation of the mobile home does not fall within the categories of development, as defined by the National Planning Policy Framework and Policy DC45 of the LDF, deemed to be appropriate within the Metropolitan Green Belt. Very special circumstances are therefore required to justify what would be a departure from policy. This is explored further in the Green Belt section of the report below.

It is noted that paragraph 55 of the NPPF advises Local Planning Authorities to avoid isolated new homes in the countryside unless there are special circumstances. Examples of this are given, such as the essential need for a rural worker to live permanently at or near their place of work, but it is considered that other special circumstances could be considered.

Prior to appraising those very special circumstances, an examination of the proposals impact upon the character, appearance and openness of the Green Belt is needed, together with consideration of the impact in the street scene, impact upon residential amenity and the highway.

GREEN BELT IMPLICATIONS

As explained above, there is a presumption against inappropriate development in the Green Belt. The construction of new buildings is inappropriate unless it is for specific purposes, which

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can include buildings for agriculture or forestry. This approach is echoed in Policy DC45, which states that new buildings will only be granted for specific purposes, which includes agriculture.

The applicant has always clearly indicated that this is not an agricultural enterprise, as such, although it has similar characteristics. Rather the applicant operates a rare breeds conservation project from the site, keeping a range of sheep, pigs and chickens. The applicant has indicated that the site turns a small profit but this is not its primary objective. In considering previous applications, the Council has judged that the absence of a healthy profit meant this could not be considered as a genuine agricultural activity that was likely to justify granting planning permission for a permanent home. For this reason, temporary permissions have previously been given, so that the longevity of the enterprise could be assessed.

On this basis therefore, Staff consider that the proposal is not for one of the exceptions specifically listed as appropriate within the Green Belt and that the proposal therefore results in inappropriate development in the Green Belt. Such development is therefore harmful in principle and should not be approved except in very special circumstances.

The building is set well back from the site frontage (over 25 metres) and well screened from Warwick Lane by existing boundary treatment. It is considered that the design is a reasonably small form of single storey accommodation on the site that does not result in material harm to the character and openness of the Green Belt. Consideration would however have to be given to the extent of residential curtilage associated with the mobile home as it could cause harm to openness and character if the whole of the application site attained lawful residential use. Staff therefore propose to control this through the use of appropriate conditions.

The removal of the previous caravan was also considered to result in some small improvement in the visual appearance of the land.

Policy DC47 of the LDF requires new agricultural buildings to be necessary for a bona fide agricultural enterprise and states that when determining such applications, the Council will apply the criteria set out in PPS7. Given the introduction of the NPPF, which removes PPS7, Staff consider that in this case greater weight should be given to the provisions of the NPPF.

In summary, Staff are of the opinion that the proposal is for development that, in principle, is inappropriate development within the Green Belt but that the development does not relate to material harm to the overall character and openness of the Green Belt due to its siting, relatively small scale and modest design. In order to justify the grant of planning permission it will be necessary to demonstrate that very special circumstances exist to outweigh the 'in principle' harm and this is discussed further below.

IMPACT ON AMENITY

Given the nature of the intended use, it is considered that no adverse impact to neighbours would be experienced. The location of the mobile home is isolated and is set at a considerable distance from any nearby residential properties. Access to the mobile home would be via the main site entrance and therefore, it is considered that the mobile home would not result in a significant loss of amenity to adjacent occupiers. Planning permission has been given for the conversion of neighbouring Epsticks to residential use but this was post-siting of the mobile home on the application site and this relationship was taken into consideration when conversion of Epsticks to residential was allowed. Existing circumstances will not materially change.

It is considered that any likely noise and disturbance that might be generated from the existing

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use of the site as a farm, would not be exceptional in such a rural location. The mobile home is considered not be materially detrimental to residential amenity.

HIGHWAY/PARKING

It is considered that the proposal would not give rise to any material parking or highway issues considering the provisions for off-street parking on site. No objection is raised in principle to this, the access is judged to be wide enough and overcomes the concerns raised in the previous permissions.

OTHER ISSUES

The case for very special circumstances to justify inappropriate development in the Green Belt relates to the specific enterprise on the site, namely the use for rare breed conservation and the history of the application site up to this point.

It is clear that the site is a small holding that has characteristics similar to an agricultural enterprise. The Council has previously accepted evidence provided that there is a need for workers to be readily available at most times and the workers are the applicants who live at the property. The applicants are personally involved in the running of the site and do not have a team of staff. It is considered as a matter of judgement, based on the length of time the applicants have operated a smallholding and from the letters of support submitted with the application, that there is a firm intention to develop the enterprise. It is considered that as the applicants have no other staff and as animals on site need to be tended for safety and security, that there is a functional need for accommodation on the site.

The applicants operate the smallholding and the principle activity is the breeding of sheep, which the applicants state they have done for some 20 years with rare breeds of animals and the conservation of native livestock, they also keep chickens and hens on the site for egg production. Mr. and Mrs. Salter first applied for planning permission in connection with this use over 10 years ago and have been operating this activity throughout that period, such that Staff are satisfied that the activity may not be for 'agriculture' per se but is for a genuine and longstanding conservation project.

As mentioned above, temporary planning permission has been granted on two occasions and the mobile home has stood on site for a number of years. It is not desirable to issue a string of temporary consents and staff consider it would now be reasonable, in view of the applicants long term commitment on the site, to consider issuing a permanent permission instead of further temporary consents.

The applicants stated that there has been some new developments since their previous temporary approval, the neighbour property 'Epsticks Farm' were granted a replacement of the redundant stables with a new 2 bedroom structure at subcommittee on 8th December 2011 under application number P1574.11. It was established earlier that this proposal is inappropriate development in the Green Belt as assessed against the defunct PPG2 and DC45. However, it was indicated that the circumstances were that the original barn conversion would no longer be a viable option due to the condition of that building and the benefit of the replacement of a dilapidated building sufficient reason to justify very special circumstances. Staff have taken this into account but do not consider that the circumstances of the adjacent site are directly relevant to this application.

The applicants have submitted a Financial Statement outlining details of their business from years 2010 to 2013 (inclusive) and concludes that the applicant is looking into a more viable

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option for fleece and researching the market before putting their plan into action.

The applicants in the 2010 permission submitted financial records relating to the operation of the site over the previous three years to 2010. This comprises annual payments made to the applicant under the Rural Payment Scheme and receipts for the limited sale of rare breed sheep fleeces. In total, this income amounts to a few hundred pounds. The applicants have always maintained that this is essentially a conservation project and, whilst they may turn a small income from the site, it is not a financially motivated enterprise and cannot therefore be demonstrated to be financially sound.

In allowing the 2006 appeal, albeit on a temporary basis, the Inspector recognised that the enterprise would not necessarily be financially viable and noted that the keeping of rare breed sheep is a conservation project supported by the Rare Breeds Survival Trust, which enables the land to be used for an agricultural purpose. The Inspector was satisfied that the applicants' intentions were sound and genuine. Staff take the view that circumstances have not materially changed since the 2006 appeal decision. Rather, that the length of time that has elapsed, further supports the Inspector's conclusions in this respect.

Staff are satisfied, given the particular circumstances of this agricultural enterprise (the length of time the applicant has kept sheep and chickens at the farm and the conservation objectives of the enterprise) that the lack of profit in this case does not indicate the lack of viability of the project. It is therefore considered that the proposal does not comply with the above mentioned policies in that the agricultural business is financially sound in its strictest terms but that given the specialist nature of the enterprise on this site, an exception to a financial soundness test could be justified in this case, based on the personal circumstances of the applicants.

Supporting statements have been submitted with the application including a letter from MPs, councillors, relating mostly to the previous permission. The current application provides a new letter of support from the Rare Breeds Survival Trust stating that; Mr & Mrs Salter have kept rare breed sheep on Stonebridge Farm and have extended their husbandry by keeping rare breed chickens and that they do so well within the specifications laid down by DEFRA for animal development and should be encouraged to continue the conservation.

In conclusion, having regard to all of the factors set out above, Staff consider that very special circumstances have been demonstrated to outweigh the in principle harm of the development. Added to the lack of material harm to the character and openness of the Green Belt and the length of Mr. and Mrs. Salter's occupation of the site it is judged that this is sufficient to justify the granting of a permanent planning permission for retention of the mobile home and associated defined residential curtilage. It is considered however that such a permission shall be permanent to the applicant and her husband only in view of the particular circumstances of the application.

KEY ISSUES/CONCLUSIONS

The main issues in this case are the principle of the development and its impact upon the character, appearance and openness of the Green Belt at this point. The proposed retention of the mobile home is considered to be inappropriate but justified development subject to a personal condition unique to the applicants and Staff consider, in line with Policy DC45 and the NPPF, that the proposal is not prejudicial to the openness of the Green Belt.

It is considered that the proposed dwelling meets a number of the tests set out in within the policy regarding the provision of permanent accommodation in the Green Belt connected with

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agricultural use. The proposal does not however demonstrate that the agricultural enterprise on the site would be in profit and financially sound.

The special circumstances relate to the long term use of the land by the applicant for rare animal breed farming and the conservation, rather than profit-making, objectives of the enterprise. Staff consider that the applicant has demonstrated a genuine agricultural intent, notwithstanding the lack of significant income from the conservation project, and staff invites members to judge whether such development demonstrates exceptional circumstances that would justify a permanent consent personal to the applicant.

Staff further consider that the circumstances put forward by the applicant would amount to the very special circumstances needed to justify an exception to Green Belt policy and that the proposal would be in line with Policy DC45 of the LDF Core Strategy and Development Control Policies Development Plan Document and the NPPF. It is therefore recommended that planning permission is granted.

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

The residential mobile home hereby approved shall be occupied solely by Mrs. Jennifer Salter and/or Mr. Kenneth Salter, in connection with their occupation of the wider site known as Stonebridge Farm.

Reason:

The development is not considered acceptable on a permanent basis in the interests of amenity and to maintain the character of the Metropolitan Green Belt.

2. Non Standard Condition 31

When the land ceases to be occupied by those named in condition 1 above the residential mobile home and all structures, materials and equipment brought on to or erected on the land, or works undertaken to it in connection with the development, shall be removed and the land shall be restored to its condition before the development took place.

Reason:-

In the light of the very special circumstances identified which are individual and personal to the applicants 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 DC45 & DC61.

3. SC14 (Sight lines)

Clear and unobstructed visibility sight lines shall be provided in the position and for the distance shown on the submitted drawings. The sightlines shall thereafter be kept permanently unobstructed thereafter to the satisfaction of the Local Planning Authority.

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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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APPLICATION NO:	P0256.14	
WARD :	Hacton	Date Received: 7th March 2014 Expiry Date: 2nd May 2014
ADDRESS:	57 Suttons Lane Hornchurch	
PROPOSAL:	Change of Use from A1 (Retail) to a Mini Cab Office (Sui-Generis)	
DRAWING NO(S):	Existing site plan Proposed site plan Site location plan Planning statement Parking plan scale 1:100	
RECOMMENDATION :	It is recommended that planning permission be GRANTED subject to the condition(s) given at the end of the report given at the end of the report.	

CALL-IN

Councillor Ray Morgon has called in the application on the grounds of parking, and the potential noise it has on the residential area.

SITE DESCRIPTION

The application site concerns the ground floor of a 2 storey end of terrace corner plot property which lies adjacent to a junction between the east of Suttons Lane and to the north of Winifred Avenue which joins on to Randall Drive to the east. The application site is on a parade of 6 shops with residential flats above.

DESCRIPTION OF PROPOSAL

The proposal is sought for the Change of Use from A1 (Retail) to a Mini Cab Office (sui-Generis), the applicant stated that it would open 24 hours 7 days a week for telephone bookings, and a system is to be installed to be operated via the internet, such system would not require the drivers to stay at the premises. It is proposed to open to the public from 7am until 11pm each day.

The application site has a yard to the rear of the property which adjoins on to Winifred Avenue where there is dedicated parking space for the premises.

There would be 2 full-time staff and 3 part-time staff working at these premises.

RELEVANT HISTORY

P0030.98 - Change of use from off licence to take away hot food within Class A3 to supplement existing use at 51 Sutton Lane
Refuse 27-02-1998

CONSULTATIONS/REPRESENTATIONS

61 neighbouring properties were consulted with regards to the proposal.

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42 neighbouring objections have been received, in summary of the main points;

- Retail unit is lost and therefore would result to be out-of-character to the parade.
- The Winifred Avenue, Suttons Lane and Randall Drive roads is already congested with traffic and parking alongside the nearby school
- Opening hours are unsocial
- Noise and pollution from cabs
- Hazard for pedestrians
- Radios would be going off and cab drivers talking to one another
- People would congregate outside the premises and potentially being under the influence of alcohol and shouting
- Litter
- Potential road accidents
- There other cab firms nearby
- Petrol and fume emissions

Officer's response;

Each of the objections have been read and assessed carefully, the bottom four points raised are not directly material to a planning consideration and would be handled under other means, however other matters above are addressed elsewhere in this report.

Highways - The application form suggests that 3 parking spaces will be retained and there will be 3.5 FTE staff. Given the proximity to the station this is acceptable in staffing terms. However, operators do need to visit mini cab offices from time to time and we feel that there should be a dedicated visitor space.

The paperwork mentions the yard being used and so we would like to see a plan on how this is to be laid out - A further parking plan to show this has since been submitted

RELEVANT POLICIES

Policies DC16, DC33, DC61 of the LDF Core Strategy and Development Control Policies DPD are considered relevant.

STAFF COMMENTS

The issues for discussion concerning this application relate to the impact the proposals have upon the street scene, amenity of neighbouring occupiers and parking.

Principle of development

The application site is not located within any designated Local Centre and the tests that would apply in such areas in relation to non-retail uses do not therefore apply. The critical factors to be

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assessed in considering the acceptability of the proposed use in this location therefore centre on the potential impacts which might arise and the effect that these may have. Policy DC61 is therefore the most relevant policy.

DESIGN/IMPACT ON STREET/GARDEN SCENE

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.

The proposal would not involve any external changes to the existing building and would therefore have a limited impact on the character and appearance of the street scene and the surrounding area.

Any other alterations to shop front or advertisement to the premises would be subject to separate application/s.

IMPACT ON AMENITY

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.

The applicants state that the use would be in operation for 24 hours daily, although only physically open to the public from 7am until 11pm each day. The application site is on a parade of 6 shops which consists of the following with the opening hours as indicated;

No.

