



# Havering

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

## REGULATORY SERVICES COMMITTEE AGENDA

**7.30 pm**

**Thursday  
31 July 2014**

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

Members 11 : Quorum 4

**COUNCILLORS:**

**Conservative  
(5)**

Robby Misir (Chairman)  
Ray Best  
Philippa Crowder  
Steven Kelly  
Michael White

**Residents'  
(4)**

Ron Ower (Vice-  
Chair)  
Linda Hawthorn  
Stephanie Nunn  
Nic Dodin

**UKIP  
(1)**

Phil Martin

**Independent  
Residents  
(1)**

Graham Williamson

**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 - 16)**

To approve as a correct record the minutes of the meetings of the Committee held on 19 June and 26 June 2014 and to authorise the Chairman to sign them.

### **5 PLANNING APPLICATIONS - SEE INDEX AND REPORTS (Pages 17 - 46)**

- 6     **P0484.14 - RISE PARK INFANT SCHOOL, ANNAN WAY** (Pages 47 - 52)
  
- 7     **P0813.14 - LAND TO THE REAR OF TESCO EXPRESS, OAKLANDS AVENUE  
ROMFORD** (Pages 53 - 68)
  
- 8     **P0543.14 - FORMER COACH DEPOT, LAND SOUTH OF REGINALD ROAD  
HAROLD WOOD** (Pages 69 - 88)
  
- 9     **P0760.14 - VINEGAR HILL, LOWER BEDFORDS ROAD ROMFORD** (Pages 89 - 104)
  
- 10    **URGENT BUSINESS**

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

**Andrew Beesley  
Committee Administration  
Manager**

This page is intentionally left blank

**MINUTES OF A MEETING OF THE  
REGULATORY SERVICES COMMITTEE  
Havering Town Hall, Main Road, Romford  
19 June 2014 (7.30 - 9.00 pm)**

**Present:**

**COUNCILLORS:** 11

**Conservative Group** Robby Misir (in the Chair) Ray Best, Philippa Crowder, Steven Kelly and Michael White

**Residents' Group** Nic Dodin, Linda Hawthorn, Stephanie Nunn and +Julie Wilkes

**UKIP Group** Phil Martin

**Independent Residents Group** Graham Williamson

An apology for absence was received from Councillor Ron Ower.

+ Substitute members: Councillor Julie Wilkes (for Ron Ower)

Councillors John Crowder and Linda Van den Hende were also present for part of the meeting.

10 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.

**1 COMMITTEE MEMBERSHIP**

The new membership of the Committee was noted.

**2 MINUTES**

The minutes of the meeting of the Committee held 8 May 2014 were agreed as a correct record and signed by the Chairman.

### 3 **P0744.13 - 58-60 STATION ROAD UPMINSTER**

The application before members was for the redevelopment of the site following demolition of the existing end of terrace building and the single storey building to the rear. The new building would provide increased retail floor space and seven residential units on the upper floors.

Members were advised that former Councillor Barry Oddy had previously called in the application and had submitted a letter which was read to the Committee. In the letter Mr Oddy commented that the density of the proposed development appeared to be acceptable and that the area benefitted from a strong PTAL rating due to the amount of accessible transport links situated nearby.

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

The objector commented that the proposed development would be situated on the corner of Howard Road which was a narrow road which experienced issues of displaced parking and a general lack of parking provision for users of the town centre. The objector also commented that the appearance of the proposed development, particularly the extension on the upper floor, would be a gross overdevelopment of the site.

In response the applicant commented that alterations had been made to the plans and there were no longer any issues of loss of light on neighbouring properties that could be attributed to the proposed development. The applicant also commented that materials from the existing building would be salvaged from the demolition and used on the proposed development to retain a traditional building façade. The applicant also commented that if the proposals were not agreed to, then the developer could look at proposing a more contemporary building facade similar to that of the Marks and Spencer building opposite.

With its agreement Councillor Linda Van den Hende addressed the Committee.

Councillor Van den Hende expressed her dis-satisfaction at the earlier comment from the applicant regarding the possibility of a more contemporary design being submitted if the considered proposal was not agreed. Councillor Van den Hende commented that the proposed development was too big and too bulky and would have an adverse effect on the streetscene.

During the debate members discussed the proposed development's appearance and commented that although the design might be within keeping of the streetscene it looked too big and too high compared with neighbouring properties. Members also discussed the lack of parking provision in the area.

It was **RESOLVED** that planning permission be refused for the reasons as set out in the report.

4 **P0068.14 - STARDUST DANCE STUDIOS, ST NICHOLAS AVENUE, ELM PARK**

The application before members sought full planning approval for the construction of a first floor extension to the existing building in order to enable the creation of two 2-bedroom and two 3-bedroom self-contained flats.

Following a brief debate during which members raised concerns about the lack of parking provision in the area it was **RESOLVED** that planning permission be refused for the reasons as set out in the report.

5 **P0288.14 - ASHLEY FARM, CLAY TYE ROAD, NORTH OCKENDON ESSEX**

The proposal before members was for the demolition of an existing stable building (former piggery), removal of an existing mobile home and the construction of a single storey two-bed dwelling.

With its permission Councillor Van den Hende addressed the Committee.

Councillor Van den Hende commented that there had been quite an extensive planning history on the site and that all previous applications had been refused. Councillor Van den Hende also commented that the element of animal care was only a small part of the application and therefore the very special circumstances put forward by the applicant were quite weak and there also appeared to be several unauthorised uses taking place on the site.

Following a brief debate during which members discussed the Green Belt aspect of the site and the lack of very special circumstances it was **RESOLVED** that planning permission be refused for the reasons as set out in the report.

6 **P0478.14 - 28 LITTEN CLOSE, COLLIER ROW ROMFORD**

The proposal before members was to convert an existing garage into a pool complex with rear and side extensions.

Following a brief debate during which members discussed the possible noise nuisance from plant and machinery situated on the site it was **RESOLVED** that planning permission be granted subject to the conditions set out in the report and to include the full wording of standard condition SC4 on time limit for implementation within 3 years and two additional conditions relating to gas protection measures and for plant/machinery for the development to be within noise limits, the precise wording of which was to be settled by the Head of Regulatory Services.

Condition one of the report also needed amending to read;

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

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

Councillors Crowder and Kelly voted against the resolution to grant planning permission.

**7 P0492.14 - IVY LODGE EQUINE VETERINARY CLINIC, NAGS HEAD LANE UPMINSTER**

The proposal before members was for the retention of four buildings for use connected with the equine part of the vet practice. The buildings would be used as an examination/knock down box, office, stables and as a store.

Following a brief debate during which members received clarification from officers relating to the very special circumstances that the applicant had submitted it was **RESOLVED** that planning permission be granted subject to the conditions as set out in the report.

**8 P0455.14 - MARDYKE FARM, RAINHAM**

The planning application before members proposed the variation of planning conditions under the provisions of Section 73 of the Town and Country Planning Act 1990. Planning permission P0432.10 granted consent for the restoration, re-contouring and landscaping of land without complying with conditions 2 (time limit for completion), 9 (landscaping), 11 (phasing), 13 (drainage ditches), and 15 (clay cap) of planning permission P0186.93.

Planning permission P0432.10 allowed for a variation of the conditions attached to P0186.93 to allow for the continued restoration of the land, with amendments, to public open space. The application under consideration proposed variations to conditions 1 (time limit for completion) and 8 (landscaping arrangements), to allow for an additional three years to complete the development, and to reduce the number of public access points into the restored site from five to two.

During a brief debate members discussed the merits of reducing the time limit for completion to two years and sought clarification on the reduction of access points to the site.

Following a motion to reduce the time limit for completion to two years which was lost by 2 votes to 9 it was **RESOLVED** that the proposal was unacceptable as it stood but would be acceptable subject to the applicant entering into a Deed of Variation under Section 106A of the Town and Country Planning Act 1990 (as amended). The deed would vary the Section



106 planning obligations completed on 1 July 2010 in respect of planning permission P0432.10, the planning conditions for which were annexed to the report, by substituting that planning permission reference with a new reference to reflect the new consent and to amend the approved landscaping plan to reflect the proposed number of access points, along with any consequential amendments to the definitions, recitals and clauses of the section 106 dated 1 July 2010.

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

Save for the variation set out above and any necessary consequential amendments to the Section 106 planning obligation dated 1 July 2010, all recitals, terms, covenants and obligations in the aforementioned Section 106 Agreement would remain unchanged.

That staff be authorised to enter into a Deed of Variation to secure the above and upon completion of that agreement, grant planning permission subject to the conditions as set out in the report and to include an amendment to condition 8 of the report to incorporate a reference to the boundary treatment plan dated 9 June 2014.

#### 9 **P0856.13 - LAND OFF DUDLEY ROAD, HAROLD HILL ROMFORD**

The application before members related to Council owned undeveloped land. The application proposed the erection of 2 two bedroom chalet bungalows.

Members were advised that a late letter of representation had been received raising concerns with parking provision and noise nuisance.

Members noted that the proposed development attracted a Mayoral CIL contribution of £3,872 and **RESOLVED** that the proposal was unacceptable as it stood but would be acceptable subject to the applicant entering into a Section 106 Legal Agreement under the Town and Country Planning Act 1990 (as amended), to secure the following:

- A financial contribution of £12,000 to be paid prior to commencement of development and to be used towards infrastructure costs.
- All contribution sums shall include accrued interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- To pay the Council's reasonable legal costs in association with the preparation of a legal agreement irrespective of whether the legal agreement is completed.

- Payment of the appropriate planning obligation/s monitoring fee prior to completion of the agreement.

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

## 10 **PURCHASE NOTICE - AVON ROAD, UPMINSTER**

This report before members concerned the service of a Purchase Notice on the Council dated 24 March 2014 by the owners of land adjacent to 151 Avon Road, Upminster RM14 1RQ, following the refusal of planning permissions to develop the site the owners claim that the land has become incapable of beneficial use in its existing state and cannot be rendered capable of a reasonably beneficial use and therefore, in accordance with Section 137 of the Town and Country Planning Act, the Council should purchase the land. The Council contested the Notice and the Secretary of State will issue a preliminary decision on the Purchase Notice should the Secretary of state in their preliminary decision reject the Purchase Notice, if the claimant so chose, the claimant can request that their claim be heard by way of public inquiry.

The Committee noted the report and without debate **RESOLVED** that

- (1) The Purchase Notice be contested at any forthcoming public inquiry;
- (2) The site, in its existing state is capable of a beneficial use as general open amenity land;
- (3) As part of any Purchase Notice Inquiry, an undertaking to grant planning permission be given to use part of the site within Classes A1 for the stationing of a kiosk or other similar structure:
  - No buildings other than a kiosk or kiosk like structure to be erected
  - Site not to be used and no deliveries to the site shall take place outside the hours of 0800 to 2200 Monday to Friday and 0800 to 2200 Saturdays
  - Maximum height of any structure stationed on the site not to exceed 2.5 metres above ground level
  - No Structure to be stationed within 2 metres of the existing rear-access external flight of steps serving as access to the adjacent residential block or blocking access to the use of the external flight of steps serving as access to the adjacent residential block
  - Use not to commence until details of parking layout submitted and approved by Local Planning Authority
  - Use not to commence until details of layout of open storage areas to be submitted and approved by Local Planning Authority
  - Use not to commence until details of method of waste storage and disposal submitted to and approved in writing by the Local Planning Authority

- Space to be laid out within the site and any structures stationed on the site, in accordance with details submitted and approved in writing by the Local Planning Authority, to enable vehicles to enter from Front Lane and exit onto Front Lane in forward gear and to ensure that the use of the rear-access flight of steps serving the residence at first floor of the adjacent block is not obstructed.
  - Use not to commence until details of external lighting submitted to and approved in writing by the Local Planning Authority
  - Use not to commence until details of boundary treatment submitted to and approved in writing by the Local Planning Authority
  - Noise levels, expressed as the equivalent continuous sound level LAeq (1 hour), calculated at the boundary with the nearest noise sensitive premises shall not exceed LA90 -5dB.
- (4) As part of any Purchase Notice Inquiry, an undertaking to grant planning permission be given to use the site for the parking of vehicles subject to the following conditions:
- Maximum of 2 vehicles no greater in size than a transit van to be kept on the site at any time
  - No buildings to be erected on the site including temporary buildings and demountable buildings.
  - Space to be laid out within the site, in accordance with details submitted to and approved in writing by the Local Planning Authority, to enable vehicles to enter from Front Lane and exit onto Front Lane in forward gear and ensure that the use of the rear-access flight of steps serving the residence at first floor of the adjacent block is not obstructed.
  - Use not to commence until details of external lighting submitted to and approved in writing by the Local Planning Authority
  - Use not to commence until details of boundary treatment submitted to and approved in writing by the Local Planning Authority
- (5) As part of any Purchase Notice Inquiry, an undertaking to grant planning permission be given to use part of the site within Classes A5 for the stationing of tables and chairs ancillary to the use of the ground floor of 151 Avon Road as a takeaway (use class A5):
- No buildings including temporary or demountable buildings to be erected
  - Site not to be used and no deliveries to the site shall take place outside the hours of 0800 to 2200 Monday to Friday and 0800 to 2200 Saturdays
  - No tables and chairs to be stationed within 2 metres of the existing rear-access external flight of steps serving as access to the adjacent residential block or blocking access to the use of the external flight of steps serving as access to the adjacent residential block
  - Use not to commence until details of parking layout submitted and approved by Local Planning Authority

- Use not to commence until details of layout of the area/s for tables and chairs to be submitted and approved by Local Planning Authority
- Use not to commence until details of method of waste storage and disposal submitted to and approved in writing by the Local Planning Authority
- Parking space to be laid out within the site and tables and chairs to be stationed on site, in accordance with details submitted and approved in writing by the Local Planning Authority, to enable vehicles to enter from Front Lane and exit onto Front Lane in forward gear and to ensure that the use of the rear-access flight of steps serving the residence at first floor of the adjacent block is not obstructed.
- Use not to commence until details of external lighting submitted to and approved in writing by the Local Planning Authority
- Use not to commence until details of boundary treatment submitted to and approved in writing by the Local Planning Authority
- Noise levels, expressed as the equivalent continuous sound level LAeq (1 hour), calculated at the boundary with the nearest noise sensitive premises shall not exceed LA90 -5dB.

---

**Chairman**

**MINUTES OF A MEETING OF THE  
REGULATORY SERVICES COMMITTEE  
Havering Town Hall, Main Road, Romford  
26 June 2014 (7.30 - 8.30 pm)**

**Present:**

**COUNCILLORS:** 11

**Conservative Group** Robby Misir (in the Chair) Ray Best, Philippa Crowder, Steven Kelly and +Frederick Thompson

**Residents' Group** Linda Hawthorn, Stephanie Nunn, Nic Dodin and +Reg Whitney

**UKIP Group** Phil Martin

**Independent Residents Group** Graham Williamson

Apologies were received for the absence of Councillors Michael White and Ron Ower.

Substitute members; Councillor Frederick Thompson (for Michael White) and Councillor Reg Whitney (for Ron Ower).

15 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.

**11 DISCLOSURE OF PECUNIARY INTERESTS**

*Councillor Frederick Thompson declared a prejudicial interest in Agenda Item 8 planning application P1528.13. Councillor Thompson advised that he had previously spoken against the scheme and had a pre-determined view.*

*Councillor Thompson left the room prior to the discussion of the item and took no part in the voting.*

## 12 **PLANNING OBLIGATIONS/LEGAL AGREEMENTS**

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

The report also updated the position on legal agreements and planning obligations agreed by this Committee during the period 2000-2014.

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

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

The report accompanied a schedule of appeals and a schedule of appeal decisions, received between 15 February 2014 and 6 June 2014.

The report detailed that 33 new appeals had been received since the last meeting of the Monitoring Committee in March 2014.

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

The Chairman wished to place on record the Committee's thanks for the strong performance on enforcement cases and appeals that were shown within the report.

## 14 **SCHEDULE OF ENFORCEMENT NOTICES**

The Committee considered and noted the schedules detailing information regarding enforcement notices updated since the meeting held in March 2014.

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

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

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

The Chairman wished to place on record the Committee's thanks for the strong performance on enforcement cases that were shown within the report.

15 **PROSECUTIONS UPDATE**

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

The Committee **NOTED** the report.

16 **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 an eight storey building with four (A1) retail units at ground floor level, and 28 flats above (24 x 2 bedroom and 4 x 1 bedroom units), occupying seven storeys. The eighth storey element comprised of a services block at the top of the building.

The application had been brought before the Committee at its meeting held on the 3 April 2014; the decision was deferred to allow additional information to be gathered. The queries/comments raised at the meeting, and the responses to them, were detailed in the report.

