



Havering

LONDON BOROUGH

REGULATORY SERVICES COMMITTEE AGENDA

7.30 pm

Thursday
21 August 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:

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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 PLANNING APPLICATIONS - SEE INDEX AND REPORTS (Pages 1 - 24)

5 P0251.14 - HARE LODGE, UPPER BRENTWOOD ROAD, ROMFORD (Pages 25 - 42)

6 P0324.14 - 41-43 MAYLANDS AVENUE & 70 CORONATION DRIVE, ELM PARK (Pages 43 - 56)

- 7 **P0483.14 - 99 FRONT LANE, CRANHAM, UPMINSTER** (Pages 57 - 66)
- 8 **P1020.12 - 69 OLDCHURCH ROAD, ROMFORD** (Pages 67 - 86)
- 9 **P0809.14 - 13 BURNTWOOD AVENUE, HORNCHURCH** (Pages 87 - 108)
- 10 **P0853.14 - PYRGO PRIMARY SCHOOL, SETTLE ROAD, HAROLD HILL** (Pages 109 - 116)
- 11 **P1357.13 - FORMER PETROL FILLING STATION, ADJACENT 2A SUTTONS LANE, HORNCHURCH** (Pages 117 - 140)
- 12 **STOPPING UP ORDER - GARRICK HOUSE** (Pages 141 - 148)
- 13 **ENFORCEMENT REPORT - 30 ELMS CLOSE** (Pages 149 - 156)
- 14 **ENFORCEMENT REPORT - TYAS STUD FARM** (Pages 157 - 166)
- 15 **URGENT BUSINESS**

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

Andrew Beesley
Committee Administration
Manager

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Agenda Item 4

Regulatory Services Committee

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| Page No. | Application No. | Ward | Address |
|-----------------|------------------------|---------------|---|
| 1-5 | P1015.13 | Upminster | 6-7-8- Cranham Hall Mews, The Chase, Upminster |
| 6-9 | A0032.14 | Havering Park | 7 Chase Cross Road, Romford |
| 10-15 | P0727.14 | Upminster | 4 Bury Farm Cottages, St Mary's Lane, Upminster |
| 16-22 | P0872.14 | Upminster | The Forest Centre, Broadfields Farm, Pike Lane, Upminster |

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| | | |
|-------------------------|---|---|
| APPLICATION NO: | P1015.13 | |
| WARD : | Upminster | Date Received: 23rd August 2013 Expiry Date: 18th October 2013 |
| ADDRESS: | 6-7-8 Cranham Hall Mews The Chase Upminster | |
| PROPOSAL: | Post and wire fencing to northern and western boundaries | |
| DRAWING NO(S): | Drg 2 Fence elevation and cross-section Drg 1 Site Plan | |
| RECOMMENDATION : | It is recommended that planning permission be GRANTED subject to the condition(s) given at the end of the report given at the end of the report. | |

SITE DESCRIPTION

The application site comprises open land to the west of Cranham Hall Mews which is a quadrangle of former farm buildings (Cranham Hall Farm) converted and extended to form ten residential properties. Access to Cranham Park Mews and the application site is taken from The Chase. The converted farm buildings and the application site lie within the Green Belt and the Cranham Conservation Area.

The Conservation Area is characterised by mainly open farmland that provides a setting for the 18th and 19th century buildings at its centre a number of which are listed. The site also lies within the area of the Thames Chase Community Forest. Public Footpath 226 runs along the edge of the application site.

There is currently a post and rail fence along much of the boundary where the new fence is proposed. In places this is backed by a wire mesh fence. The boundary also includes a five bar gate to the rear of no.7. Adjacent to part of the fence line is a section of recent laurel hedgerow planting, mainly along the boundary of the extended curtilage to no.8. There is a well established native hedgeline behind nos. 6 and 7. The existing fence in this location lies on the east side of the hedge line.

The area to the rear of nos. 6, 7 and 8 has been extended to form additional residential curtilage and each of the garden areas is separated from that adjoining by a fence. These fences are not part of this planning application. The extended garden areas are unauthorised and enforcement notices are in place.

DESCRIPTION OF PROPOSAL

The erection of a 1m high mesh fence on 1.1m timber posts to replace existing post and rail fencing. The fence would have a square mesh (pig wire) and fixed to the posts at 1.8m centres. The fence would run from the corner of no.8 and follow the line of footpath 226 westwards and then southwards, approximately 47m to the rear of nos. 7 and 6. The total length of fence proposed is 81.4m.

RELEVANT HISTORY

P1707.07 - Conversion of existing barns into 8 new dwellings plus 2 new separate dwellings - Approved

P2029.08 - Change of use of land to the south of Cranham Hall Mews to form paddocks with

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associated fencing and access way - Refused
P0779.10 Retention of replacement post and rail fencing - approved

CONSULTATIONS/REPRESENTATIONS

The application was advertised on site and 20 neighbour notification letters sent out. Two letters of support have been received from the occupiers of nos. 1 and 9 Cranham Court Mews.

RELEVANT POLICIES

LDF

CP14 - Green Belt
CP18 - Heritage
DC22 - Countryside Recreation
DC45 - Appropriate Development in the Green Belt
DC60 - Trees and Woodlands
DC68 - Conservation Areas
SPD2 - Heritage SPD

OTHER

NPPF - National Planning Policy Framework

STAFF COMMENTS

The application site lies within an area covered by an Article 4 Direction that restricts permitted development involving the erection of fencing, gates and other means of enclosure. This means that such development requires planning permission. The reason for the Direction was to maintain the character of the area, including the open countryside around the buildings at the centre of the conservation area.

The site lies within the Green Belt and for planning purposes, fences are classified as buildings. Paragraph 89 of the NPPF says the construction of buildings in the Green Belt is inappropriate other than in certain circumstances. The fence is not for any of the purposes listed in the NPPF or in LDF Policy DC45. Therefore, the erection of a fence would, be contrary to the Green Belt policies of the LDF and the guidance in the NPPF unless very special circumstances can be demonstrated.

BACKGROUND

Planning permission for the conversion and extension of the buildings at Cranham Hall Farm was granted in 2007. Prior to the conversion the use of parts of the land adjoining was used for the grazing of horses. During the course of the conversion works to the farm buildings this area was cleared, the ground ploughed and reseeded as grass. This resulted in an improvement to the openness of the Green Belt and the Cranham Conservation Area. As part of the clearance works the existing fencing, which was formed of a mixture of timber fencing and barbed wire, was also removed. New post and rail fencing was then erected to form horse paddocks. Planning permission was subsequently granted to retain this fencing as it was judged to have no greater impact than that which had existed previously

The fencing to be replaced under the current application was erected subsequently and was not covered by the 2010 planning permission. Prior to the conversion of the farm buildings and erection of new dwellings the land to the west of the farm buildings was separated from the adjacent farmland and footpath by a post and wire fence along its northern boundary. There was no hedgerow and the land had a largely open appearance to the adjoining agricultural fields. The fence along the southern section had been largely incorporated with the native

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hedgerow. Following conversion of the farm buildings a new post and rail fence was erected on the application site and between the three properties to create extended residential curtilages. A laurel hedge was planted on the southern side of part of the new fence.

Enforcement notices were issued in March 2012 requiring the removal of these fences. An appeal was dismissed and the notices upheld with correction. The Inspector determined that planning permission should not be granted as it was inappropriate development in the Green Belt and that there were no very special circumstances that outweighed the harm to the Green Belt. The Inspector considered that overall the fencing would erode the openness of the area and increase the intrusion of built development into the countryside. This application seeks to address these objections, but only in respect of the perimeter fencing around the extended garden areas and not the fencing that separates the three plots from each other.

GREEN BELT IMPLICATIONS

The proposed fencing lies entirely within the Green Belt. The erection of a fence is a building operation which is by definition inappropriate development in the Green Belt. Government guidance in the National Planning Policy Framework (NPPF) identifies the essential characteristics of Green Belts are their openness and their permanence. Paragraphs 87 and 88 say inappropriate development is by definition harmful to the Green Belt; that it should not be allowed other than in very special circumstances; and that those will not exist unless the potential harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

The Inspector concluded that the fences caused material harm by eroding the openness of the area by "cutting out a small portion from a swathe of land which was formerly open". It also increased the intrusion of built development in the countryside which conflicts with one of the purposes of the Green Belt to protect the countryside from encroachment.

Of particular concern to the Inspector was the subdivision of the land to form individual plots for nos 6,7 and 8 Cranham Hall Mews. However, the Inspector considered the fencing as a whole and did not treat the 'boundary' fencing differently. Whilst only the 'boundary' fence is covered by this application and needs to be considered in isolation, the Inspector's conclusions remain a material consideration.

Since the appeal the laurel hedge planting along the extended boundary to no.8 has further established. The proposed fence along this section would be difficult to detect in wider views of the site and given its mesh construction would have significantly less impact on openness and the rural character of the area compared with the existing more solid fence. The fence would be much less intrusive and very similar to the fence which existed prior to the residential conversion. The style of fencing has been chosen to minimise the impact on the rural setting. Whilst it results in the enclosure of otherwise open land, including land that is currently used for unauthorised residential purposes, it does follow the line of an earlier fence and would have less impact on the open nature of the area than the existing unauthorised fence. Given these factors it is considered that very special circumstances do exist sufficient to outweigh the harm that would be caused to the Green Belt. Accordingly the development would be in accordance with the guidance in the NPPF and LDF Policy DC45.

CONSERVATION AREA

The application site lies within the Cranham Conservation Area. The Cranham Conservation Area Character Appraisal and Management Proposals advise that the character of the area derives from a group of buildings and trees set in open countryside. LDF Policy DC68 seeks to protect

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conservation areas and new development should preserve or enhance their character or appearance. The guidance in the NPPF at paragraph 131 is that account should be taken of the desirability of sustaining and enhancing a heritage asset and the desirability of new development making a positive contribution to local character and distinctiveness.

The expanses of uninterrupted open land are a distinctive characteristic of the locality and a valued feature of the conservation area. The proposed development would not significantly impact on the open nature of the area by introducing a fence of the type proposed along a former fenceline. Staff consider that, as a matter of judgement the proposed fence would not materially impact on the character and appearance of the conservation area. Accordingly the proposal would protect the heritage asset in accordance with LDF Policy DC68 and the guidance in the NPPF.

KEY ISSUES/CONCLUSIONS

This application seeks planning permission for a replacement fence following the dismissal of an enforcement appeal. The replacement fence would have less impact on the openness of the area compared with that which is subject to the enforcement notice and would effectively re-instate the fence in the form that previously existed. Nevertheless the proposal would still be inappropriate development which would by definition be harmful to the Green Belt. The proposed fencing would follow a former fence line with a similar type of fencing. In these circumstances staff judge that it would not have a materially harmful effect on the open character of the area, the openness of the Green Belt or the character and appearance of the Cranham Conservation Area. These factors are considered to amount to 'very special circumstances' that outweigh the harm to the Green Belt. The development would, therefore, accord with the guidance in LDF Policies DC45 and the guidance in the NPPF in relation to inappropriate development. It would also comply with LDF Policy DC68 and the guidance in the NPPF in respect of the Cranham Conservation Area. Approval is recommended accordingly.

RECOMMENDATION

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

1. SC4 (Time limit) 3yrs

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

Reason:-

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

2. SC32 (Accordance with plans)

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

Reason:-

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

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INFORMATIVES

1 Approval - No negotiation required

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

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|-------------------------|---|--|
| APPLICATION NO: | A0032.14 | |
| WARD : | Havering Park | Date Received: 6th June 2014 Expiry Date: 1st August 2014 |
| ADDRESS: | 7 Chase Cross Road Romford | |
| PROPOSAL: | Non-Illuminated hoarding Revised Description and Plans received 23/07/2014 | |
| DRAWING NO(S): | CCR/14/04 CCR/14/01 | |
| RECOMMENDATION : | It is recommended that planning permission be REFUSED for the reason(s) given at the end of the report given at the end of the report. | |

CALL-IN

The application has been called in to committee by Councillor Benham on the grounds that this type of application should be decided by Councillors instead of Planning Officers.