47 Costcutter (A1) - Opening times Monday-Sat 7am - 10pm Sundays 8am - 10pm

49 Let's Party(A1) - Opening times Monday-Fri 10am - 5.30pm Saturdays 9.30am - 5.30pm
Closed Sundays

51 Angeli's Fish & Chips (A5)- Opening times Monday-Sat 11.30am - 11.00pm Closed
Sundays

53 Hong Kong Take-away (A5) - Unknown

55 Dunes Hair & Beauty Salon (A1) - Opening times Monday-Sat 8.30am - 5.00pm Closed
Sundays

57(application site) Angel Mobility (A1) - Opening times Monday-Sat 9am - 4pm Closed
Sundays

As mentioned above the proposal is for the mini cab office to only open to the public from 7am until 11pm each day. With Cost Cutters opening at 7am and the chip shop closing at 11pm, it is considered the use of the premises as a mini cab office is unlikely to generate significant levels of pedestrian traffic above or beyond the existing activity levels. Furthermore, callers to the premises are likely to be fairly infrequent as much of the business is conducted off site and there is another mini cab firm located close to Hornchurch Station to the north. Indeed, in locations such as this, mini cabs are usually booked via telephone rather than people walking into the unit. Whilst there would be a reception area within the unit where occasional customers could wait, the incidence of this is considered unlikely to give rise to significant levels of pedestrian comings and goings beyond that which other uses in the parade currently give rise to.

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The applicant states that there would be not be taxi cabs travelling to and from site. However, staff consider it to be inevitable there would be some cabs going to and from the premises. On this basis it is acknowledged that there would be some rise in activity on the site, which may affect the residential properties within close proximity to the subject unit including those above. Nevertheless, the closest properties in Winifred Avenue are almost 50m from the junction with Suttons Lane and any resulting rise in activity is considered not to be to a degree which would justify refusal of the application subject to the operational times and opening to the public being conditioned.

The applicant states that the existing rear yard area would be used to accommodate staff and visiting cars (such as the cab drivers if required). Historically and at present, it has been used for car parking and can accommodate up to 10 vehicles, but it is proposed that only 4 spaces would be required. This yard area adjoins the next door commercial premises of the hair salon and would not materially affect the nearest neighbour No.2 Winifred Avenue as it is separated by a private access 4.3 metres wide.

As such, it is considered that cars being parked in this rear area would not materially increase the impact to neighbouring amenity compared to the existing arrangements.

In all, it is considered the proposed use is unlikely to give rise to significant amenity concerns in this corner junction location and is acceptable as the nature of the proposed operation would not require the taxi cabs to actually attend the premises as they would be already driving or parking in other locations with their communication through radios. The proposal is therefore considered to be in accordance with the aims and objectives of Policy DC61 of the LDF.

HIGHWAY/PARKING

It will not be necessary for cars to be parked adjacent to residential properties or on the road, thereby limiting any impact upon the highway. The applicant's have confirmed cab servicing would be carried out elsewhere, thereby causing no additional traffic and local congestion.

The applicant states that there would not be any car parking to the forecourt of the premises and instead the rear yard accessed from Winifred Avenue would be used if needed. As mentioned above, such yard is hardsurfaced and is currently used for car parking. The area can accommodate up to 10 vehicles and it is the applicant's intention that the front forecourt parking would not be used anymore.

Having regard to these considerations, highways did not raise objections subject to a plan showing the parking of vehicles at the rear yard. This has been submitted showing 4 dedicated car parking spaces.

Accordingly, the proposal is not considered likely to give rise to any unreasonable levels of highway congestion or traffic problems and would therefore be compliant with Policy DC33 of the LDF.

KEY ISSUES/CONCLUSIONS

In conclusion, there is a judgement for Members to make in relation to the potential for the use to give rise to material harm to residential amenity. Whilst it is open for members to come to a different conclusion, staff are satisfied that in view of the operating practices proposed, the nature of opening hours of other units within the parade and the particular characteristics of the site, that the proposals would not have an unacceptable impact upon the amenities of neighbouring occupiers or the highway. The proposals therefore accord with Policies DC16,

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DC33 and DC61 of the LDF Core Strategy Development Control Policies DPD and it is recommended that conditional planning permission be granted.

RECOMMENDATION

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

1. SC4 (Time limit) 3yrs

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

Reason:-

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. SC22 (Hours of operation) ENTER DETAILS

The premises shall not be open to the public for the purposes hereby permitted other than between the hours of 07:00 and 23:00 any day without the prior consent in writing of the Local Planning Authority.

Reason:-

To minimise the impact of the development on the surrounding area in the interests of amenity, and that the development accords with the Development Control Policies Development Plan Document Policy DC61.

3. SC19 (Restricted use) ENTER DETAILS

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 the use hereby permitted on the ground floor level shall be for Sui-Generis Mini cab office only and shall be used for no other purpose(s) whatsoever including any other use in Sui-Generis 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.

4. SC06 (Parking provision)

Before the use hereby permitted is first occupied, the area set aside for car parking shall be laid out in accordance with parking plan scale 1:100 hereby submitted and shall be surfaced to the satisfaction of the Local Planning Authority and retained permanently thereafter for the accommodation of vehicles visiting the site and shall not be used for any other purpose.

Reason:-

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5. SC32 (Accordance with plans)

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

Reason:-

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

INFORMATIVES

1 Approval - No negotiation required

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

**REGULATORY
SERVICES
COMMITTEE**

REPORT

08 May 2014

Subject Heading:

P0778.12 – Garage court to the rear of 411- 419 South End Road, Romford

Outline permission for the demolition of 15 garages and erection of 5 no. houses.

Report Author and contact details:

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

Policy context:

Local Development Framework
The London Plan
National Planning Policy Framework

Financial summary:

None

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

Clean, safe and green borough	<input checked="" type="checkbox"/>
Excellence in education and learning	<input type="checkbox"/>
Opportunities for all through economic, social and cultural activity	<input 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 application relates to a Council owned garage court. The application proposes the demolition of 15 garages and the erection of 5 x No. two storey dwellings. The application is submitted in outline form with all matters such as

access, appearance, layout and scale to be submitted at a later stage as a reserved matter submission. Staff consider the outline proposal to be acceptable.

The application is recommended for approval subject to conditions and the applicant entering into a Section 106 Legal Agreement.

RECOMMENDATIONS

The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The exact amount liable for would be calculated at reserved matters stage.

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

- A financial contribution of £30,000 to be used towards infrastructure costs.
- 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 set out below:

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

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

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

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

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

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

4. Parking Standards: Before the building(s) hereby permitted is first occupied, provision shall be made for 10 No. off-street car parking spaces for use by each plot (as shown on plan 9330-100 Revision C approved by the Council) and thereafter this provision shall be made permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

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

5. Materials: Unless full details are provided in relation to submission of details of appearance, 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.

6. Landscaping: All planting, seeding or turfing comprised within the landscaping scheme submitted and approved at reserved matters stage shall be carried out in the first planting season following completion of the development and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

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

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

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

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

Reason: In the interests of privacy.

9. Cycle storage: Prior to completion of the works hereby permitted, cycle storage of a type and in a location previously submitted to and agreed in writing by the Local Planning Authority 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.

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

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

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

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

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

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

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

13. Secured by Design: Prior to the commencement of the development hereby approved a full and detailed application for the Secured by Design award scheme shall be submitted to the Local Planning Authority, setting out how the principles and practices of the Secured by Design Scheme are to be incorporated. Once approved in writing by the Local Planning Authority in consultation with the Metropolitan Police Designing Out Crime Officers (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.

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

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

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

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

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

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

17. Risk and Contamination Assessment, Part 1: (1) Prior to the commencement of any works pursuant to this permission the developer shall submit for the written approval of the Local Planning Authority (the Phase I Report having already been submitted to the Local Planning Authority);

a) A Phase II (Site Investigation) Report if the Phase I Report confirms the possibility of a significant risk to any sensitive receptors. This is an intrusive site investigation including factors such as chemical testing, quantitative risk assessment and a description of the 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 (Remediation Scheme) Report if the Phase II Report confirms the presence of a significant pollutant linkage requiring remediation. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to all receptors must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works, site management procedures and procedure for dealing with previously unidentified any contamination. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

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

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

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

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

19. Permitted Development rights: Permitted Development rights: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 ("the 1995 Order) (as amended) 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.

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

Reason: Important archaeological remains may exist on this site. Accordingly, the Planning Authority wishes to secure the provision of archaeological investigation and the subsequent recording of the remains prior to development, in accordance with the guidance in the NPPF, and in order that the development accords with Development Control Policies Development Plan Document Policy DC70.

21. Noise Insulation: The buildings shall be so constructed as to provide sound insulation of 45 DnT, w + Ctr dB (minimum value) against airborne noise to the satisfaction of the Local Planning Authority.

Reason: To prevent noise nuisance to adjoining properties

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. 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. 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.
4. The applicant is advised that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted, considered and agreed. Any proposals which involve building over the public highway as managed by the London Borough of Havering, will require a licence and the applicant must contact StreetCare, Traffic and Engineering on 01708 433750 to commence the Submission / Licence Approval process.
 5. The developer, their representatives and contractors are advised that planning permission does not discharge the requirements under the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works) required during the construction of the development.
 6. The applicant is advised that if construction materials are proposed to be kept on the highway during construction works then they will need to apply for a license from the Council.
 7. With regards to surface water drainage it is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.
 8. In aiming to satisfy condition 13 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).
 9. The development of this site is likely to damage archaeological remains. The applicant should, therefore, submit detailed proposals in the form of an

archaeological project design. This design should be in accordance with the appropriate English Heritage Guidelines.

REPORT DETAIL

Background

This application was previously considered by Members on 25 October 2012, where it was resolved to grant planning permission, subject to the prior completion of a legal agreement to secure the payment of an infrastructure contribution under the terms of the Planning Obligations SPD. A contribution of £30,000 was requested based on a total of 5 proposed units at a cost of £6,000 per unit.

Staff have since been informed that the red line around the original submission was wrongly indicated. Further changes to the development plan include the addition of small sheds and provision of refuse storage in the garden areas. A small change has also been made to the parking layout proposed to the front of the properties.

The original report presented to Members with amendments to reflect the above is reproduced below.

1. Site Description

- 1.1 The application site, which is owned by the London Borough of Havering, is located at the northern end of Elm Park, adjacent to properties in Coronation Drive and South end Road. It has an irregular shape, sandwiched between existing residential development and a large electricity substation. The site area totals 1540m².
- 1.2 The site contains two rows of single storey lock-up garages and tarmac surface, with the brick walled substation situated to the west. Two doors from the south walls of the substation open onto the park. It is assumed access to these must be maintained.
- 1.3. There is a shared pedestrian and vehicle access road from South End Road along the north edge of the site, which provides vehicle access to the substation through the site, also to be maintained. The north and east edges of the site are defined by fences and back gardens.
- 1.4 The park to the south is flat, with a grass surface and is not separated from the site by any physical boundary line.
- 1.5. There are existing trees in the rear gardens of adjacent properties as well as several small trees on the site itself.

2. Description of Proposal

- 2.1 The application seeks outline permission for the demolition of 15 garages and the erection of 5 x No. two-storey dwellings with associated parking and amenity. The application is submitted in outline form with all matters such as access, appearance, layout and scale to be submitted at a later stage as a reserved matter submission.
- 2.2 Illustrative drawings indicate that the dwellings would form a terrace and would individually measure 5m in width and 9m in depth, to give 80m² of gross internal area.
- 2.3 The dwelling would have a northwest-southeast orientation with garden spaces towards the rear (southwest), measuring approximately 60m² individually
- 2.4 The proposal would retain the existing access to the site measuring approximately 4.5m in width with a 1.8m wide pavement in front of houses and standard turning head at west end near the sub-station. This also allows access to be maintained to the sub-station. There are 10 No. new car parking spaces provided between the access road and housing, to achieve 2 No. per new house.

3. Relevant History

- 3.1 There is no relevant recorded history

4. Consultation/Representations

- 4.1 Notification letters were sent to 48 neighbouring properties and no letters of objection were received.
- 4.2 The Council's Environmental Health Service requested the part 2A condition to be added as the Desktop Study indicated that there are potential pollutant linkages present on the site. Environmental Health Service also requested a noise insulation and construction and delivery hours condition.
- 4.3 The Highway Authority has no objection to the proposals.
- 4.4 The Borough Crime Prevention Design Advisor did not raise an objection to the proposal but does require a Secured by Design condition.
- 4.5 English Heritage requested a condition securing the implementation of a programme of archaeological works as there may be significant archaeology remains on site.

5. Relevant Policies

- 5.1 Policies CP1 (housing supply), CP2 (sustainable communities), CP9 (reducing the need to travel), CP10 (sustainable transport), CP17 (design), DC2 (housing mix and density), DC3 (housing design and layout), DC32 (the road network), DC33 (car parking), DC34 (walking), DC35 (cycling), DC36 (servicing), DC40 (waste recycling), DC50 (sustainable design and construction), DC55 (noise), DC61 (urban design), DC63 (crime) and DC72 (planning obligations) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Documents and the Residential Extensions and Alterations Supplementary Planning Document (SPD), Planning Obligations SPD and the Residential Design SPD are also relevant.
- 5.2 Policies 3.3 (Increasing Housing Supply), 3.4 (Optimising Housing Potential), 3.5 (Quality and Design of Housing Developments), 3.8 (Housing Choice), 6.9 (Cycling), 6.10 (Walking), 6.13 (Parking), 7.1 (Building London's Neighbourhoods and Communities), 7.2 (Inclusive Design), 7.3 (Designing out Crime), 7.4 (Local Character), 7.5 (Public Realm) and 8.3 (Community Infrastructure Levy) 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

This proposal is put before the Committee owing to the application site comprising land owned by the Council. The only issues to be considered in this case is the principle of development, all other matters are reserved.

6.2 Principle of Development

- 6.2.1 Policy CP1 indicates that outside town centres and the Green Belt, priority will be made on all non-specifically designated land for housing. The proposal is for redevelopment of a site within an existing residential area. The proposal is therefore acceptable in principle and in accordance with Policy CP1 and policy 3.3 of the London Plan which seeks to increase London's housing supply.
- 6.2.2 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 proposal indicates an internal floor space of 80sq.m per dwelling. This would be slightly in excess of the recommended guidance for a 2-bed-4person dwelling.

6.3 Impact on Local Character and Street Scene

- 6.3.1 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.

6.3.2 This outline application gives an indication of where the dwellings would be situated on site in relation to the streetscene and neighbouring dwellings. Staff consider that a satisfactory relationship and design can be achieved which would fit into the existing streetscene, subject to details in the reserved matters application.