Members noted that the application had previously been called in by Councillor Robby Misir as it was considered that the scale of the application warranted a decision by the 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 excessive bulk and massing of the proposed development would have a detrimental impact on the Romford Conservation Area. It was stated that the development was against policy as it did not maintain, enhance or improve the character and appearance of the conservation area. The objector also commented that English Heritage had invested significant amounts of lottery funding into the area and that the proposed development, by way of its scale, would result in significant harm to the surrounding area including the setting of a nearby listed building.

In response the applicant commented that the proposed development would be acceptable to neighbouring properties; was of an exemplary design and would be constructed from high quality materials that would help it blend into the streetscene. The applicant also highlighted that there had been no objection to the proposed development from English Heritage; that the application sought to remove an unattractive building and replace it with a modern and secure building that would enhance the area and in particular the setting of the listed Church.

Members were informed that there had been a late e-mail from the applicant who had confirmed willingness to reduce the height of the proposed building and negotiate the terms of a legal agreement.

Following a brief debate it was **RESOLVED** that consideration of the report again be deferred to allow officers to contact the applicant and enter into negotiations over the building's height and bulk and the terms of a legal agreement.

*As mentioned previously in these minutes Councillor Frederick Thompson declared a prejudicial interest in planning application P1528.13. Councillor Thompson advised that he had previously spoken against the scheme and had a pre-determined view.*

*Councillor Thompson left the room prior to the discussion of the item and took no part in the voting.*

17     **P0386.14 - GARAGE COURT TO THE SIDE OF 6 QUARLES CLOSE, COLLIER ROW - DEMOLITION OF EXISTING GARAGES AND ERECTION OF THREE TERRACED DWELLINGS**

The Committee considered the report noting that the proposed development was liable for a Mayoral CIL contribution of £5,556 and **RESOLVED** that the proposal was unacceptable as it stood but would be acceptable subject to the applicant entering into a Section 106 Legal Agreement under the Town and Country Planning Act 1990 (as amended), to secure the following:

- A financial contribution of £18,000 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, 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, grant planning permission subject to the conditions as set out in the report.

18     **P0485.14 - LANGTONS HOUSE, BILLET LANE HORNCURCH**

The proposal before members related to Langtons House, a Council owned, Grade II listed 18<sup>th</sup> century house and public gardens located in Billet Lane, Hornchurch. Planning permission was sought for the demolition of the existing stores, the existing garage to be converted into a café with external



alterations, repairs and re-roofing to the Orangery, works to the existing bothies and new openings in the garden wall.

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

The objector commented that the proposed development would lead to an increase in noise levels, the introduction of cooking smells and an extractor fan would have a detrimental effect on neighbouring properties. The objector also queried whether the proposal would require a change of use of the existing car park, which was used by Council employees and for evening functions.

In response the applicant commented that the proposed café building was situated a significant distance from the nearest residential property. The applicant confirmed that the hours of operation of the café would be market driven and that the facility would be run by a third party who would pay a lease fee to the Council. The applicant also confirmed that car parking for staff would remain at the site.

During a brief debate members sought clarification of the exact points of the new entrances in the garden wall.

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

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

Councillor Dodin abstained from voting.

19 **P0482.14 - WYKEHAM PRIMARY SCHOOL, RAINSFORD WAY  
HORNCHURCH - PROPOSED NEW DEMOUNTABLE NURSERY  
BUILDING TO THE PLAYING FIELD**

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

20 **P0400.14 - 65 LAMBS LANE SOUTH RAINHAM**

The report before members concerned an application for the demolition and replacement dwelling and two detached bungalows and single garage to the rear at 65 Lambs Lane South in Rainham.

During the debate members discussed the possible overdevelopment of the site and the access/egress arrangements for the site. Members received clarification from officers as to the width of the access road and storage facilities for refuse.

Following a motion to refuse planning permission which was lost by 3 votes to 7 with 1 abstention the Committee noted that the proposed development qualified for a Mayoral CIL contribution of £4,362 and it was **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 £12,000 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.

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

Councillors Misir, Best, Crowder, Kelly, White and Dodin voted for the resolution to grant planning permission.

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

Councillors Nunn, Martin and Williamson abstained from voting.

## 21 **EXCLUSION OF THE PUBLIC**

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

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

The report before the Committee compiled a schedule listing, by Ward, all the complaints received by the Planning Control Service over alleged planning contraventions for the period from 16 February 2014 and 6 June 2014.

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

---

**Chairman**

This page is intentionally left blank

## Regulatory Services Committee

31 July 2014

<b>Page No.</b>	<b>Application No.</b>	<b>Ward</b>	<b>Address</b>
1-12	P0447.14	Rainham & Wennington	The Chafford School, Lambs Lane South, Rainham
13-18	P0556.14	Squirrels Heath	395-397 Brentwood Road, Romford
19-22	P0602.14	Havering Park	Shenandoah, Broxhill Road, Havering-Atte-Bower, Romford
23-27	P0843.14	South Hornchurch	CEME, Marsh Way, Rainham

This page is intentionally left blank

**REGULATORY SERVICES COMMITTEE**

**31st July 2014**

<b>APPLICATION NO:</b>	<b>P0447.14</b>	
<b>WARD :</b>	Rainham & Wennington	<b>Date Received:</b> 15th May 2014 <b>Expiry Date:</b> 14th August 2014
<b>ADDRESS:</b>	The Chafford School Lambs Lane South Rainham	
<b>PROPOSAL:</b>	Phased masterplan to replace and improve existing campus facilities, including a new sports centre for school and community use, new engineering and arts and drama wings, new-build and internally upgraded classbases together with upgrading and replacement of existing external sports courts, on-site parking and landscaped areas.	
<b>DRAWING NO(S):</b>	6151/1306 6151/1105 6151/1211 6151/1212 6151/1213 6151/1214 6151/1301 6151/1216 6151/1215 6151/1402 6151/1304 6151/1302 6151/1303 6151/1601 6151/1209 6151/1210 6151/1208 6151/1207 6151/1213 6151/1104 6151/1305	
<b>RECOMMENDATION :</b>	It is recommended that <b>planning permission be GRANTED</b> subject to the condition(s) given at the end of the report given at the end of the report.	

**SITE DESCRIPTION**

The site lies on the eastern edge of Rainham with frontages onto Wennington Road and Lambs Lane South. The site totals 7.2ha and comprises the school buildings with external parking, playing fields and sports surfaces and grassed areas. It also includes the Chafford Sports Complex. The whole site lies within the Green Belt and the area of the Thames Chase Community Forest. The School buildings are located towards the south east corner of the site close to the main settlement boundary.

To the north and west of the site are the residential parts of Rainham, to the south is the Brady Primary School. To the east is the former mineral extraction site at South Hall Farm.

The school comprises five main blocks of accommodation that has evolved since the main part

## **REGULATORY SERVICES COMMITTEE**

**31st July 2014**

was built in the 1950's. The buildings are mainly single storey, but with some two storey elements. The buildings have flat roofs with facing materials of grey buff/red brick, render and some large insulations panels within window openings.

The sports complex lies to the west of the main school close to the Wennington Road frontage. It comprises two linked buildings that contain a sports hall, swimming pool and changing area. The sports hall is of two-storey scale with metal cladding and a brick base under a pitched roof. The swimming pool is single storey with a painted block base under a flat roof.

The site's main access is from Lambs Lane South with three separate points for vehicles and pedestrians. There is a further service access to the sports complex from Wennington Road.

The boundaries of the site are fenced and include a number of mature trees. There is a landscaping belt along the boundary with South Hall Farm planted in connection with the mineral working.

### **DESCRIPTION OF PROPOSAL**

Chafford School has academy status and has a roll of 938 pupils which is close to capacity. The school is seeking to upgrade its accommodation in a series of phases by demolishing parts, rebuilding new facilities and upgrading others. The improvements would be phased over a 5-10 year period.

The main elements of the proposals are:

- \* Demolition of the sports complex and providing a new sports hall and changing facilities as an extension to the main building;
- \* Improving the arts, drama and music facilities by increasing the size of the front wing;
- \* New engineering facilities;
- \* Relocating subject groups such as science and humanities involving the erection of a first floor rear science wing and internal refurbishment;
- \* Increase first floor accommodation to rear of main school building;
- \* Improved vehicular access to provide in/out points and dropping off area;
- \* Improved school entrance;
- \* Landscaping close to new entrance and along Wennington road and Lambs Lane South.
- \* Upgrading of external sports areas

The overall footprint occupied by buildings would be reduced by 250sqm through the demolition of the buildings furthest from the main school, including the current sports complex and swimming pool. The total floor space that would be demolished amounts to 3,348sqm and 5,156sqm of new floorspace would be created, giving a net increase of 1,800sqm.

There would be a range of finishing materials for the new built development which would vary to reflect the individual departments of the school. These would include brickwork to match existing, timber, fibre cement coloured panels; render, grey flat roofing and grey window units.

### **RELEVANT HISTORY**

L/HAV/6052/72 - Enlargement of seven form entry and dual use of sports hall - approved.

L/HAV/1996/73 - Demountable classroom unit - approved.

P2069.03 - Single storey detached buildings providing 3 no. classrooms - approved.

P1366.06 - Proposed classroom block - approved.

P1419.11 - Installation of electricity producing solar photovoltaic panels on the roof of the main



## **REGULATORY SERVICES COMMITTEE**

**31st July 2014**

school building - approved.

P1762.11 - Canopy in playground - approved.

### **CONSULTATIONS/REPRESENTATIONS**

Streetcare (Highway Authority - has no objections to the proposal, but would like to see pedestrian visibility splays at vehicular access points. a condition to cover this is recommended.

London Fire Brigade - strongly recommends that sprinklers are considered for the development and that the Water Team is consulted.

London Fire Brigade (Water Team) - happy for the works to go ahead and no further action is required.

Transport for London - has no objections and welcomes the reduction in on-site parking. Recommends conditions to cover cycle parking, travel plan, school management plan; construction method statement and blue badge parking. Also recommends that the provision of charging points for electric vehicles is considered.

Greater London Authority - the Mayor considers that the application complies with the London Plan and recommends that the application is determined without any further reference to the GLA. The development would be in accordance with the government's objectives for the provision of education facilities. The development would also be appropriate in the Green Belt and the applicant would not need to demonstrate very special circumstances.

Environment Agency - no comments received.

Thames Water- Public sewers cross or are close to the proposed development and the approval of Thames Water is required for any work within 3 metres of a public sewer. Proper provision for surface water drainage should be made.

Essex and Suffolk Water - has no objections and highlights that the works are notifiable under water supply regulations.

Public Protection - has no objections and recommends conditions relating to potential contaminated and air quality.

Metropolitan Police Designing Out Crime Officer - has had pre-application discussions with the applicant about incorporating crime prevention measures in the design of the development in accordance with LDF Policy DC63. Raises issues regarding fencing, lighting and access control.

Requests a condition requiring details to show how 'Secured by Design' principles and practises are to be incorporated.

Sport England - no objections raised. The development complies with its policies regarding the protection of playing fields. None of the development would limit the scope of the playing field or limit its scope for accommodating formal pitches.

Representations:

108 neighbours have been notified of the application. One letter has been received requesting that parking is provided on site for visiting coaches to the sports complex.

### **RELEVANT POLICIES**

LDF

## **REGULATORY SERVICES COMMITTEE**

**31st July 2014**

### **LDF**

CP17 - Design  
CP8 - Community Facilities  
DC18 - Protection of Public Open Space, Recreation, Sports and Leis  
DC19 - Locating Cultural Facilities  
DC29 - Educational Premises  
DC33 - Car Parking  
DC34 - Walking  
DC35 - Cycling  
DC45 - Appropriate Development in the Green Belt  
DC48 - Flood Risk  
DC49 - Sustainable Design and Construction  
DC61 - Urban Design  
SPD10 - Sustainable Design and Construction SPD

### **OTHER**

LONDON PLAN - 3.18 - Education facilities  
LONDON PLAN - 3.19 - Sport facilities  
LONDON PLAN - 4.6 - Support for and enhancement of arts, culture, sport and ente  
LONDON PLAN - 5.12 - Flood risk management  
LONDON PLAN - 5.7 - Renewable energy  
LONDON PLAN - 7.16 - Green Belt  
LONDON PLAN - 7.3 - Designing out crime  
LONDON PLAN - 8.3 - Community infrastructure Levy  
NPPF - National Planning Policy Framework

### **MAYORAL CIL IMPLICATIONS**

Educational establishments are not liable for CIL.

### **PRINCIPLE OF DEVELOPMENT**

The application needs to be determined in accordance with the policies and guidance of the National Planning Policy Framework (NPPF) and the Development Plan. There are three main considerations: the need for additional accommodation for education; the appropriateness of the development in the Green Belt and the loss/replacement of existing sports facilities.

With regard to education the NPPF states that local planning authorities should take a proactive approach to meeting the requirements of local communities to ensure that there is sufficient choice of school places available and to development that will widen the choice of education. Great weight should be given to the need to expand or alter schools. These objectives are supported by London Plan and LDF policies. Therefore, the redevelopment proposals are considered to be acceptable in principle.

However, the site lies within the Green Belt and the proposals also need to be considered in relation to Green Belt policies, in particular the impact on openness. An assessment of the Green Belt implications is set out later in this report.

The proposals also involve the loss of some recreational facilities through the demolition of the sports complex. The NPPF and LDF policies seek to retain such facilities unless it can be shown they are surplus to requirements or are to be replaced by equivalent or better provision. In this case the sport hall would be replaced but not the swimming pool. The existing complex

## **REGULATORY SERVICES COMMITTEE**

**31st July 2014**

would also need to be demolished before the new one could be built so there would be a period when there are no replacement facilities. The new sports hall would be to an improved standard, therefore, the objectives of the various policies would be met.

The site is also close to a small number of dwellings and there will be some impact on occupiers of these properties.

### **GREEN BELT IMPLICATIONS**

The site lies entirely within the Green Belt. The most up to date guidance on development in the Green Belt is set out in the National Planning Policy Framework. As with earlier policy in PPG2 inappropriate development is, by definition harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight should be given to any harm to the Green Belt when making planning decisions. Very special circumstances will not exist unless the potential harm to the Green Belt is clearly outweighed by other considerations. All new buildings in the Green Belt are normally considered to be inappropriate development. However, there are exceptions. These include the extension or alteration of an existing building provided that it does not result in disproportionate additions over and above the size of the original building.

Development plan policies are set out in the London Plan and Local Development Framework. LDF Policy DC45 sets out the development that will be permitted in the Green Belt. This does not include the extension of existing buildings. However, DC45 is not consistent with the NPPF in this respect and as a consequence can be afforded little weight. London Plan policy 7.16 states that the Green Belt should be protected in accordance with national policy and that inappropriate development should be refused, except in very special circumstances.

Earlier proposals for new development at the school have been permitted, but these had been assessed against earlier Green Belt policies that specifically addressed the difficulty of finding alternative sites for education establishments outside of the Green Belt. The guidance in the NPPF no longer refers to this specifically. Therefore, the main issue in this case is whether the new development would have a significantly greater impact on the openness and visual amenities of the Green Belt than currently exists. In this regard much of the proposed new build either extends the existing main building or develops over the existing ground floor such that the height and bulk of the main building would not be significantly increased. The demolition of Chafford Sports Complex would significantly reduce the impact on openness, especially given the height and bulk of the sports hall element. There would be no increase in the footprint of the school as the extra floorspace would be created by building a first floor over existing parts of the school.

In these circumstances officers consider that the proposed additions and extensions would not be disproportionate to the original building and the development overall would reduce the bulk and impact on openness. Therefore, notwithstanding the overall increase in the floorspace that would be provided, the development is considered to be appropriate in the Green Belt in accordance with the guidance in the NPPF. It would also comply with Policy 7.16 of the London Plan and whilst now largely superseded, the development would be in accordance with the aims and objectives of LDF Policy DC45 to maintain the openness and rural character of the Green Belt.

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

The proposed development would not significantly alter the appearance of the school from public areas. The removal of the existing sports complex would improve the appearance of the site as

## **REGULATORY SERVICES COMMITTEE**

**31st July 2014**

would the concentration of the buildings on the site. Overall it is considered that the proposal would have no material adverse impact on the streetscene or the character and appearance of the area.

### **IMPACT ON AMENITY**

The development would have some impact on the amenities of those residents whose properties adjoin the site. These are located on the north west corner of the site, two that front onto Lambs Lane South and six onto Wennington Road. The main site roadway that gives access to parking areas that serve the school and sports complex lies adjacent to the side fence of one of the properties. There are also parking areas close to these boundaries. This situation would not change significantly under the current proposals, except that the roadway would be used only for vehicles, mainly cars leaving the site. The internal roadways would be linked under these proposals with the main entrance further to the north along Lambs Lane South. As the access and egress arrangements would be similar the impact on residential amenity would not be significantly different.