SITE DESCRIPTION

The application site includes a two storey purpose built end unit finished in render with a restaurant/takeaway at ground floor and residential at first floor level. The surrounding area is a mixture of residential and commercial units. The application site is located within the retail core area of the Collier Row Minor District Centre.

DESCRIPTION OF PROPOSAL

The Council is in receipt of a planning application seeking permission for a non illuminated wall mount advertising hoarding measuring 3.548m high x 6.596m wide. The proposed sign would have a perspex face and aluminium surround which would project 0.25m from the wall, would have an overall height of 3.05m from the ground to the base of the advertisement.

RELEVANT HISTORY

- P1129.08 - Variation of condition 3 of planning permission P2300.07 to extend opening hours to enable opening on Sundays, Bank and Public Holidays
Apprv with cons 29-08-2008
- P1064.08 - Extractor for cooking system
Apprv with cons 15-08-2008
- P2470.07 - Extension of existing use to include use classes A3 (restuarant and cafes) and A5 (hot food takeaway)
Awaiting Decision
- P2300.07 - Extension of existing use to include use Classes A3 (restaurants and cafes) and A5 (hot food takeaway)
Apprv with cons 05-02-2008
- A0011.07 - Illuminated x1 double sided free standing display unit
Apprv with cons 19-04-2007

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P0714.93 - Single storey rear extension/s atellite dish/shopfront alterations
Apprv with cons 27-07-1993

A0035.93 - Projecting sign. New panel to fascia - illuminated
Apprv with cons 27-07-1993

CONSULTATIONS/REPRESENTATIONS

Notification letters were sent to adjoining occupiers. One letter of representation was received raising the following comments.

· The application is described as a non-illuminated hoarding, when in fact the submission is for an advertisement hoarding with an luminance of 660cd/m2.

Response: During the planning process concerns were raised regarding the potential light pollution from the sign of occupiers of the first floor residential flats at No.9-11 Chase Cross Road. The agent agreed to amend the scheme to a non-illuminated hoarding. Revised plans were received and the description was amended. It was considered not necessary to re-notify neighbours as the impact would be less intrusive on the neighbouring occupiers.

· The signage would cause light intrusion into the first floor dwelling windows.

· When viewing the Aerial perspective of the site it can be seen that No'7s flank wall is rotated away from the street scene and in fact faces our clients property (First floor residential dwellings)

· The signs size and composition does not compliment the surrounding environment.

· There is no symmetry or relation to other areas of signage in the area.

· There is visual harm to the amenity of the existing building at No 9-11.

· The street view images within the supporting statement are incorrect as they highlight a signage which is rotated from the actually existing elevations. The proposal is to be fixed against the existing building and would face a different direction.

The above comments will need to be assessed in the remaining sections of the report.

The Council's Highways Department has no objections to the proposal.

RELEVANT POLICIES

LDF

DC61 - Urban Design

DC65 - Advertisements

OTHER

NPPF - National Planning Policy Framework

STAFF COMMENTS

Policy DC65 of the Local Development Framework states express consent for advertisements will only be granted if:

- a) they complement the scale, form and architectural composition of individual buildings
- b) they are by size, design, siting and degree of illumination in character with the surrounding area and the buildings they are on

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- c) when displayed on a paved forecourt, or in a pedestrianised area, their dimensions are in scale with other street furniture and should not be overwhelming upon pedestrians in the area
- d) when they are displayed on buildings, or as free-standing units alongside the highway, they should be related to the scale of surrounding buildings and have regard to the symmetry or architectural features of their location
- e) they do not materially harm the visual amenity in the area
- f) they do not unduly compromise public safety or pose a hazard to traffic.

Consent for advertisements will further only be granted if they complement the scale, form and architectural composition of individual buildings and they are by size, design, siting and degree of illumination in character with the surrounding area and the buildings they are on.

The proposed non illuminated advertisement hoarding would be located on the flank wall of No.7 Chase Cross Road which would be viewed as you enter the Collier Row Minor District Centre from Chase Cross Road. Neighbouring units close by are similar commercial uses at ground and residential at first floor level.

The NPPF states that "a large poster-hoarding would be refused where it would dominate a group of listed buildings, but would be permitted in an industrial or commercial area of a major city (where there are large buildings and main highways) where the advertisement would not adversely affect the visual amenity of the neighbourhood of the site".

The proposed hoarding would be located within the Collier Row Minor District Centre which does not fit with the description of areas where such hoardings might be acceptable in the NPPF. Furthermore, it is considered the hoarding would detract from the appearance of the locality, impact adversely on visual amenity and would result in a strident and uncharacteristic feature within this part residential, part commercial area which would be harmful to the street scene.

IMPACT ON AMENITY

The impact of the hoarding on the first floor flats on the neighbouring building is considered to be materially harmful to the occupiers amenity.

It is acknowledged that the removal of the illumination from the hoarding is an improvement. However, the position and size of the hoarding in close proximity to neighbouring flats would be an intrusive and unneighbourly development as well as having an adverse effect on the visual amenity of adjacent occupiers contrary to Council guidelines.

HIGHWAY/PARKING

The proposal is set a sufficient distance away from the nearest road and would therefore not have an impact on the highway. The proposal would not be illuminated and would therefore not cause an unacceptable distraction.

KEY ISSUES/CONCLUSIONS

The advertisement hoarding, by reason of its height, size, position and prominent location is considered to be unduly obtrusive and would detract unacceptably from the visual amenity of the area. The proposal would therefore be contrary to the aims and objectives of the NPPF and Policies DC61 and DC65 of the LDF Core Strategy and Development Control Policies Development Plan Document and a refusal of advertisement consent is recommended.

RECOMMENDATION

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

1. Reason for refusal - Streetscene

The proposed advertisement hoarding would, by reason of its height, position and prominent location, appear as an unacceptably dominant and visually intrusive feature in the streetscene harmful to the appearance of the surrounding area contrary to Policies DC61 and DC65 of the LDF Core Strategy and Development Control Policies DPD.

2. Reason for refusal - Residential Extensions

The proposed advertisement hoarding would, by reason of its height and position close to the boundaries of the site, be an intrusive and unneighbourly development as well as having an adverse effect on the amenities of adjacent occupiers contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.

1 Approval following revision

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

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| | | |
|-------------------------|---|---|
| APPLICATION NO: | P0727.14 | |
| WARD : | Upminster | Date Received: 10th June 2014 Expiry Date: 5th August 2014 |
| ADDRESS: | 4 Bury Farm Cottages St. Marys Lane Upminster | |
| PROPOSAL: | Erection of front dormer, single storey side extension and alteration to the existing front porch. Erection of detached building for use as Playroom/Gymnasium in the rear garden rear of the property. | |
| DRAWING NO(S): | | |
| RECOMMENDATION : | It is recommended that planning permission be GRANTED subject to the condition(s) given at the end of the report given at the end of the report. | |

SITE DESCRIPTION

The application site concerns a 2 storey semi-detached house, it benefits from an existing front porch, side and rear extensions. The property forms part of a small group of 6 residential properties, known as Bury Farm Cottages. The site is within the Metropolitan Green Belt.

DESCRIPTION OF PROPOSAL

The proposal is for the erection of front dormer, single storey side extension, alteration to the existing front porch and erection of detached building in the rear garden of the property.

The outbuilding measures 7.5 metres depth, 4.1 metres height to the ridge and 4.8 metres width for use as playroom/gymnasium, the materials walls would be in horizontal timber and the roof in shingle tiles.

The existing front porch would be demolished to be replaced by the new porch measuring at 2.4 metres width, 3.6 metres high and 1.3 metres depth.

The existing side extension will be demolished and replaced with a side extension measuring 2.6 metres width, 3.9 metres high and 7.7 metres depth.

The front dormer would be 1.8 metres height and 1.3 metres wide.

All of the extensions would have tiled roofs and facing brick for the walls to match the existing house.

RELEVANT HISTORY

P1848.01 - Two storey rear extension and single storey side roof/canopy and loft conversion
Aprv with cons 23-04-2002

P0802.01 - Two storey side and rear extension and loft conversion
Refuse 15-08-2001

CONSULTATIONS/REPRESENTATIONS

The proposal has been advertised on site and in the local press and by direct neighbour

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notification. No representations received to date.

RELEVANT POLICIES

LDF

CP17 - Design

DC45 - Appropriate Development in the Green Belt

DC61 - Urban Design

SPD4 - Residential Extensions & Alterations SPD

SPD9 - Residential Design SPD

OTHER

LONDON PLAN - 7.16 - Green Belt

LONDON PLAN - 7.4 - Local character

NPPF - National Planning Policy Framework

MAYORAL CIL IMPLICATIONS

The combined floorspace of the proposed extensions and the garage would result in less than 100 square metres of gross additional floorspace. Consequently there are no Mayoral CIL implications as this falls below the minimum floorspace threshold.

STAFF COMMENTS

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

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 front porch and side extension would be demolished and it is considered that the proposed replacement porch and side extension along with the dormer would not result in disproportionate additions over and above the size of the original building and as such this proposal is appropriate in principle. The proposed outbuilding is of a footprint that could normally be constructed under permitted development and, as such, is not judged to be disproportionate to the original property.

GREEN BELT IMPLICATIONS

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

The NPPF sets out forms of development that are deemed to be appropriate within the Green

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Belt and states that construction of new buildings should be regarded as inappropriate development. A given exception to this is the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. As stated above, the development is not judged to be disproportionate to the original building and is therefore acceptable in principle.

Policy DC45 states that extensions 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 building.

The original dwelling had a volume of approximately 300 cubic metres. Therefore, a 50% increase on the volume of the original house would equate to 150 cubic metres. The existing rear extension to the dwelling (as approved under the previous permission P1848.01) had a volume of approximately 197 cubic metres which equates to a total increase of 66% of the original dwelling.

The proposed extension of the dormer at 1.9 cubic metres, porch at 9.3 cubic metres, side extension at 27 cubic metres and outbuilding at 99.4 cubic metres gives a further increase in volume of 137 cubic metres. Combined with the volume of the previous extension to the dwelling, the overall volumetric increase would be 334 cubic metres, equivalent to 111%.

Whilst the proposal has a resultant volume significantly in excess of that of the original building, consideration must be given to the resultant harm to the character and openness of the Green Belt. The proposed dormer is set well within the existing roof slope and is not judged to materially harm openness. The front porch effectively replaces an existing front porch so is not judged to result in any materially greater harm to Green Belt openness. The proposed side extension replaces, in part, an existing side extension. Whilst it is larger than the extension it replaces it is a single storey structure, located between the flank wall of the subject dwelling and that of the neighbouring house and for these reasons is not judged to materially close down the characteristic openness of the Green Belt.

The proposed outbuilding is a substantial structure. However, it is to be set within a relatively spacious rear garden, where there are other examples of outbuilding, such as at no.3 Bury Farm Cottages. The outbuilding requires planning permission only because of its overall height, as permitted development rights do exist for outbuildings to residential properties in the Green Belt. The proposed outbuilding is not substantially larger than a structure that could be built without the need for planning permission. In view of this, the overall size of the plot and existence of other residential outbuildings, the outbuilding is not judged materially harmful to the character and openness of the Green Belt.

Having carefully considered the merits of this planning application, the proposed outbuilding, front dormer, replacement porch and side extension are considered to be acceptable and not to result in any material harm to the character and openness of the Green Belt.

IMPACT ON AMENITY

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

It is considered that the proposed development will not result in an undue impact on the amenity of the neighbouring property.

The front porch and side extensions would be replacing the existing although the side extension

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is slightly larger in depth. The side extension is single storey and would not create adverse amenity impacts to No.5 as they have no side facing window towards the proposal.

It is considered that the front dormer, side extension and porch are of a small scale nature, the proposed pitched roof of the side extension and outbuilding, minimises its bulk and its depth adheres to the Residential Extensions and Alterations SPD.