6.4 *Impact on Amenity*

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

6.4.2 Given the size of the plots, Staff consider there to be sufficient space to position the dwellings in such a way that they would not have an unacceptable impact in terms of neighbouring amenity. The proposal can therefore achieve a satisfactory relationship to neighbouring properties in terms of impact on amenity, subject to details in the reserved matters application.

6.5 *Highways / Parking Issues*

6.5.1 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 in Romford. There is sufficient space to the front of the proposed dwellings to provide the required amount of parking spaces, subject to details in the reserved matters application.

6.5.2 Staff consider the refuse and cycle storage arrangements within the garden areas to be acceptable however conditions would be added to the application in order to ensure that further details are submitted in order to ensure that these arrangements are in keeping with policy guidelines.

6.6 *The Mayor's Community Infrastructure Levy*

6.6.1 The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The exact amount liable for would be calculated at reserved matters stage.

6.7. Planning Obligations

6.7.1 In accordance with the Planning Obligations Supplementary Planning Document a financial contribution of £6,000 per dwelling to be used towards infrastructure costs arising from the new development. This should be secured through a S106 Agreement for the amount of £30,000.

7. Conclusion

7.1 In conclusion, residential development on the site is considered to be acceptable in principle. There would be no harmful impact on neighbouring amenity and the proposal is considered to be acceptable in terms of its impact on the character and appearance of the street scene and surrounding environment. It is recommended that outline planning approval be granted, subject to the completion of the relevant legal agreement.

IMPLICATIONS AND RISKS

Financial Implications and risks:

Financial contributions are required through a legal agreement.

Legal Implications and risks:

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

Human Resource Implications:

None

Equalities and Social Inclusion Implications:

None

BACKGROUND PAPERS

1. Application forms and plans received 20/007/12 and revision on 25/02/14.

**REGULATORY
SERVICES
COMMITTEE**

REPORT

8 May 2014

Subject Heading:

P1053.13 - Land off Harlow Gardens, Romford - The erection of 3 no. 2 bed chalet bungalows and 2 no. 2 bed bungalows (received 21/08/13; amended plans received 03/12/13 and 06/03/14)

Report Author and contact details:

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

Policy context:

Local Development Framework
The London Plan
National Planning Policy Framework

Financial summary:

None

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

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

SUMMARY

This application relates to Council owned undeveloped land. The application proposes the erection of 3 no. 2 bed chalet bungalows and 2 no. 2 bed bungalows. Staff consider the proposal to be acceptable.

The application is recommended for approval subject to conditions and the applicant entering into a Section 106 Agreement.

RECOMMENDATIONS

That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable fee is based on an internal gross floor area of 78.9m² per bungalow and 96.8m² per chalet bungalow and amounts to £8,964.

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

- A financial contribution of £30,000 to be paid prior to commencement of development and to be used towards infrastructure costs.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- To pay the Council's reasonable legal costs in association with the preparation of a legal agreement irrespective of whether the legal agreement is completed.
- Payment of the appropriate planning obligation/s monitoring fee prior to completion of the agreement.

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

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

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

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

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

3. Parking standards: Before the building(s) hereby permitted is first occupied, provision shall be made for 10 no. off-street car parking spaces within the site and thereafter this provision shall be made permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

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

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

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

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

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

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

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

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

7. Obscure glazed windows: Notwithstanding the details shown on the approved plans, the proposed front and rear facing loft windows serving en-suite bathrooms and cupboards as well as the ground floor flank windows to plot 3 and plot 5 serving a lounge and kitchen shall be permanently glazed with obscure glass and with the exception of top hung fanlights shall remain permanently fixed shut and thereafter be maintained to the satisfaction of the Local Planning Authority, in order that the development accords with Policy DC61 of the LDF.

Reason: In the interest of privacy.

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

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

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

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

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

- a) parking of vehicles of site personnel and visitors;
- b) storage of plant and materials;

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

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

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

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

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

12. Secured by Design/Crime Prevention: Prior to the commencement of the development hereby approved a full and detailed application for the Secured by Design award scheme shall be submitted to the Local Planning Authority, setting out how the principles and practices of the Secured by Design Scheme are to be incorporated. Once approved in writing by the Local Planning Authority in consultation with the Metropolitan Police Designing Out Crime Officers (DOCOs), the development shall be carried out in accordance with the agreed details.

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

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

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

14. Permitted Development rights: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (“the 1995 Order) (as amended) no extensions, roof extensions, roof alterations or outbuildings shall take place unless permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

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

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

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

16. Lighting: Before the building (s) hereby permitted is first occupied, a scheme for lighting within the development, to include the lighting along the access road, shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall be provided and operated in strict accordance with the approved scheme.

Reason: In the interest of residential amenity.

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

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

18. Prior to the commencement of the development hereby approved details of existing ground levels and proposed ground and finished floor levels shall

be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved plans unless otherwise submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of neighbouring amenity and to accord with Policy DC61 of the Core Strategy and Development Control Policies Development Plan Document.

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

Reason: To protect the trees on the site

INFORMATIVES

1. Fee Informative:

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

2. Planning Obligations

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

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

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

the applicant must contact StreetCare, Traffic and Engineering on 01708 433750 to commence the Submission / Licence Approval process.

4. The developer, their representatives and contractors are advised that planning permission does not discharge the requirements under the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works) required during the construction of the development.
5. The applicant is advised that if construction materials are proposed to be kept on the highway during construction works then they will need to apply for a license from the Council.
6. With regards to surface water drainage it is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.
7. In aiming to satisfy condition 12 the applicant should seek the advice of the Police Designing Out Crime Officers (DOCOs). The services of the Police DOCOs are available free of charge and can be contacted via docomailbox.ne@met.police.uk or 0208 217 3813. It is the policy of the local planning authority to consult with the DOCOs in the discharging of community safety condition(s).
8. Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.

Mayoral CIL

The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable fee is based on an internal gross floor area of 448.2m² which, at £20 per m², equates to a Mayoral CIL payment of £8,964 (subject to indexation).

REPORT DETAIL

1. Site Description

- 1.1 The application site is an empty piece of land which is located to rear of the properties along Harlow Gardens, Romford. The site is surrounded by residential dwellings. The ground has a severe slope down from northeast to southwest. The site has an overall area of approximately 2496m².
- 1.2 Development in the vicinity is characterised by 2-storey and 3-storey residential dwellings with various different external finishing.

2. Description of Proposal

- 2.1 The application seeks permission for the erection of 3 no. 2 bed chalet bungalows and 2 no. 2 bed bungalows with associated parking and amenity. The proposed bungalows would be arranged on site as 2 no. detached bungalows situated along the narrowest part of the site and a terrace of 3 chalet bungalows situated in the wider part (south-eastern corner) of the site.
- 2.2 The detached bungalows would measure 8.45m in width and between 8.35m and 10.6m in depth. The terrace of 3 chalet bungalows would measure 21.4m in width and 9.15m in depth. The bungalows would be finished with hipped styled roofs measuring 2.3m in height to eaves and 5.1m to the ridge. The terrace of 3 chalet bungalows would be finished with a chalet style dual pitched roof measuring 2.4m in height to eaves and 6.55m to the ridge. The proposed chalet bungalows would also feature 2 no. front dormers and a rear dormer measuring 1.6m in width, 2.7m in depth and 2.2m in height to the top of the dual pitched roofs.
- 2.3 The proposed bungalows would consist of a bathroom, kitchen / dining room, living room and two bedrooms. The proposed chalet bungalows would consist of a bathroom, kitchen / dining room, lounge and a bedroom at ground floor and a cupboard, en-suite bathroom and bedroom in the loft space.
- 2.4 The development proposes a new 4.8m wide access road off Harlow garden. Parking provision for 10 vehicles would be provided, 2 spaces to the rear of plots 1 and 2 respectively and two spaces to the front of each of the chalet bungalows.
- 2.6 The dwellings would have a northwest-southeast orientation with garden spaces towards the rear (northwest) for plot 2 and southeast for plots 1, 3, 4 and 5, measuring approximately 102m² for plot 1, 139 m² for plot 2, 98m² for plot 3 and 71m² for plot 4 and 79m² for plot 5.

3. History

- 3.1 No recent, relevant planning history.

4. Consultation/Representations

4.1 Notification letters were sent to 44 neighbouring properties and 7 letters of objections were received raising the following concerns:

- Concerns over narrowness of access road and the ability of fire and emergency vehicles to access the site
- Proposal will add to the existing parking problem in Harlow Gardens
- Overlooking
- Lack of green space in the area
- Decrease in property value
- Streetlights would impact on residential amenity
- Removal of an oak tree unacceptable
- Increase in noise and disturbance
- Removal of trees would result in increased water runoff

4.2 The Highway Authority has raised no objection to the proposal.

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

4.4 The London Fire and Emergency Planning Authority are satisfied with the proposal.

4.5 London Fire Brigade has recommended the installation of 1 private fire hydrant which has been indicated on a plan received 16/09/2013.

5. Relevant Policies

5.1 Policies CP1 (Housing Supply), CP17 (Design), DC3 (Housing Design and Layout), DC33 (Car parking), DC35 (Cycling), DC55 (Noise), DC61 (Urban Design), DC63 (Crime) and DC72 (Planning Obligations of the Local Development Framework Core Strategy and Development Control Policies Development Plan Documents and the Residential Extensions and Alterations Supplementary Planning Document (SPD), Planning Obligations SPD and the Residential Design SPD are also relevant.

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

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

6. Staff comments

- 6.1 This proposal is put before the Committee owing to the application site comprising land owned by the Council. The main issues to be considered by Members in this case are the principle of development, the site layout and amenity space, design/street scene issues, amenity implications, loss of trees and parking and highways issues.
- 6.2 *Principle of Development*
- 6.2.1 Policy CP1 indicates that outside town centres and the Green Belt, priority will be made on all non-specifically designated land for housing. The proposal is for redevelopment of a derelict site within an existing residential area. The proposal is therefore acceptable in principle and in accordance with Policy CP1 and Policy 3.3 of the London Plan which seeks to increase London's housing supply.
- 6.3 *Site Layout / Amenity Space*
- 6.3.1 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 70m² for a 2-bed 4-person flat and 83m² for a 2-bed 4-person two storey dwelling. The minimum space requirements for flats has been used in order to evaluate the proposed bungalows as they do not fall in the 2 or 3-storey category. The proposed dwellings have individual internal floor space of 78.9m² and 96.8m² respectively which is in line with the recommended guidance and considered acceptable.
- 6.3.2 The Council's Residential Design SPD in respect of amenity space recommends that every home should have access to suitable private and/or communal amenity space in the form of private gardens, communal gardens, courtyards, patios, balconies or roof terraces. In designing high quality amenity space, consideration should be given to privacy, outlook, sunlight, trees and planting, materials (including paving), lighting and boundary treatment. All dwellings should have access to amenity space that is not overlooked from the public realm and this space should provide adequate space for day to day uses.
- 6.3.3 Amenity space would mainly be provided with garden spaces towards the rear, measuring approximately 102m² for plot 1, 139 m² for plot 2, 98m² for plot 3 and 71m² for plot 4 and 79m² for plot 5. The site currently has screen fencing around its boundaries however, fencing can be required by means of a planning condition to those boundaries that do not have appropriate fencing.
- 6.3.4 Amenity provision in the locality is generally arranged towards the rear of dwellings. Staff consider the amenity space to be sufficient and would not detract from the surrounding area. Staff are of the opinion that the garden

areas would be large enough to be practical for day to day use and with the provision of fencing, would be in most cases be screened from general public views and access, providing private and usable garden areas. Staff are mindful that there would be some overlooking to the rear gardens of plot no.'s 1 and 2 from the 3 storey building at No. 5 to 10, 11 and 12 Harlow Gardens, however this will be a buyer beware scenario where future buyers would be aware of the potential impact on their amenity. As a result, it is considered that the proposed amenity areas of the new dwellings are acceptable in this instance.

6.3.5 The residential density range for this site is 30 - 50 units per hectare. The proposal would result in a density of approximately 20 units per hectare. Although the density range is below the recommended range it is considered acceptable given the nature and siting of the development.

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

6.4 *Impact on Local Character and Street Scene*

6.4.1 Policy DC61 seeks to ensure that new developments are satisfactorily located and are of a high standard of design and layout. Furthermore, the appearance of new developments should be compatible with the character of the surrounding area, and should not prejudice the environment of the occupiers and adjacent properties. Policy DC61 states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area.

6.4.2 The proposal would not form part of the Harlow Gardens street scene. The development is proposed towards the rear of garden areas of the surrounding properties and would therefore only be visible within the rear garden environment.

6.4.3 Development in the vicinity is characterised by 2-storey and 3-storey residential dwellings with various different external finishing.

6.4.4 In terms of its design and visual appearance, Staff are of the opinion that the development of the proposed detached and terraced dwellings in this location would have an acceptable appearance with no harmful impact to the character and appearance of the surrounding area. In light of sufficient separation distances between the proposed dwelling and neighbouring properties, Staff are of the opinion that the proposal would not appear as a cramped form of development and overall would have an acceptable design and appearance, compliant with the aims and objectives of Policy DC61 of the Local Development Framework.

6.5 *Impact on Amenity*

- 6.5.1 Policy DC61 considers that new developments should not materially reduce the degree of privacy enjoyed by the occupants of adjoining properties or have an unreasonably adverse effect on sunlight and daylight to adjoining properties.
- 6.5.2 Consideration should be given to the potential impact as a result of the severe level change dropping down from the northeast to the southwest of the site. The level changes would have an impact on the properties situated along Highfield Close and consideration has been given to limit any southeast facing flank windows to mitigate the potential for overlooking. Although there will be a living room flank window to the southwestern elevation of the bungalow proposed to plot 1, Staff do not consider this to result in a harmful impact given the separation distance of 8m to the southwestern boundary and 32m to the nearest residential dwelling to the southwest.
- 6.5.3 Consideration has also been given to the potential impact on outlook to these dwellings along Highfield Close. Given the severe slope of the subject site the proposed bungalows would appear higher than bungalows when viewed from the rear gardens of these neighbouring properties. Staff acknowledge that there would be some impact in terms of outlook, however do not consider it to be to such an extent as to warrant a refusal. Any impact would be mitigated by the separation distances in excess of 30m between the existing and proposed dwellings and the distance of 8m from the rear boundaries of the existing properties along Highfield Close to the nearest proposed dwelling.
- 6.5.4 In reference to the terrace of bungalows, neighbouring dwellings to the south and southeast are separated from the proposed dwellings by approximately 28m and 32m respectively at the nearest points. Neighbouring dwellings to north and northeast are separated from the proposed dwellings by approximately 14m and 19m respectively at the nearest points.
- 6.5.5 The property most affected by the proposed terraced block would be No. 3 Harlow Gardens with a front to side separation distance of 19m. Although there would be some impact in terms of overlooking the rear garden of this neighbouring occupier, Staff consider the distance to be sufficient to mitigate any loss of privacy. This is however a matter of judgement and members may attach different weight to loss of amenity as a result of overlooking. Staff are mindful that the severe down slope from northeast to southwest could result in overlooking from the southwestern flank windows. As these windows are secondary windows to a kitchen and lounge, an obscure glazing condition will be imposed in order to mitigate any potential for overlooking. Staff do not consider the proposed terrace block to have an unacceptable impact on neighbouring amenity.