The redevelopment proposals would, however, bring buildings closer to the residential properties, with the greatest potential impact on the two that front onto Lambs Lane South and the school caretaker's house on Wennington Road. Following the demolition of the existing Sports Complex a new sports hall would be erected which would be closer by about 20m. The building would also be significantly higher than the existing swimming pool building, being two-storey in scale. This would result in some adverse impact on the visual amenities of these residents. However, the new building would be between 35m-40m away from the rear of the dwellings and this would limit the impact which staff consider would not be overbearing. The walls facing the dwellings would have no windows and finished in coloured material panels, the details of which would be agreed following the grant of a planning permission.

There would also be impact on the appearance of the area from the new building works which would be visible from the public highway and from areas outside of the site. However, there would be an overall improvement in visual terms with the new buildings being set back further into the site, creating more space around the school complex, especially along Wennington Road.

### **HIGHWAY/PARKING**

Parking areas and access/egress to and from the site would be improved by these proposals compared with the current situation so there would be no significant additional adverse impacts on highway safety arising. No objections have been by the Highway Authority (Streetcare) subject to a condition on pedestrian visibility splays. There would be some loss of parking, but the provision would still accord with adopted standards. In addition the proposals would provide improved dropping off/collection areas.

### **OTHER ISSUES**

The proposed development would result in the loss of some sports facilities, in particular the swimming pool. The existing sports complex is in poor condition and is in need of upgrading/refurbishment. The guidance in the NPPF and LDF Policies CP7 and DC18 seek to protect existing sports/leisure facilities unless they can be shown to be surplus to requirements or replaced by improved facilities. In this case the sports hall would be replaced and other sports facilities at the school would be upgraded. A potential location for a replacement swimming pool is also identified in the Design and Access Statement, although the potential for such provision is also dependent upon external funding. Overall it is considered that the intentions of the policy

## **REGULATORY SERVICES COMMITTEE**

**31st July 2014**

would be satisfied by the replacement facilities. However, there can be no guarantee that the new sports hall would be built as this would be dependent on external funding. Staff understand that the costs of running the sports complex are significant and that the school is not obliged to keep these facilities open. However, the sports facilities would not be lost to other development.

Currently school facilities are used by the local community outside of school hours, in particular the sports hall and swimming pool. LDF Policy DC29 seeks to encourage the use of school facilities by the wider community outside of school hours. This would continue with the redevelopment proposals, although there would no longer be a swimming pool in the immediate future. The sports hall, main hall, drama and music facilities and sports pitches would continue to be available for public hire.

### **SUSTAINABILITY/ENERGY EFFICIENCY**

The improvement of existing facilities and removal of some of the more isolated buildings would enable the school to achieve energy efficiencies and reduce energy consumption. The target of a carbon dioxide reduction of 20% on the current situation is considered to be achievable by the introduction of new technologies and improving energy efficiency. Details of the technologies to be used to achieve an appropriate BREEAM could be required by condition in accordance with LDF policy DC49.

### **FLOOD RISK**

A small part of the school site in the north-western corner lies within Flood Zone 2 as defined on the Environment Agency's flood risk maps. However, none of the existing or proposed buildings lie within the Zone. The bulk of the site lies within Flood Zone 1. There have been no objections from the Environment Agency to the proposals. Educational establishments are classified as 'more vulnerable' in the Technical Guidance to the NPPF, but are acceptable in Flood Zones 1 and 2. There is egress onto Lambs Lane North that is outside of Flood Zone 2. Therefore, the development is considered acceptable in terms of flood risk

### **KEY ISSUES/CONCLUSIONS**

The main issues are the need for additional accommodation for education and whether this would be acceptable in the Green Belt. The guidance in the NPPF is that great weight should be given to the need to expand or upgrade education facilities. The development proposed can be considered appropriate development in the Green Belt in accordance with the guidance in the NPPF as it would not materially harm openness and the scale of the development would not be disproportionate to the original school buildings. The development would improve the overall appearance of the area. The sports complex would be replaced with upgraded facilities, which would again be available for local community use. There would be some adverse impact on nearby residents, but this is not considered to be significant. Overall staff consider that the proposals would comply with the relevant policies of the NPPF and the development plan. The grant of planning permission is recommended accordingly.

### **RECOMMENDATION**

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

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

The development to which this permission relates must be commenced not later than

**REGULATORY SERVICES COMMITTEE**

**31st July 2014**

**2. Non Standard Condition 1 (Pre Commencement Condition)**

Phasing Strategy

Prior to the commencement of development:

- i) A Phasing Plan shall be submitted and approved in writing by the Local Planning Authority which indicates the extent of each development phase.
- ii) A Condition Discharge Plan shall be submitted and approved in writing by the Local Planning Authority which indicates separate zones of the site to be subject to prior to commencement condition submissions.

Thereafter the development shall not proceed other than in accordance with the agreed phasing strategy.

Reason: To ensure that there is an appropriate phased sequence of development on the site and that there is a clearly defined programme for the development to enable the phased discharge of planning conditions.

**3. SC09 (Materials) (Pre Commencement Condition)**

Before any of the development hereby permitted is commenced in any of the phases identified in the details approved under condition 2 above, samples of all materials to be used in the external construction of the building(s) that form part of that phase(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

**REGULATORY SERVICES COMMITTEE**

**31st July 2014**

**6. SC45A (Removal of permitted development rights) ENTER DETAIL**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 Article 3, Schedule 2, Part 1, as amended by the Town and Country Planning (General Permitted development) (Amendment)(no. 2)(England) Order 2008, or any subsequent order revoking or re-enacting that order, no development shall take place under Class 32, unless permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

Reason:-

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

**7. SC57 (Wheel washing) (Pre Commencement)**

Before the development of any of the phases of the development (as approved under condition 2 above) 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 for the relevant phase of the development.

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.

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

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

Reason:-

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

**9. SC59 (Cycle Storage)**

Prior to completion of any phase 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.

**REGULATORY SERVICES COMMITTEE**

**31st July 2014**

**10. SC60 (Contaminated land condition No. 1) (Pre Commencement)**

The development is situated on or within 250 metres of a current or historic landfill site or gravel pit and the following planning condition relating to landfill gas is required for this development proposal

Prior to the commencement of any groundworks or development of the site;

a) A site investigation shall be undertaken to assess the level and extent of any landfill gas present, together with an assessment of associated risks. The investigation shall be in accordance with a scheme submitted to and approved in writing by the Local Planning Authority prior to any development commencing

b) If during development works any contamination should be encountered which was not previously identified in the Site Investigation then works should halt immediately and the Local Planning Authority consulted to agree appropriate further action.

Reason:

To protect those redeveloping this site and any future occupants from potential landfill gas and in order that the development accords with the Development Control Policies Development Plan Document Policies DC61 and DC54.

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

Before any phase of the 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 for that phase 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

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.



## **REGULATORY SERVICES COMMITTEE**

**31st July 2014**

### **12. SC55 (Surface water drainage/flood plain) (Pre Commencement)**

Surface water drainage works for each phase of the development as approved under condition 2 above shall be carried out in accordance with details for each of the phases which shall be submitted to and approved in writing by the Local Planning Authority before development commences.

Reason:-

To prevent the increased risk of flooding, and in order that the development accords with the Development Control Policies Development Plan Document Policies DC61 and DC49

### **13. SC78 (Secure by Design) (Pre Commencement)**

No works shall take place to any of the of the building(s), access roads or pathways hereby approved until a 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. SC14A (Visibility splay)**

The proposals should provide a 2.1 by 2.1 metre pedestrian visibility splay on either side of all of the proposed new access points, set back to the boundary of the public footway. There should be no obstruction or object higher than 0.6 metres within the visibility splay.

Reason:-

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

---

## **INFORMATIVES**

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

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

### **2 Secure by Design Informative**

In promoting the delivery of safer, stronger, sustainable places the Local Planning Authority fully supports the adoption of the principles and practices of the Secured by Design Award Scheme and Designing against Crime. Your attention is drawn to the free professional service provided by the Metropolitan Police Designing Out Crime Officers for North East London, whose can be contacted via [DOCOMailbox.NE@met.police.uk](mailto:DOCOMailbox.NE@met.police.uk) or 0208 217 3813 . They are able to provide qualified advice on incorporating crime

**REGULATORY SERVICES COMMITTEE**  
**31st July 2014**

prevention measures into new developments.

## REGULATORY SERVICES COMMITTEE

31st July 2014

<b>APPLICATION NO:</b>	<b>P0556.14</b>	
<b>WARD :</b>	Squirrels Heath	<b>Date Received:</b> 22nd April 2014 <b>Expiry Date:</b> 17th June 2014
<b>ADDRESS:</b>	395-397 Brentwood Road Romford	
<b>PROPOSAL:</b>	Change of Use of existing vacant retail unit (A1) to a restaurant (A3) with rear external extract duct	
<b>DRAWING NO(S):</b>	3180_PL01 3180_PL02 3180_PL03 3180_PL07 3180_PL08 3180_PL04 Specification for Kitchen Extraction System	
<b>RECOMMENDATION :</b>	It is recommended that <b>planning permission be REFUSED</b> for the reason(s) given at the end of the report given at the end of the report.	

### **CALL-IN**

The application has been called in by Councillor Kelly on the grounds that in the past Highway objections have always been overruled as far as other local area developments are concerned, therefore this particular item should be looked at in the generality of the area.

### **SITE DESCRIPTION**

The application relates to the property at 395-397 Brentwood Road, Romford. This is a part single storey and two-storey building with a retail unit occupying the ground floor sections and a residential flat at first floor level. The site is located adjacent to the Tesco Metro store and opposite The Drill public house and a dilapidated car sales showroom. To the rear the site is abutted by the garden areas of residential dwellings fronting onto Heath Park Road. To the south of the site along Brentwood Road the western side of the road is formed of two storey semi-detached housing. The western side of the road is formed by a portion of commercial uses with residential properties beyond. The site is located within the Drill Corner Minor Local Centre and as such the surrounding area has a mixed commercial and residential character.

### **DESCRIPTION OF PROPOSAL**

The application is seeking planning permission for the change of use of the existing vacant A1 retail unit to an A3 restaurant use with a rear external extract duct. Internal alterations will be made to accommodate the new layout and appropriate extract equipment will be installed on the rear elevation.

The application proposes no alteration to the building frontage and any proposed signage would be addressed through an additional application.

The unit has an internal floor area of approximately 243 square metres and it is proposed that approximately 178 square metres would be used as restaurant floorspace and the remainder forming the kitchen, store room and customer toilets.

## **REGULATORY SERVICES COMMITTEE**

**31st July 2014**

The proposed restaurant would employ up to 12 staff consisting of 8 full time and 4 part time employees.

As a rough indication there would be around 60 to 65 covers and the proposed operating hours would be 09:00 to 23:00 Monday to Thursday, 09:00 to 00:00 Friday and Saturday and 10:00 to 23:00 on Sunday and Bank Holidays.

The current parking provision would be extended across the frontage slightly to create off street car parking provision of 5no. spaces to the front of the premises, accessed directly from Brentwood Road.

### **RELEVANT HISTORY**

- P1576.11 - Installation of Shopfront  
Apprv with cons 05-12-2011
- P1324.11 - Change of use from an existing car sales showroom to Class A1 retail unit and change of use of first floor office space to three residential units.  
Apprv with cons 28-10-2011
- P0636.11 - Variation of condition 4 of P0018.11- to extend store trading hours between 7.00am to 11.00pm any day  
Apprv with cons 04-07-2011
- P0018.11 - Part change of use of former car showroom to form a Class A1 retail unit, alteration to front forecourt layout and the front facade of the building.  
Apprv with cons 18-03-2011
- P0019.11 - Change of use of part of former car showroom to Class A1 retail, change of use of first floor to form 3no. residential units and construction of second floor extension to form 2no. residential units together with alterations to the front facade of the building.  
Refuse 05-08-2011

### **CONSULTATIONS/REPRESENTATIONS**

Notification letters were sent to 23 properties and no representations have been received.

Environmental Health - have requested conditions relating to noise insulation, extract and removal/ dispersal of odours are including in any approval notice.

The Local Highway Authority has objected to the proposal on the grounds of insufficient off street car parking provision.

### **RELEVANT POLICIES**

#### LDF

- DC16 - Core and Fringe Frontages in District and Local Centres
- DC33 - Car Parking
- DC61 - Urban Design

#### OTHER

- LONDON PLAN - 4.7 - Retail and town centre development

## **REGULATORY SERVICES COMMITTEE**

**31st July 2014**

### **OTHER**

LONDON PLAN - 4.8 - Supporting a successful and diverse retail sector

NPPF - National Planning Policy Framework

### **MAYORAL CIL IMPLICATIONS**

The proposal does not result in the creation of any net additional gross internal floorspace and is therefore not liable for Mayoral CIL.

### **STAFF COMMENTS**

The issues arising from this application are the principle of the change of use, impact on amenity, and parking and highway issues.

### **PRINCIPLE OF DEVELOPMENT**

The application site is designated in the Council's Local Development Framework as falling within the Drill Corner Minor Local Centre. Policy DC16 advises that within the boroughs Minor Local Centres retail uses and other uses, including A3, that are appropriate to a shopping area will be granted planning permission. The proposal concerns the change of use of an existing A1 retail unit to an A3 restaurant and given the provisions of Policy DC16 the principle of the change of use is therefore considered to be acceptable in landuse terms.

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

The change of use proposes no alteration to the building frontage and any proposed signage would be addressed through an additional application.

### **IMPACT ON AMENITY**

Policy DC61 states that planning permission will not be granted where the proposal has adverse effects on the environment by reason of noise impact, hours of operation and fumes.

The application site is surrounded by residential accommodation to the south and north with houses at 393 Brentwood Road and Heath Park Road respectively as well as residential accommodation located at the first floor level above the commercial unit.

The site is located within a Minor Local Centre, so it is acknowledged that those residents adjoining the application site to the south or north and living above the commercial parade would expect a different type of environment from that which would be found in an entirely suburban housing area.

As a rough indication the restaurant would include around 60 to 65 covers and the proposed operating hours would be 09:00 to 23:00 Monday to Thursday, 09:00 to 00:00 Friday and Saturday and 10:00 to 23:00 on Sunday and Bank Holidays. Therefore the restaurant is likely to attract a high number of customers late into the evening. The adjacent Tesco Store is permitted to open until 23:00 everyday.

It is considered that due to the number of expected customers and the proposed operating hours late into the evening the proposed change of use would result in the potential for additional noise to be created from people within, entering and leaving the premises. In view of the proximity of residential properties it is considered that the later hours of opening would cause an unacceptable loss of amenity for neighbours.

Issues concerning on-street customer car parking are discussed in more detail in the Highways section of the report.

## **REGULATORY SERVICES COMMITTEE**

**31st July 2014**

The proposal will involve the installation of an external extract duct on the rear elevation adjacent to the small and enclosed rear yard area. Given the triangular shape of the site the boundary tapers and narrows with the residential gardens of 393 Brentwood Road and houses at Heath Park Road abutting this section of the site, placing it within close proximity to the surrounding residential properties.

Staff initially raised concerns in relation to the proximity of the extract flue to the neighbouring houses and gardens. However a revised extract system has now been provided which will be installed to the roof and allow for the satisfactory extraction of odours away from the neighbouring residential properties.

### **HIGHWAY/PARKING**

The Local Highway Authority have objected to the proposal.

The site is within the Gidea Park PTAL Zone, so the existing A1 use would attract 1 parking space per 35 to 50 sq.m of floorspace which equates to 5 to 7 spaces (maximum).

The proposed A3 use attracts a standard of 1 space per 10 square metres as a maximum which would be 26 for this site - there is no relaxation because it is in the PTAL Zone, this is only relaxed for Romford according to the standards.

The site currently has 3 spaces (including one accessible) located on the forecourt to the front of the premises. The proposal would involve the reconfiguration of this area to provide a total of 5no. parking spaces, although this would require alteration to the existing layby. Nevertheless, the existing 3no. parking spaces are dedicated to the first floor flats and formed crucial element of the planning permission (P1324.11) for this development. Through this permission a condition was imposed to ensure that the spaces are kept permanently available for use by the residential occupiers. As such the proposed off street car parking arrangements would be in direct conflict with the previous planning consent which has since been implemented. Any alteration to the existing car parking arrangement would be in breach of a planning condition relating to this previous development. Therefore it is unclear where off-street car parking provision would be provided as part of this current proposal. Consequently Staff are concerned that there will be overspill to local unrestricted residential streets.

The application site is located on Brentwood Road, which is busy route through the area. Brentwood Road is subject to a fairly consistent amount of traffic throughout the day and into the evening. Given the nature of the road and the location of the application site adjacent to The Drill roundabout on street parking is not judged to be an ideal situation. Mindful of this the application for the adjacent Tesco store included the installation a new layby to the front of the premises as part of the planning permission for the change of use of the adjoining part of the building to a retail unit (reference P0018.11). This layby is intended for use by delivery vehicles and for vehicles pulling in to use the shop. Staff were therefore of the view that the neighbouring A1 retail use was acceptable in respect of servicing and parking into the evening.