The Residential Extensions and Alterations SPD states that the design of outbuildings should reflect their intended use. Outbuildings should not cause undue loss of light to neighbouring properties or adversely affect the living conditions of neighbouring properties.

The proposed outbuilding, which would be located towards the rear-end of a long garden, is over 25 metres away from the nearest neighbour and set in 0.65 metres from the side boundary of No.5, 1.5 metres from No.3, 15.5 metres from rear boundary. The building has a pitched roof, with an eaves height of 2.3m and a ridge height of 4.1m. The proportions and location of the building are such that no material harm to neighbouring amenity is considered to occur.

The gymnasium and games room are rooms that would function as part of the main house and with an internal floorspace measuring at 37.5 square metres it is considered that the building would be subservient to the main property within a garden measuring over 400 square metres in area.

With the above taken into consideration, staff are therefore satisfied that the proposed development is unlikely to result in any material harm to amenity. The development is considered to be acceptable and accords with the principles of Policy DC61.

HIGHWAY/PARKING

Policy DC33 seeks to ensure all new developments make adequate provision for car parking.

The local highway authority have raised no objection to the proposal.

The proposed outbuilding would be located to the rear of the house and is indicated to provide a gymnasium and games room. The proposed development is not therefore considered to raise any material issues relating highways and parking.

KEY ISSUES/CONCLUSIONS

Having carefully considered the merits of this planning application, the proposed extensions and outbuilding are considered to be acceptable and to 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

REGULATORY SERVICES COMMITTEE

21st August 2014

1. SC4 (Time limit) 3yrs

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

Reason:-

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

2. SC10 (Matching materials)

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

Reason:-

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

3. SC32 (Accordance with plans)

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

Reason:-

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

4. SC46 (Standard flank window condition)

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

Reason:-

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

5. Non Standard Condition 31

The detached outbuilding hereby approved shall only be used for purposes incidental to the use of the dwelling at no.4 Bury Farm Cottages and shall not be used for any other purpose, including for use as residential accommodation, unless separate permission has been sought and given in writing by the Local Planning Authority.

REGULATORY SERVICES COMMITTEE
21st August 2014

INFORMATIVES

1 Approval - No negotiation required

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

REGULATORY SERVICES COMMITTEE

21st August 2014

| | | |
|-------------------------|---|--|
| APPLICATION NO: | P0872.14 | |
| WARD : | Upminster | Date Received: 20th June 2014 Expiry Date: 15th August 2014 |
| ADDRESS: | The Forest Centre Broadfields Farm Pike Lane Upminster | |
| PROPOSAL: | Change of Use of overflow car park and provision of hard surfacing to part | |
| DRAWING NO(S): | 1475 04 A DP10803 D 1475 03 | |
| RECOMMENDATION : | It is recommended that planning permission be GRANTED subject to the condition(s) given at the end of the report given at the end of the report. | |

SITE DESCRIPTION

The application site forms a 3000sqm area of open grassland located to the east of part of Cranham Golf course which separates the site from Pike Lane, Upminster some 270m to the west. The site's western boundary adjoins the golf course; the northern and eastern boundaries adjoin open grassland; whilst the southern boundary is located beyond an existing car parking area associated with the Thames Chase Forest Centre at Broadfields Farm. The complex of buildings associated with the Forest Centre, which includes a grade II listed building, is located approximately 60m to the east. The land under consideration is increasingly employed as an informal, overflow parking area associated with the visitor centre.

The site is located in the Green Belt and is designated as a Borough-level Site of Nature Conservation Importance. The site is also located within the Thames Chase Community Forest.

DESCRIPTION OF PROPOSAL

This planning application proposes the material change of use of land to a car park, along with engineering operations to create an area of hard surfacing, and landscaping works. The proposal is intended to create an all-weather, more formal extension to the car parking provision at the Forest Centre, to accommodate more visitors at the facility. The submitted information states that the site already experiences a shortage of vehicle parking spaces, with the open grassland to the west of the visitor centre being used as an informal overflow area during busy periods. A significant increase in visitor numbers has been experienced since 2012, with further increases anticipated.

The proposal would result in the creation of up to 80 new parking spaces, with 60 being permanent and 20 being located on a grassed area at the northern end of the proposed car park. The applicants consider that the proposed number of spaces would address the anticipated increases in visitor numbers. The proposal would involve the laying down of stone material to provide a hardstanding area connected to the existing permanent parking area. The layout of the car park would be informal and would not involve painted lines.

RELEVANT HISTORY

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

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CONSULTATIONS/REPRESENTATIONS

Notification letters were sent to 3 neighbouring properties; a site notice was placed in the vicinity of the site and advertisements have been placed in the local press. No representations have been received.

Comments have been received from the following consultees:

Highways - No objections.

Environmental Health - No objections; condition recommended.

Heritage Officer - No objections.

RELEVANT POLICIES

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

DC22 - Thames Chase Community Forest

DC33 - Car Parking

DC45 - Appropriate Development in the Green Belt

DC58 - Biodiversity and Geodiversity

DC61 - Urban Design

The London Plan

Policy 7.16 - Green Belt

National Planning Guidance

National Planning Policy Framework ("the NPPF")

STAFF COMMENTS

This application is brought before Members as the proposal requires a judgement about the nature of the proposed use in the Green Belt.

PRINCIPLE OF DEVELOPMENT

This planning application proposes the change of use of land and engineering operations in the Green Belt. Policy DC45 of the LDF states that planning permission will only be granted for development in the Green Belt that is for given purposes, including outdoor recreation.

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

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

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

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

In terms of Green Belt policy, this application proposes the material change of use of land along with engineering operations.

Paragraph 90 of the NPPF states that "certain other forms of development", that are separate from building operations, may also constitute appropriate development in the Green Belt providing they preserve the openness of and do not conflict with the purposes of including land in the Green Belt. These include engineering operations. It is considered that the proposed hard surfacing, which would be located at ground level and would involve the laying of unconsolidated stone material, would not be detrimental to the openness of the Green Belt or the purposes of including land in the Green Belt, given its nature, location, and extent.

The NPPF, in relation to material changes of use in the Green Belt, states that material changes of use constitute inappropriate development. It is considered that the proposed use of land as a car park, even if it would not be in constant, daily use or at full capacity, would be detrimental to the openness of the Green Belt, and conflict with the purposes of including land in the Green Belt, given that it would result in an urbanizing effect.

It is considered that the proposal would constitute inappropriate development in the Green Belt. However, it is considered that very special circumstances exist in this case that outweigh the identified harm, and these are considered further on in this report.

LISTED BUILDING

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

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

The site is located approximately 90m from a grade II listed building associated with the Forest Centre. The Council's Heritage officer considers that the siting and nature of the proposal, including the light-touch nature of the proposed materials, along with intended landscaping works, would not result in significant harm to the setting of the listed building.

The proposal is considered to be in accordance with Policy DC67 of the LDF and the guidance contained in the NPPF.

DESIGN/IMPACT ON STREET/GARDEN SCENE

The site is located in the Green Belt. Policy DC61 states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area.

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The proposal is associated with a visitor centre that is only open during day time hours. The proposal would be located alongside a belt of existing vegetation bordering the golf course almost 300m to the east of Pike Lane, and proposed landscaping works would include the planting of new vegetation. The car park's layout would be informal and would be arranged in stages to reduce its visual impact. Whilst the proposed car park would not be in permanent use, and would not always be at full capacity, it is considered that the presence of up to 80 vehicles on land that is currently open, would have a detrimental effect on the open character of the area. The existing and proposed vegetation would go some way to reducing this impact, particularly with the passage of time, and should planning permission be granted, it is recommended that a landscaping scheme be required indicating details about the proposed hard and soft landscaping works. The visual impact of the proposal needs to be considered alongside the other material considerations and will be discussed later in this report.

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 proposed parking area would be in addition to an existing car park and would be located approximately 50m from a dwelling located in close proximity to the existing visitor centre. The dwelling is owned by Essex County Council, who let it to a tenant. The proposal would be located beyond an existing parking area from the afore mentioned dwelling. No objections have been received from neighbours, or from environmental health officers in relation to noise impacts.

Given the nature of the proposal, including its siting, nature, and extent it is considered unlikely that it would result in any significant adverse impacts on the amenities of neighbouring occupiers, in terms of noise, outlook, loss of privacy or light. In terms of its impact on amenity, the proposal is considered to be in accordance with Policy DC61 of the LDF.

HIGHWAY/PARKING

The proposal is intended to provide a more formal, all-weather solution to the increasing demand for vehicle parking at the Forest Centre. Overspill parking has been occurring on an informal basis on the open grassland around the site, and the submitted information indicates that there is likely to be increasing traffic conflict within the wider visitor centre site owing to a lack of parking capacity. The Council's highways officers have raised no objections to the proposal, and it is considered that it would not result in any significant adverse impacts on highway safety or amenity.

OTHER ISSUES

Ground Contamination

The Council's environmental health officers have requested a condition intended to ensure that the proposed surfacing material is of a clean nature. It is recommended that this condition be employed should planning permission be granted.

Nature Conservation

In terms of nature conservation considerations, the site is located within a Borough grade Site of Nature Conservation Importance. Policy DC58 of the LDF states that the biodiversity and geodiversity of SNCIs will be protected and enhanced. The application is accompanied by a

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protected species survey, which concludes that the proposal would not result in any significant harm to ecological assets. It is considered that the proposal would not be contrary to Policy DC58 of the LDF.

Green Belt - Very Special Circumstances

Inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. It is for the applicant to show why permission should be granted and very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations (NPPF, paragraph 88).

The submitted information explains that the Thames Chase Trust, owing to a decline in grant funding, needs to find ways to enhance the financial viability of the Forest Centre. A significant increase in visitor numbers has been experienced since 2012, with further increases anticipated in future. Visitor surveys indicate that trend is increasingly for family groups, as opposed to older couples, to visit the site. The existing car park at the Forest Centre site provides the only parking spaces for the Forest Centre and the Forestry Commission's Broadfields site. When all of the events associated with the centre are considered, the submitted information states that the existing parking areas are at full capacity 50% of the time. It is stated in the submitted information that the additional car parking spaces would address the identified need for increased capacity, and that they are required to support the financial viability of the facility.

The Forest Centre is a community facility making use of existing buildings, including a listed building, and providing a range of services to the general public. That the proposed car park expansion would help to enhance the viability of this community facility and focus overflow vehicle parking into an approved, more formal and screened arrangement, are considered to be very special circumstances that outweigh the identified harm to the Green Belt.

KEY ISSUES/CONCLUSIONS

The application proposes inappropriate development in the Green Belt, which it is considered would also be detrimental to the visual amenities of the Green Belt. However, it is considered that very special circumstances exist in this case, which outweigh the identified harm.

The proposed development is considered to be acceptable having had regard to Policies DC22, DC33, DC45, DC58, and DC61 of the LDF, and all other material considerations.

RECOMMENDATION

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

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

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

Reason:-

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

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2. SC32 (Accordance with plans)

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

Reason:-

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

3. Non Standard Condition 31

No development shall take place until details of the proposed surfacing materials have been submitted to and approved in writing by the local planning authority. The details shall include evidence that the material to be imported is of a clean and uncontaminated nature. The development shall be undertaken in accordance with the approved details.

Reason:-

To prevent ground contaminated and in accordance 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. Non Standard Condition 32

Should the approved car park cease to be required in association with the adjoining community facility, it shall be removed within twelve months and the site restored to its former condition.

Reason:-

In the interests of protecting the openness and visual amenities of the Green Belt.

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INFORMATIVES

1 Approval - No negotiation required

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

**REGULATORY
SERVICES
COMMITTEE**

REPORT

21 August 2014

Subject Heading:

P0251.14 – Hare Lodge, Upper Brentwood Road, Romford - Construction of a two storey dwelling. (received 05/03/14)

Report Author and contact details:

Suzanne Terry
Interim Planning Manager
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
- Excellence in education and learning
- Opportunities for all through economic, social and cultural activity
- Value and enhance the life of every individual
- High customer satisfaction and a stable council tax

SUMMARY

This application proposes the erection of a detached 2-storey dwelling with associated parking. The application had been called before the Regulatory Services Committee by former Councillor Lynden Thorpe.