- 6.5.6 The proposed detached bungalows are situated towards the middle of the subject site at the narrowest part. Neighbouring dwellings to the southwest and north east are separated from the proposed dwellings by approximately 31m and 11m respectively at the nearest points. Staff do not consider these neighbouring properties to be negatively affected by the proposed detached bungalows given the northwest southeast orientation and no flank windows proposed at first floor. Also given the severe down slope from northeast to southwest, any overlooking to the northeast at ground floor would be mitigated by high fencing.
- 6.5.7 Overall, Staff do not consider unacceptable levels of overshadowing or overlooking to occur as a result of the proposed bungalows.
- 6.5.8 In terms of vehicular activity and the proposed parking arrangement, Staff are of the opinion that 5 x 2-bed bungalows would not give rise to an unacceptable level of vehicular activity.
- 6.5.9 In terms of general noise and disturbance, it is not considered that the addition of 5 no. dwellings would give rise to any undue levels of noise and disturbance to the surrounding neighbouring properties within what is a predominantly residential area.
- 6.5.10 It should however be noted that although Staff consider the proposal to be acceptable in its current form, given the size of the proposed bungalow development in relation to the resultant limited plot space, any additions, extensions or alterations to the dwelling may result in harm to the character of the surrounding area and neighbouring amenity. In light of this, Staff are of the opinion that all Permitted Development Rights for the proposed development should be removed in order to safeguard the appearance of the rear garden environment and amenities of neighbouring occupiers.
- 6.5.11 It is therefore considered that the layout, siting and design of the proposed development would be acceptable with no material harmful impact on the amenities of neighbouring properties. The development is therefore considered to comply with the aims and objectives of Policies CP17 and DC61 of the LDF Development Control Policies DPD in respect of its impact on neighbouring amenity.

6.6 *Highways / Parking Issues*

- 6.6.1 Policy DC33 in respect of car parking refers to the density matrix in Policy DC2. The site has a PTAL rating of 1-2 and therefore requires 2 - 1.5 parking spaces per unit for a development of this type. The development would provide a total of 10 x No. parking spaces. In terms of the number of spaces proposed, the provision of off-street parking spaces would comply with the requirements of Policy DC33 and no issues are raised in this respect.

6.6.2 The London Fire and Emergency Planning Authority has raised no objection and is satisfied that a pump appliance can access the site. The request for a new fire hydrant is not a planning consideration and has been forwarded to the applicant for their information.

6.6.3 A condition would be added to provide storage for 2 no. cycle spaces per dwelling in order to comply with the Council's standards.

6.6.4 In light of the above, the proposal is considered to satisfy the requirements of Policy DC2 and DC33 and would not result in any highway or parking issues.

6.7 *The Mayor's Community Infrastructure Levy*

6.7.1 The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable fee is based on an internal gross floor area of 448.2m² which equates to a Mayoral CIL payment of £8,964.

6.8. *Planning Obligations*

6.8.1 In accordance with the Planning Obligations Supplementary Planning Document a financial contribution of £30,000 to be used towards infrastructure costs arising from the new development is required. This should be secured through a S106 Agreement

6.9 Trees

6.9.1 The applicant only proposes the removal of one tree situated near the northwestern corner of the site. Staff consider the removal of this tree acceptable as it is not protected by a Tree Protection Order (TPO). The existing dense tree cover on the southwestern boundary and the large tree to the front of plot 5 would be retained. A tree protection condition would be requested in order to safeguard the existing trees during the construction phase.

6.10 *Other Issues*

6.9.1 With regards to refuse collection, Staff consider the access arrangements to be sufficient to allow a refuse vehicle to enter the site, turn around and exit again in forward gear. A refuse condition will be added to ensure that refuse collection and storage arrangements are submitted to the Council for approval prior to the occupation of the development.

6.9.2 Neighbouring objections relating to the lack of green space and loss of property values are not a material consideration.

7. Conclusion

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

IMPLICATIONS AND RISKS

Financial Implications and risks:

This report concerns only material planning issues. Any land transaction between the applicant and the Council is dealt with independently.

Legal Implications and risks:

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

Human Resource Implications:

None

Equalities and Social Inclusion Implications:

The proposed dwellings would be constructed to meet the Lifetime Homes Standard which means that they would be easily adaptable in the future to meet the changing needs of occupiers.

BACKGROUND PAPERS

1. Application forms and plans received 21/08/13; amended plans received 03/12/13 and again on 06/03/14.

**REGULATORY
SERVICES
COMMITTEE**

REPORT

8 May 2014

Subject Heading:

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

Report Author and contact details:

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

Policy context:

Local Development Framework
The London Plan
National Planning Policy Framework

Financial summary:

None

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

- | | |
|--|--------------------------|
| Clean, safe and green borough | [x] |
| 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 | [x] |
| High customer satisfaction and a stable council tax | <input type="checkbox"/> |

SUMMARY

The application proposes the erection of 9 no. flats which would consist of 1 no. 1-bed flat and 8 no. 2-bed flats. The committee resolved to approve the application

at its meeting on 9 January 2014 and 30 January 2014 however the applicant has made various amendments to the scheme which requires a further Committee approval. A summary of the changes proposed and assessment are covered in the following report.

The application is recommended for approval subject to conditions and the applicant entering into a Section 106 Agreement.

RECOMMENDATIONS

- That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable fee is based on an internal gross floor area of 755m² and amounts to £15,100.

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

- A financial contribution of £30,000 to be used towards infrastructure costs associated with the development and to be paid prior to commencement of the development in accordance with the Planning Obligations SPD.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- To pay the Council's reasonable legal costs in association with the preparation of a legal agreement irrespective of whether the legal agreement is completed.
- Payment of the appropriate planning obligation/s monitoring fee prior to completion of the agreement.

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

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

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

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

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

3. Parking standards: Before the building(s) hereby permitted is first occupied, provision shall be made for 14 no. off-street car parking spaces within the site of which 1 would be a disabled space and 4 visitor spaces, thereafter this provision shall be made permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

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

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

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

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

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

6. Standard flank wall condition: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, no window or other opening (other than those shown on the submitted and

approved plans,) shall be formed in the flank wall(s) of the building(s) hereby permitted, unless specific permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

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

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

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

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

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

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

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

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

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

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

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

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

- 11. Secured by Design/Crime Prevention: Prior to the commencement of the development hereby approved a full and detailed application for the Secured by Design award scheme shall be submitted to the Local Planning Authority, setting out how the principles and practices of the Secured by Design Scheme are to be incorporated. Once approved in writing by the Local Planning Authority in consultation with the Metropolitan Police Designing Out Crime Officers (DOCOs), the development shall be carried out in accordance with the agreed details.

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

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

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

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

Reason: To prevent noise nuisance to adjoining properties.

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

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

15. Lighting: Before the building (s) hereby permitted is first occupied, a scheme for lighting within the development shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall be provided prior to the first occupation of the development and operated in strict accordance with the approved scheme.

Reason: In the interest of residential amenity.

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

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

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

Reason: In the interest of privacy.

INFORMATIVES

1. Fee Informative:

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

2. Planning Obligations

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

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

3. The applicant is advised that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted, considered and agreed. Any proposals which involve building over the public highway as managed by the London Borough of Havering, will require a licence and the applicant must contact StreetCare, Traffic and Engineering on 01708 433750 to commence the Submission / Licence Approval process.
4. The developer, their representatives and contractors are advised that planning permission does not discharge the requirements under the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works) required during the construction of the development.
5. The applicant is advised that if construction materials are proposed to be kept on the highway during construction works then they will need to apply for a license from the Council.
6. With regards to surface water drainage it is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.

7. In aiming to satisfy condition 11 the applicant should seek the advice of the Police Designing Out Crime Officers (DOCOs). The services of the Police DOCOs are available free of charge and can be contacted via docomailbox.ne@met.police.uk or 0208 217 3813. It is the policy of the local planning authority to consult with the DOCOs in the discharging of community safety condition(s).
8. Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.

Mayoral CIL

The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable fee is based on an internal gross floor area of 755m² which, at £20 per m², equates to a Mayoral CIL payment of £15,100 (subject to indexation).

REPORT DETAIL

Background

This application was previously considered by Members on 30 January 2014, where it was resolved to grant planning permission, subject to the prior completion of a legal agreement to secure the payment of an infrastructure contribution under the terms of the Planning Obligations SPD.

The current application seeks the following changes to the previous approved scheme.

- Relocation of refuse and cycle storage
- Revised parking layout to the front of the proposed building
- Revised staggered orientation of the proposed building with the eastern part set back approximately 1.3m
- Rear garden subdivided in order to provide amenity space to the ground floor units
- Minor changes to the rear fenestration.
- Changes to the design and number of rear dormers proposed.

The proposed changes are assessed below.

1. **Site Description**

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

2. Description of Proposal

- 2.1 The application seeks permission for the erection of 9 no. flats with associated parking and amenity. The proposed dwellings would consist of 1 no. 1-bed flat and 8 no. 2-bed flats. The proposed building would be located to the western part of the site, approximately 0.8m to the boundary at its closest point
- 2.2 The proposed building consists of two sections measuring approximately 12m in depth and 12.3m in width. The sections would be staggered with the one furthest to the west set approximately 1.3m forward. The two sections would measure 5.2m in height to eaves and 9.1m to the top of the hipped ended roofs.
- 2.3 The development proposes 6 no. front dormers and 4 no. rear dormers. The front dormers would measure 1.8m in width, 2.9m in depth and 2.5m in height to the top of the hipped roofs. The rear dormers would measure 3.4m and 4.45m in width respectively, 3.3m in depth and 2m in height to the top of the flat roofs.
- 2.4 The proposed flats would consist of a kitchen/living room, bathroom and 1 or 2 bedrooms.
- 2.5 There would be a bin storage area on the eastern side of the proposed building.
- 2.6 Parking provision for 14 vehicles, 1 for each dwelling, 1 disabled bay and 4 visitor spaces would be provided on a hardstanding to the front of the proposed western block and along the eastern boundary.
- 2.7 Amenity space would be provided to the rear of the building for flats 1, 2, 3 and 4 and would measure 21m², 25m², 35m² and 48m² respectively.

3. History

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

4. Consultation/Representations

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

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

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

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

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

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

5. Relevant Policies

- 5.1 Policies CP1 (Housing Supply), CP17 (Design), DC3 (Housing Design and Layout), DC33 (Car parking), DC35 (Cycling), DC55 (Noise), DC61 (Urban Design), DC63 (Crime) and DC72 (Planning Obligations of the Local Development Framework Core Strategy and Development Control Policies Development Plan Documents and the Residential Extensions and Alterations Supplementary Planning Document (SPD), Planning Obligations SPD and the Residential Design SPD are also relevant.

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

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

6. Staff comments

- 6.1 The main issues to be considered by Members in this case are the principle of development, the site layout and amenity space, design/street scene issues, amenity implications, and parking and highways issues.
- 6.2 *Principle of Development*
- 6.2.1 Policy CP1 indicates that outside town centres and the Green Belt, priority will be made on all non-specifically designated land for housing. The proposal is for redevelopment of a derelict site within an existing residential area. The proposal is therefore acceptable in principle and in accordance with Policy CP1 and Policy 3.3 of the London Plan which seeks to increase London's housing supply.
- 6.3 *Site Layout / Amenity Space*
- 6.3.1 Policy 3.8 of the London Plan states that DPD policies should offer a range of housing choices, in terms of the mix of housing sizes and types, taking account of the housing requirements of different groups. Policy 3.5 states that Local Development Frameworks should incorporate minimum space standards. The Mayor has set these at 50m² for a 1-bed 2-person flat and 61m² for a 2-bed 3-person. The proposed flats are in line with the recommended guidance and considered acceptable.
- 6.3.2 The Council's Residential Design SPD in respect of amenity space recommends that every home should have access to suitable private and/or communal amenity space in the form of private gardens, communal gardens, courtyards, patios, balconies or roof terraces. In designing high quality amenity space, consideration should be given to privacy, outlook, sunlight, trees and planting, materials (including paving), lighting and boundary treatment. All dwellings should have access to amenity space that is not overlooked from the public realm and this space should provide adequate space for day to day uses.
- 6.3.3 The proposed development would provide amenity space to the rear of the building for flats 1, 2, 3 and 4 and would measure 21m², 25m², 35m² and 48m² respectively. The amenity space provision is also supplemented by balconies to the southern elevation at first floor level. Staff are of the opinion that the communal garden areas would be large enough to be practical for day to day use and with the provision of fencing, would be screened from general public views and access, providing a usable garden area albeit that they would be overlooked by the balconies serving the first floor units. As a result, it is considered that the proposed amenity areas would comply with the requirements of the Residential Design SPD and is acceptable in this instance.
- 6.3.4 The residential density range for this site is 30 - 50 units per hectare (PTAL 1-2). The proposal would result in a density of approximately 109 units per hectare. Although the density range is above the recommended range it is considered acceptable given the flatted nature and siting of the development, which inherently brings about higher densities.

6.3.5 In terms of the general site layout, the application site itself is separated from neighbouring buildings with the nearest residential dwelling approximately 11m towards the west. It is considered that the proposed blocks would have sufficient spacing between the site boundaries and neighbouring buildings to not appear cramped or overdeveloped. The proposal would have a sufficient set-back from the edge of Haydock Close. The general layout and relationship with surrounding properties are therefore considered acceptable.

6.4 *Impact on Local Character and Street Scene*

6.4.1 Policy DC61 of the LDF Development Plan Document seeks to ensure that new developments are satisfactorily located and are of a high standard of design and layout. Furthermore, the appearance of new developments should be compatible with the character of the surrounding area, and should not prejudice the environment of the occupiers and adjacent properties. Policy DC61 of the DPD states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area.