The application site is located in an area where a number of parking controls are present. The section of Brentwood Road outside the application site is presently controlled by a single yellow line which applies Monday to Saturday between 0830 and 1830. Nearby roads including Heath Park Road, Slewins Lane, Manor Avenue and Balgores Lane are also subject to single yellow line parking restrictions at varying times of day. During periods when this restriction is in force the nearest potential on street parking available to customers is within Heath Park Road (58 metres from the site) or Manor Avenue (92 metres from the site) where there are several blocks

## REGULATORY SERVICES COMMITTEE

31st July 2014

of parking bays. These parking bays are for disc parking only between the hours of 0800 and 1830 Monday to Saturday. Outside of these hours the bays are available for non disc holders.

The proposed restaurant operating hours would be 09:00 to 23:00 Monday to Thursday, 09:00 to 00:00 Friday and Saturday and 10:00 to 23:00 on Sunday and Bank Holidays. As a result the majority of customers would be likely to use the restaurant around lunchtime hours and into the evening. The existing daytime on-street parking restrictions could therefore result in overspill on the unrestricted residential streets. Beyond the parking restriction hours into the evening, vehicles would be able to park on the street. Given that the restaurant would include around 60 to 65 covers coupled with the proposed late opening hours, a high proportion of customers will attend the restaurant during the evening time. Given the nature of the use it is unlikely that the customer base will be solely drawn from neighbouring residents and as such it is reasonable to assume that a high proportion of customers will travel to the restaurant by car. With relatively unrestricted parking on the surrounding streets the proposed change of use is likely to result in a significant nuisance to neighbouring residents from on street customer parking.

Having regard to the presence of on street parking controls staff are of the view that any potential on street parking would not be adequately controlled. Were vehicles to park on street outside of these hours staff are of the view that this would be materially harmful to the free flow of the public highway and would result in significant nuisance to neighbouring residents.

### **SECTION 106**

The proposed change of use is not liable for any charges under the provisions of Policy DC72 of the LDF and the Planning Obligations SPD.

### **KEY ISSUES/CONCLUSIONS**

It is considered that the hours of opening would cause an unacceptable loss of amenity to neighbouring residents by reason of noise and disturbance from people within, entering and leaving the premises late into the evening. Staff are of the view that without suitable off-street car parking arrangements customers would park on the surrounding roads which would be materially harmful to the free flow of the public highway and would result in significant nuisance to neighbouring residents.

The development is considered to be contrary to the provisions of Policies DC33, DC61 and the Residential Development SPD. Therefore it is recommended that planning permission is refused.

### **RECOMMENDATION**

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

#### **1. Reason for refusal**

The proposed development would, by reason of the inadequate on site car parking provision, result in unacceptable overspill onto the adjoining roads to the detriment of highway safety and residential amenity and contrary to Policies DC32 and DC33 of the LDF Development Control Policies Development Plan Document.

#### **2. Reason for refusal**

The proposed late opening hours, would result in noise and disturbance to

**REGULATORY SERVICES COMMITTEE**

**31st July 2014**

neighbouring residents particularly during the evening hours of operation due to customers entering and leaving the premises and the increased amount of vehicles parking and manoeuvring which would therefore be contrary to Policies DC55 and DC61 of the Core Strategy and Development Control Policies Development Plan Document.

---

**1 Refusal - No negotiation**

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



## REGULATORY SERVICES COMMITTEE

31st July 2014

<b>APPLICATION NO:</b>	<b>P0602.14</b>	
<b>WARD :</b>	Havering Park	<b>Date Received:</b> 30th April 2014 <b>Expiry Date:</b> 25th June 2014
<b>ADDRESS:</b>	Shenandoah Broxhill Road Havering-Atte-Bower Romford	
<b>PROPOSAL:</b>	Demolition of single storey rear extension and erection of a single storey rear extension	
<b>DRAWING NO(S):</b>	2931.01 2931.02	
<b>RECOMMENDATION :</b>	It is recommended that <b>planning permission be GRANTED</b> subject to the condition(s) given at the end of the report given at the end of the report.	

### **SITE DESCRIPTION**

The application site is a two storey detached dwelling entitled Shanandoah in Broxhill Road, Havering-atte-Bower. The site is located in Metropolitan Green Belt. Ground levels in Broxhill Road fall from north west to south east. There is a raised crazy paved area to the rear of the dwelling. There is a timber paling fence on the perimeter of the rear garden.

### **DESCRIPTION OF PROPOSAL**

The application seeks planning permission for the demolition of the single storey rear extension and the erection of a single storey rear extension, with a depth of 4 metres, a width of 6.4 metres and a height of 3.3 metres with a crown roof.

### **RELEVANT HISTORY**

L/HAV/2487/73 - Two storey extension - Approved.

P0188.91 - Two storey side addition, single storey rear and detached garage - Refused. Appeal dismissed.

P0523.92 - Two storey side extension - Refused.

### **CONSULTATIONS/REPRESENTATIONS**

The proposal was advertised by way of a site notice and in the local press as development which is contrary to the Metropolitan Green Belt Policies of the LDF Core Strategy and Development Control Policies Development Plan Document. 10 neighbouring occupiers were consulted and no letters of representation were received.

Highway Authority - No objection.

### **RELEVANT POLICIES**

Policies CP14 (Green Belt), CP17 (Design), DC33 (Car Parking), DC45 (Green Belt), DC61 (Urban Design) of the LDF Core Strategy and Development Plan Document are considered material, together with the Residential Extensions and Alterations Supplementary Planning Document.

Policies 6.13 (parking), 7.4 (local character) and 7.16 (green belt) of the London Plan 2011 are relevant.

## **REGULATORY SERVICES COMMITTEE**

**31st July 2014**

Chapters 7 (Requiring good design) and 9 (Protecting Green Belt land) of the National Planning Policy Framework are relevant.

### **MAYORAL CIL IMPLICATIONS**

The application is not liable for Mayoral CIL.

### **STAFF COMMENTS**

The main issues in this case are the impact on the character and openness of the Metropolitan Green Belt, the streetscene, the impact on residential amenity and any highway and parking issues.

For the purposes of this application, the Planning Officer's calculations have been used to determine this application.

### **PRINCIPLE OF DEVELOPMENT**

The application site falls within the Metropolitan Green Belt however, this does not preclude extensions to residential properties in principle. National and local policies refer to a presumption against inappropriate development in Green Belt areas.

Chapter 9 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate development in the Green Belt. An 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. In this instance, the existing single storey rear extension will be demolished and it is considered that the proposed single storey rear extension would not result in disproportionate additions over and above the size of the original building and as such this proposal is appropriate in principle.

### **GREEN BELT IMPLICATIONS**

The original dwelling had a volume of approximately 234 cubic metres. The two storey side extension (approved under application L/HAV/2487/73) had a volume of approximately 180 cubic metres. The rear dormer has a volume of 4.3 cubic metres. The original rear extension/sun lounge has a volume of 43 cubic metres.

The proposed single storey rear extension has a volume of approximately 73.9 cubic metres.

Policy DC45 states that extensions, alterations and replacement of existing dwellings will be allowed provided that the cubic capacity of the resultant building is not more than 50% greater than that of the original dwelling.

The Case Officer calculated the volume of the proposed single storey rear extension and it would result in an increase in cubic capacity of the existing dwelling by approximately 31% (or a volume of 73.9 cubic metres). Therefore, the combined volume of the two storey side extension, rear dormer and the proposed single storey rear extension is approximately 110%, (as per staff calculations).

Having carefully considered the merits of this planning application, the proposed single storey rear extension is considered to be acceptable for the following reasons. Consideration has been given to demolition of the existing single storey rear extension, which would help to mitigate the impact of the proposal. The overall proportions of the proposed extension are relatively modest and it would project 1.6 metres further than the existing extension (not including its central front projection). The proposed extension would be in a similar siting to the existing extension and as

## REGULATORY SERVICES COMMITTEE

31st July 2014

such, would not adversely affect the open nature and character of the Green Belt. The crown roof of the extension minimises its bulk and its depth adheres to the Residential Extensions and Alterations SPD. Overall, it is Staff's view that the proposed development would not be disproportionate to the existing dwelling and therefore, would be in accordance with Chapter 9 of the NPPF.

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

The single storey extension would be located to the rear of the dwelling and therefore, would not be visible from the streetscene. With regards to the rear environment, it is considered that the single storey rear extension would not have an adverse impact on this area, as its depth adheres to the Residential Extensions and Alterations SPD. It is considered that the extension would integrate well with the existing dwelling.

### **IMPACT ON AMENITY**

It is considered that the proposal would not result in a loss of amenity to neighbouring properties, as its single storey, its depth adheres to the Residential Extensions and Alterations SPD, its crown roof minimises its bulk and it would be in a similar siting to the existing extension, which will be demolished.

The flank walls of the proposed extension would be approximately 8 and 34 metres from the north western and south eastern boundaries of the site respectively, which would help to mitigate its impact. There is timber fence on the perimeter of the rear garden, which would help screen the proposed extension. It is considered that the proposal would not add to the overlooking that presently exists. A condition has been placed to ensure that the roof area of the proposed extension shall not be used as a balcony, roof garden or similar amenity area to protect neighbouring amenity.

### **HIGHWAY/PARKING**

There is space for a minimum of three vehicles on hardstanding to the front of the dwelling. The Highway Authority has no objection to the proposal. It is considered that the proposal would not create any parking or highway issues.

### **KEY ISSUES/CONCLUSIONS**

Having carefully considered the merits of this planning application, the proposed single storey rear extension is considered to be acceptable and would not adversely affect the open nature and character of the Green Belt. Overall, it is Staff's view that the proposed development would not be disproportionate to the existing building and therefore, would be in accordance with the national guidance for Green Belts as contained within Chapter 9 of the NPPF.

It is considered that the proposal would not result in a loss of amenity to adjacent occupiers and would not create any highway or parking issues. Accordingly it is recommended that planning permission be approved.

### **RECOMMENDATION**

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

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

The development to which this permission relates must be commenced not later than

## **REGULATORY SERVICES COMMITTEE**

**31st July 2014**

### **2. SC10 (Matching materials)**

All new external finishes shall be carried out in materials to match those of the existing building(s), namely cream smooth painted render, white aluminium window frames in black hardwood sub-frames, roof tiles and felt roofing to the satisfaction of the Local Planning Authority.

Reason:-

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

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

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

Reason:-

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

### **4. SC48 (Balcony condition)**

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

Reason:-

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

---

## **INFORMATIVES**

### **1 Approval - 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

31st July 2014

<b>APPLICATION NO:</b>	<b>P0843.14</b>	
<b>WARD :</b>	South Hornchurch	<b>Date Received:</b> 16th June 2014 <b>Expiry Date:</b> 15th September 2014
<b>ADDRESS:</b>	C E M E Marsh Way Rainham	
<b>PROPOSAL:</b>	The erection of a single storey modular office accommodation & a three storey modular classroom accommodation.	
<b>DRAWING NO(S):</b>	710P A 001 Rev A 710P A 002 Rev A 710P A 003 Rev D L140237-311 Rev A 22720001-100-02 L140237-301A Rev B 710P A 004 Rev C L140237-111 Rev A L140237-103 Rev B L140237-102 Rev B L140237-101 Rev B	
<b>RECOMMENDATION :</b>	It is recommended that <b>planning permission be GRANTED</b> subject to the condition(s) given at the end of the report given at the end of the report.	

### **SITE DESCRIPTION**

The application site comprises land currently used as a car park or associated landscaping area, at the eastern end of the CEME site. The site is split into three areas, including: an area alongside the CEME building, to be used for the installation of an access ramp; an area of existing car park where the proposed buildings and amenity spaces would be located; and an area of landscaping to be used as a car park. All of the site's boundaries lie within the wider CEME site. The site is designated in the LDF as a Strategic Industrial Location.

### **DESCRIPTION OF PROPOSAL**

Planning permission P0936.13 granted approval for the creation of an education facility specialising in engineering and other technical skills. That facility would cater for 50 staff and 600 pupils in the 14-19 years age group. The proposal would include the erection of an extension to the western end of the CEME building, along with the use of space within the existing CEME centre previously used by Havering Council, and would include a 96 space car park.

Owing to delays in the completion of the new building, planning permission is now being sought for a temporary school at the eastern end of the CEME site. The proposal would include two modular buildings with adjoining amenity areas. One of the buildings would be a three storey block containing classrooms and other facilities required by the college. The other building would be a single storey building used for offices in association with the college. The buildings would provide a combined floorspace of approximately 1392sqm, and would be flat roofed structures formed of coated steel. Wall panels would be light grey, with trimmings dark grey in colour.

The proposal would accommodate upto 200 students and 31 staff, and is intended to be retained

## **REGULATORY SERVICES COMMITTEE**

**31st July 2014**

for 70 weeks, by the end of which it is anticipated that the permanent college facility, to be located at the western end of the CEME site, will have been completed. The proposal would result in the loss of 95 parking spaces currently service the CEME complex, down to 425 from 520. However, the proposal would result in the creation of a new car park extension comprising 89 spaces. This parking area would be located in an area of landscaping at the south eastern end of the wider CEME site, and would be constructed using 'grasscrete'. An access ramp would be installed to the north west of the proposed temporary school to permit the continued access of part of an existing car park that would be cut off by the proposed buildings.

The school site would be enclosed by 2m high fencing, with access through the site's south eastern boundary from the internal access roads currently serving CEME.

### **RELEVANT HISTORY**

P0936.13 - Creation of new three storey education facility and remodelling of existing CEME building with associated lanscaping works - Approved.

### **CONSULTATIONS/REPRESENTATIONS**

Notification letters have been sent to 3 neighbouring occupiers. No representations have been received.

The following were also consulted:

Environment Agency - No objections.

Highways - No objections.

Environmental Health (Noise) - No objections.

Environmental Health (Contaminated Land) - No objections.

Business Improvement District - No comments received to date.

### **RELEVANT POLICIES**

Policies DC9, DC32, and DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document ("the LDF").

London Plan (2011)

Policy 3.18 (Education Facilities)

### **MAYORAL CIL IMPLICATIONS**

The proposal is for an educational facility / school and does give rise to a contribution under the Mayoral CIL charging schedule.

### **STAFF COMMENTS**

The main issues in this case are considered to be the principle of development, the visual impact, impact on amenity, highway and other considerations.

## **REGULATORY SERVICES COMMITTEE**

**31st July 2014**

### **PRINCIPLE OF DEVELOPMENT**

Policy DC9 of the LDF states that within the Rainham Employment Area, planning permission will only be granted for B1, B2, and B8 uses. However, the site under consideration is already in D1 use and the proposed development would therefore result in a temporary extension of an existing educational facility.

Policy 3.18 of the London Plan states that development proposals which enhance education and skills provision will be supported, including new build and expansion.

The proposal is considered to be acceptable in principle.

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

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

The proposed three storey teaching block would be the most conspicuous aspect of the proposal, particularly given its elevated position within the wider landscape. This aspect of the proposal would have a functional appearance, which, given its height, bulk, and massing, would serve to diminish the visual amenities of the wider CEME site, which is otherwise occupied by attractive buildings finished with good quality materials. However, given the temporary nature of the proposal, and that it would be located at the edge of the CEME site in what is otherwise an industrial location, it is considered that the visual harm would not be significant. The visual harm in this case does, in any case, need to be balanced against the urgent need the applicants have for the development and that no objections have been received from neighbouring occupiers.

The other proposed elements, including a single storey office building, car park extension, and fencing, are, owing to their nature and scale, considered to be visually acceptable given their temporary nature. Sufficient details have been submitted in relation to landscaping, boundary treatment, building materials, refuse, and bicycle storage that it is not considered necessary to require the approval of such details using conditions.

Subject to the use of a condition limiting the life of the development, it is considered that the proposed development would not be significantly harm to the visual amenities of the area and in this regard would be in accordance with Policy DC61 of the LDF.

### **IMPACT ON AMENITY**

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

The site is located within a broadly industrial area; no sensitive land uses are in close proximity. Given the nature of the proposed use, and the siting, scale and design of the proposed buildings and structures, it is considered that the proposal would not result in any significant adverse impacts on the amenity of neighbouring occupiers and that the proposal would be in accordance with Policy DC61 of the LDF.

### **HIGHWAY/PARKING**

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

The proposal would include a new car park containing 89 spaces, along with a ramp to an existing parking area that would be blocked off by the proposed school buildings and amenity

## REGULATORY SERVICES COMMITTEE

31st July 2014

areas. Changes to the junctions and internal highway arrangements within the CEME site, would allow for the creation of a layby area along the one-way road passing by the proposed school buildings.

Annex 5 of the LDF states that for further education colleges, 1 space per 2 members of staff, plus 1 space per 15 students should be provided. For secondary schools, the requirement is that 1 space per member of staff be provided. The proposed provision exceeds both standards. The Council's Highway officers have raised no objections to the proposal. In terms of its highway impact, the proposal is considered to be acceptable, subject to the use of a conditions in relation to the provision of the proposed car park and access ramp prior to the occupation of the proposed temporary school buildings.