The planning issues are set out in the report below and cover the principle of the development, impact on streetscene, rear garden environment, Gidea Park Special Character Area, residential amenity and highways/parking. 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 125.2m² and amounts to £2,504.

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 £6,000 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 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 layout: Before the building(s) hereby permitted is first occupied, provision shall be made for 2 x No. off-street car parking spaces within the site and thereafter this provision shall be made permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

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

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

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

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

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

6. Standard flank wall condition: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995(or any order revoking and/or re-enacting that Order with or without modification), 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. Refuse and recycling: Prior to the first occupation of the development hereby permitted, provision shall be made for the storage of refuse and recycling awaiting collection according to details which shall previously have been agreed in writing by the Local Planning Authority.

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

10. Soil Contamination: Before any part of the development is occupied, site derived soils and/or imported soils shall be tested for chemical contamination, and the results of this testing together with an assessment of suitability for their intended use shall be submitted and approved in

writing by the Local Planning Authority. Without prejudice to the generality of the foregoing, all topsoil used for gardens and/or landscaping purposes shall in addition satisfy the requirements of BS 3882:2007 "Specification of Topsoil".

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

11. Permitted Development rights: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 ("the 1995 Order) (or any order revoking and re-enacting that Order with or without modification) no extensions, roof extensions, roof alterations or outbuildings shall take place unless permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

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

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

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

13. Obscure glazing: The proposed wraparound first floor window situated in both the southern and eastern elevation shall have the part located in the southern elevation permanently glazed with obscure glass to the satisfaction of the Local Planning Authority. This window shall also be fixed shut except for any part situated above 1.7m from finished floor level.

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

14. 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.

15. Domestic Sprinklers: Prior to the first occupation of the development hereby permitted, provision shall be made for the installation of a domestic sprinkler system to the dwelling. Thereafter this provision shall be retained permanently unless otherwise agreed in writing by the Local Planning Authority.

Reason: In lieu of adequate access for a Fire Brigade pump appliance and in the interest of amenity and safety for future occupiers.

INFORMATIVES

1. Fee Informative:

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

2. Planning Obligations

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

- (a) Necessary to make the development acceptable in planning terms;
 - (b) Directly related to the development; and
 - (c) Fairly and reasonably related in scale and kind to the development.
3. 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.
4. 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 or 0208 217 3813 They are able to provide qualified advice on incorporating crime prevention measures into new developments.
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.

| |
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| REPORT DETAIL |
|----------------------|

1. **Call In**
- 1.1 The application was called in by former Councillor Lynden Thorpe prior to the recent elections as it is a back garden development in an area which is protected by being in the Gidea Park Area of Special Character and would still be inappropriate even if that was not the case. Former Councillor Lynden Thorpe also considered the proposed dwelling would have a dominant effect on neighbouring properties

2. Site Description

- 2.1 The application site comprises 450m² and consists of part of the front and side garden of Hare Lodge, an existing 2-storey detached early 20th century dwellinghouse. The house has a white wash finish, bay windows, a prominent front gable end and a tiled roof. It occupies a large spacious setting, set back from the main road and property boundaries.
- 2.2 Hare Lodge is set deep into the site, with a driveway and parking area to the front and amenity space behind. There are two preserved trees on site, subject of Tree Preservation Order 22/74. There are a number of other trees within the site, mainly to the frontage, which are not subject to the TPO.
- 2.3 Levels within the site are generally even, although outside of the site the land rises to the south over the nearby railway line to the south.
- 2.4 The site is situated within the Gidea Park Special Character Area. To the south is a terrace of three 2-storey dwellings converted to flats. To the north is Brent Court, a 1960's 3-storey flat roofed development of flats. 2-storey, semi-detached dwellings lie to the rear of the site in Compton Avenue.

3. Description of Proposal

- 3.1 Application is made for full planning permission for the construction of a 2-storey, three bedroom detached dwellinghouse on the southern part of the garden of Hare Lodge.
- 3.2 The dwelling would be two storeys measuring approximately 8.1m in width and 10.3m in depth at its deepest point. It would have a hipped roof which measures 6.55m in height to eaves and 9.1m to the ridge. The dwelling would centrally located in the site and will be set 1.1m of the northern, 6.4m off the western boundary and 5.3m off the southern boundary.
- 3.3 On ground floor level would be a w.c., open plan living/dining room, kitchen and conservatory. On the first floor would be 3 no. bedrooms, a bathroom and an en-suite bathroom.
- 3.4 A new vehicular / pedestrian access would be taken off the existing access drive to Hare Lodge. Two parking spaces would be provided on the south side of the proposed dwelling.
- 3.7 The dwelling would have an east-west orientation with garden spaces towards the rear (west), measuring approximately 126m².

4. History

4.1 On 15 June 2007, planning permission Ref. P0606.07 was refused for the demolition of Hare Lodge followed by redevelopment to provide 8 No. flats and 4 No. houses. The Refusal Reasons were:

- The proposal by reason of the scale, bulk and design of the proposed buildings, their position close to the boundaries of the site and lack of amenity space would result in a cramped, overdevelopment of the site which is materially harmful to and out of character with surrounding development and the Gidea Park Special Character Area to the detriment of amenity

- The proposal, by reason of the lack of residential amenity space would result in a cramped development, out of character with its surroundings as well as providing inadequate amenity space for future occupiers of the development to the detriment of residential amenity.

- The proposal, by reason of the scale and bulk of the development and its relationship with neighbouring residential dwellings would be overbearing and intrusive and would result in material loss of privacy and amenity to occupiers of neighbouring dwellings, as well as resulting in poor living conditions for future occupiers of the proposed development as a result of the proximity of the two blocks within the site to each other, to the detriment of residential amenity.

- The proposal makes inadequate provision for car parking within the site, which would be likely to lead to an increase in indiscriminate on street parking in the vicinity of the application site to the detriment of highway safety.

- The proposal fails to make provision for the protection or retention of preserved trees within the site, which would be likely to be detrimental to amenity, contrary to the provisions of Policy ENV5 and Supplementary Planning Guidance to Policy ENV5 of the Havering Unitary Development Plan, as well as Policy DC60 of the Core Strategy and Development Control Policies Submission Development Plan Document.

- The proposal fails to make adequate provision for sustainability or for the use of renewable energy within the development.

- The proposal fails to make provision for a contribution towards increased demand for educational facilities arising from this development.

4.2 On 27 February 2008, planning permission Ref. P2418.07 was refused for the demolition of Hare Lodge followed by redevelopment by a new building to provide 11 flats. The Refusal Reasons were:

- The proposal by reason of the scale, bulk and design of the proposed building, its position close to the boundaries of the site and lack of amenity

space would result in a cramped, overdevelopment of the site materially harmful to and out of character with surrounding development, the Gidea Park Special Character Area.

- The proposal, by reason of the lack of residential amenity space would result in a cramped development, out of character with its surroundings as well as providing inadequate amenity space for future occupiers of the development to the detriment of residential amenity.

- The proposal, by reason of the scale and bulk of the development and its relationship with neighbouring residential dwellings would be overbearing and intrusive and would result in material loss of privacy and amenity to occupiers of neighbouring dwellings.

- The proposal makes inadequate provision for car parking within the site, which would be likely to lead to an increase in indiscriminate on street parking in the vicinity of the application site to the detriment of highway safety.

- The proposal fails to make provision for a contribution towards increased demand for educational facilities arising from this development.

4.3 On 25 October 2012, planning permission Ref. P0272.12 was refused at the Regulatory Services Committee for the erection of 1 no. 3 bed dwelling on land adjacent Hare Lodge. The Refusal Reasons were:

- Due to its poor siting and design the proposal would provide a cramped environment, out of character with the prevailing character of the local area and streetscene and would fail to preserve or enhance the Gidea Park Special Character Area.

- The proposed development would, by reason of its cramped layout and rear amenity space result in poor living conditions for future occupiers of the host property.

The application was subsequently dismissed on appeal. The Inspector considered that the proposal is capable of providing a contemporary and sustainable design but considered that the design of the dwelling by virtue of its flat roof would be out of keeping with the surrounding area. He did not consider the proposal to have a cramped layout or to result in poor living conditions for future occupiers of the host property.

5. Consultation/Representations

5.1 Notification letters have been sent to 108 neighbouring addresses and 88 objections were received raising the following concerns:

- closeness of the development would result in overlooking,

- proposed dwelling would be too big, too high and too close to Hare Lodge and would fail the requirements concerning the Gidea Park Special Character Area
- detrimental to the Gidea Park Special Character Area
- already too much traffic in the road
- would affect the spaciousness of Hare Lodge
- overbearing development upon Hare Lodge
- development will be overbearing and intrusive,

5.2 The Gidea Park and District Civic Society objects to the proposal as it may not be excessively cramped in its relationship with Hare Lodge, but it would be cramped and wholly out of keeping in its relationship with the nearby dwellings in Cranbrook Drive.

5.3 The Council's Environmental Health Service requested a soil contamination condition in the event of an approval.

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

5.5 The London Fire and Emergency Planning Authority is not satisfied with the proposal as access for Fire Brigade vehicles does not comply with Section 1 of ADB volume 1. The provision of a domestic sprinkler as an alternative has been suggested.

6. Relevant Policies

6.1 Policies CP1 (Housing Supply), CP17 (Design), DC3 (Housing Design and Layout), DC33 (Car parking), DC61 (Urban Design), DC63 (Crime), , DC69 (Areas of Special Townscape and Landscape Character) and DC72 (Planning Obligations of the Local Development Framework Core Strategy and Development Control Policies Development Plan Documents and the Residential Extensions and Alterations Supplementary Planning Document (SPD), Draft Planning Obligations SPD and the Residential Design SPD are also relevant.

6.2 Policies 3.3 (Increasing Housing Supply), 3.4 (Optimising Housing Potential), 3.5 (Quality and Design of Housing Developments), 3.8 (Housing Choice), 6.13 (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) and 8.3 (Community Infrastructure Levy) of the London Plan (2011)

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

7. Staff comments

7.1 This proposal is put before the Committee owing to the application being called in. 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, impact on Gidea Park Special Character Area, amenity implications, and parking and highways issues.

7.2 It should be noted that the previous application was dismissed on appeal purely on the basis of the design of the house and its resultant impact on the surrounding area. The Inspector made particular reference to the flat roof. The only significant difference between the previous refusal and the current application is the addition of a hipped roof.

7.3 *Principle of Development*

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

7.3.2 Policy 3.8 of the London Plan states that DPD policies should offer a range of housing choices, in terms of the mix of housing sizes and types, taking account of the housing requirements of different groups. Policy 3.5 states that Local Development Frameworks should incorporate minimum space standards. The Mayor has set these at 96m² for a 3-bed 5-person dwelling. The proposal has an internal floor space of 125.2m² which is in line with the recommended guidance.

7.4 *Site Layout / Amenity Space*

7.4.1 The Council's Residential Design SPD in respect of amenity space recommends that every home should have access to suitable private and/or communal amenity space in the form of private gardens, communal gardens, courtyards, patios, balconies or roof terraces. In designing high quality amenity space, consideration should be given to privacy, outlook, sunlight, trees and planting, materials (including paving), lighting and boundary treatment. All dwellings should have access to amenity space that is not overlooked from the public realm and this space should provide adequate space for day to day uses.

7.4.2 Amenity space would mainly be provided towards the rear (west) of the dwelling. The amenity space in this instance would measure approximately 112m². The site currently has screen fencing around its boundaries however, appropriate fencing can be required by means of a planning condition to those boundaries that do not have appropriate fencing.

7.4.3 Amenity provision in the locality is generally arranged towards the rear of dwellings. Staff consider the amenity space to be more than sufficient for the proposed dwelling. Staff are of the opinion that the garden area 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 private and usable garden areas. As a result, it is considered that the proposed amenity area of the new dwelling would comply with the

requirements of the Residential Design SPD and is acceptable in this instance.