6.4.2 The proposal would be at the end of a cul-de-sac and would therefore only be visible when the end of the close is approached. The building would be set back from the edge of Haydock Close by approximately 6m at its closest point. The buildings would also be set behind the building line of dwellings towards the west and have the same eaves and ridge height. Staff are of the opinion that due to the layout and positioning of the proposed building on the site, it would not appear as a prominent feature in the street scene.

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

6.4.4 The reduction in amount and increase in width to the remaining rear dormers proposed is considered acceptable in the rear garden environment as they are sufficiently contained within the rear roof slope and well set in from the sides, set back from the rear building line and set below the ridge.

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

6.5 *Impact on Amenity*

6.5.1 Policy DC61 considers that new developments should not materially reduce the degree of privacy enjoyed by the occupants of adjoining properties or

have an unreasonably adverse effect on sunlight and daylight to adjoining properties.

- 6.5.2 The proposed development is only bordered by residential properties to the west with the nearest residential property situated at approximately 11m away. Two windows, one at ground floor and one at first floor serving bathrooms are proposed to the western flank of the development. A condition would be imposed to have these windows obscure glazed and fixed shut with the exception of the top hung fanlight. Balconies are also proposed to the rear of the proposed development. Given the orientation of the proposed building further back into the site and the rear building line of the development lining up with that of the rear boundary of the western neighbour it is not considered that the balconies would result in an unacceptable impact in terms of overlooking.
- 6.5.3 With regards to the proposal's proximity to the social club and the club's potential impact on future occupiers, it was noted upon site inspection that this building is single storey in height and has low-level windows. With appropriate screen fencing and vegetation, it is not considered that any overlooking would occur. Although there may be some noise impact, Staff are of the opinion that there is a "buyers beware" situation in this instance and any future occupiers would be aware of the current site circumstances.
- 6.5.4 In terms of vehicular activity and the proposed parking arrangement, Staff are of the opinion that 9 No. flats would not give rise to an unacceptable level of vehicular activity.
- 6.5.5 In terms of general noise and disturbance, it is not considered that the addition of 9 flats would give rise to any undue levels of noise and disturbance to the surrounding neighbouring properties.
- 6.5.7 It is therefore considered that the layout, siting and design of the proposed development would be acceptable with no material harmful impact on the amenities of neighbouring properties. The development is therefore considered to comply with the aims and objectives of Policies CP17 and DC61 of the LDF Development Control Policies DPD in respect of its impact on neighbouring amenity.

6.6 *Highways / Parking Issues*

- 6.6.1 Policy DC33 in respect of car parking refers to the density matrix in Policy DC2. The site has a PTAL rating of 1-2 and therefore requires 2 - 1.5 parking spaces per unit for a development of this type. The development would provide a total of 14 No. parking spaces. In terms of the number of spaces proposed, the provision of off-street parking spaces would comply with the requirements of Policy DC33 and no issues are raised in this respect. The Highways Authority has not raised an objection to the proposed development.

6.6.3 A condition would be added to provide storage for 2 no. cycle spaces per flat in order to comply with the Council's standards. The relocation of the proposed cycle storage to the south-eastern corner is considered acceptable.

6.6.4 In light of the above, the proposal is considered to satisfy the requirements of Policy DC2 and DC33 and would not result in any highway or parking issues.

6.7 *The Mayor's Community Infrastructure Levy*

6.7.1 The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable fee is based on an internal gross floor area of 755m² which equates to a Mayoral CIL payment of £15,100.

6.8. *Planning Obligations*

6.8.1 In accordance with the Planning Obligations Supplementary Planning Document a financial contribution of £30,000 to be used towards infrastructure costs arising from the new development is required. This should be secured through a S106 Agreement

6.9 *Other Issues*

6.9.1 With regards to refuse collection, the proposed relocation of the bin storage area would be acceptable as the access arrangements meet the 5m width requirement for a refuse vehicle to access the site in order for refuse collection to take place. Staff consider the refuse arrangements to be acceptable.

6.9.2 As part of the approval in 2011 a wildlife / protected species report was submitted. The report concluded that no evidence of protected species have been found on the site itself, although the site forms part of a much larger "wildlife corridor". At the time of the site visit it became apparent that most of the dense vegetation has already been cleared.

6.10 *Trees*

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

6.11 *Flood Risk*

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

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

7. Conclusion

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

7.2 Overall, Staff consider the development to comply with Policy DC61 and the provisions of the LDF Development Plan Document. Approval is recommended accordingly.

IMPLICATIONS AND RISKS

Financial Implications and risks:

Financial contributions are required through a legal agreement.

Legal Implications and risks:

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

Human Resource Implications:

None

Equalities and Social Inclusion Implications:

None

BACKGROUND PAPERS

1. Application forms and plans received 25/11/13, revisions received on 19/11/13, 19/12/13 and again on 21/03/14.

**REGULATORY
SERVICES
COMMITTEE**

REPORT

8 May 2014

Subject Heading:

P1644.11: Ongar Way and Rainham Road, South Hornchurch

Demolition of existing garages and construction of 12 no. dwellings (application received 12 December 2011; revised plans received 8 April 2014)

Report Author and contact details:

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

Policy context:

Local Development Framework

Financial summary:

None

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

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

SUMMARY

The application site comprises land in the ownership of the Council. The application is for the redevelopment of this site to create 12 units, comprising a mix

of one, two, three and four bedroom houses and bungalows. The proposal is considered acceptable in all material respects, including design and layout, impact on neighbouring amenity, environmental impact and parking and highway issues. The site will be developed by the Council and all units are proposed to be offered as affordable housing. The proposal is judged to be acceptable in all material respects and it is recommended that planning permission is granted.

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 £19,976. This is based on the creation of 998.8² of new gross internal floor space.

That planning permission be granted subject to the conditions set out below:

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

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

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

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

3. Affordable Housing: - The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the NPPF or any future guidance that replaces it. The scheme shall include:
 - i. the numbers, type, tenure and location on the site of the affordable housing provision to be made;
 - ii. the timing of the construction of the affordable housing;
 - iii. the arrangements for management of the affordable housing;

- iv. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- v. the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason: To ensure that the proposal makes acceptable provision for affordable housing in line with Policy DC6 of the LDF.

- 4. Planning Obligations - The development hereby approved shall not commence until payment towards infrastructure costs has been made to the Local Planning Authority in accordance with the requirements of Policy DC72 of the LDF and the Planning Obligations Supplementary Planning Document.

Reason: In order that the development makes the required contribution to the infrastructure costs arising from the proposed development and to accord with the Planning Obligations SPD.

- 5. 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.

- 6. 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 in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61.

- 7. 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 LDF Development Control Policies Development Plan Document Policy DC61.

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

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

9. Cycle storage - Prior to completion of the works hereby permitted, cycle storage of a type and in a location previously submitted to and agreed in writing by the Local Planning Authority 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.

10. Boundary treatment –Prior to the commencement of the development hereby approved, details of all proposed walls, fences and boundary treatment shall be submitted to, and approved in writing by, the Local Planning Authority. The boundary development shall then be carried out in accordance with the approved details 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.

11. Secure by Design - 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 might 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.

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

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

13. Biodiversity –The development shall be carried out in accordance with the recommendations set out in Section 3, paragraphs 2.1 to 2.6 of the Biodiversity Survey received on 12 December 2011.

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

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

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

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

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

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

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

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

17. Land contamination - Prior to the commencement of any works pursuant to this permission the developer shall submit for the written approval of the Local Planning Authority (the Phase I Report having already been submitted to the Local Planning Authority):
- a) A Phase II (Site Investigation) Report if the Phase I Report confirms the possibility of a significant risk to any sensitive receptors. This is an intrusive site investigation including factors such as chemical testing, quantitative risk assessment and a description of the site ground conditions. An updated Site Conceptual Model should be included showing all the potential pollutant linkages and an assessment of risk to identified receptors.
 - b) A Phase III (Risk Management Strategy) Report if the Phase II Report confirms the presence of a significant pollutant linkage requiring remediation. The report will comprise two parts:

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

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

- c) If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals, then revised contamination proposals shall be submitted to the LPA; and
- d) If during development work, site contaminants are found in areas previously expected to be clean, then their remediation shall be carried out in line with the agreed contamination proposals.

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

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

- 18. Sustainability - No development shall be commenced until the developer has provided a copy of the Interim Code Certificate confirming that the development design achieves a minimum Code for Sustainable Homes 'Level 3' rating. The development shall thereafter be carried out in full accordance with the agreed Sustainability Statement. Before the proposed development is occupied the Final Code Certificate of Compliance shall be provided to the Local Planning Authority in order to ensure that the required minimum rating has been achieved.

Reason: In the interests of energy efficiency and sustainability in accordance with Policy DC49 of the LDF Development Control Policies Development Plan Document.

- 19. Renewable energy - The development hereby approved shall not commence until a detailed strategy for the installation of a renewable energy system within the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be developed in

accordance with advice set out in the LBH Sustainable Construction SPD. The scheme shall be installed in strict accordance with the agreed details and operational to the satisfaction of the Local Planning Authority prior to the residential occupation of any part of the development. Thereafter, it shall be permanently retained.

Reason: In the interests of energy efficiency and sustainability in accordance with Policy DC50 of the LDF Development Control Policies Development Plan Document.

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

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

21. Site Waste Management – The development shall not be carried out until a Site Waste Management Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

22. 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 order revoking and re-enacting that order with or without modification), no development shall take place under Classes A, B, C or E (other than outbuildings with a volume no greater than 10 cubic metres) unless permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

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

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

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

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

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

25. Levels: Prior to the commencement of the development hereby approved details of existing ground levels and proposed ground and finished floor levels shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved plans unless otherwise submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of neighbouring amenity and to accord with Policy DC61 of the Core Strategy and Development Control Policies Development Plan Document.

26. Lifetime Homes: The dwellings hereby approved shall all be constructed to Lifetime Homes standards.

Reason: To ensure that the development meets the needs of households through changing circumstances and to accord with Policy DC7 of the Core Strategy and Development Control Policies Development Plan Document.

Informatives:

1. In aiming to satisfy condition 11 above, the applicant should seek the advice of the Borough Crime Prevention Design Advisor. The services of the 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 conditions.
2. The Highway Authority requires the Planning Authority to advise the applicant that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted, considered and agreed. The Highway Authority requests that these comments are passed to the applicant. Any proposals which involve building over the public highway as managed by the London Borough of Havering, will require a licence and the applicant must contact StreetCare, Traffic & Engineering on 01708 433750 to commence the Submission/ Licence Approval process.
3. Should this application be granted planning permission, the developer, their representatives and contractors are advised that this does not discharge the

requirements under the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works) required during the construction of the development.

4. With regards to surface water drainage it is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.
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. The Fire Brigade (water) has advised that one additional fire hydrant will be required within the development.
7. 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.
8. 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 £19,976. 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 is located to the south side of Ongar Way. The site also has boundaries on to Rainham Road, to the west and to the south of the site. Newtons Corner roundabout lies to the immediate west of the application site.
- 1.2 The site presently comprises a number of garage blocks, a number of which are no longer in use. There are three separate access points to the site, all of which lead from Ongar Way. The site is generally level and is backed onto on its north and south side by the rear garden of dwellings in Ongar Way and Rainham Road respectively. There are also two existing flatted blocks, which share a boundary on to the application site. The western end of the site includes a small area of grass verge. This part of the site abuts, but does not include, an area of open space, which is a designated village green. To the east the site shares a boundary with a parade of shops with residential over, which front on to Writtle Walk.
- 1.3 The surrounding area is predominantly residential in character, drawn from a mix of two storey housing and low-rise flats.

2. Description of Proposal

- 2.1 The application is for the demolition of the existing garage blocks and redevelopment of the site to provide 12 no. residential dwellings. The three existing points of vehicular access into the site will be retained (these are referred to within the application as the west, central and east access roads). The development of this site will effectively form three cul-de-sacs, each served by one of the vehicular accesses.
- 2.2 At the western end of the site, the access road will be altered to provide on street parking spaces, leading into a cul-de-sac of 7 units, comprising 4 no. 4 bed houses, 1 no. 2 bed bungalow and 2 no. 1 bed bungalows. The dwellings are a mix of terraced, semi-detached and detached properties. The majority of the properties proposed in this part of the site will back on to the existing village green, with boundary treatment formed by a proposed brick wall with landscaping.
- 2.3 The existing access to the central part of the site will also be modified to provide additional on street parking. Three bungalows will be built in this part of the site, backing on to the boundary with Rainham Road properties and facing in a northerly direction.
- 2.4 At the eastern end of the site, the existing access will be modified to enable the creation of on-street parking. There will be no direct vehicular access from this part of the site to any of the proposed new dwellings. A pair of semi-detached houses will be constructed at the eastern end of the site but these will be facing on to Rainham Road and will be accessed directly from Rainham Road. To the east of these proposed dwellings it is also proposed to create a surface parking area of 6 spaces, which are intended to be made available for Writtle Walk residents.

- 2.5 Overall the proposal provides a total of 24 new parking spaces for the proposed dwellings, which is a ratio of two spaces per unit. In addition 42 surface car parking spaces will be created, as well as the retention of an existing block of 6 garages at the eastern end of the site.
- 2.6 The application proposes a range of detached and semi-detached dwellings and one short terrace of three houses. There is a mix of bungalows and two storey housing across the site, including some with roof accommodation (units B, C & D). All of the proposed dwellings are of a simple, traditional design. External materials are not specified at this stage but are indicated to be primarily brick, with some render, and tiled roofs.

3. Relevant History

- 3.1 P0510.08 The redevelopment of site occupied by 52 single storey garages to provide 13 houses and 15 apartments – withdrawn.

4. Consultations/Representations

- 4.1 The application has been advertised on site and in the local press as a major development. Neighbour notification letters have also been sent to local residents. In respect of the revised proposals comments have been received from two local residents on the following grounds:

- proposals go against the spirit of village green discussions with the Council, especially the proposed brick wall and additional bungalow unit (A1)
- Unit A1 affects light and views of residents of 59-75 Ongar Way
- proposals harm open aspect of the village green
- will make existing parking situation worse, especially during construction
- noise, pollution and disruption

- 4.2 Environmental Health raise no objection to the proposals subject to conditions relating to contaminated land, noise and construction.

- 4.3 Highways raise no objection to the proposals but note that detailed discussions to determine the extent of stopping up or adoption requirements and to establish areas remaining a public highway will be required.