### **OTHER ISSUES**

The Council's Environmental Health officers have been consulted about the proposal with no objections being raised in relation to either noise or contaminated land. In relation to contaminated land, no conditions are required as the proposal would only entail a small degree of ground breaking, with only the site's upmost topsoil layers being penetrated.

The Environment Agency has considered the flood risk and drainage impact of the proposal; no objections have been raised. The site is located in flood zone 1, on a site that is under 1 hectare in area.

### **KEY ISSUES/CONCLUSIONS**

The proposal is considered to be acceptable having had regard to Policies DC9, DC32 and DC61 of the LDF.

### **RECOMMENDATION**

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

#### **1. SC32 (Accordance with plans)**

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

Reason:-

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

#### **2. Non Standard Condition 31**

The approved use shall cease, all buildings and structures, along with the car park, shall be removed, and the site shall be restored to its former condition by 31st August 2016.

Reason:



**REGULATORY SERVICES COMMITTEE**

**31st July 2014**

**3. Non Standard Condition 32**

The approved car park extension, and the access ramp relating to the existing parking area, shall both be provided prior to the temporary college buildings being brought into use, and shall be retained for the life of the development.

Reason:

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

---

**INFORMATIVES**

**1 Approval following revision**

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

This page is intentionally left blank

**REGULATORY  
SERVICES  
COMMITTEE**

**REPORT**

31 July 2014

**Subject Heading:**

P0484.14 – Rise Park Infant School, Annan Way, Romford - Installation of an external play area with the construction of timber play apparatus surrounded by rubber floor surfacing (received 23/04/14)

**Report Author and contact details:**

Suzanne Terry  
Interim Planning Manager  
[suzanne.terry@havering.gov.uk](mailto:suzanne.terry@havering.gov.uk)  
01708 432755

**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 [x]
- Opportunities for all through economic, social and cultural activity [ ]
- Value and enhance the life of every individual [x]
- High customer satisfaction and a stable council tax [ ]

**SUMMARY**

This application is put before Members as the premises relates to a Council owned school. The planning application is for retrospective permission for an external play area with a timber play apparatus surrounded by rubber floor

surfacing. The planning issues are set out in the report below and cover the impact on streetscene and residential amenity. Staff consider the proposal to be acceptable.

## REPORT DETAIL

### **1. Site Description**

- 1.1 The application site comprises Rise Park Infant School located off Annan Way. Rise Park Junior School is located to the south of the Infant School. There are residential properties located to the north, east and west of the site. The site is Council owned land. A number of mature trees are situated on the eastern boundary of the site.

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

- 2.1 The Council is in receipt of a retrospective planning application seeking permission for a timber play apparatus surrounded by rubber floor surfacing.
- 2.2 The wooden play apparatus is in the form of a “ship” and measures 7.4m in length, 4.2m in width and 1m in height to the top of the decks. There are ramps giving children access to the deck area. The overall height measures 3m. The structure is surrounded by a 40m<sup>2</sup> wet pour sky blue rubber safety floor around the structure and a further 64m<sup>2</sup> wet pour black rubber safety floor in the form of a circular pathway.
- 2.3 The structure is located to the east of a recently constructed single storey building and approximately 10m from the eastern boundary. There will be a separation distance of approximately 33m from the structure to the nearest residential dwelling at 23 Ayr Way.
- 2.4 The applicant has stated that the outdoor play area and timber apparatus would be used once a day for approximately 30 – 40 minutes by 30 No. 4-5 year old children.

### **3. History**

- 3.1 P1443.12 - Single storey classroom building with external play area with canopy over and 6 extra car parking spaces close to the Annan Way entrance - Approved.
- 3.2 P0743.09 - Erection of a steel ‘box hoop’ canopy within the school playground - Approved.

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

4.1 Notification letters were sent to 23 neighbouring properties, 2 letters of comments and 1 letter of objection were received raising the following concerns:

- increase in the potential runoff of water as a result of the rubber hardstanding.
- increase in noise nuisance as a result of children playing on the raised structure
- loss of privacy as children can look into the back of nearby residential properties when standing on the "Rig" structure.

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

5.1 Policies CP17 (Design), DC29 (Educational Premises), DC55 (Noise) and DC61 (Urban Design) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Documents are material planning considerations. In addition, Policies 3.18 (Educational facilities), and 7.4 (Local character) of the London Plan and Chapters 7 (Requiring good design) and 8 (Promoting healthy communities) of the National Planning Policy Framework are relevant.

#### **6. Staff comments**

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

6.1.1 It is considered that play apparatus and hardstanding would not be harmful to the streetscene or the surrounding area. Notwithstanding the ground level of the subject site being higher than that of the neighbouring gardens, the structure will not be visible from Ayr Way and is set approximately 44m to the north of the school's access road. The play apparatus is of modest height and size, is set approximately 10m off the eastern neighbouring boundary and is partially screened by mature trees to the east.

##### *6.2 Impact on Amenity*

6.2.1 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 impact on noise and disturbance.

6.5.2 The subject play apparatus has two decking areas which are located approximately 1m above ground level. Staff acknowledge that the structure would allow children to overlook the wooden fencing on the boundary with properties in Ayr Way, however do not consider this to have a material impact on neighbouring amenity as the distance to the nearest dwelling is approximately 33m and a distance of approximately 25m from the structure to the most private parts of the rear garden areas. Any overlooking to the rear gardens would not be any different than that of first floor rear windows of neighbouring dwellings. There is also a degree of screening by existing

vegetation although it is acknowledged that this would decrease in winter. It should also be noted that the play apparatus would be used on a limited basis, once a day for approximately 30 – 40 minutes by infant school pupils which would further mitigate any harmful impact.

6.5.3 In terms of general noise and disturbance, it is not considered that pupils playing 1m above ground level would not give rise to unacceptable daytime levels of noise above that which would normally be associated with a school play area. Any potential impact in terms of noise and disturbance would further be mitigated by the frequency (once a day) and duration (30-40 minutes) of the use of the apparatus.

6.5.4 Having regard to the existing use of the site as a school playground, the distance of the structure from the boundary and the limited duration/times of use of the play equipment, it is considered that the apparatus does not result in a material harmful impact on the amenities of neighbouring properties. The development is therefore considered to comply with the aims and objectives of Policies DC55 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 The application would not raise highways or parking concerns.

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

6.7.1 The subject premises is a school and the application would therefore not be CIL liable

#### 6.8 *Other Issues*

6.9.1 With regards to water runoff and flood risk, Staff do not consider the potential impact to be sufficient to justify a refusal. Approximately 104m<sup>2</sup> of the 500m<sup>2</sup> of play area would be covered in hardstanding. Staff consider the remaining permeable surface and the 10m wide permeable strip of land between the hardstanding and eastern boundary to be sufficient to mitigate any issues relating to water runoff.

### **7. Conclusion**

7.1 Having regard to all relevant factors and material planning considerations staff are of the view that this retrospective proposal for an external play area with a timber play apparatus and rubber floor surfacing would be acceptable. Staff are of the view that the proposal would not have an impact on the streetscene and surrounding area or result in a loss of amenity to neighbouring occupiers. The resultant impact of water runoff is not considered to cause a harmful impact. The proposal is considered to be acceptable in all other respects and it is therefore recommended that planning permission be granted.

## IMPLICATIONS AND RISKS

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

None.

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

This application is considered on its own merits and independently from the Council's interest as owner of the site.

### **Human Resource Implications:**

None

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

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

## BACKGROUND PAPERS

1. Application forms and plans received 23/04/14.

This page is intentionally left blank



**REGULATORY  
SERVICES  
COMMITTEE**

**REPORT**

31 July 2014

**Subject Heading:**

P0813.14 – Land to the rear of Tesco Express, Oaklands Avenue, Romford - Erection of 9 no. 2 bedroom flats with associated amenity space, car park, landscaping, cycle parking and refuse storage (received 12/06/14; amended plans received 16/07/14)

**Report Author and contact details:**

Suzanne Terry  
Interim Planning Manager  
[suzanne.terry@havering.gov.uk](mailto:suzanne.terry@havering.gov.uk)  
01708 432755

**Policy context:**

Local Development Framework  
The London Plan  
National Planning Policy Framework

**Financial summary:**

None

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

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

## SUMMARY

The application proposes the erection of 9 no. 2 bedroom flats with associated amenity space, car park, landscaping, cycle parking and refuse storage. The planning issues include the principle of development, design and street scene impact, parking and highway matters and amenity issues. These issues are set out in detail in the report below. Staff consider the proposal to be acceptable.

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

## RECOMMENDATIONS

- That the Committee notes that the 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 677.19m<sup>2</sup> and amounts to £13,543.80

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

- A financial contribution of £54,000 to be used towards infrastructure costs 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, 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, 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 9 no. off-street car parking spaces within the site, 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. 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.

14. 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.

15. 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.

16. Obscure glazed windows: Notwithstanding the details shown on the approved plans, the proposed flank windows in the north-western flank elevation at first floor serving a bathroom and en-suite 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.

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

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

## INFORMATIVES

1. Following a change in government legislation 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 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 £13,543.80 (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.
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 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).
9. Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.

## REPORT DETAIL

### 1. **Site Description**

- 1.1 The application site comprises of land adjoining the Esso service station and Tesco Express on the corner of the junction between Oaklands Avenue and Main Road. The site is L-shaped with an area of 0.104ha and is located to the north east of the Romford Town Centre boundaries. The site is currently vacant and has previously been in commercial use.
- 1.2 Oaklands Avenue is characterised by large two storey detached dwellings set within spacious gardens. The locality to the north and west is characterised by predominantly residential properties, a mix of commercial, public and community uses to the south, including a Police Station and Magistrates Court with the County Court on the opposite corner to the east.



- 1.3 The site falls within the Romford Area Action Plan and does not form part of any other pertinent policy designated areas as identified in the Local Development Framework Proposals Map.

## **2. Description of Proposal**

- 2.1 The application seeks permission for the erection of 9 no. 2 bedroom flats with associated amenity space, car park, landscaping, cycle parking and refuse storage. The proposed building would be 2.3m off the south-eastern boundary, 20m at its furthest point from the rear boundary and 5.1m from the north-western boundary.
- 2.2 The proposed building will be L-shaped and consists of two sections which are linked by a stairwell. Residential accommodation will be provided at ground floor, first floor and in the loft space. The proposed development measures 22.8m wide at its widest point and 23.4m in depth. The proposal would measure 9m in height to the top of the dual pitched roof and 6m to eaves.
- 2.3 Each of the proposed flats would consist of a kitchen/dining room, lounge, bathroom, an en-suite and 2 bedrooms.
- 2.4 There would be a bin storage area on the south-eastern side of the proposed building.
- 2.5 Parking provision for 9 vehicles would be provided, 2 spaces on a hardstanding to the front of the building and 7 spaces to the rear of the building.
- 2.6 Amenity space of 51m<sup>2</sup> would be provided to the rear of flat 1 and 146m<sup>2</sup> to the rear of flat 3 (back of site).

## **3. History**

- 3.1. P0277.09 - Erection of 2 no. 4 bed dwellings and 9 no. self-contained flats - Refused and appeal dismissed.
- 3.2 P0179.10 - Erection of two No. four bed dwellings and six No. two bed self-contained flats – Refused and granted on Appeal
- 3.3 N0042.12 – Minor amendment to P0179.10 – Approved

## **4. Consultation/Representations**

- 4.1 Notification letters were sent to 45 neighbouring properties and no letters of objection were received, 1 letter of support was received from a neighbouring residential occupier.
- 4.2 Thames Water comments on waste, sewerage and drainage and raises no objections to the proposals.

- 4.3 The Highway Authority has raised a concern regarding the lack of suitable visibility splays and the potential impact this will have on pedestrian safety.
- 4.4 The Borough Designing Out Crime Officer requires a Secured by Design condition.
- 4.5. The London Fire and Emergency Planning Authority stated that access for FB vehicles should comply with paragraph 16.3 of the ADB volume 2. If this cannot be achieved a fire main is to be provided in accordance with 15.3 of the above and access meet 16.6.

## **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 are considered to be relevant. Policies ROM14 (Housing Supply), ROM15 (Family Accommodation) and ROM20 (Urban Design) of the Romford Area Action Plan and the Residential Extensions and Alterations Supplementary Planning Document (SPD), Planning Obligations SPD and the Residential Design SPD are also relevant.
- 5.2 Policies 3.3 (Increasing Housing Supply), 3.4 (Optimising Housing Potential), 3.5 (Quality and Design of Housing Developments), 3.8 (Housing Choice), 6.9 (Cycling), 6.10 (Walking), 6.13 (Parking), 7.1 (Building London's Neighbourhoods and Communities), 7.2 (Inclusive Design), 7.3 (Designing out Crime), 7.4 (Local Character), 7.5 (Public Realm), 7.6 (Architecture) of the London Plan (2011).
- 5.3 National Planning Policy Framework (NPPF) Section 6 "Delivering a wide Choice of Homes", and Section 7 "Requiring Good Design".

## **6. Staff comments**

- 6.1 The main issues to be considered by Members in this case are the principle of development, the site layout and amenity space, design/street scene issues, amenity implications, and parking and highways issues.
- 6.2 *Principle of Development*
  - 6.2.1 The site falls within the Romford Town Centre and the Romford Area Action Plan Policies ROM14 and ROM15 promote housing provision and family accommodation of 2 or more bedrooms respectively. The proposed mix of units complies with these criteria.
  - 6.2.2 Policy CP1 of the LDF Core Strategy promotes housing development on brownfield land and through the Romford Area Action Plan, high density

mixed use development within Romford town centre and bringing vacant properties back into use. 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.

6.2.3 Residential development is therefore supported by both national and local planning policy and is acceptable, in principle, in land use terms.

### 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 70m<sup>2</sup> for a 2-bed 4-person flat. 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 communal amenity spaces of approximately 51m<sup>2</sup> to the rear of flat 1 and 146m<sup>2</sup> to the rear of flat 3. 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. 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 application site is ranked as being within a good Public Transport Accessibility Level (PTAL) of 5. Given the site's location outside the Romford pedshed and the location within a predominantly suburban area, judgement is used in this instance in terms of the density range. The preferred density in this case would be between 50-110 units per hectare.

6.3.5 Based on a site area of 0.104 hectare a density of approximately 86 units per hectare is proposed. This falls with the expected density range. It is acknowledged that the site is located within easy reach of good public transport links although justification for a high density covers a number of factors, including also high quality of design and layout.

6.3.6 In terms of the general site layout, the application site itself is separated from neighbouring buildings with the nearest residential dwelling, 1 Oaklands Avenue, approximately 5.5m towards the northwest. 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 Oaklands Avenue. 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 proposed building would have a staggered frontage in line with both 1 Oaklands Avenue and the corner of the neighbouring retail unit, thus creating a linear frontage along Oaklands Avenue and infilling the vacant plot of land. Although slightly higher (approximately 600mm) than the dwelling at 1 Oakland Avenue it is lower than the previous application under P0179.10 which was granted on Appeal. Staff consider the difference in height to be acceptable given the separation distance between the proposed building and this neighbouring dwelling.

6.4.3 Staff are satisfied that the development will integrate into the streetscene whilst complementing the style and grain of the existing built form. The proposed development has been designed as one single building with a recessed stairwell in the middle of two distinctive blocks. The stairwell link will appear translucent and lightweight which further mitigates the overall mass of the proposal by emphasizing the visual separation of the two blocks.

6.4.4 The proposed building has a traditional design which maintains the street vernacular with the simple rendered front projection and pitched roofs to the front and rear main projections similar to those found along Oaklands Avenue.

6.4.5 The front boundary treatment which consists of a wall and railings is also considered acceptable as it is of modest height and similar to those found elsewhere in Oaklands Avenue.

6.4.6 Overall, the proposal is considered to be acceptable in terms of its 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 northwest with the nearest residential property situated approximately 5.5m away. Four windows, two at ground floor and two at first floor serving bathrooms and en-suites are proposed to the north-western flank of the development. A condition would be imposed to have these first floor windows obscure glazed and fixed shut with the exception of the top hung fanlight. This is sufficient to prevent material overlooking.
- 6.5.3 The rearwards projection of the flatted block would respect the required notional lines in relation to no. 1 Oaklands Avenue following guidance set out in the Residential Extensions and Alterations Supplementary Planning Document (SPD). Care has therefore been taken to ensure the scale and bulk of the proposed flatted development in such close proximity to other buildings would not cause an overbearing effect when viewed from the garden areas of the neighbouring property.
- 6.5.4 The proposal is separated from residential properties to the rear by the Romford Police Station building. No impact would result in terms of overlooking the rear gardens of these properties as a separation distance in excess of 30 metres would remain.
- 6.5.5 Consideration has been given to the possible impact of the adjacent commercial use (Tesco) on the proposed development and although there could be some noise and disturbance at late night hours, future occupiers would be aware of the current situation and would therefore choose whether to live adjacent to the existing commercial use.
- 6.5.6 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. The parking spaces are set away from the boundary with No.1 Oaklands and combined with suitable boundary treatment would not materially harm neighbouring amenity.
- 6.5.7 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.
- 6.5.8 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 5 and therefore requires 1.5 - 1 parking spaces per unit for a development of this type. The development would provide a total of 9 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 Highways Authority has not raised an objection to the parking, however concerns were raised regarding the access arrangements and lack of sufficient visibility splays. The applicant has revised the plans by moving the access road away from the north-western boundary and thereby increasing the visibility splays. Although the proposal would still not fully comply with the visibility requirements as the neighbouring property has a brick pier and wall that the applicant is unable to move, Officers are satisfied that the proposal would be acceptable as the development is utilising an existing access road. It is judged that the proposal would be an improvement on the existing arrangement and no materially greater risk would be posed to pedestrian safety.