7.4.4 In terms of the general site layout, the proposed detached dwelling would have sufficient spacing towards the front and with a generous amenity area towards the rear, and therefore is not considered to appear as an overdevelopment of the site. A separation distance of 2.2m would remain between the proposed dwelling and Hare Lodge and approximately 11m to the dwelling situated to the southeast. To the rear it would retain a separation distance of approximately 27m to the nearest properties to the rear at No. 27 and 30 Cranbrook Drive. The proposal would therefore maintain a sufficient spacing between buildings and is not considered to appear as a cramped form of development. The layout of the site is therefore considered acceptable.

7.4.5 In respect of spacing it should be noted that the planning inspector stated that, by virtue of the general spacing between ellings and their side boundaries, in principle, a new dwelling in the location proposed would not be harmful to the character and appearance of the area. As the proposal is not materially different from the previous scheme in this respect, the Inspector's view is a material consideration and the proposal is considered acceptable in terms of spacing and setting.

7.5 *Impact on Local Character and Street Scene*

7.5.1 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.

7.5.2 The proposed dwelling would be set back approximately 30m from Upper Brentwood Road with the front building line matching that of Hare Lodge. The proposal would also be well set back from the adjacent flats at Brent Court and end of terrace dwelling at 485 Upper Brentwood Road. The proposal is therefore visible but not unduly prominent in the streetscene.

7.5.3 The current application differs from the previous refusal in that a hipped roof has been added to the dwelling. In dismissing the previous appeal, the Inspector raised no objection to a contemporary design but expressed concern solely with the flat roof design. Whilst the proposal retains a contemporary feel, the design of the dwelling has now introduced a hipped roof to satisfy the Inspector's concern. In changing the roof to a hipped rather than flat form Staff consider that the proposal has addressed the Inspectors concern that a flat roof appeared incongruous with its surroundings. The pitched roof is considered to sit acceptably between Hare Lodge to the north and the terrace of houses to the south such that

the proposal is judged to be more in keeping with its surroundings compared to the previous proposals. The proposed dwelling would match Hare Lodge in width and would be subservient in overall height. Staff therefore considered the proposal not to have a harmful impact on the surrounding area.

7.6 *Impact on Special Character Area*

7.6.1 Policy CP18 - Heritage, within the Local Development Framework for Havering states:

"All new development affecting sites, buildings, townscapes and landscapes of special architectural, historical or archaeological importance must preserve or enhance their character and appearance"

Policy DC69, which refers to the Gidea Park Special Character Area, which this property is within, states:

"The Gidea Park Special Character Area has been designated because of the quality of its urban design and architectural detailing and also its locally important heritage and historical associations"

7.6.2 In determining the previous appeal, the Inspector considered carefully the character of the area and found no objection in principle to a new dwelling on this site. The Inspector also raised no objection in principle to a contemporary design on the site and raised concern primarily in respect of the flat roofed design. The proposal for a two storey dwelling with a hipped roof is judged to address this concern and be more subservient to and in keeping with the scale of Hare Lodge and other neighbouring dwellings. Members will however wish to consider the acceptability of the design and visual impact of the development on the Gidea Park Special Character Area, and are able to apply judgement in this respect,

7.6.3 In conclusion Staff do not consider the proposed dwelling to have a harmful impact on the Gidea Park Special Character Area.

7.7 *Impact on Amenity*

7.7.1 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.

7.7.2 The proposed dwelling is situated approximately 2.2m from Hare Lodge. Staff do not consider the proposal to have an unacceptable impact on Hare Lodge as it would match its footprint and would have similar front and rear building lines.

7.7.3 The proposal is situated further back into the site than the end of terraced dwelling, No. 485 Upper Brentwood Road, situated to the south of the

application site. Staff do not consider the windows proposed to the front elevation to result in an unacceptable impact in terms of overlooking the windows to the rear of this property as it would be at an oblique angle at a distance of approximately 11m. The windows to the flank could have an impact in terms of overlooking the rear garden of this neighbour; however this would be mitigated by an obscure glazed condition. It should also be noted that there is dense vegetation currently situated on the southern boundary which limits any views to No. 485 Upper Brentwood Road.

- 7.7.4 Neighbours have raised concerns regarding the close proximity of the proposal to the neighbouring gardens at the rear of the development. The closest rear garden boundary would be set at approximately 6m with a distance of approximately 27m between the proposed dwelling and these neighbouring dwellings to the west. Staff do recognise the close proximity to the rear boundary however do not feel that the impact on amenity as a result of overlooking would be to such a degree as to justify a refusal. There would be a degree of overlooking however this would be mostly to the furthest part of the rear gardens of 27 and 30 Cranbrook Drive. The most private area of the rear gardens closer to the dwellings would remain a sufficient distance away to mitigate harmful overlooking as well as interlooking between window in the rear elevation of the proposed dwelling and the properties to the west.
- 7.7.5 It should be noted that the layout of the site, the siting of the proposed dwelling and location of window openings is not materially different from the previous proposal. The previous proposal was not judged to be materially harmful on grounds of harm to neighbouring privacy and amenity and Staff therefore this situation not to be materially changed.
- 7.7.6 In terms of general noise and disturbance, it is not considered that the addition of 1 x No. family dwelling would give rise to any undue levels of noise and disturbance to the surrounding neighbouring properties within what is a predominantly residential area.
- 7.7.7 It should however be noted that although Staff consider the proposal to be acceptable in its current form, given the size of the proposed dwelling development in relation to the resultant limited plot space, any additions, extensions or alterations to the dwelling may result in harm to the character of the surrounding area and neighbouring amenity. In light of this, Staff are of the opinion that all permitted development rights for the proposed development should be removed in order to safeguard the appearance of the street scene and amenities of neighbouring occupiers.
- 7.7.8 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.

7.8 *Highways / Parking Issues*

7.8.1 The development would provide a total of 2 x No. parking spaces to the southern side of the dwelling. In terms of the number of spaces proposed, the provision of off-street parking spaces would be in keeping with the requirements for a 3-bed detached dwelling and no issues are raised in this respect. Also no highway concerns are raised.

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

7.9 *The Mayor's Community Infrastructure Levy*

7.9.1 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 125.2m² which equates to a Mayoral CIL payment of £2,504.

7.10. *Planning Obligations*

7.10.1 In accordance with the Planning Obligations Supplementary Planning Document a financial contribution of £6,000 to be used towards infrastructure costs arising from the new development is required. This should be secured through a S106 Agreement

7.11 *Other Issues*

7.11.1 With regards to refuse collection, similar to other dwellings in the Borough, future occupiers would be required to leave refuse bags close to the highway on collection days. A condition would be added to require details of the refuse arrangements prior to the commencement of the development.

8. Conclusion

8.1 Overall, Staff are of the opinion that the proposal would not detract from the character of the surrounding area or the Gidea Park Conservation Area. It is considered that the proposal presents an acceptable degree of spacing between buildings and is not considered to appear as unacceptably dominant or visually intrusive as seen from neighbour's rear gardens. Amenity space provision is considered sufficient. It is considered that the proposal would not have any material harmful impact on neighbouring amenity. Overall, Staff consider the development to comply with the aims, objectives and provisions of 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 05/03/14; amended plans received 14/07/14.

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**REGULATORY
SERVICES
COMMITTEE**

REPORT

21 August 2014

Subject Heading:

P0324.14 - 41-43 Maylands Avenue & 70 Coronation Drive, Elm Park - Demolition of office building and construction of 5 No. 2 bedroom flats (received 19/03/14)

Report Author and contact details:

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

SUMMARY

The application proposes the demolition of the existing office building and the construction 5 No. 2-bed flats with associated parking. The planning issues are set out in the report below and cover the principle of the development, impact on

streetscene, residential amenity and highways/parking. 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

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 a proposed residential floor space of 357m² less the existing office floor space of 167m² which amounts to an overall gain of 190m² and equates to a Mayoral CIL payment of £3800.

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 £6,000 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 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 4 off-street car parking spaces within the site and thereafter this provision shall be made permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

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

4. Materials: The proposal shall be carried out in Terca Warnham Red Stock brick and Wienerberger Sandtoft 20/20, Antique slate roof tile, unless otherwise agreed in writing by 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.

5. Landscaping: The development hereby permitted shall be landscaped in accordance with the details as previously approved under Q0080.14. All planting, seeding or turfing 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 this part 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.

6. Standard flank wall condition: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995(or any order revoking and re-enacting that Order with or without modification), 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: The development hereby permitted shall be implemented in accordance with the details of the cycle storage as previously approved under application Q0080.14 and retained thereafter in accordance with the approved details.

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 completed 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. Refuse and recycling: The development hereby permitted shall be implemented in accordance with the details of storage of refuse and recycling awaiting collection as previously approved under application Q0080.14 pursuant to condition 8 of planning permission P0734.11 and retained thereafter in accordance with the approved details.

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

12. Secured by Design/Crime Prevention: The development hereby permitted shall be implemented in accordance with the Secure by Design details as previously approved under application Q0080.14 pursuant to condition 12 of planning permission P0734.11.

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

13. Contamination: The development hereby permitted shall be implemented in accordance with the details as previously approved under application Q0080.14 pursuant to condition 11 of planning permission P0734.11.

Reason: To ensure that the occupants of the development are not subject to any risks from soil contamination in accordance with Development Control Policies Development Plan Document Policy DC53.

14. The development hereby permitted shall be constructed in accordance with the details of the boundary treatment as previously approved under application Q0080.14 pursuant to condition 5 of planning permission P0734.11 and retained thereafter in accordance with the approved details.

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

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

Reason: To prevent noise nuisance to adjoining properties.

INFORMATIVES

1. Fee Informative:

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

2. Planning Obligations

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

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

3. The proposal is liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be £3,800.00 (subject to indexation). CIL is payable within 60 days of commencement of development. A Liability Notice will be sent to the applicant (or anyone else who has assumed liability) shortly and you are required to notify the Council of the commencement of the development before works begin. Further details with regard to CIL are available from the Council's website.

4. With regards to surface water drainage it is the responsibility of the developer to make proper provision for drainage to ground, water courses

or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.

5. 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 is located at the junction of Maylands Avenue and Coronation Drive in Elm Park. The frontage of the site is onto the roundabout at this junction. The 0.05 hectares site currently accommodates a single storey flat roof office building.
- 1.2 The surrounding area is a mixture of commercial and residential uses. In Maylands Avenue and Coronation Drive the predominant character is residential two storey semi-detached properties. Opposite the application site is the Elm Park Minor District Centre with a parade of shops along Station Parade and further along The Broadway.

2. Description of Proposal

- 2.1 The application seeks full planning permission for the demolition of the existing single storey office building and the erection of a two storey building to form 5 no. two bedroom flats. There would be 2no. two bed flats on the ground floor with a further two at the first floor and one in the loft.
- 2.2 The building would incorporate a hipped roof design with gable elements on either side and to the front elevation. The building would cover an area of approx 150 square metres. Three small dormers are also proposed in the roof space, two to the rear and one to the side.
- 2.3 Amenity space would be provided to the rear of the building, allowing for a communal garden area. The application proposes to utilise the existing vehicular crossover from Coronation Drive to enable the provision of four

off-street parking spaces to the south western corner of the site. A bin and cycle store would also be provided.