- 4.4 The Environment Agency advises that the site is in Flood Zone 1 and flood risk standing advice will apply.

- 4.5 The Fire Brigade advise that a new fire hydrant will be required. No objection was originally raised in terms of access but comments have not yet been received on the revised layout.

- 4.6 Thames Water advise there are public sewers crossing or close to the development and approval will be required for works within 3m of a public sewer. The applicant is responsible for making proper provision for surface water drainage.

- 4.7 The Borough Designing Out Crime Officer has confirmed that pre-application discussions have been held with the applicant's agent and crime prevention measures have been considered in the design of the proposed development and how it reflects the seven attributes of Safer Places as required by Policy DC63. Community safety related conditions are requested in the event that planning permission is granted.

5. Relevant Policy

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

In addition, the Planning Obligations Supplementary Planning Document (SPD), Residential Design SPD, Designing Safer Places SPD, Protecting and Enhancing the Borough's Biodiversity SPD, Protection of Trees During Development SPD and Sustainable Design and Construction SPD are material considerations.

6. Staff Comments

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

6.2 Principle of Development

- 6.2.1 The application site is presently used primarily for parking and garaging and constitutes previously developed land. Therefore its redevelopment for residential purposes is considered to be acceptable in principle and to accord with Policy CP1 of the Local Development Framework (LDF), the provisions of the London Plan and the National Planning Policy Framework (NPPF).

6.3 Density and Site Layout

- 6.3.1 With regard to Development Control Policy DC2, this site is outside the PTAL zone identified on the proposals map and therefore is classified as 'rest of the borough' where a density range of 30-50 units per hectare applies. The application site has an area of 0.45 hectares and proposes 12 new dwellings. This equates to a development density of 26.6 units per hectare and is below the range specified in Policy DC2. The low density of the development is created largely by the provision of a significant amount of surface parking within the development to compensate for that lost through demolition of the existing garages.
- 6.3.2 The development proposes a development of one, two, three and four bedroom family housing. This complies in principle with the aims of Policy DC2 in respect of dwelling mix and Policy 3.8 of the London Plan relating to housing choice. Six of the proposed units within the development have internal areas that meet the internal space standards set out in Policy 3.5 of the London Plan. The houses fronting Rainham Road (plots J and K) have an internal floorspace of 92.5 square metres, compared to the London Plan minimum requirement of 96 square metres. It is noted that Policy 3.5 does not have a standard for bungalows. To assess the proposals for the bungalows Staff have used the standard for flats and, on this basis, three of the bungalows would fall below the requirement of 70 square metres (being around 61 to 63 square metres each). Members will wish to consider whether this internal shortfall is materially harmful to the living conditions of future occupiers of the development to the extent that justifies refusal.
- 6.3.3 There is judgement to be applied as to whether the number of units within the development falling below the London Plan requirements is acceptable. In considering this issue Staff have looked at the development in the round and, as the scheme is not of high density or unreasonably cramped in terms of layout and amenity provision and as the dwellings themselves have an acceptably useable and functional internal layout, it is considered on balance that the size of the units would not, of themselves, give rise to a fundamentally poor standard living environment. Staff therefore consider the proposal to be acceptable in this respect.
- 6.3.4 In respect of site layout, the development will utilise the existing site entrances from Ongar Way. There is no objection to this in principle, although some stopping up of the public highway will be required. Consent to undertake this work will need to be secured outside of the planning

process. The layout of the site is constrained by the irregular shape of the site, its relationship to surrounding residential properties and the high proportion of surface car parking provided, which is to compensate for the loss of existing garage spaces. The proposals respond to these constraints by effectively forming a series of three cul-de-sacs, enabling each dwelling to have access to its own dedicated parking spaces, provision of private amenity space and a secure and defensible living environment. The existing site has numerous garages, many of which were unused and vandalised. This proposal represents an opportunity to remove the garages, which were a source of anti-social behaviour and replace them with a safer, better laid out site that provides much needed housing and improved parking facilities for local residents. Although these factors affect how the site can be laid out, it is considered that the low density development of the site enables a reasonably spacious arrangement of the dwellings, all of which have access to private amenity space, which in terms of size, layout and usability meet the guidance in the Residential Design SPD. It is however recommended that permitted development rights are removed by condition in view of plot sizes and the relationship between dwellings. Care will also need to be taken with the detailed design of boundary treatment to ensure that the right balance is struck between the need for privacy/security and the visual character and amenity of the development as a whole. A condition in respect of boundary treatments is therefore also recommended.

- 6.3.5 Staff have given consideration to the quality of the resultant living environment, particularly the bungalows, as these are generally on smaller plots than other units within the development. It is acknowledged that, for the most part these are positioned tight to the southern boundary of the site but they are designed so that there are no habitable windows facing direct to the boundary and units are considered to have an acceptable outlook. There is scope to provide defensible space in front of windows through appropriate landscaping and to provide privacy and security through appropriate boundary treatments. On balance the living arrangements are considered acceptable.
- 6.3.5 A number of the units within the development are situated behind the houses fronting Rainham Road and Ongar Way, thus limiting their presence in the streetscene. The houses proposed at the western end of the site will however be visible from the wider streetscene, as they back on to the existing village green. Staff do not consider this to be unacceptable in principle as they will be seen in the context of the building line of neighbouring development, particularly the three storey flats to the north. Also, the dwellings are not hard up against the boundary of the site with the village green, so physically will appear less overbearing. Whilst a new brick boundary wall is proposed, given that there are currently brick built garages backing on to the green, it is not considered this would be detrimental to the overall character or degree of openness the green presently displays. The development also includes a pair of houses to the Rainham Road frontage, at the eastern end of the site. These follow the building line of neighbouring development and are acceptable in principle.

- 6.3.6 The Borough Designing Out Crime Officer has been consulted at pre-planning stage and it is considered that reasonable measures have been undertaken to make the development as safe as possible. It is nonetheless recommended that conditions relating to Secured by Design and other community safety measures be imposed if permission is granted.
- 6.3.7 The development is stated to be designed to Lifetime Homes standard, although it is considered this should be secured by condition and includes units designed to be adaptable to wheelchair housing standards. Accordingly the scheme is in accordance in principle with Policy DC7 of the LDF and the requirements of Policy 3.8 of the London Plan.

6.4 Design and Visual Impact

- 6.4.1 Architecturally, the proposed dwellings have a traditional appearance, constructed predominantly of brick with a tiled pitched roof. There is no predominant character to development in the locality, although built form, materials etc. tend to be of traditional appearance, such that the proposed development is considered to be appropriate to the locality. Specification of the proposed external materials should be secured by condition.
- 6.4.2 In terms of scale and massing, the dwellings within the central part of the site are designed as bungalows, with no accommodation in the roof. This form of development is necessitated by the close relationship to the rear gardens of neighbouring dwellings and is considered to be appropriate to the site. There will only be limited views of the bungalows in the wider streetscene, from Ongar Way, and the impact of this element of the development on local character is considered to be acceptable.
- 6.4.3 At the western end of the site, as mentioned previously, the development includes dwellings which back on to the existing village green. These are arranged as a pair of units, comprising a two storey house and attached bungalow (Units A1 & A2) and a separate terrace of three dwellings (Units B,C & D). Unit A2 is a two storey dwelling with a pitched roof, whilst Unit A1 is a bungalow, with a steeply sloped roof, giving the appearance of an annexe to the larger unit. Viewed in the context of the three storey flats to the north and the two storey housing to the south-east of the site, the design, scale and mass of these units is considered to be acceptable and not to intrude into the openness of the village green or the wider streetscene.
- 6.4.4 The houses on Plots B-D are two storey with gable ended roofs and rear facing dormers. In terms of scale and mass they are compatible with surrounding development. Staff have given careful consideration to the roof form of these dwellings, which exhibit a flat crown roof section. Such a roof form is not always judged acceptable as it often relates poorly to the character of the building and surrounding development and Members may, in this case, consider the resultant visual impact to be grounds for refusal. Looking at the particular site circumstances however, it is clear that this part of the site is difficult to develop, given that the front and rear elevations of

any building will be extremely exposed in the streetscene and must also maintain an acceptable relationship with the village green and surrounding development. The dwellings could be built with a fully ridged roof but this would increase their overall height, which could be judged more detrimental to local character than the crown roof proposed. Staff also note that there are varying roof forms locally, with both pitched and flat roofs commonly used. In particular the development will be seen in the context of ridge roofed dwellings in Rainham Road and the three storey, flat roofed flats to the north of the site. Therefore, taking into account the particular site characteristics Staff consider, on balance, that this element of the proposals is acceptable.

- 6.4.5 The proposed dwellings at this end of the site are in an exposed location and the rear elevations will be more prominent in the wider streetscene than the front elevations. This is not always desirable in terms of promoting a strong streetscene that contributes to the character of an area. However, in this case it is considered preferable for the houses to be inward facing, in particular for reasons relating to designing out crime, natural surveillance of the cul-de-sac and parking and for creating defensible amenity areas, and also to relate better to the village green. The orientation of the dwellings is therefore considered to be the best arrangement for this particular site. Design features, such as a projecting first floor gable to plot A2 and modest sized dormers to plots B & C have been incorporated to soften the visual impact and break up the massing of the rear elevations and overall Staff consider the visual impact in the streetscene to be acceptable.
- 6.4.6 The development also proposes a pair of semi-detached houses, at the eastern end of the site, which will front on to Rainham Road. These are set adjacent to an existing terrace of two storey houses, fronting on to Rainham Road. In terms of scale, massing, siting and design, these houses are acceptable and in keeping with the existing character of the streetscene. An adjacent surface parking area of 6 spaces, to be allocated for use by Writtle Walk residents is also judged to be visually acceptable as frontage parking is common in the locality.
- 6.4.7 On balance therefore, having regard to the site constraints and the character of the locality, it is considered that the character, design and appearance of the proposed development is acceptable..

6.5 Impact on Amenity

- 6.5.1 The proposed dwelling on Plot A1 is located to the south of an existing three storey flatted block at 59-75 Ongar Way. This block has existing habitable rooms windows, which face towards the application site. The unit on plot A1 is designed as a bungalow. It has an eaves height of 2.2m and rises to a maximum height of 5m, sloping away from the neighbouring flats. The separation distance from the neighbouring block to the flank is a minimum of 6m. Although there will be some impact on the neighbouring block given the orientation of the new dwelling to the south, given the separation distance and the height of the bungalow it is not considered that this would result in

significant loss of light or amenity to justify refusal. The dwelling on Plot A2 is two storeys but the separation distance from the flats is greater at around 13 minimum, which is considered sufficient to prevent material harm to neighbouring amenity.

- 6.5.2 Dwellings on plots B & C are not considered to materially impact on neighbouring residential amenity, owing to their separation distance from the nearest existing dwellings. Both properties have rear dormers but these are of limited size and positioned well away from the boundary with the nearest residential property at no.260 Rainham Road, such that no material loss of privacy and amenity is judged to occur. Plot D shares a boundary with no.290 Rainham Road. The back to back distance between the relative properties is in the region of 14m minimum, although there is not a direct back to back relationship as Plot D lies to the north-west of no.290 Rainham Road, such that any angles of overlooking would be oblique. Furthermore, this property has rooflights but no rear dormer to prevent direct overlooking. Given this angled relationship and the overall separation distances, Staff consider the development would not be materially harmful to the amenity of the occupier of no.290 Rainham Road. The application indicates that a brick wall would be constructed in place of the existing garages that currently form part of the boundary with this plot. Details of boundary treatment will be secured by condition.
- 6.5.3 Plot E is located to the flank of the flats at 47-57 Ongar Way. There is no habitable room windows to the flank wall of the flats that would directly face towards the proposed bungalow on this plot. It is therefore considered that the relationship of the respective properties is acceptable.
- 6.5.4 Units on plots F-I are designed as bungalows with no accommodation within the roof space. The eaves of the buildings are relatively low, at around 2.2m high, rising to around 4.7m high to ridge (plot H slightly taller at around 4.9m). It is considered that this is sufficient to ensure an acceptable degree of amenity for adjoining occupiers in Rainham Road and Ongar Way is maintained. Arguably the potential for noise and disturbance in this part of the site is less than could have been generated by the previous garage use and the opportunity for crime and anti-social behaviour. Care will however need to be taken with the lighting of the site given the position to the rear of neighbouring rear gardens. Details of lighting will be secured by condition.
- 6.5.5 The development on plots J and K is positioned to the side of no. 268 Rainham Road. There is a first floor flank window to this property, which appears to serve a landing. The new dwellings extend further into the rear garden than the neighbouring property but this is mitigated by the flank to flank separation between the properties and a ground floor rear extension to no.268, such that no material harm to the neighbours amenity is considered to result. To the west of plot K are residential flats in Writtle Walk, which back on to the application site. These units have an amenity area to the rear of the ground floor units and decked access to the first floor units. The dwelling to plot K is set in between 2m and 4m from the boundary with a flank to rear elevation distance of around 12m. It is considered these

separation distances are sufficient to maintain an acceptable degree of amenity for residents in Writtle Walk.

- 6.5.6 Taking into account all material considerations it is judged that the proposed development is designed in such a way as to prevent any material harm to neighbouring residential amenity.

6.6 Environmental Issues

- 6.6.1 The application site is located in Flood Zone 1, which is the lowest risk flood zone. The site is less than 1 hectare in area so a surface water risk assessment is not required either. The site is previously developed land and not considered to be at significant risk of flooding and the proposal is judged acceptable in this respect.

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

- 6.6.3 An energy strategy and sustainability statement have been submitted with the application. It is recommended that the aims of these statements be secured by condition and will require a minimum of Code level 3 to accord with current LDF policy.

- 6.6.4 An Ecological Scoping Survey has been submitted with the application. The survey has not found indication of the presence of any rare or protected species, on the site. The report does however make recommendations relating to the impact of development on nesting birds and bats. It is therefore recommended that a condition be imposed requiring the development to be carried out in accordance with the requirements and recommendations of the ecological report.

- 6.6.5 An Arboricultural Impact Assessment has been submitted with the application. There are no trees within the application site, although there are some on the village green that could potentially be affected by the development. No detailed landscaping proposals have been submitted with the application although it is noted that the scheme will include a landscaped buffer adjacent to the village green. The landscaping of the site will be important to maintain this relationship and also to ensure a suitably high quality living environment within the site and details will therefore be secured by condition.