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

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

#### 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 677.19m<sup>2</sup> and amounts to £13,543.80.

#### 6.8. *Planning Obligations*

6.8.1 In accordance with the Planning Obligations Supplementary Planning Document a financial contribution of £54,000 to be used towards infrastructure costs arising from the new development is required. This should be secured through a S106 Agreement

#### 6.9 *Other Issues*

6.9.1 Details of refuse storage area is shown to the side of the proposed building on the south-eastern side of the site and would be easily accessed on collection days. A condition could be secured on the grant of any

permission to ensure sufficient space would be provided to house the required volume of waste within the bin stores.

- 6.9.2 Issues raised by the Fire Brigade will be covered by the building control requirements and is therefore not considered to affect the determination of this application. Staff are satisfied that the development is capable of meeting the required standards.

## **7. Conclusion**

- 7.1 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 harmful highway or parking issues would arise as a result of the proposal.
- 7.2 Overall, Staff consider the development to comply with Policy DC61 and the provisions of the LDF Development Plan Document. Approval is recommended accordingly.

## **IMPLICATIONS AND RISKS**

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

Financial contributions are required through a legal agreement.

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

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

### **Human Resource Implications:**

None

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

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

## **BACKGROUND PAPERS**

1. Application forms and plans received 12/06/14, revisions received on 16/07/14.



**REGULATORY  
SERVICES  
COMMITTEE**

**REPORT**

31 July 2014

**Subject Heading:**

**P0543.14: Former Coach Depot, Land south of Reginald Road**

**Vary Condition 3 of planning permission P0151.13 - revision to the location of the two houses within plots 1 and 2. (Application received 15 May 2014)**

**Report Author and contact details:**

**Suzanne Terry Interim Planning Control Manager 01708 432755  
suzanne.terry@havering.gov.uk**

**Policy context:**

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

**Financial summary:**

**None**

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

- |  |                                     |
|--|-------------------------------------|
| Clean, safe and green borough  | <input 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

The proposal is to vary Condition 3 of planning permission P0151.13 to revise the location of the 2 no. houses within plots 1 and 2. The application proposes to shift the footprint of the 2 no. dwellings westwards by 3 metres so that they are entirely within the site boundary.

The scheme approved under planning application P0151.13 was for the demolition of the existing buildings including the main coach workshop building and a single-storey dwelling and the erection of 9 dwellings.

On balance the proposal is considered to be acceptable in all material respects and it is recommended that planning permission is granted subject to conditions and completion of a Deed of Variation to the original s106 Agreement dated 25 February 2014..

## 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. The applicable fee is based on an internal gross floor area of 919m<sup>2</sup>. Excluding the existing building/dwelling's 481 sq.m, this would be net 448 sq.m. This equates, at £20 per sq.m, to a Mayoral CIL payment of £8,960 (subject to indexation).

That the proposal is unacceptable as it stands but would be acceptable subject to the applicant entering into a Deed of Variation under Section 106A of the Town and Country Planning Act 1990 (as amended) to vary the legal agreement completed on 25 February 2014 in respect of planning permission P0151.13 by varying the definition of Planning Permission which shall mean either planning permission P0151.13 as originally granted or planning permission P0543.14 as proposed and set out in this report.

The Developer/Owner shall pay the Council's legal costs associated with the preparation of the Deed of Variation irrespective of whether the matter is completed.

Save for the variation set out above and any necessary consequential amendments the section 106 agreement dated 25 February 2014 all recitals, terms, covenants and obligations in the said section 106 Agreement shall remain unchanged.

That staff be authorised to enter into a Deed of Variation to secure the above and upon completion of that agreement that the Committee delegate authority to the

Head of Regulatory Services to grant planning permission subject to the conditions set out below:

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

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

2. External Samples: The development hereby permitted shall be constructed according to details which have previously been approved under condition discharge application reference Q0058.14, or as otherwise submitted to and agreed in writing by the Local Planning Authority is commenced.

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

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

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

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

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

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

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

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

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

7. Screen Fencing: Before any of the buildings hereby permitted is first occupied, screen fencing of a type to be approved in writing by the Local Planning Authority, 2 metres high shall be erected on the shared boundaries between the new and existing properties and shall be permanently retained and maintained thereafter to the satisfaction of the Local Planning Authority.

Reason: To protect the visual amenities of the development and to prevent undue overlooking of adjoining properties in accordance with Policy DC61.

8. External Lighting: The development hereby approved shall not be occupied until external lighting has been provided in accordance with details which shall previously have been submitted to and approved by the Local Planning Authority in writing.

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

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

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

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

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

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

12. 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.

13. 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.

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

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

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

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

16. Obscure glazing: The proposed windows to the bathrooms to Plots 5 and 6 shall be permanently glazed with obscure glass and with the exception of top hung fanlight(s) shall remain permanently fixed shut and thereafter be maintained to the satisfaction of the Local Planning Authority.

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

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

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

18. Restriction of permitted development allowances: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 Article 3, Schedule 2, Part 1, as amended by the Town and Country Planning (General Permitted development) (Amendment)(no. 2)(England) Order 2008, or any subsequent order revoking or re-enacting that order, no development shall take place under Classes A, B, D and E namely extensions, roof extensions, porches or

outbuildings (or other structures in the curtilage), unless permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

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

19. Archaeology:

A) No demolition or development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the local planning authority.

B) No development or demolition shall take place other than in accordance with the Written Scheme of Investigation approved under Part (A).

C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Part (A), and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured.

Reason: Heritage assets of archaeological interest survive on the site. The planning authority wishes to secure the provision of archaeological investigation and historic buildings assessment followed by the subsequent recording of significant remains prior to development (including preservation of important remains), in accordance with recommendations given by the borough and in PPS5/NPPF.

20. 8m buffer zone: No development shall take place until a scheme for the provision and management of an 8 metre wide buffer zone alongside the River Ingrebourne shall be submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority. The buffer zone scheme shall be free from built development including lighting, domestic gardens and formal landscaping; and could form a vital part of green infrastructure provision. The schemes shall include details of management, landscaping and planting within 8 metres of the top of the bank of the River Ingrebourne.

Reason: To ensure that the ecological value of the corridor of the River Ingrebourne is maximised and enhanced throughout the lifetime of the development.

21. Ecological assessment: No development shall take place until a detailed ecological assessment of whether any invasive species are present on site has been undertaken and submitted to the local planning authority. If

Invasive species are present at the site the applicant should also submit a detailed method statement for removing any invasive species present on the site. The method statement shall include measures that will be used to prevent the spread of any invasive species present on site during any operations e.g. mowing, strimming or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds/root/stem of any invasive plant listed under the Wildlife and Countryside Act 1981, as amended. Development shall proceed in accordance with the approved method statement.

Reason: Invasive species such as Japanese Knotweed and Giant Hogweed are known to be present within the catchment but no Ecological Survey has been submitted with this application. This condition will ensure that any invasive species present on site are identified and disposed of appropriately before development commences.

22. Flood Risk Mitigation Measures: The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) dated January 2013, reference number ST2202/FRA-1301 (Revision 2) received 26th September 2013 and the following mitigation measures detailed within the FRA:

- . Completion of a detailed flood storage compensation scheme (section 5.14 page 10).
- . Finished floor levels for Plots shall be set at the levels outlined below:
  - . 1 and 2 are set 24.94mAOD (section 5.13 page 10)
  - . 7 and 8 are set at 24.7m AOD (section 5.13 page 10)
  - . 9 is contained on the first floor with a finished floor level well above the 1:100 year (+20% climate change) flood level.
  - . 3, 4, 5 and 6 are set at a minimum of whichever is the higher of:
    - . 300mm above the general ground level of the site.
    - . 600mm above the 1:100 (+20% climate change) flood level (section 5.12 page 10).
- . Incorporation of a raised dry access route from the first floor residential dwelling (Plot 9) to an area outside the 1 in 100 year plus 20% climate change flood zone.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided, to ensure safe access and egress from and to the site and to reduce the risk of flooding to the proposed development and future occupants.

23. Flood Storage Compensation Scheme: The development hereby permitted shall not be commenced until such time as a scheme to provide an acceptable flood storage compensation scheme on a level for level and volume for volume basis at the site has been submitted to, and approved in



writing by, the local planning authority. The fluvial flood storage compensation area shall be constructed prior to construction of the new residential properties to ensure that there is no loss of flood storage compensation at any point during the construction period. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To ensure there is no loss of fluvial flood storage during the construction works and to reduce the risk of flooding to the proposed development, future occupants and third parties.

24. Risk and Contamination Assessment: With the exception of Phase 1 works no development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- 1) A preliminary risk assessment which has identified:  
all previous uses potential contaminants associated with those uses a conceptual model of the site indicating sources, pathways and receptors  
potentially unacceptable risks arising from contamination at the site.
- 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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

Reason: To protect the quality of the water environment. From the report submitted (Ground Investigation report number:13384SI) we are not satisfied that the risks to controlled have been considered appropriately. Further investigation works required by this condition should focus on the risks posed to controlled waters.

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

from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To protect the quality of the water environment by ensuring that any contamination encountered is disposed of appropriately.

26. Remediation Verification Report: No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To protect the quality of the water environment by ensuring any remedial work required by the previous two conditions is undertaken and demonstrated that there is no risk to controlled waters.

27. Water Surface Drainage/infiltration: No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason: Infiltration of surface water would provide potential pathway for contamination at the surface to migrate into the underlying Secondary Aquifer. The design of SuDS and other infiltration systems should include appropriate pollution prevention measures. If contamination is present in areas proposed for infiltration, we will require the removal of all contaminated material and provision of satisfactory evidence of its removal.

## INFORMATIVES

### 1. Community Safety - Informative:

In aiming to satisfy Condition 11, the applicant should seek the advice of the Police Crime Prevention Design Advisor. The services of the local Police CPDA are available free of charge through Havering Development and Building Control. It is the policy of the local planning authority to consult with the Borough CPDA in the discharging of community safety condition(s).

2. Archaeology Informative: The development of this site is likely to damage heritage assets of archaeological and historical interest. The applicant should therefore submit detailed proposals in the form of an archaeological project design. The design should be in accordance with the appropriate English Heritage guidelines.

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

4. 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.

5. 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.

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

Necessary to make the development acceptable in planning terms;  
Directly related to the development; and  
Fairly and reasonably related in scale and kind to the development.

7. 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  $919\text{m}^2 - 481\text{m}^2 = 488\text{m}^2$  which, at £20 per  $\text{m}^2$ , equates to a Mayoral CIL payment of £8,960 (subject to indexation).

## REPORT DETAIL

### 1. Site Description

1.1 The site formerly comprised a detached coach depot building with outbuildings and a single-storey detached dwelling which has now been cleared in preparation for development. The site is located to the south of Reginald Road and extends over to the meandering Ingrebourne River to

the south and east. To the north the site boundary abuts the rear of No.s 6-32 Woodlands Road and 1 Reginald Road with No.s 2 & 4 Woodlands Road and 5-15 Ronald Road located to the west.

- 1.2 The application site is partly within the Green Belt and the urban area and the area to the east is within the functional flood plain and flood areas associated with the river. The site area is 0.56 hectares.
- 1.3 The surrounding area is of mainly residential character with houses to the north at 1 Reginald Road and No.s 2-32 Woodlands Road and to the west at No.s 5-15 Ronald Road with open undeveloped areas to the south and east.
- 1.4 Land levels fall towards the river, nonetheless in more recent years a large bund has been constructed adjacent to the river bank. There are a number of trees on site towards the river bank which mainly appear self-seeded.

## **2. Description of Proposal**

- 2.1 The proposal is to vary Condition 3 of planning permission P0151.13 with a revision to the location of the 2no. houses within plots 1 and 2. Condition 3 requires the development to be carried out in accordance with the approved plans.
- 2.2 The scheme approved under planning application P0151.13 was for the demolition of the existing buildings including the main coach workshop building and a single-storey dwelling and the erection of 9 dwellings.
- 2.3 The proposed scheme was revised a number of times during the consideration of the application and during the process of altering and repositioning the houses the two houses within plots 1 and 2 were shifted closer to the edge of Reginald Road. However this amendment meant that the proposed dwellings straddled the application site boundary and were partially outside the land controlled by the applicant, thereby meaning that the previously approved scheme could not be implemented.
- 2.4 In order to address this problem the current application proposes to shift the footprint of the 2no. dwellings westwards by 3 metres so that they are entirely within the site boundary and to enable sufficient space to the front to allow level access to the front doors. As a result the rear gardens of the proposed dwellings will be reduced in length by approximately 3 metres. The garden wall of plot 2 would be pushed outwards by approximately 0.75 metres to slightly enlarge the width of the garden. The relationship with plots 3 and 4 would not be materially altered and no further changes are proposed to the remainder of the scheme.
- 2.5 As with the previous application approved under application P0151.13 the 2-storey, semi-detached dwellings on Plots 1 – 8 would be located to the north-west of the site on the land which formerly accommodated the single bungalow and its garden area with the 9th unit located to the east of the proposed access road directly to the south of 1, Reginald Road. This 9th

- unit would be in the form of a flat above 4 garages. The proposal includes a new access road, car parking and separate private amenity space together with an open space to the south-east.
- 2.6 The proposed layout has an access road which extends south from Reginald Road then west to enable access to the new 2-storey properties. The proposed dwellings would all front onto the access road with amenity space to the rear and parking provided either in curtilage or as garages below Unit 9.
- 2.7 The semi-detached houses are similar in form, size and appearance although there are some variations, such as the single-storey section to the rear of Plots 1, 2 and 8 and the attached garage to Plot 4 with use of either red brick with plain tiles or yellow brick with slate effect tiles. They would nonetheless have similar same basic dimensions of 7.25m or 8m wide, 7.8/8m deep with hip, pitched roofs and a ridge height of 8.5/8.10m.
- 2.8 The proposed Unit 9 would differ from the other units as it would be the only unit located to the east of the proposed access road and it would be the only flat. Also, this building would be located within the Green Belt and partly within the functional flood plain. The 3-bed flat is proposed to be provided above 4 garages in a single building which would have a maximum width of 12.8m, maximum depth of 9.15m with a hip, pitched roof-form with the higher ridge just under 8m above ground level. The flat's rear amenity area would be located to the eastern side of the building and would be 57 sq.m. Juliette balconies would be provided to the south and eastern elevations to the living and dining room areas, overlooking the open area.
- 2.9 As with the previous application the area adjoining the Ingrebourne River would be open and accessible to the general public. Nonetheless it would be maintained by the residents of the 9 Units and the occupiers of the dwellings would be in a position to close the access to this area as and when necessary. It is proposed that a management company would undertake the initial work and then maintain the open area. However, it is not intended that there would be any hard landscaping, paths, benches etc. and that it would be a natural meadow to enable greater enjoyment of the river and the surrounding open green belt area while providing an improved flood alleviation measure.
- 2.10 The access road would be provided with a turning head at the entrance to the open area. The pedestrian access to Ronald Road would be retained between No.s 5 and 7 Ronald Road.
- 2.11 There would be a minimum of 2 parking spaces provided for each of the 2-storey semi-detached houses, however those for Plot 2 would not be in curtilage with one provided as a garage under Unit 9 and a second space provided as a parking spaces directly outside this designated garage. The 3 spaces for Plot 8 would be provided as a single parking space in curtilage with one garage and a parking space under/outside Unit 9. The plans for Unit 9 show that the flat would have a maximum of 3 parking spaces with 2

as garages, however the applicant has indicated that the “garage” nearest the open area may be used to store any equipment associated with its maintenance. This arrangements is unchanged from the previous planning permission.

### **3. Relevant History**

- 3.1 P0151.13 - Demolition of the existing buildings and redevelopment of the site to create 9 No. two-, three- and four-bedroom semi-detached houses and a flat, plus associated roads, paths, car parking/garages, landscaping and environmental enhancements – Approved

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

- 4.1 Neighbour notification letters were sent to 39 properties and a site notice was displayed. No representations have been received as a result of the neighbour consultation.
- 4.2 Consultation responses relating to the wider impact of the development were carried out under planning application P0151.13. As such in the interests of consistency the recommended conditions and informatives from the consultation on application P0151.13 have been carried over from the previous permission and are included in the recommended approval notice.
- 4.3 Environmental Health – have raised no objection to the variation of condition 3 and have requested the inclusion of conditions relating to contaminated land issues.
- 4.4 Environment Agency – have raised no objection to the variation of condition 3.