3. History

- 3.1 P1474.04 - Erection of a two-storey building with rooms in roof (dormers to form 4 one bedroom flats and 2 studio flats (in roof) - Refused and appeal dismissed.
- 3.2 P1575.05 - Demolition of building and erection of six flats - Refused and appeal dismissed.
- 3.3 P2164.05 Demolition of office building & erection of four flats - Approved.
- 3.4 P0026.07 - Demolition of office building and erection of six flats - Refused and appeal dismissed.
- 3.5 P1331.08 - Demolition of office building and erection of four flats – Approved
- 3.6 P0734.11 - Extension of time application for P1331.08 - demolition of office building and erection of four flats

4. Consultation/Representations

- 4.1 Notification letters were sent to 57 neighbouring properties and 2 letters of objection were received raising the following concerns:
 - not enough parking spaces provided
 - not in keeping with traditional design and history of houses in the street
 - noise levels/pollution/health and safety: raises concerns for elderly nearby
- 4.2 The Council's Environmental Health Service raised no objection to the proposal but requires conditions for contamination, sound insulation and limited construction hours.
- 4.3 The Highway Authority has raised concerns regarding the amount of parking spaces provided however acknowledges that given the comments of the planning inspector on the 2007 appeal, they are unable to object.

5. Relevant Policies

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

- 5.2 Policies 3.3 (Increasing Housing Supply), 3.4 (Optimising Housing Potential), 3.5 (Quality and Design of Housing Developments), 3.8 (Housing Choice), 6.9 (Cycling), 6.10 (Walking), 6.13 (Parking), 7.1 (Building London's Neighbourhoods and Communities), 7.2 (Inclusive Design), 7.3 (Designing out Crime), 7.4 (Local Character), 7.5 (Public Realm), 7.6 (Architecture) of the London Plan (2011).
- 5.3 National Planning Policy Framework (NPPF) Section 6 "Delivering a wide Choice of Homes", and Section 7 "Requiring Good Design".

6. Staff comments

6.1 The main issues to be considered by Members in this case are the principle of development, the site layout and amenity space, design/street scene issues, amenity implications, and parking and highways issues.

6.2 Background

6.2.1 Application P2164.05 for the erection of 4 flats was granted permission by Members in January 2006. A further application P0026.07 for the erection of 6 flats was refused planning permission in 2007. A subsequent appeal was dismissed. The Inspector attaching considerable weight to the 2006 approval as a 'fallback' position as the proposal resembled this approval except for the two additional flats provided in the roofspace. The appeal focussed on the roof additions and resultant increase in roof height. The appeal was dismissed only on the grounds of potential overlooking of No. 39 Maylands Avenue from the dormer window in the north-eastern roof elevation.

6.2.2 The current application differs from the previous refusal P0026.07 in that the units have been reduced from 6 to 5 and the dormer window in the north-eastern roof elevation removed in order to address the inspector's comments. Two small dormers have also been added to the rear roof slope.

6.2.3 Application P1331.08 has subsequently been submitted for the erection of four flats and granted permission by Members in September 2008. A further permission to extend this consent was approved in 2011, expiring on 7 July 2014.

6.2.4 In comparison to the approved scheme for four units, this proposal is broadly similar but proposes five units. The building design is not significantly different but the ridge height has increased from 7.92m previously to 8.4m.

6.3 Principle of Development

6.3.1 Policy CP1 indicates that outside town centres and the Green Belt, priority will be made on all non-specifically designated land for housing. The proposal is for redevelopment of a derelict site within an existing residential

area. The proposal is therefore acceptable in principle and in accordance with Policy CP1 and policy 3.3 of the London Plan which seeks to increase London's housing supply.

6.3.2 Policy 3.8 of the London Plan states that DPD policies should offer a range of housing choices, in terms of the mix of housing sizes and types, taking account of the housing requirements of different groups. Policy 3.5 states that Local Development Frameworks should incorporate minimum space standards. The Mayor has set these at 61m² for a 2-bed 3-person flat. The proposal has an internal floor space of approximately 60.59m² which is only slightly below the requirement and therefore considered acceptable..

6.4 *Site Layout / Amenity Space*

6.4.1 The Council's Residential Design SPD in respect of amenity space recommends that every home should have access to suitable private and/or communal amenity space in the form of private gardens, communal gardens, courtyards, patios, balconies or roof terraces. In designing high quality amenity space, consideration should be given to privacy, outlook, sunlight, trees and planting, materials (including paving), lighting and boundary treatment. All dwellings should have access to amenity space that is not overlooked from the public realm and this space should provide adequate space for day to day uses.

6.4.2 The development would provide approximately 200m² amenity space to the rear of the building. Having regard to the requirements of the SPD it is considered that the space provided would be acceptable to meet the day to day living requirements for future occupiers. It is noted that the planning inspector, in dismissing the 2007 appeal against refusal of 6 flats, raised no objection to amenity space provision. In any event, Staff consider the amenity space area proposed to be acceptable to provide an adequate useable amenity space for residents, which would not compromise the living conditions of adjoining residents and complies with current LDF policies.

6.4.4 The residential density range for this site is 30 - 65 units per hectare. The proposal would result in a density of approximately 89 units per hectare which is in excess of the density range. Although the density range is in excess of the recommended range it is considered acceptable as the footprint and layout of the site is similar to that previously considered acceptable and owing to the appropriate amenity space provision. Therefore, the density of the development in this case is not considered to detract from local character and amenity.

6.4.5 In terms of the general site layout, the proposed building would have sufficient spacing towards the front with a sufficient amenity area towards the rear, and therefore is not considered to appear as an overdevelopment of the site. Staff are of the opinion that the proposal is not considered to appear as a cramped form of development. The layout of the site is therefore considered acceptable and justifies the density proposed.

6.5 *Impact on Local Character and Street Scene*

- 6.5.1 Policy DC61 in the LDF seeks to ensure that all new developments are satisfactorily located and are of a high standard of design and layout. In this regard it is important that the appearance of new developments is compatible with the character of the local street scene and the surrounding area, especially given the site's prominent location. The existing local character is drawn largely from two-storey semi-detached dwellings with conventional rear gardens. It is therefore considered that the proposed two-storey development, of similar overall dimensions to those existing dwellings, would be compatible with the form and architectural style of development in the surrounding area.
- 6.5.2 It should be noted that the design has not changed significantly from that previously considered acceptable under applications P1331.08 and P0734.11, although it is around 0.5m taller to ridge. The design of the building is also broadly similar to that considered acceptable by the Inspector under the 2007 appeal. Overall therefore Staff consider the principle of a new two storey flatted development would therefore be acceptable in this location.
- 6.5.3 The application site is located fronting the roundabout at this busy junction in a prominent position. The general character of the sites surrounding this roundabout is generally that of open aspect. The bulk and scale of the building proposed is broadly similar to the scheme considered by the Inspector on the 2007 appeal. Furthermore, it is generally the same although 0.5m taller to ridge to that approved in 2008 and 2011. The footprint of the proposed building would be set back from the edge of the footway by 4.5 metres thus reducing the overall prominence of the building in the streetscene. Having regard to this staff, notwithstanding the overall increased in height of the building compared to the previous approvals, consider that the proposal would introduce a form of development that would be visually acceptable and would not therefore be materially harmful to the streetscene or character of the area

6.6 *Impact on Amenity*

- 6.6.1 The proposed development would be located adjacent to existing residential properties in particular no. 39 Maylands Avenue and no. 68 Coronation Drive. There would be a flank to flank gap of some 5 metres to No. 68 at its closest point, which is further away than the existing building although this is single storey. The proposed building would not project beyond the original rear main wall of this neighbouring property and the orientation of the site and the configuration of the proposed building is such that windows proposed in the flank elevation would not result in undue harm in terms of overlooking and loss of privacy.
- 6.6.2 The proposed built form would not impinge upon a notional 50-degree line taken from the corner of each adjacent dwelling. Consequently, whilst this may have some slight impact in terms of overshadowing for No. 39

Maylands Avenue, it is not considered that this would be beyond acceptable limits.

6.6.3 Previous concerns raised by the Planning Inspector under the refused application P0026.07 in terms of impact of perceived overlooking to No. 39 Maylands Avenue has been addressed by the removal of the dormer window to the north-eastern elevation. Nor is the scheme materially dissimilar to that approved in 2008 and 2011 in this respect. The additional of two small dormer windows to the rear is not considered to result in an unacceptable impact in terms of overlooking. Staff consider the flank dormer window towards the boundary with no.68 Coronation Drive would be at second floor level towards the side roof slope of the neighbouring dwelling and would not cause material loss of privacy.

6.6.4 In summary, the relationship and degree of separation between the adjacent properties and the proposed building is not considered to be materially harmful to the residential amenities of adjacent properties.

6.6 *Highways / Parking Issues*

6.6.1 Policy DC33 in respect of car parking refers to the density matrix in Policy DC2. The site has a PTAL rating of 1-2 and therefore requires 2 - 1.5 parking spaces per unit for a development of this type in Elm Park. The development would provide a total of 4 No. parking spaces. Although this would result in a shortfall of parking spaces the London plan and Government policy make it clear that Local Authorities should apply parking standards flexibly in the interests of sustainable development. In this case the application site in close proximity to Elm Park station and located on several main bus routes. It is also proposed to provide cycle storage within the application site. For these reasons the proposal is considered to be acceptable in respect of parking provision. It is noted that, in determining the appeal against refusal of 6 units in 2007, the Planning Inspector has also agreed with this assessment and considered the shortfall of parking to be acceptable given the location close to a station and bus routes. Whilst it is acknowledged that parking standards have been revised since 2007, these are generally towards lower levels of parking provision than was the case then and Staff consider the levels of parking proposed to be acceptable in view of the location of the site.

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

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

6.7 *The Mayor's Community Infrastructure Levy*

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

applicable fee is based on the increase in the internal gross floor area which amounts to 190m² and equates to a Mayoral CIL payment of £3800 (subject to indexation).

6.8. *Planning Obligations*

6.8.1 In accordance with the Planning Obligations Supplementary Planning Document a financial contribution of £6,000 per dwelling to be used towards infrastructure costs arising from the new development is required. Given that there is an existing planning permission for the site, which has commenced and was given prior to the Planning Obligations Supplementary Planning Document, only the additional unit would be liable for the Planning Obligation. This should be secured through a S106 Agreement for the amount of £6,000

7. **Conclusion**

7.1 Overall, It is considered that the proposed development would be acceptable in terms of scale and bulk, so as not to result in an unacceptably obtrusive and overbearing development in relation to neighbouring properties or the streetscene. Staff are of the view that the proposal would be of an appropriate density in the locality, providing an acceptably spacious development, in keeping with the character of the existing development in the surrounding area. The proposals would not result in loss of privacy and would not be detrimental to the outlook and general amenities of the neighbouring residential properties. Having regard to all material planning considerations, it is recommended that planning permission be granted subject to conditions.

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 received 19/03/14

**REGULATORY
SERVICES
COMMITTEE**

REPORT

21 August 2014

Subject Heading:

P0483.14 – 99 Front Lane, Upminster -
Change of use from retail (A1) to café
(A3) and installation of external extract
ventilation duct. (received 14/04/14)

Report Author and contact details:

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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

This application relates to a Council owned premises and proposes the change of use from an existing vacant retail (A1) unit to a Cafe (A3) and the addition of a rear external extract duct. The planning issues are set out in the report below and

cover issues relating to the loss of retail space, impact on amenity and the design and appearance of the extractor flue. Staff consider the proposal to be acceptable. The application is recommended for approval subject to conditions.

A similar application for a change of use from retail (A1) to take-away (A5) was previously approved at the Regulatory Services Committee of 21 December 2013.

RECOMMENDATIONS

That the planning permission be granted subject to the following conditions:

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

Reason: To comply with the requirements of section 91 of the Town and Country 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. Flue details: Before any of the development hereby permitted is commenced, details of the colour and finish of the flue shall be submitted to and approved in writing by the Local Planning Authority and thereafter the flue 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. Hours of Use: The café (A3) use hereby permitted shall not be used for the purposes hereby permitted other than between the hours of 07:00 and 23:00 Mondays to Saturdays and 07:00 to 22:00 Sundays, Bank and Public Holidays without the prior consent in writing of the Local Planning Authority.