6.7 Parking and Highway Issues

- 6.7.1 The application proposes two parking spaces per dwelling, which accords with the LDF requirement for 2-1.5 spaces per unit. The proposal is therefore compliant in principle with the LDF. Additionally, the scheme provides 42 surface parking spaces for use by local residents and retains an existing block of 6 garages. This is considered to adequately compensate for the loss of existing garaging facilities from the site. Highways have

indicated that the amount and layout of the parking spaces is acceptable. Staff consider the parking spaces to be acceptably laid out within the site and to be adequate to serve the proposed development.

- 6.7.2 Each dwelling will be required to make provision for cycle storage to accord with the standards set out in Annex 6 of the LDF. This will be secured by condition.
- 6.7.3 In terms of impact on road capacity and junctions Highways have no objections to the proposals but note that part of the site is shown as Highway and will have to go through the 'stopping up' procedure under Section 247 (Town and Country Planning Act). As this will also involve work to make good the remaining highway at the entrance to the site, Highways will require the developer to enter into an agreement with The Highway Authority.
- 6.7.4 Streetcare have been consulted in respect of the proposals and raise no objection to refuse collection arrangements. The Fire Brigade raised no concern with regard to access on the originally submitted plans but comments are awaited on the most recent set of revisions. It is advised that an additional fire hydrant will be required. This will be referred to by informative.

6.8 Affordable Housing

- 6.8.1 The proposal results in development for which an affordable housing provision is required in accordance with the National Planning Policy Framework and the London Plan. Policies CP2 and DC6 set out a borough wide target of 50% of all new homes built in the borough to be affordable. The site is to be developed by the Council's Housing Service and it is advised that 100% of the units on the site will be provided as affordable housing. This is in excess of policy requirements and is considered to be acceptable.
- 6.8.2 The provision of affordable housing would normally be secured through a legal agreement. However, such an agreement is not possible in this case as the Council is both applicant and developer. It is therefore considered that a planning condition should be used in this case to ensure that the site provides affordable housing to meet the standards set out in Policy DC6.

6.9 Infrastructure

- 6.9.1 In accordance with the Planning Obligations Supplementary Planning Document a financial contribution of £72,000 to be used towards the infrastructure costs arising from the new development is required. As set out above, as the Council is owner and developer of the site, it is considered that the contribution will need to be secured by a planning condition in this case.

7. The Mayor's Community Infrastructure Levy

- 7.1 The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The site does include garages which are to be demolished. Under the provisions of the recent CIL amendment regulations it is judged that the area of these buildings could be deducted from the CIL liability if they have been used for six months out of the three years prior to the grant of planning permission. The majority of the garages on the site appear unused and no evidence has been provided regarding the use of the garages and no claim has been made that these are deductible from CIL liability. Therefore the applicable fee has been calculated based on the internal gross floor area of the proposed development of 998.8m², which equates to a Mayoral CIL payment of £19,976.
- 7.2 It is open to the developer to make an application for social housing relief in respect of those units which are provided as affordable housing.

8. Conclusion

- 8.1 The proposed residential development on the site is acceptable in principle. The design and layout of the proposed development is generally considered to be in keeping with the character and amenity of the locality and to provide a suitably high quality living environment. Staff further consider the design, scale, bulk and massing of the proposed buildings to be acceptable. There is judged to be no material harm to neighbouring residential amenity arising from the proposals and the application makes acceptable provision for landscaping, sustainability and for environmental protection. The proposal is considered to be acceptable in respect of parking and highways issues.
- 8.2 The proposal makes provision for affordable housing in excess of the LDF policy requirements. There will be a requirement to meet infrastructure costs associated with the development in accordance with the draft Planning Obligations SPD. The proposal is judged to be acceptable, subject to conditions and it is recommended that planning permission is granted.

IMPLICATIONS AND RISKS

Financial implications and risks:

The application site comprises land in the ownership of the Council. This application is however considered solely on the planning merits of the proposals.

Legal implications and risks:

Legal resources will be required for future work relating to the stopping up of the highway.

Human Resources implications and risks:

None arising from this application.

Equalities implications and risks:

Planning applications are determined with full regard to equalities issues. The application responds to these issues by providing a range of housing types, with regard to the need for housing for people with disabilities and life time homes criteria, thus meeting a range of community needs.

BACKGROUND PAPERS

Planning application P1644.11, received 12 December 2011. Revised plans received 8 April 2014.

**REGULATORY
SERVICES
COMMITTEE**

08 MAY 2014

REPORT

Subject Heading:

**P0370.14 Units 4A and 4B
Market Place, Romford**

Change of use of Units 4A and 4B (first floor level) from Use Class D1/B1 to Residential Units (Class C3), insertion of mezzanine floors and external alterations at first floor level and ground floor entrance.

Report Author and contact details:

Helen Oakerbee 01708 432800
helen.oakerbee@havering.gov.uk

Policy context:

Local Development Framework
Romford Area Action Plan
London Plan
National Planning Policy Framework

Financial summary:

None

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

- | | |
|---|-------------------------------------|
| Ensuring a clean, safe and green borough | <input type="checkbox"/> |
| Championing education and learning for all | <input type="checkbox"/> |
| Providing economic, social and cultural activity in thriving towns and villages | <input checked="" type="checkbox"/> |
| Value and enhance the life of our residents | <input checked="" type="checkbox"/> |
| Delivering high customer satisfaction and a stable council tax | <input type="checkbox"/> |

SUMMARY

The application site is within the existing mixed use development on the north side of the Market Place in Romford. The location is one where residential uses within a mixed use development are generally encouraged. Government guidance also supports the principle of re-use of business premises for residential development where there is an identified need. The site is within a sustainable town centre location close to local services and public transport. The site also lies at the edge of the Romford Conservation Area where any external changes could materially affect its character and appearance. However, the changes to the fenestration to create recessed balconies are considered to have a positive impact. There would be no material impact on any adjoining occupiers. Overall the development is considered acceptable and the grant of planning permission is recommended subject to the prior submission of an effective unilateral undertaking to secure a contribution in accordance with the Planning Obligations Supplementary Planning Document.

RECOMMENDATIONS

That the committee notes that the proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable fee is based on an additional internal gross floor area of 709m² which equates to a Mayoral CIL payment of £14,180 subject to indexation).

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

The applicant entering into a unilateral undertaking pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) and section 16 of the Greater London Council (General Powers) Act 1974, to secure the following:

- A financial contribution of £48,000 to be used towards infrastructure costs and paid prior to the commencement of development in accordance with the Planning Obligations Supplementary Planning Document.
- Save for the holders of blue badges that the future occupiers of the proposal will be prevented from purchasing permits for their own vehicles for any existing, revised or new permit controlled parking scheme
 - 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 unilateral undertaking to the date of receipt by the Council.
 - The Council's reasonable legal fees for preparation, review and completion of the undertaking shall be paid prior to completion of the undertaking

- The Council's planning obligation monitoring fees shall be paid .

That Staff be authorised to grant planning permission subject to the prior completion of an effective unilateral undertaking and subject to the conditions set out below.

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

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

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

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

3. 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.

4. Prior to the first occupation of the development hereby permitted, provision shall be made for the storage of refuse and recycling awaiting collection in the location shown on the approved plans shall be provided 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 DC40.

5. Prior to the first occupation of the development hereby permitted secure cycle storage in the location shown on the approved plans shall be provided and permanently retained thereafter.

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

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

Reason:- To ensure that the appearance of the proposed development will harmonise with the character of the surrounding area and comply with Policies DC61 and DC68 of the Development Control Policies Development Plan Document.

7. No development shall take place until a scheme for external lighting for the entrance area as shown on the approved plans has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full prior commencement of the hereby approved development and permanently maintained in accordance with the approved details.

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

8. 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;
- g) siting and design of temporary buildings;
- h) scheme for security fencing/hoardings, depicting a readily visible 24-hour contact number for queries or emergencies;
- i) details of disposal of waste arising from the construction programme, including final disposal points. The burning of waste on the site at any time is specifically precluded;

j) Hours of construction.

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.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and/or re-enacting that Order), no microwave antenna or any structure intended to support a microwave antenna or any domestic microgeneration equipment shall be erected on the frontage of the new residential units hereby permitted, without the express permission in writing of the Local Planning Authority.

Reason: In the interests of amenity and to protect the character and appearance of the Romford Conservation Area in accordance with Development Control Policies Development Plan Document Policies DC61 and DC68.

10. The balconies for Units 01-06 inclusive shall remain open and no glazing shall be inserted in the openings without the express permission in writing of the Local planning Authority.

Reason: In the interests of amenity and to protect the character and appearance of the Romford Conservation Area in accordance with Development Control Policies Development Plan Document Policies DC61 and DC68.

Informatives

1. 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.

2. In aiming to satisfy condition 3 the applicant should seek the advice of the Police Designing Out Crime Officers (DOCOs). The services of the Police DOCOs are available free of charge and can be contacted via docomailbox.ne@met.police.uk or 0208 217 3813. It is the policy of the local planning authority to consult with the DOCOs in the discharging of community safety condition(s).

3. The 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 £14180 (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.

REPORT DETAIL

1. **Site Description**

- 1.1 The application site comprises two units within the first floor of the north side of the market development in Romford. One is an unfurnished/undecorated office (Class B1 use) and the other is currently occupied by contractors redeveloping other parts of the building, including works within the Market Place. This unit was used until 2012 as a children's indoor activity centre (Class D2 use). Access to the units is via a stairway and lift from the Market Place between the ground floor retail units occupied by Aldi and Iceland.
- 1.2 Unit 4A amounts to 420m² and has all its windows overlooking the Market Place. Unit 4 B (above Iceland) amounts to 554m² with windows that overlook both the Market Place and St. Edwards Way. There is no dedicated parking for the units.

2. **Description of Proposal**

- 2.1 The proposal is for a change of use from offices and children's indoor activity centre to residential. Eight new apartments would be formed six of which would have a new mezzanine level to provide additional floorspace. The units would be finished as open plan shell apartments for fit-out by future tenants.
- 2.2 The glazing line to the building at first floor level on to the Market Place would be set back to form balconies for six of the new units. The former windows would be removed and replaced with a painted metal framework. The windows in the two units facing onto St Edwards Way would also be replaced with aluminium windows with opening top lights. The ground floor entrance would be modified to include a solid panel door and Aluminium cladding with post boxes. There would be an external metal canopy with entrance signage.
- 2.3 The development would have a communal lift, bin store for refuse and recycling and a secure bicycle storage area. No parking is proposed for the residential units.

3. Relevant History

P0517.13 - Use of 33, 37 and 41 (part ground floor and first floor), Market Place, Romford for Class D2 (Gymnasium). Approved 28.06.2013

P1389.11 - Change of use to Gym (Assembly and Leisure) use class D2. Approved with conditions 21.11.2011

P1325.11 -Amendments of condition 44 of P0166.03 to refer to the final construction drawings. Approved 09.07.2013

N0074.11 - Minor Amendment to P0166.03- to impose a condition on to that permission to require that the development should not be carried out otherwise than in complete accordance with the listed approved plans, particulars and specifications. Approved 09.01.2012

P1628.07 - Retail shopfront and entrance screen. Approved 31.01.2012

P1438.07 - Change of use from retail (class A1) to children's indoor activity centre (Class D2) of part first floor accommodation of unit 4A. Approved 21.09.2007

P0166.03 - Variation of condition No.39 of planning permission P0849.00 approved 15/3/02 to enable the provision of 25 x 1-bed units and 20 x 2-bed units within Phase 1 of the scheme in lieu of the 42 x 1-bed units and 3 x 3-bed units shown on Drawings 5610/TP/007/F, 5610/TP009/F, 5610/TP/015A/4, 5610/TP020/C1 and 5610/TP/021B of the approved scheme. Approved 30.01.2004

P0849.00 - Demolition of existing buildings and erection of 5 retail units, medical premises, indoor shopping hall, retail kiosk, restaurant/public house, 60 bedroom (5 storey) hotel, offices, 91 residential units, public conveniences, multi-storey (4 levels) and surface parking for vehicles, access and service areas, and landscaping. Approved 09.01.2012.

4. **Consultations/Representations**

4.1 271 neighbour notification letter have been sent out and no representations have been received.

4.2 The **Heritage Officer** has advised that any works within the Conservation Area should seek to preserve or enhance its character and appearance. This building has no intrinsic value within the Conservation Area and the buildings at the northern side of the market place are an unsympathetic backdrop to the high quality historic buildings at the western end. The building frontage is generally bland and the removal of the existing windows has the potential to create a more attractive and lively frontage which makes an enhanced contribution to the character and appearance of the Conservation Area. The use of the openings as balconies with a recessed glazing line is an attractive

design which will add interest to the building frontage. However, there is concern that living space at this level where residents' individual treatments could create a cluttered and unsightly effect easily noticeable from street level.

- 4.3 The **Streetcare (Waste Recycling Team)** advises that there appears to be adequate storage space for waste. There are concerns about where it is located, but if the existing facilities management are prepared to take the bins down the elevator and present them on Ducking Stool Court by 7am on collection day then that will be acceptable.
- 4.4 The **London Fire Brigade Water Team** advises that they are happy for the works to go ahead as planned.
- 4.5 The **Metropolitan Police Designing Out Crime Officer** advises that crime prevention and community safety are material considerations. In order to achieve a safe development a number of conditions are recommended covering secured by design, lighting of communal areas and cycle storage.
- 4.6 **Thames Water** advises that with regard to sewerage infrastructure capacity, it would not have any objection to the above planning application. With regard to water supply, this comes within the area supplied by the Essex and Suffolk Water Company.