### **5. Relevant Policies**

- 5.1 Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP17 (Design), DC2 (Housing Mix and Density), DC11 (Non-designated Sites) DC33 (Car Parking), DC34 (Walking), DC35 (Cycling), DC36 (Servicing), DC48 (Flood Risk), DC53 (Contaminated Land), DC55 (Noise), DC61 (Urban Design), DC63 (Delivering Safer Places) and DC72 (Planning Obligations) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document are considered to be relevant.
- 5.2 Other relevant documents include the Residential Design SPD, Sustainable Design and Construction SPD and the Planning Obligations SPD.
- 5.3 Policies 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 3.8 (housing choice), 3.9 (mixed and balanced communities), 5.2 (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.

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

## **6. Staff Comments**

- 6.1 When considering the original application P0151.13 for the residential development, matters relating to the impact on the character and appearance of the street scene, the implications for the residential amenity of occupants of nearby houses and the suitability of the proposed parking and access arrangements were considered and found to be acceptable.
- 6.2 The main considerations in relation to this application relate to the material impact of repositioning the 2no. houses in plots 1 and 2. Issues arising from this amendment include the implications for the residential amenity of occupants of nearby houses and the impact on the character and appearance of the street scene and development layout.

## **7. Principle of Development**

- 7.1 The NPPF and Policy CP1 support an increase in the supply of housing in existing urban areas where development is sustainable.
- 7.2 Matters relating to the Green Belt and redevelopment of commercial sites for housing were considered under the previous application P0151.13 and as such the principle of the residential landuse at the site has been established.
- 7.3 The matters for consideration under this application are essentially an amendment to the previously approved location of two of the proposed houses. Any issues arising in relation to the layout, residential amenity and streetscene are considered in the sections below.
- 7.4 There have been no material changes to planning policy or other local circumstances since the previous application was determined.
- 7.5 On this basis the proposal is considered to be policy compliant in land use terms and the revised location of the houses in plots 1 and 2 are therefore regarded as being acceptable in principle.

## **8. Density/ Layout**

- 8.1 The proposal includes an alteration to the positioning of the 2no. houses in plots 1 and 2. The number of units remains the same and no change to the density of the development results compared to the previous approval. Essentially the footprint of the semi-detached dwellings will be shifted to the west by approximately 3 metres. As a result the rear gardens of the proposed dwellings will be reduced in length by approximately 3 metres. The garden wall of plot 2 would be pushed outwards by approximately 0.75 metres to slightly enlarge the width of the garden. The relationship with plots 3 and 4 would not be materially altered and no further changes are proposed to the remainder of the scheme.
- 8.2 In terms of the layout the main implication in relation to the revised scheme is the slight reduction in the length of rear garden areas of the proposed houses. Despite the proposed alteration, plot 1 will still be able to demonstrate a rear garden area of approximately 98 square metres and plot 2 will provide a rear garden area of approximately 77 square metres. This amount of private amenity space is considered to be of an acceptable size for the requirements of the family homes and to provide a suitable degree of privacy and amenity for future occupiers of the development.
- 8.3 To the front the proposed dwellings will be set back from the footway with a small area of amenity space to enable the inclusion of a degree of defensible space and to allow level access to the front doors.
- 8.4 On balance the proposed amendment to the layout of plots 1 and 2 is considered to be relatively minor and will not harm the character of the scheme and is therefore in accordance with Policy DC61 of the LDF.

## **9. Design/Impact on Street/Garden Scene**

- 9.1 Policy DC61 states that development must respond to distinctive local buildings forms and patterns of development and respect the scale, massing and height of the surrounding context. Matters of this nature were considered as part of the assessment of the original application.
- 9.2 The proposed amendment does not include any material alteration to the appearance, design or height of the proposed dwellings. The proposed amendment will simply involve the minor adjustment to the location of the building footprint with the dwellings set back approximately 3 metres to the west of the site boundary.
- 9.3 Therefore given the relatively limited extent of the amendment to the previously approved scheme it is not considered that the proposed revision will result in any undue harm to the character and appearance of the streetscene. The dwellings would continue to be sympathetic to the wider setting, resulting in a positive impact on the character and appearance of the streetscene and garden setting.



## **10. Impact on Amenity**

- 10.1 Policy DC61 considers that new developments should not materially reduce the degree of privacy enjoyed by the occupants of adjoining properties and should not have an unreasonably adverse effect on sunlight and daylight to adjoining properties.
- 10.2 These issues were taken into account by Staff when considering the original application for the residential development and it was considered that given the distances between properties (of over 17m) in Woodlands Road, Staff did not consider that there would be any significant loss of amenity for these existing occupiers from the proposed development.
- 10.3 The main consideration in terms of residential amenity in relation to the proposed amendment relates to the impact on the occupants of No.s 16, 18 & 20 Woodlands Road located to the north plots 1 and 2.
- 10.4 The dwellings in plot 1 and 2 would be shifted to the west by approximately 3 metres. The side elevation will not encroach any closer to the rear garden boundary of the houses at No.s 16, 18 & Woodlands Road than the previously approved scheme. The relationship with nos. 18 and 20 is not judged to be materially different as the flank wall of plot 1 always sat behind the rear boundary of these dwellings. The only difference will be that the side elevation of plot 1 will be slightly more visible from views south from the garden at No.16. However as with the previous application it is considered that the closest distance of 17 metres is sufficient to prevent undue impact on the residential amenity of the neighbouring occupants.
- 10.5 On balance, it is not considered that the proposed amendment would harm the amenities of neighbouring properties. The proposal is therefore considered to be in accordance with Policy DC61 and the intentions of the NPPF.

## **11 Environmental Issues**

- 11.1 The site is a former coach depot and as such advice has been sought from the Council's Environmental Protection team. In relation to the former use the developer will be required to undertake a land contamination desk top and site investigation study. This has been considered by Staff and a series of conditions have been recommended in respect of land contamination issues.
- 11.2 The site is partially located within a Flood Zone as a result of the River Ingrebourne forming the eastern and southern boundaries. Following consultation with the Environment Agency no objections have been raised and the proposed amendment presents no issues in relation to flood risk. There is no material change to flood risk issues compared to the previous approval.

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

## **12. Parking and Highway Issues**

12.1 Car parking provision and access arrangements were considered as part of the previous approval. The proposed revision to plots 1 and 2 will not result in a reduction or alteration to the previously approved car parking and access arrangements. As such the proposed alteration is not considered to present any issues in relation to parking and highways issues.

12.2 The proposal can continue to demonstrate a minimum of 2 parking spaces/garages for each dwelling and cycle parking can be provided in the proposed amenity area.

12.3 There are no highways objections to the proposed development.

## **13. Community Infrastructure Levy and Developer Contributions**

13.1 The proposed development will create 9.no new residential units with 448 square metres of new gross internal floorspace. Therefore the proposal is liable for Mayoral CIL and will incur a charge of £8,960 based on the calculation of £20.00 per square metre.

13.2 Under the provisions of Policy DC72 of the LDF and the Planning Obligations SPD a payment of £6,000 should be made for each new dwelling in respect of the infrastructure costs arising from the development. The proposal would result in the loss of 1no. dwelling and the creation of 9no. new dwellings and would therefore be subject to a legal agreement to provide a contribution of £48,000. This was previously secured as part of a S106 legal agreement. Staff recommend that the applicants enter into a Deed of Variation so that the existing S106 Agreement can be applied to this application.

## **14. Conclusion**

14.1 Having regard to all relevant factors and material planning considerations Staff are of the view that this proposal would be acceptable.

14.2 Staff consider that the proposed development raises considerations in relation to the impact on the character and appearance of the streetscene and the impact on the amenity of the neighbouring residents. On balance the proposal is considered to be acceptable in all material respects.

14.3 Staff are of the view that the proposed amendment to the location of the dwellings in plots 1 and 2 form a relatively minor alteration to the previously approved scheme and would not result in a harmful impact on the character of the street scene or result in a loss of amenity to neighbouring occupiers. The proposal is considered to be acceptable in all other respects and it is therefore recommended that planning permission be granted subject to

conditions and the applicant entering into a Deed of Variation to the existing Section 106 Agreement.

## **IMPLICATIONS AND RISKS**

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

Financial contributions will be sought through the legal agreement.

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

Legal resources will be needed to draft the legal agreement.

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

None.

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

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

## **BACKGROUND PAPERS**

Application form, drawings and supporting statements received on 17 April 2014.

This page is intentionally left blank

# REGULATORY SERVICES COMMITTEE

# REPORT

31 July 2014

**Subject Heading:**

**P0760.14 – Vinegar Hill, Lower  
Bedfords Road, Romford**

**Use as a gypsy and traveller caravan  
site and 5 No pitches and associated  
development. (Received 29 June 2014)**

**Report Author and contact details:**

**Suzanne Terry  
Interim Planning Manager  
[suzanne.terry@havering.gov.uk](mailto:suzanne.terry@havering.gov.uk)  
01708 432755**

**Policy context:**

**Local Development Framework  
The London Plan  
National Planning Policy Framework  
National Planning Policy Guidance  
DCLG Planning Policy for Traveller  
Sites**

**Financial summary:**

**None**

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

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

## SUMMARY

The application relates to a site within the Green Belt on the corner of Straight Road and Lower Bedfords Road which was preciously woodland, but has been used for residential purposes since 2001. Temporary planning permission has expired and an enforcement notice recently served. The application seeks temporary planning permission to use the site for 5 pitches for gypsy and traveller accommodation.

Having regard to national planning policy and the very special circumstances put forward on behalf of the applicant, Staff consider there are grounds to grant planning permission for a temporary period of three years.

## RECOMMENDATIONS

That planning permission is granted subject to the following conditions:

- 1) Gypsy and traveller only – The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1 of Planning policy for traveller sites (2012).

Reason: Permission is granted solely in recognition of the unmet need for gypsy and traveller sites in Havering.

- 2) Personal and Temporary Use - The use hereby permitted shall be carried on only by the following: Unit 1 - Mr Myles O'Connor; Unit 2 - Mrs Kathleen O'Connor; Unit 3 - Mrs Margaret O'Connor; Unit 4 - Mrs Evelyn O'Connor; Unit 5 - Mr William McCarthy & Ms Kathleen O'Connor; and their resident dependants, and shall be for a limited period being the period of 3 years from the date of this decision, or the period during which the premises are occupied by them, whichever is the shorter. Unit numbers are those identified in drawing number 01280/2 Rev 1.

Reason: Permission is granted for a period pending the possible allocation of sites in a Development Plan Document on gypsy and traveller sites (or a Local Plan) and in recognition of the particular circumstances of the applicants.

- 3) Personal and Temporary Use - When the premises cease to be occupied by those named in condition (2) above, or at the end of 3 years, whichever shall first occur, the use hereby permitted shall cease and all caravans, buildings, structures, materials and equipment brought on to the land, or works

undertaken to it in connection with the use shall be removed and the land restored to its condition before the development took place.

Reason: Permission is granted for a period pending the possible allocation of sites in a Development Plan Document on gypsy and traveller sites (or a Local Plan) and in recognition of the particular circumstances of the applicants.

4) Works required to be carried out – Unless within 6 months of the date of this decision:

- (a) the site is laid out in accordance with approved plan number 1280/2 Rev 1 – for the avoidance of doubt, the construction of amenity blocks is not required to be carried out;
- (b) all caravans/mobile homes and associated decking/development not required in connection with (a) above are removed from the site;
- (c) any occupiers not complying with Conditions 1 and 2 of this decision are no longer residing on the site,

the use hereby permitted shall cease and all caravans, buildings, structures, materials and equipment on to the land, or works undertaken to it in connection with the use shall be removed and the land restored to its condition before the development took place.

Reason: Permission is granted solely in recognition of the unmet need for gypsy and traveller sites in Havering. Any other occupation would be unacceptable on Green Belt grounds.

5) Retention of Landscaping and boundary fencing – The existing boundary landscaping and fencing shall be retained for the duration of this permission. Any trees or plants which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.

Reason: To ensure a satisfactory visual appearance.

6) Number of caravans - No more than 10 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than 5 shall be static caravans) shall be stationed on the site at any time.

Reason: To protect the amenities of the area and maintain the open character of the Green Belt

7) No Heavy Vehicles - No vehicle over 3.5 tonnes shall be stationed, parked or stored on this site.

Reason: To protect the amenities of the area and the openness of the Green Belt.

- 8) No commercial activities - No commercial activities shall take place on the land, including the storage of materials.

Reason: To protect the amenities of the area and the openness of the Green Belt.

## REPORT DETAIL

### 1. Site Description

- 1.1 The application site, known as Vinegar Hill, is on the south side of Lower Bedford's Road and west side Straight Road, adjacent to the junction between the two roads. The plot is rectangular shape, measuring a maximum of 84 metres wide by 79 metres deep. At present, the site contains 2 large static mobile homes and 10 static caravans, two amenity blocks, a stable block and two touring caravans. The site is enclosed by perimeter fencing and landscaping. There are some areas of landscaping/green open space within the site. The site is adjoined to the west by two traveller sites known as Fairhill Rise and Hogbar Farm, beyond which are open fields. Access to the site is from Lower Bedfords Road, approximately 60 metres from the junction with Straight Road.
- 1.2 To the rear (south) are residential properties in Straight Road and Stanwyck Gardens. To the east of the site, across Straight Road is a new residential development, providing residential houses and flats. To the north of the site, across Lower Bedfords Road is Sunset Drive Caravan Park.
- 1.3 The site is within the Green Belt with the Green Belt boundary immediately to the south and east of the site. Prior to development taking place on this land, which was the subject of enforcement action, this and the adjacent land comprised woodland.

### 2. Description of Proposal

- 2.1 The planning application seeks consent to use the site for residential purposes as a private gypsy and traveller site, comprising of five pitches, for a temporary period.
- 2.2 The application proposes each pitch to have a static caravan/mobile home, an amenity block and space for a touring caravan and parking. Additionally, Unit 1 would have a stable block (existing). The proposal includes retention of a green space in the centre of the site. The east and southeast parts of the site would not contain any caravans or mobile homes but would remain hard surfaced with perimeter landscaping as existing.



2.3 In support of the application, a statement of the gypsy/traveller status of the intended occupiers has been submitted as well as a statement of the very special circumstances that should be considered as part of the application. In summary, these are the needs for sites and unavailability of alternatives; the personal circumstances of the applicant and his family, particularly their health and education needs; lack of planning policy in Havering and human rights considerations.

### **3. Relevant History**

3.1 The relevant planning history for the appeal site is as follows;

P1156.92 – Material Change of Use of the Land for Use as a Muslim Burial Ground – Refused

3.2 The enforcement history of the site is particularly relevant:

2 November 2001 – Enforcement Notice alleging “material change of use of the land to residential use by the siting of mobile homes and touring caravans together with the parking of vehicles and storage and laying of ancillary hard surfacing”. Appeal Reference APP/B5480/C/01/1079937, dated 14 February 2003, quashed this notice and granted temporary planning permission (1 year) subject to conditions, including conditions limiting the maximum number of caravans to 10.

13 December 2001 – Enforcement Notice alleging “the erection of fencing and construction of hardstanding” Appeal Reference APP/B5480/C/02/1095322, dated 14 February 2003, upheld the notice with variation.

12 February 2014 – Enforcement Notice alleging “the material change of use of the land to residential use through; the stationing of mobile homes and touring caravans on the land for residential purposes; the laying of ancillary hard surfacing on the land; the parking of vehicles and open storage on the land.” The Notice requires the unauthorised use of the land to cease and the land to be reinstated within 2 years of the effective date of the notice. An appeal against this enforcement notice has been lodged, and is due to be considered by way of Public Inquiry due to take place from 23<sup>rd</sup> to 25<sup>th</sup> September 2014. The grounds of appeal are that planning permission should be granted and that the time for compliance is not sufficient.

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

4.1 The application was advertised by way of site and press notice as well as notification to 52 neighbouring properties.