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

5. Storage of refuse: Prior to the first occupation of the development hereby permitted, provision shall be made for the storage of refuse awaiting collection according to details which shall previously have been agreed in writing by the Local Planning Authority. The approved details shall be implemented and retained for the life of the development

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

6. Insulation scheme: Before the commercial use commences, part of the building shall be insulated in accordance with a scheme which shall previously have been submitted to and approved in writing by the Local Planning Authority in order to secure a reduction in the level of noise emanating from the building and it shall be effectively sealed to prevent the passage of odours through the structure of the building to other premises and dwellings.

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

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

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

8. Remove or disperse odours: Before the use commences suitable equipment to remove and/or disperse odours and odorous material should be fitted to the extract ventilation system in accordance with a scheme to be approved in writing by the Local Planning Authority. Thereafter, the equipment shall be properly maintained and operated during normal working hours.

Reason: To protect the amenity of occupiers of nearby premises.

9. Transmission of noise: Before the uses commences a scheme to control the transmission of noise and vibration from any mechanical ventilation system installed shall be submitted to and approved in writing by the Local Planning Authority and implemented prior to the permitted use commencing. Thereafter, the equipment shall be properly maintained and operated during approved working hours.

Reason: To protect the amenity of occupiers of nearby premises.

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. 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 is located on the western side of Front Lane, approximately 50 metres north of the junction with Ingrebourne Gardens. The site comprises a mid-terraced ground floor retail unit with the Cranham Social Hall at first floor. The application site is within the core area of Front Lane, Cranham Major Local Centre. The site is adjoined south by the A Touch of Glass (A1) and the Coiffeur Victoria hairdressers (A1) to the north.

2. Description of Proposal

- 2.1 This application relates to a Council owned premises and proposes the change of use from an existing vacant retail (A1) unit to a Cafe (A3) and the addition of a rear external extract duct.
- 2.2 The proposed use would employ 4 permanent members of staff and opening hours are proposed to be 07:00 to 23:00 Monday to Saturday and 07:00 to 22:00 on Sundays and Bank Holidays.

3. History

- 3.1. P2336.07 - Change of use to acupuncture and massage salon - Approved

- 3.2 P1135.13 - Change of Use of the existing vacant retail unit to a hot food takeaway (A5) including extract duct – Approved

4. Consultation/Representations

- 4.1 Neighbour notification letters were sent to 14 local addresses and 3 letters of objection were received raising the following concerns:

- do not want any form of hot food outlet due to smells parking and noise.
- rear entry to neighbouring glass shop is shared with the subject premises and use to carry glass in an out of the shop. Build up of grease in this area could result in serious injury or death.
- lack of suitable waste storage space
- vandalism
- cafe will attract students congregating outside and could potentially intimidate customers.
- antisocial behaviour
- litter
- possibility of people parking on the access road to the rear car park and causing backup of vehicles onto Front Lane

- 4.2 The Council's Environmental Health Department raise no objection subject to the provision of conditions.

- 4.3 Highways Authority has raised no objection to the proposal as there is an existing lay-by to the front of the shops.

5. Relevant Policies

- 5.1 Policies CP4 (Town Centres), DC16 (Core and Fringe Frontages in District and Local Centres), DC33 (Car parking) and DC61 (Urban Design) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Documents.

- 5.2 Policies 2.15 (Town Centres), 4.7 (Retail and town centre development) and 4.8 (Supporting a successful and diverse retail sector) of the London Plan (2011).

- 5.3 National Planning Policy Framework (NPPF).

6. Mayoral CIL Implications

- 6.1 The proposal would not result in an increase to the floor area and is therefore not CIL liable.

7. Staff comments

- 7.1 This proposal is put before the Committee owing to the application site comprising land owned by the Council. It should be noted that a similar application for a change of use from retail (A1) to take-away (A5) was

previously approved at the Regulatory Services Committee of 21 December 2013.

7.2 *Principle of Development*

7.2.1 The application site falls within the Front Lane Major Local Centre where Policy DC16 states that planning permission for Class A2 - A5 (Services) will be granted throughout the retail core where:

- (a) the use provides a service appropriate to a shopping area
- (b) the proposal will not result in the grouping of 3 or more adjoining A2-A5 uses
- (c) within the retail core, the proposal will not result in the proportion of non-retail uses within the relevant frontage exceeding 33% of its total length, and
- (d) an active frontage is maintained and the use is open for a significant number of core retailing hours.

7.2.2 In the retail core the policy seeks to restrict the number of non-retail uses and also to prevent their grouping, as this could interrupt the continuity of individual shopping frontages thus undermining their contribution to the centre as a whole. It is important however that proposed uses compliment and consolidate the town centre's retail function.

7.2.3 In this instance the relevant frontage would be considered as No. 85 to 101 Front Lane. At present this parade consists of mostly retail uses with the exception of No. 95 (A2 use), No. 99 (proposed A5) and No. 103 (D1 use).

7.2.4 The combination of the existing non-retail uses and the proposed A3 use would not exceed 33% of non-retail uses for this parade. Also the proposal would not result in a group of 3 or more adjoining non-retail uses. In addition, the proposed use would have similar characteristics to that of the existing use and would be open for the majority of the day thus creating a footfall and positively contributing to the vitality and viability of this Major Local Centre.

7.2.5 It is considered by Staff that the proposed use would be appropriate to a shopping area as it would be likely to attract both dedicated customers and those on more general shopping trips. Staff are of the view that the proposal has the potential to make a contribution to pedestrian flows and would display many similar characteristics to some Class A1 uses in terms of the general level of activity and expenditure, particularly as it would be open during core shopping hours.

7.2.6 For these reasons Staff consider the proposal to be acceptable in principle.

7.3 *Design and Impact on Local Character and Street Scene*

7.3.1 The proposal would not involve alterations to the external appearance of the building to the front and would therefore pose no adverse or detrimental issues to the character of the street scene.

7.3.2 The extract duct proposed to the rear would be clearly visible in the rear environment but given the location at the rear of the site, Staff consider the size of the flue to be acceptable on balance. The external appearance of the flue is the same as that previously considered and found to be acceptable under application reference P1135.13. A condition is recommended in respect of the colour and finish of the flue.

7.4 *Impact on Amenity*

7.4.1 Policy DC61 states that planning permission will only be granted where proposals would not result in unreasonable adverse effects on the environment by reason of noise impact, hours of operation, vibration and fumes between and within developments.

7.4.2 With regard to the impact upon neighbouring properties consideration must be given to potential implications in terms of operating hours and noise and disturbance, particularly in view of the fact that some residential properties are located on the upper floors of the parade

7.4.3 The application site is located in an area which is characterised by commercial premises where a certain level of activity and associated noise is to be expected. Staff are of the view that a use such as that proposed is more suitably located within a town centre location than within a predominantly residential setting and that the amenities of residents living within the town centre are not normally expected to be as high as for residents living in purely residential locations. It should also be noted that there are no residential units at first floor as this part of the parade forms part of the Cranham Community Hall.

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

7.4.5 It is Staff's view that the proposal would not result in significant noise and disturbance from pedestrian movements over and above existing conditions. If minded to grant planning permission, conditions will be placed for the following aspects: opening hours and trading days. In this instance, opening hours are proposed to be 7:00 to 23:00 Monday to Saturday and 7:00 to 22:00 on Sundays and Bank Holidays.

7.4.6 It is considered that the proposed opening hours would not result in a significant increase in noise and disturbance over and above existing

conditions, as the site is located on a relatively busy main road with arguably higher ambient noise levels throughout the week. Consideration has been given to a closing time of 22:00 on Sundays and Bank Holidays and is considered to be acceptable. The opening hours proposed are the same as judged acceptable under application reference P1135.13.

7.4.7 Staff consider the extract duct to the rear to be acceptable in terms of its potential impact on neighbouring amenity as it is sufficiently set away from neighbouring dwellings. Conditions would be attached in respect of odour and noise.

7.5 *Highways / Parking Issues*

7.5.1 The application site has no off-street car parking facilities for customers. There is currently lay-by parking available to the front of the premises and a Pay & Display car park within a short distance of the site, which is adequate. The site is accessible by a variety of transport modes including public transport, walking, cycling and the car. For these reasons it is considered that the proposal would pose no adverse effect on the function of the highway. The Highways Authority has no objection to the proposal. It is considered that the proposal would not result in any highway or parking issues. Servicing would take place from the rear of the unit.

7.6 *Other Issues*

7.6.1 Issues relating to litter and anti-social behaviour have also been raised as objection to the proposal. Staff do not have any evidence available to suggest that the premises and immediate area is prone to anti-social behaviour and cannot therefore refuse the application based on the assumption that this would be the case in the future.

7.6.2 Staff do not consider the restaurant use to result in an unacceptable amount of litter.

7.6.3 The applicant has indicated that refuse waste will be securely stored in a secure environment inside the unit and collected by an external refuse company on a time scale which suits the end user. A suitable condition will be added in order to provide details of the location prior to the implementation of the proposed use.

7.6.4 Comments relating to glass carriers slipping on build-up grease is not considered a material planning consideration as it is covered elsewhere in health and safety legislation.

8. Conclusion

8.1 The proposed change of use and provision of flue is considered to be in accordance with the aims, objectives and provisions of Policies CP4, DC16, DC33, DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document, Policies 2.15, 4.7 and 4.8 of the

London Plan and the National Planning Policy Framework (NPPF). It is recommended that planning permission be granted.

IMPLICATIONS AND RISKS

Financial Implications and risks:

This report concerns only material planning issues.

Legal Implications and risks:

The application site comprises land which is in Council ownership, which is not a material planning consideration.

Human Resource Implications:

None

Equalities and Social Inclusion Implications:

The Council's planning policies are implemented with regard to Equalities and Diversity and its duty to promote equality under Section 149 of the Equality Act 2010. In this case there are no equality issues raised that would impact on the determination of the proposal under the planning acts.

BACKGROUND PAPERS

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

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**REGULATORY
SERVICES
COMMITTEE**

REPORT

21 August 2014

Subject Heading:

P1020.12 - 69 Oldchurch Road, Romford -
The demolition of existing warehouse and
office and the construction of 34 flats in
two blocks with underground parking and
2 semi-detached houses. (received
16/08/12)

Report Author and contact details:

Suzanne Terry
Interim Planning Manager
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

This planning application relates to the demolition of an existing industrial building and a residential development of 34 flats and 2 houses. The committee resolved to approve the application at its meeting on 10 January 2013. The resolution to approve was subject to the prior completion of a legal agreement to secure affordable housing, an infrastructure contribution and a restriction on parking permits. However, the legal agreement was not completed due to issues relating to viability. An updated viability assessment has recently been provided and has concluded that the development is now no longer able to support an affordable housing contribution (previously 8% of units were to be affordable). The updated viability assessment has been independently verified and absence of affordable housing provision agreed as justified. The application is being reported back to Committee in order to amend the legal agreement requirement by omitting the request for 8% affordable housing units. No other changes have been made to the report previously considered by Members.

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

RECOMMENDATIONS

That it be noted that 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 a combined internal gross floor area for the two dwellings and 34 flats of 3529m² minus the existing floor area to be demolished of 1846.16m², which equates to a total area of 1682.84m² and a Mayoral CIL payment of £33,656.80.

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:

- Save for those holding blue badges restriction on residents of the development applying for parking permits within the local area.
- A financial contribution of £216,000 to be used towards infrastructure costs.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.

- To pay the Council's reasonable legal costs in association with the preparation of a legal agreement irrespective of whether the legal agreement is completed.
- Payment of the appropriate planning obligation/s monitoring fee.

That staff be authorised to enter into a legal agreement to secure the above and upon completion of that agreement, and 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 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 34 No. off-street car parking spaces for use by the flats and 4 No. spaces (2 spaces each) for use by the 3-bed and 2-bed dwellings and thereafter this provision shall be made permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

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

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

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

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

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

6. Standard flank wall condition: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, no window or other opening (other than those shown on the submitted and approved plans,) shall be formed in the flank wall(s) of the building(s) hereby permitted, unless specific permission under the provisions of the Town and Country Planning Act 1990 (as amended or otherwise replaced) 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. Wheel washing: Before the development hereby permitted is first commenced, details of wheel scrubbing/wash down facilities to prevent mud being deposited onto the public highway during construction works shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be permanently retained and used at relevant entrances to the site throughout the course of construction works.