5. Relevant Policies

5.1 LDF Core Strategy Development Plan Document

- CP1 - Housing Supply
- CP2 – Sustainable Communities
- CP3 – Places to Work
- CP10 – Sustainable Transport
- CP4 - Town Centres
- CP17 - Design
- CP18 - Heritage

5.2 LDF Development Control Policies Development Plan Document

- DC2 - Housing Mix and Density
- DC3 - Housing Design and Layout
- DC33- Car Parking
- DC34 - Walking
- DC35 - Cycling
- DC36 – Servicing
- DC40 – Waste Recycling
- DC63 – Crime
- DC68 – Conservation Areas
- DC72 – Planning Obligations

5.3 Romford Area Action Plan

ROM6- Respecting the Historic Environment
ROM7 –Market Place
ROM10- Retail Core
ROM13 – Romford Office Quarter
ROM 14 –Housing supply
ROM20 – Urban Design

5.4 The London Plan (2011)

2.15 - Town Centres
3.3 - Increasing housing supply
3.4 - Optimising housing potential
3.8 - Housing choice
4.7 - Retail and town centre development
6.5 - Funding Crossrail and other strategically important transport
7.3 - Designing out crime
7.8 - Heritage assets and archaeology
8.3 - Community infrastructure Levy

5.5 Government Guidance
National Planning Policy Framework

6. Staff Comments

Principle of the Development

- 6.1 The proposed change of use is within a building where there is already mixed use with retail predominantly on the ground floor and with residential on the upper floors. The policies of the Romford Area Action Plan encourage mixed uses within the town centre with the upper floors being used for residential purposes. The Action Plan recognises that living in the town centre is becoming increasingly popular because of the easy access to facilities and to public transport. It also identifies the contribution to housing supply that can be made through mixed use development in the town centre.
- 6.2 The guidance in the NPPF is that housing applications should be considered in the context of the presumption in favour of sustainable development. Local planning authorities should normally approve applications for change of use to residential from commercial buildings in B Class use where there is an identified need for additional housing and there are no strong economic reasons why such development would not be appropriate.
- 6.3 The Action Plan and Core Strategy and Development Control Policies DPD seek to focus office development in Romford Town Centre. An office quarter between Western Road and Eastern Road is identified for this. There are no specific policies that seek to retain office and other commercial uses within the North Side development at first floor level. The change of use is, therefore, considered acceptable in principle.

Impact on Streetscene

- 6.4 The proposed external changes to the building would have no material impact on the appearance of the building. The only changes proposed are to the windows which would not materially alter the appearance of the building.

Impact on amenity

- 6.5 The introduction of further residential units within this part of the building would not have any significant impact on adjoining occupiers. The floors above are in residential use and those below in retail use. The adjoining occupiers on the first floor are a medical consultancy and space occupied by Aldi Stores for storage and staff accommodation. These units are separated from the new apartments by circulation areas and the bicycle and refuse stores. Therefore, there is unlikely to be any significant adverse impact on future occupiers from adjoining uses.

Highways/Parking

- 6.6 No dedicated car parking provision is proposed with this application. However, Romford is the most accessible area to public transport in Havering and parking provision of less than one space per unit is considered acceptable. There are currently 91 flats in the North Side Development with 39 parking spaces. The remainder of the parking provided by the development is for the public, market storage/stall holder vehicles and the hotel. Within the town centre it would be expected that many residents would choose not to have a car given the accessibility to rail and bus services which are within easy reach of the site. A town centre car free development would comply with sustainability principles in the NPPF and the Local Plan. It would also comply with the parking standards set out in the LDF. Secure cycle storage with one space per unit would be provided within the building to further encourage alternatives to car use.

Conservation Area

- 6.7 The site lies on the edge of the Romford Conservation Area and there are some external changes proposed to the fenestration on the elevation that overlooks the Market Place. This involves the formation of balconies with glazed screens set back from the frontage following the removal of the existing windows. The windows would be replaced with open metal frames. The Heritage officer has advised that this would result in visual improvements that would enhance the appearance of the building from the Market Place. The development would, therefore, have an acceptable impact on the appearance of the conservation area

Planning obligations and Mayoral CIL Implications

- 6.8 The proposal involves a change of use of existing floorspace and the creation of new floorspace at mezzanine level. The existing floorspace has been lawfully occupied for at least six months within the last three years so is exempt from any CIL contribution. Therefore, for this development CIL is only payable on the new floorspace at a rate of £20 per square metre. The proposal is to

create an additional 709 square metres of floor space giving a CIL liability of £14,180. The site is also within the charging area for the Mayor's Crossrail Planning Obligation, however, this is only charged on office and retail development.

- 6.9 In accordance with the Planning Obligations Supplementary Planning Document a financial contribution of £48,000 to be used towards infrastructure costs arising from the new development is required. This would be secured through a S106 Agreement.

Other issues

- 6.10 Policy DC63 requires new development to address safety and security in the design of new development. The proposal is considered acceptable in principle in this respect, subject to the imposition of conditions requested by the Borough Crime Prevention Design Advisor.
- 6.11 A refuse area is proposed on the first floor adjacent to the new apartments. Streetcare has commented that this is adequate but that the bins will need to be taken downstairs to Ducking Stall Court on collection days. A condition is recommended to secure these arrangements.

Conclusion

- 6.12 The residential use of this part of the development on the north side of the Market Place is considered to be acceptable in principle. The site is in a sustainable location close to services and public transport links. The development would accord with the guidance in the National planning policy Framework and the policies of the Romford Area Action Plan that seek to secure new residential development in the town centre as part of mixed use developments. The development would help improve the character and appearance of this part of the Romford Conversation Area. The lack of any parking provision is considered acceptable in this town centre location. Subject to the prior completion of an effective unilateral undertaking to secure a financial contribution towards local infrastructure cost the proposal is considered acceptable.

IMPLICATIONS AND RISKS

Financial implications and risks: None

Legal implications and risks:

Legal resources will be required for the drafting of a unilateral undertaking.

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 on 14.03.2014

Copy of all consultations/representations received.



**REGULATORY
SERVICES
COMMITTEE**

REPORT

8 May 2014

Subject Heading:

P0080.14: Highview, 2 Warley Road, Upminster

Conversion of existing integral garage, construction of a new detached garage and provision of a front dormer window. Demolition of existing swimming pool. (Application received 15 January 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
- Excellence in education and learning
- Opportunities for all through economic, social and cultural activity
- Value and enhance the life of every individual
- High customer satisfaction and a stable council tax

SUMMARY

This matter is brought before committee because the application has been called in by Councillor Light. The call in is on the grounds that the site is located in the Green Belt and the issues surrounding this need to be discussed further by the Committee.

The proposal is for the conversion of existing integral garage into a habitable room, construction of a new detached garage and the provision of a front dormer window with a hipped roof design. In order to reduce the volume of cumulative additions to the property the proposal includes the demolition of the existing single storey swimming pool building in the rear garden.

The application was deferred at the Committee meeting on 3rd April 2014 in order for staff to explore scope for a legal agreement. The purpose of the legal agreement would be to require demolition of the swimming pool building and any subsequent buildings built as permitted development prior to implementation of proposal and the prevention of any further permitted development post implementation.

Due to its scale, height and massing Staff consider that the proposed garage would fail to appear visually subservient creating an intrusive and prominent structure resulting in a material harm to the open character of the Green Belt.

The 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) Metropolitan Green Belt – No Special Circumstances

The site is within the area identified in the Havering Unitary Development Plan as Metropolitan Green Belt. The Unitary Development Plan and Government Guidance as set out in the NPPF is that in order to achieve the purposes of the Metropolitan Green Belt it is essential to retain and protect the existing rural character of the area so allocated and that the new building will only be permitted outside the existing built up areas in the most exceptional circumstances. No special circumstances have been submitted in this case and the proposal is therefore contrary to Policy DC45 of the LDF

Core Strategy and Development Control Policies DPD and the provisions of the NPPF.

2. Metropolitan Green Belt – Material Harm to the Character and Openness

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

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. Background

- 1.1 The application was deferred at the Committee meeting on 3rd April 2014 in order for staff to explore scope for a legal agreement. The purpose of the legal agreement would be to require demolition of the swimming pool building and any subsequent buildings built as permitted development prior to implementation of proposal and the prevention of any further permitted development post implementation.
- 1.2 Staff can report that the applicant / owner would be willing to enter into a s106 legal agreement under the Town and Country Planning Act 1990 (as amended) to secure the following:
 - Prior to the commencement of development pursuant to planning permission (reference P0080.14) (“the Planning Permission”)
 - (a) the swimming pool and swimming pool building shall be removed from the land together with all machinery, apparatus, equipment and installations connected with the swimming pool use; and
 - (b) the site of the former swimming pool shall be back filled with appropriate topsoil, soft landscaped and returned to garden use

within the first planting season following removal of the swimming pool; and

- (c) all development carried out under 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 order revoking and re-enacting that order with or without modification) (“the GPD Order 1995”) following the resolution to grant Planning Permission shall be removed from the land 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 to the satisfaction of the Local Planning Authority.

Following commencement of development pursuant to the Planning Permission all rights under the GPD Order 1995 shall be removed from the land 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.

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.

1.3 Staff consider that a legal agreement under these terms would ensure that the swimming pool building is demolished and any other structures built under permitted development following a resolution to grant planning permission would also be removed prior to the garage being built.

1.4 The report as presented to committee on 3rd April is reproduced below.

2. Site Description

2.1 The application relates to the property at Highview, 2 Warley Road, Upminster. This is a two-storey detached house benefiting from several side and rear extensions and is located with a spacious parking area and garden to the front and garden to the rear. There is a large detached single storey swimming pool building located in the south east area of the rear garden.

2.2 The site lies within the Green Belt and forms part of a spacious linear development of housing along the road frontage with Warley Road.

3. Description of Proposal

- 3.1 The proposal comprises the conversion of existing integral garage into a habitable room, construction of a new detached garage and the provision of a front dormer window with a hipped roof design. In order to reduce the volume of cumulative additions to the property the proposal includes the demolition of the existing single storey swimming pool building in the rear garden.
- 3.2 The proposed detached garage will consist of a pitched roof design with a ridge height of 4.6m. The front elevation will incorporate 2no. separate roller shutter garage door openings, with a window and door in the rear elevation.
- 3.3 The garage will occupy a footprint of some 28.34 sq.m. Combined with the proposed dormer loft conversion the proposed additions will have a volume of approximately 110 cubic metres.

4. Relevant History

- 4.1 P0138.01 - Single storey side extension and use of existing garage as habitable room – Refused
- 4.2 P0523.02 - Single storey side extension and use of existing garage as habitable room - Refused

5. Consultations/Representations

- 5.1 Neighbour notification letters were sent to 7 properties. 1 representation was received as a result of the consultation raising the following issues:
- Demolition of swimming pool building and construction of new garage will cause mess, dirt and noise.
 - New garage will result in the loss of light.
 - The site is in the Green Belt. .

6. Staff Comments

- 6.1 The main considerations for this application relate to the implications for the Green Belt and the neighbouring residential amenity. Therefore the material considerations include the principle of new development within the Green Belt, whether the proposal is proportionate and appropriate to not cause any undue harm to the character and openness of the Green Belt, and the impact on the amenity of the neighbouring house at Balblair.
- 6.2 Policies CP14 (Green Belt) CP17 (Design), DC33 (Car Parking), DC45 (Appropriate Development in the Green Belt), 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.

6.3 Other relevant documents include the Residential Design SPD, and the Residential Extensions and Alterations SPD.

6.4 Policies 7.16 (Green Belt) and 7.4 (Local Character) of the London Plan (2011) and the National Planning Policy Framework (NPPF) are also relevant.

7. Green Belt Implications

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

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

7.3 Policy DC45 accepts the principle of extensions and alterations to dwellings within the Green Belt, provided that the cubic capacity of the resultant building is not more than 50% greater than that of the original dwelling.

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

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

7.6 As part of the application the detached swimming pool building in the rear garden will be demolished with the ground level filled and returned to soft landscaping as part of the garden. The swimming pool enclosure has a volume of 296 cubic metres and the removal of this structure will see the

cumulative additions to the property decrease to 33% of the cubic capacity of the original dwelling. As such the proposal would not therefore exceed the 50% standard set out in Policy DC45.

- 7.7 However, as previously stated the main considerations for this application relate to the principle of new development within the Green Belt and, crucially, whether the proposal is proportionate and appropriate to not cause any undue harm to the character and openness of the Green Belt. The application must satisfy all aspects of this criteria to be considered acceptable.
- 7.8 The proposed detached garage would be located in the area adjacent to the house, 2.6m from the side elevation and set in approximately 2.1m from the boundary with Balblair. The proposal will have a footprint of 28.34 square metres and a roof ridge height of 4.6m, creating a tall and bulky detached structure.
- 7.9 The application site is characterised by its spacious nature with clear separation between the neighbouring dwellings, which serves to preserve the openness of the surrounding area. However the in-filling of the side plot with the detached garage will result in the loss of the spacious character and separation between the dwellings. In addition this will increase the overall prominence and the sense of intrusion of the built development into the side garden, particularly effecting views from Warley Road.
- 7.10 It is therefore considered that the proposed garage, by reason of its location, height and massing would appear as an intrusive structure resulting in a material harm to the open character of the surrounding area, contrary to the purposes of the Green Belt.
- 7.11 It is acknowledged that the applicant intends to demolish the swimming pool building in an attempt to reduce the cumulative volume of built development at the application site. However, this measure only serves to address a certain aspect of policy and does not counter or overcome the wider and greater issues relating to the material harm to the openness and character of the Green Belt. Therefore the demolition of the swimming pool is not considered to be justifiable in policy terms to recommend the application for approval.
- 7.12 The proposed dormer will form a relatively minor addition to the roof elevation incorporating a hipped pitched roof design. The dormer will be constructed on the lower roof level of the existing integral garage which includes a set back from the main house roof which will serve to reduce the overall appearance of the structure. In contrast to the garage the proposed dormer would appear as a proportionate, appropriate and visually subservient structure in relation to the main house and the surrounding street scene. Therefore it is not considered that the dormer would result in material harm to the openness and character of the Green Belt.

8. Impact on Amenity

- 8.1 Development Control Policy DC61 states, amongst other things, that planning permission will not be granted where the proposal results in unacceptable overshadowing, loss of sunlight/ daylight, to existing properties. The Residential Extensions and Alterations SPD carries forward this principle and sets out specific guidance in assessing side extensions stating they will not be permitted where they break a 45 degree line taken from the sill of the window of a primary original window serving a habitable room on the side wall of a neighbouring house.
- 8.2 The main consideration in terms of amenity relates to the impact on the neighbouring property, Balblair.
- 8.3 The proposed garage will be located approximately 2.1m from the boundary with Balblair, which includes flank windows facing onto the application site. The height of the garage will be contained within a 45 degree angle of these windows ensuring that the proposal does not result in undue loss of sunlight or daylight to the affected habitable room of Balblair.
- 8.4 It is considered that the proposed development will not result in an undue impact on the amenity of the neighbouring property. The proposal is therefore in accordance with Policy DC61 and the Residential Extensions and Alterations SPD.

9. Parking and Highway Issues

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

10. Conclusion

- 10.1 Having regard to all relevant factors and material planning considerations Staff are of the view that this proposal would not be acceptable.
- 10.2 Staff are of the view that due to the scale, height and massing the proposed garage would fail to appear visually subservient creating an intrusive and prominent structure resulting in a material harm to the open character of the Green Belt.
- 10.3 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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