4.2 One letter of objection has been received, raising the following points:

- Concern that the site will not be properly maintained and the impact on the Harold Hill area which has been improved recently
- If residents are permanent, would they still be gypsies

## **5. Relevant Policies**

- 5.1 The relevant policy considerations of the LDF are Policies CP2 (Sustainable Communities), CP14 (Green Belt), DC8 (Gypsies and Travellers), DC33 (The Road Network), DC45 (Appropriate Development in the Green Belt) and DC61 (Urban Design) of the LDF Core Strategy and Development Control Policies.
- 5.2 The Council has been working on a Gypsy and Traveller Sites Local Plan (GTSLP), which is at an advanced stage having been subject to Examination. However, the GTSLP has not progressed beyond examination, the Inspector having raised a number of issues for the Council to consider further. The GTSLP is considered to have limited weight, although it is considered relevant in that it includes an up to date assessment of need for Gypsy and Traveller sites in the Borough, which was assessed as acceptable by the Inspector and also allocates this particular application site, again not raised as a specific issue by the Inspector.
- 5.3 The relevant policy considerations of the London Plan are policies 3.8 (Housing Choice) and 7.16 (Green Belt).
- 5.4 National Government Guidance is set out in the NPPG, in particular Section 9 (paras 79-92) deal with the protection of the Green Belt.
- 5.5 Government planning policy for traveller sites was published on 23 March 2012 – Policies E (Traveller Sites in Green Belt), H (Determining Planning Applications for Traveller Sites) and I (Implementation) are considered particularly relevant in relation to this application.
- 5.6 In addition to the above there have been two Written Statements to Parliament which are considered relevant:

Written Ministerial Statement by Local Government Minister Brandon Lewis, Published 2 July 2013:

“The Secretary of State wishes to make clear that, in considering planning applications, although each case will depend on its facts, he considers that the single issue of unmet demand, whether for traveller sites or for conventional housing, is unlikely to outweigh harm to the green belt and other harm to constitute the ‘very special circumstances’ justifying inappropriate development in the green belt.”

Written Ministerial Statement by Local Government Minister Brandon Lewis, Published 17 January 2013:

“The Secretary of State remains concerned about the extent to which planning appeal decisions are meeting the government’s clear policy intentions, particularly as to whether sufficient weight is being given to the importance of green belt protection.”

“Moreover, ministers are considering the case for further improvements to both planning policy and practice guidance to strengthen green belt protection in this regard.”

## **6. Background**

- 6.1 This site had been subject to a temporary planning permission, granted on appeal against an enforcement notice, that had expired in 2004. Since then, the site has remained in place without planning permission. An enforcement notice was served in February 2014.
- 6.2 Preparation work for the Council’s Gypsy and Traveller Local Plan (GTSLP) commenced in 2010 (with call for sites and a needs assessment) and continued to December 2012 when the Proposed Submission Document was submitted to the Secretary of State. An Examination in Public commenced on 9 April 2013 and was suspended on 14 June 2013 at the direction of the Inspector for the local authority to undertake further work on the plan.
- 6.3 The objectives of the GTSLP are stated as:
- To support the removal of unauthorised development in the borough, and strengthen the Council’s ability to take enforcement action against unauthorised sites.
  - To allocate sufficient suitable sites to meet the needs of Gypsies and Travellers living in Havering, as determined by the 2010 Havering Needs Assessment.
  - To protect the Green Belt from inappropriate development, except in very special circumstances.
  - To set out a clear delivery strategy for the allocated sites that identifies how much development will happen, where, when and by whom it will be delivered.
  - To provide specific criteria about the form of development which will be allowed on each site to ensure the land use is appropriate within the constraints of the local area.
- 6.4 Based upon the needs assessment, draft Policy GTS2 seeks to identify and allocate sites to meet the immediate need for traveller sites. Sites to address the immediate need are allocated and this includes this application site, covered by draft Policy GTS10.
- 6.5 During the Examination into the GTSLP, the Inspector raised a number of issues which she summarised in a note dated 19 April 2013. The Council responded to the issues and stated that they would undertake further work on the GTSLP to address the Inspectors identified issues. As a result, on 14 June 2013, the Inspector suspended the Examination, with the Inspector commenting that the Examination will not resume until after 1 March 2014. The Council has started additional work on the DPD to address both the Inspectors comments and changing circumstances.

- 6.6 As the time when planning permission on the site had expired was approaching ten years, it was considered expedient to serve an enforcement notice in order that the Council could preserve its position (i.e. to prevent the use of the site as a traveller site becoming lawful, with no restrictions). Given the policy background, it was considered reasonable in this case to allow a generous compliance period (2 years) on the notice so that the policy position could be confirmed. However, an appeal has been lodged which in effect places the notice in abeyance.
- 6.7 Staff are also aware that not all the current occupiers of the site are gypsies or travellers. A number of the static caravans are let to tenants. The application that has been submitted indicates that only 5 pitches would be provided for gypsies/travellers resulting in a reduction in the occupancy of the site. The agent for the applicant has suggested that if planning permission is granted, there is no need to proceed with the appeal and the enforcement notice should be withdrawn.

## **7. Staff Comments**

- 7.1 The issues arising from this application is whether this is an appropriate use in the Green Belt, any impact on visual and residential amenity, highways considerations and whether there are any material considerations that could represent the very special circumstances by which development may exceptionally be permitted in the Green Belt.
- 7.2 The application includes a statement supporting the status of the applicant, and the other families who would occupy the site, as gypsies/travellers. This information is accepted.

### Green Belt Issues

- 7.3 The first key issue in relation to this application is whether or not the proposed development is inappropriate development in the Green Belt. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The appeal site is located within the Metropolitan Green Belt. The National Planning Policy Guidance (NPPG), in paragraphs 89 and 90, sets out what are generally appropriate uses in the Green Belt and this is largely reflected in the Council's LDF Policy DC45. Policy E of the Government's Planning Policy for Traveller Sites states:

"Inappropriate development is harmful to the Green Belt and should not be approved, except in very special circumstances. Traveller sites (temporary or permanent) in the Green Belt are inappropriate development."

- 7.4 The Government's traveller sites Policy E goes on to state that changes to Green Belt boundaries should take place through the plan making process, not in response to a planning application.

- 7.5 It is Staff's view that the proposal represents inappropriate development and this is harmful both in principle and in terms of physical impact.
- 7.6 The Council consider that significant harm to the Green Belt has been caused by the impact arising from the physical implications of the development. When the site was first formed without planning permission, there was considerable clearance of the then existing woodland vegetation leaving the site hard and urban in its appearance where it was once tree covered and part of a larger area of tree belt which enhanced the character and appearance of this part of the Green Belt. The whole of the appeal site was subject of a Tree Preservation Order. The TPO was confirmed in 1981 and followed partial clearance of the site of scrub vegetation. Most of the trees and shrubs previously on the site have now been lost having been cleared during the occupancy of the site.
- 7.7 The detrimental impact to the landscape has been significant in terms of both the visual impact to the landscape and the general amenity of those living in the area. The site is, to a degree, screened by perimeter planting which has matured over time, but the site itself is largely clear of vegetation. The previous woodland has been replaced by hard surfaces, parking, storage and turning area and a clutter of structures and vehicles.
- 7.8 The appeal site land is on the extreme edge of the Green Belt. It performs a role in defining the boundary between the built up area and the rural Green Belt. Changing the characteristics and appearance of such a sensitively located area of land as the appeal site has had a significant and harmful effect on the purpose and appearance of the Green Belt.
- 7.9 Staff conclude that using the land for residential purposes is inappropriate development with the visual impact of the use having an unacceptably harmful impact on the character and appearance of the Green Belt.

#### Impact on Visual and Residential Amenity

- 7.10 The second key issue is the impact on visual and residential amenity. Policy DC61 of the LDF sets out the Councils expectations that new development should maintain, enhance or improve the character and appearance of the local area. In particular development should retain existing trees/landscape features and provide appropriate landscaping; complement or improve the amenity and character of the area through appearance and layout. The Policy goes on to state that planning permission will not be granted where there would be loss of privacy to existing properties.
- 7.11 The manner in which this site was developed in concert with adjacent sites at the time caused significant concern for local residents. Over time, as the perimeter landscape has developed and this and adjacent sites have remained, the impact has become less severe. In terms of privacy, the current boundary treatment and distance to nearest residential dwelling (over 45 metres from Unit 1, 25 metres from site boundary), result in no material harm. The degree of harm to visual and residential amenity is considered in this case to be acceptable as only a temporary consent is sought and not a lot on the site will

change compared to the current situation. If planning permission is to be granted, conditions restricting commercial activity are recommended.

#### Compliance with Adopted/Emerging Gypsy Policy

7.12 The third issue to consider is whether the unauthorised use complies with the Council's adopted and emerging policies in relation to gypsy and traveller sites. Pending the adoption of the GTSLP (or the adoption of another planning policy document), the Council should have regard to Policy DC8 of the LDF, specific to gypsy/traveller sites. Compliance with the policy is assessed below:

*The proposal meets an identified need with regard to the traveller needs assessment /local housing needs assessment.:-*

The site is currently occupied by both gypsies and travellers and non-gypsies. Whilst the applicant and his family have been identified as part of the 2010 Needs Assessment, other occupiers of the site have not. Subject to conditions requiring only 5 pitches to be occupied and the current caravans to be removed, it is considered that this criterion is met.

*It is suitable for mixed residential and business uses and has no adverse impact on the safety and amenity of the occupants and their children and neighbouring residents:-*

The site is in the Green Belt, so in principle is not suited to residential and business use. The site immediately adjoins residential properties. There is a concern that business use would adversely impact upon residential amenity through noise and disturbance. Although the site is not considered acceptable for commercial use, this could be controlled by condition.

*It has safe and convenient access to the road network and would not cause significant hazard to other road users:-*

There are no concerns in relation to highway matters. The site access has been in existence for several years and no objections have been raised by the Highways Engineers.

*It is located within reasonable distance of services and community facilities in particular schools and essential health services:-*

The site is in a relatively accessible location for access to services.

*It has provision for parking, turning, service and emergency vehicles and servicing of vehicles:-*

Provided the number of mobile homes on the site is controlled, there are no concerns with regard to this matter.

*It is capable of accommodating the number of caravans/mobile homes proposed with any equipment for business activities:-*

Provided the number of mobile homes on the site is controlled, there are no concerns with regard to this matter.

*The site will be supplied with essential services such as water, power, sewerage and drainage, and waste disposal:-*

During the early stages of the GTSLP, information provided by the site owner was that the site has access to mains water, sewer and electricity.

*Sites within the Green Belt will only be acceptable in exceptional circumstances and where through their design, layout and landscaping they minimise its impact on the openness of the Green Belt, do not prejudice the purposes of including land in the Green Belt, do not prejudice the recreational usage of the Green Belt or involve the loss of high grade agricultural land:-*

As outlined in the previous paragraphs, the introduction of the unauthorised residential use has resulted in an unacceptable loss of openness in the Green Belt, which is inappropriate.

- 7.13 Policy GTS10 in the GTSLP allocates this site to accommodate 13 pitches. Although the GTSLP is not adopted and therefore has limited weight, the Inspector at the Examination into the GTSLP did not specifically raise this particular policy as an issue, although she did raise a general concern about the deliverability of sites identified in the Plan. On this basis, the current proposal for 5 pitches for a temporary period is not considered to be contrary to the policy.

#### Very Special Circumstances

- 7.14 The fourth issue to consider is whether there are any very special circumstances that may overcome the harm to the Green Belt and other harm identified. Policy H of the Government's Planning Policy for Travellers Sites states that Local Planning Authority should consider:

- a) the existing level of local provision and need for sites
- b) the availability (or lack) of alternative accommodation for the applicants
- c) other personal circumstances of the applicant
- d) that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites

- 7.15 Paragraph 25 of Policy H states that if a local planning authority cannot demonstrate an up-to-date five-year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission. This statement is clarified by subsequent ministerial statement that the single issue of unmet need, whether for traveller sites or for conventional housing, is unlikely

to outweigh harm to the green belt and other harm to constitute the “very special circumstances” justifying inappropriate development in the green belt.

7.16 The following Very Special Circumstances have been put forward on behalf of the applicant, together with Staff commentary:

i) *the need for further sites for Gypsies and Travellers a) nationally b) regionally c) locally and d) personally for these families;*

It is agreed that there is a need to provide sites for gypsies and travellers in the Borough. This is confirmed by the needs assessment undertaken as part of the GTSLP. Government Policy is that this is a significant consideration in considering whether to grant temporary planning permission, however Ministerial statements have clarified that this, in itself is unlikely to outweigh harm to the Green Belt.

ii) *the unavailability of suitable alternative sites;*

The Submission Document of the GTSLP identifies a number of sites which could be suitable as gypsy and traveller sites. However, all of these are presently occupied. No additional sites or future capacity is identified. The need and lack of suitable alternative sites weigh heavily in favour of granting a temporary planning permission given the circumstances of this case.

iii) *the families’ personal circumstances (including their status as Gypsies and Travellers) in particular their health and education needs;*

The proposed occupiers of the site all belong to an extended family and have been on this site for a considerable period. Children who live on the site attend local schools. The occupiers have travelled regularly but elder occupiers travel less regularly now due to health issues that have been cited. These personal circumstances have moderate weight in terms of granting a temporary planning permission.

iv) *deficiencies with Development Plan policy provision for Gypsy and Traveller caravan sites in Havering;*

The adopted development plan (LDF) commits to having a separate policy document to allocate Gypsy and Traveller sites. The policy situation is that a submission version of the GTSLP has been subject to examination (currently suspended pending further work by the Council). It is acknowledged that the policy position has been delayed, but the lack of adopted policy does not, in itself, amount to a very special circumstance although it adds weight to a grant of temporary planning permission given the circumstances of the policy position in Havering.

v) *the consequence of the Application being dismissed for the families;*

An enforcement notice has been served, but is subject to a current appeal, requiring the use to cease. A compliance period of two years was stated in the notice. Should planning permission be refused and the enforcement notice appeal be dismissed, a two year period is considered an adequate period for the occupiers to find new accommodation. This would be disruptive, but given the time periods described, carries limited weight in terms of forming a very special circumstance.

vi) *the best interests of the children*



This is commented upon in (iii) above.

vii) *Human Rights consideration*

Refusal of the planning permission would not immediately interfere with the human rights of the applicant and their family to life and a home, as the enforcement notice, if upheld on appeal would have at least a two year compliance period. If the enforcement notice is upheld, the family would be displaced from their home with no identified site to relocate to and there would be disruption to the family and the education of the children. However this must be balanced against the harm to the Green Belt. On the basis of the harm identified, a refusal could be considered necessary and proportionate in the public interest. Limited weight is afforded to this in terms of forming a very special circumstance.

7.17 Staff therefore consider that there are some very special circumstances that should be weighed against the identified harm to the Green Belt. These are in particular the unmet need for sites in the Borough and the personal circumstances of the applicant and his family.

7.18 Furthermore, the following are considered to weigh in favour of granting a temporary planning permission:

- the applicant and his family are part of the identified need identified as part of the GTSLP process.
- whether any Green Belt sites would be suitable or not should be properly considered as part of the policy formulation taking place (i.e. the GLTP) and not through individual planning decisions, therefore a permanent permission would not be appropriate.
- the appeal site is proposed to be allocated in the submission GTSLP and has been in existence for some considerable time.
- as with other longstanding sites in the Borough which have been granted temporary planning permission previously, it may be tolerable to allow the site to remain, provided it is occupied only by gypsies and travellers who form part of the identified need, whilst the policy position is established.
- The period for compliance on the enforcement notice, at two years, was to enable the completion of the GTSLP and for determination of subsequent planning applications. It would be reasonable to grant planning permission for a similar or slightly longer period as the effect would be similar.
- The ability of the Council as local planning authority to impose planning conditions to safeguard amenity etc

7.19 Staff would not recommend the granting of permanent planning permission on the following grounds:

- The development is inappropriate development in the Green Belt
- Until such time as there is an adopted gypsy and traveller policy it would not be appropriate to make decisions on an ad-hoc site by site basis

Other Considerations

7.20 The continued occupation of the site by non-gypsy/travellers has not been applied for or justification sought by reference to any planning policy or very special circumstances. Therefore, should a temporary planning permission be granted, it is recommended that a condition be attached requiring occupation by non-gypsy/travellers cease within 6 months. This is considered adequate for existing tenants to find alternative accommodation.

#### Conclusion

7.21 The proposed development is inappropriate development in the Green Belt. However, in this case there are considered to be circumstances that outweigh the harm in favour of granting a temporary planning permission. These circumstances include the current planning policy position in relation to Gypsies and Travellers, the fact that the site has been in existence for some time and what is proposed is a reduction compared to current occupation and the very special circumstances put forward by the applicant.

7.21 Although the enforcement notice gives a two year compliance period, given that it may take time for local planning policy to be adopted, it is recommended that a temporary period of 3 years would be appropriate.

7.22 It is therefore recommended that temporary planning permission be granted, subject to conditions.

## IMPLICATIONS AND RISKS

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

None

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

None

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

None

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

Regard has been made to the Equality Act 2010 and the fact that the occupants are Gypsy Travellers, a protected group for the purposes of the Act. In making this recommendation, Staff have had due regard to the requirements of the Public Sector Equality Duty, in particular the need to eliminate discrimination, advance equality of opportunity and foster good relations between those with protected characteristics and

others. Following careful consideration of these matters the conclusions reached are considered to be justified and proportionate.

**BACKGROUND PAPERS**

Application form, drawings and supporting statements received on 29<sup>th</sup> May and

This page is intentionally left blank