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

8. Cycle storage: Prior to completion of the works hereby permitted, cycle storage of a type and in a location previously submitted to and agreed in

writing by the Local Planning Authority shall be provided and permanently retained thereafter.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

b) A Phase III (Remediation Scheme) Report if the Phase II Report confirms the presence of a significant pollutant linkage requiring remediation. A detailed remediation scheme to bring the site to a condition

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

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

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

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

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

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

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

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

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

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

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

Reason: To prevent noise nuisance to adjoining properties.

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

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

20. Renewable Energy System: The renewable energy system shall be installed in strict accordance with details previously submitted to and approved in writing by the Local Planning Authority and shall be made operational to the satisfaction of the Local Planning Authority prior to the occupation of any part of the development.

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

21. Site drainage: Details of the site drainage system shall be submitted to and approved in writing by the Local Planning Authority before the development commences.

Reason: To prevent pollution of the water environment.

22. Lifetime Homes Standard: The new residential units hereby approved shall all be built to Lifetime Homes standards.

Reason: In order to comply with the requirements of Policy DC7 of the LDF Development Control Policies Development Plan Document.

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

Reason: In order to comply with the requirements of Policy DC67 of the LDF Development Control Policies Development Plan Document.

24. CCTV and Lighting: No development shall take place until a CCTV and lighting scheme for the underground car parks have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full prior commencement of the hereby approved development and permanently maintained in accordance with the approved details.

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

25. Parking restriction: No parking spaces shall be formed to the front of the proposed new dwellings fronting onto Oldchurch Road without the prior written consent of the Local Planning Authority.

Reason: In the interests of highway safety.

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. Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: No significant problems were identified during the consideration of the application, and therefore it has

been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.

3. Planning Obligations

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

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

4. The 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 £33,656.80 (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
5. 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.
6. 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.
7. 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.
8. 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.

9. In aiming to satisfy Condition 12 the applicant should seek the advice of the Police Crime Prevention Design Advisor. The services of the local Police CPDA is available free of charge through Havering Development and Building Control or Romford Police Station, 19 Main Road, Romford, Essex, RM1 3BJ." It is the policy of the local planning authority to consult with the Borough CPDA in the discharging of community safety condition(s).
10. The development of this site is likely to damage archaeological remains. The applicant should therefore submit detailed proposals in the form of an archaeological project design. This design should be in accordance with the appropriate English Heritage guidelines.

REPORT DETAIL

1. Background

- 1.1 Regulatory Services Committee resolved to approve the application at its meeting on 10 January 2013 subject to prior completion of a legal agreement. However, the legal agreement has not been completed owing primarily to viability issues. A revised viability assessment has recently been received by the Council, which concludes that the development is no longer able financially to support the provision of any units of affordable housing. The scheme originally proposed 8% of the units to be affordable. An independent appraisal of the assessment concurs with the conclusion that the scheme cannot support the provision of affordable housing. The application is being reported back to Committee in order to amend the heads of terms of the legal agreement by omitting the request for 8% affordable housing units.
- 1.2 The original report presented to Members is reproduced below. Other than the changes to the legal agreement referred to above, there are no other material changes to the proposals previously considered and found to be acceptable by Members.

2. Site Description

- 2.1 The application site is located on the western side of Abbs Cross Lane, immediately adjacent to the London Underground District Line and Railway Bridge, at the point at which Southend Road begins. The application site comprises 0.1ha, with the plot itself measuring (at its maximum) 40.6m

wide by 31.6m deep. The site is currently vacant. Levels significantly drop from the carriageway into the site. A fall in levels also occurs from north to south.

2.2 The surrounding area is characterised by two storey terraced properties.

3. Description of Proposal

3.1 The application seeks planning permission for the demolition of the existing building on the site and its replacement with a residential development comprising 34 flats in two blocks and two semi-detached houses.

3.2 The proposal would comprise 9 no. one bedroom flats, 25 no. two bedroom flats and 1 no. three bedroom house and 1 no. two bedroom house. Access into the development would be taken from Oldchurch Rise. The development would provide parking at surface level and underground at a rate of 1.15 spaces per flat and two spaces per house with two visitor spaces.

3.3 The proposed flats would be provided in two separate blocks on the part of the site located to the rear of nos. 65 to 83 Oldchurch Road. Block A would provide 10 flats, with block B providing 24 flats. Block A would be situated adjacent to Oldchurch Rise in the western part of the site. The proposed block would measure approximately 24 metres in width by 21 metres in depth. The block would be of varying storey heights ranging from one to three storeys. The single storey elements would have a maximum height of 3 metres, with the three storey elements having a maximum height of 8.5 metres. Each of the flats would have Juliet type balconies, predominantly within the southern elevation. The block would be finished with facing brickwork, render and weatherboarding. A distinctive pattern throughout the development is the addition of coloured vertical strip features.

3.4 Block B would be situated in the eastern part of the site adjacent to the car parking of the neighbouring Blade Court flatted block. The block would measure 35 metres in width by 26 metres in depth. The block would be of varying storey heights ranging from two stories to four stories. The two storey elements of the block would be 6 metres in height with the five storey element reaching a maximum height of 12 metres. Each of the flats would have Juliet type balconies, predominantly within the southern elevation. The block would be finished with facing brickwork, render and weatherboarding. The areas at the base of the proposed blocks would provide communal amenity space.

3.5 The proposed pair of semi-detached houses would be provided fronting onto Oldchurch Road on the land between nos. 67 and 73. The houses would have conventional rear garden areas with surface car parking beyond. The proposed houses would measure 8.4 metres in width by 10.3 metres in depth, with a pitched roof over 5 metres in height to the eaves and 8.15 metres to the ridge. The proposed pair of houses would be connected to an existing terraced block, of similar design to the adjoining

houses, with two bay window features to the front elevation. The proposed pair would therefore be seen as an extension to the terrace rather than a semi-detached pair of dwellings. The houses would be finished with facing brickwork and roof tiles.

- 3.6 This application follows a previous outline application which was approved but withdrawn due to a failure to sign the S106 agreement. The current proposal is slightly different from the previous submission in that the internal space has been arranged in a different way to provide for mainly 1-bed and 2-bed units as opposed to the previous scheme which included 3-bed units. Another change is the layout and design of the two semi-detached dwellings proposed. The applicant has also significantly reduced the affordable housing provision from 35% (13 units) to 8% (3 units).

4. Relevant History

- 4.1 P0586.09 - Outline application for demolition of existing warehouse and office, construction of 34 flats in two blocks with underground parking and two semi-detached houses - Approved but withdrawn due to the failure to complete a S106 agreement.
- 4.2 P1980.08 - Outline planning application for demolition of existing warehouse and office, construction of 35 flats in two blocks with underground parking and two semi-detached houses – Refused

5. Consultation/Representations

- 5.1 Notification letters were sent to 78 neighbouring properties and 1 letter of objection was received.
- 5.2 The main concerns relates to the overdevelopment of this part of the Borough and the increase in traffic congestion that it would bring about.
- 5.3 The Council's Environmental Health Service requested the part 2A condition to be added as the Desktop Study indicated that there are potential pollutant linkages present on the site. Environmental Health also requested a noise insulation and construction and delivery hours condition.
- 5.4 The Highway Authority has no objection to the proposals.
- 5.5 The Borough Crime Prevention Design Advisor did raise concerns regarding certain elements discussed with the applicant which is not reflected on the plans. A Secured by Design condition is requested to deal with any outstanding issues.
- 5.6 English Heritage requests a condition securing the implementation of a programme of archaeological works.

6. Relevant Policies

- 6.1 Policies CP1 (housing supply), CP2 (sustainable communities), CP9 (reducing the need to travel), CP10 (sustainable transport), CP17 (design), DC2 (housing mix and density), DC3 (housing design and layout), DC6 (affordable housing), DC7 (lifetime homes and mobility housing), DC32 (the road network), DC33 (car parking), DC34 (walking), DC35 (cycling), DC36 (servicing), DC40 (waste recycling), DC50 (sustainable design and construction), DC51 (renewable energy), DC55 (noise), DC61 (urban design), DC63 (crime) and DC72 (planning obligations) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Documents and the Residential Extensions and Alterations Supplementary Planning Document (SPD), Planning Obligations SPD and the Residential Design SPD are also relevant.
- 6.2 Policies 3.11 (Affordable Housing Targets), 3.3 (Increasing Housing Supply), 3.4 (Optimising Housing Potential), 3.5 (Quality and Design of Housing Developments), 3.7 (Large Residential 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) and 8.3 (Community Infrastructure Levy) of the London Plan (2011).
- 6.3 National Planning Policy Framework (NPPF) Section 6 "Delivering a wide Choice of Homes", and Section 7 "Requiring Good Design".

7. Staff Comments

- 7.1 This proposal is put before the Committee owing to the application site comprising more than two dwellings. 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.

8. Principle of Development

- 8.1 The site lies outside the Metropolitan Green Belt, Employment Areas, Commercial Areas, Romford Town Centre and District and Local Centres. The principle of residential development is considered acceptable in land use terms and the provision of additional housing is consistent with the National Planning Policy Framework. The Council will generally require the redevelopment for housing of commercial sites which become available for development.
- 8.2 Policy 3.8 of the London Plan states that DPD policies should offer a range of housing choices, in terms of the mix of housing sizes and types, taking account of the housing requirements of different groups. Policy 3.5 states that Local Development Frameworks should incorporate minimum space standards. The Mayor has set these at 61m² for a 2-bed 3-person flat and

50m² for a 1-bed 2-person flat. The proposed flats are in line with these minimum guidelines and considered acceptable. For the two semi-detached houses the Mayor has set the minimum internal space standards at 83m² for a 2-bed 4-person dwelling and 96m² for a 3-bed 5-person dwelling. The proposed dwellings are in line with these minimum guidelines and considered acceptable.

- 8.3 Policy CP1 indicates that outside town centres and the Green Belt, priority will be made on all non-specifically designated land for housing. The majority of the site is presently occupied by a warehouse building. The site is located within a predominantly residential area, with the existing use of the land for commercial purposes being somewhat out of character. The proposal is therefore an opportunity to remove this use from a residential area and replace it with a land use more compatible with the surroundings. 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.
- 8.4 As the site has a history of commercial use, it is likely that land contamination could be present. It is recommended that issues of land contamination be dealt with by condition in the event that planning permission is granted. Similarly issues of archaeology could also be dealt with via condition.

9. Density and Site Layout

- 9.1 The application site is ranked as being within a high Public Transport Accessibility Level Zone (PTAL 5-6), with the density recommendation being 165-275 units per hectare. The proposed development of 36 units represents a density of 107 units per hectare based on the red line site area or 121 units per hectare if the site area of the two proposed semi detached houses is deducted. This is clearly below the recommended density range but may not be unacceptable given the constrained nature and location of the site. Furthermore, the advised density ranges are one of number of criteria employed to assess the appropriateness of a proposal.
- 9.2 In terms of site layout, the proposed development has a lesser overall footprint than the existing industrial buildings. This enables the proposed blocks to be positioned further from the northern site boundary than the existing building. This, in turn, is considered to create a relatively spacious setting for the development with a separation distance of between 10.5 and 20 metres being created from the northern boundary. There is also the opportunity to provide landscaped areas around each of the flatted blocks and the access road. Staff therefore consider the development to have a reasonably spacious setting.
- 9.3 It should be recognised however that the site is situated in a high PTAL zone where the provision of amenity space is likely to be at a reduced level. The development provides a landscaped area of 700 square metres in

addition to further areas of landscaping adjacent to the access road which provide setting for the proposed buildings. The amenity area is considered to be relatively spacious and is set out in conveniently useable form. Additionally there is some provision of external balconies within the development, which would add to the amenity provision. The site is situated adjacent to the entrance to Oldchurch Park, which would also contribute towards the amenity needs of future occupiers of the development. Staff consider the amenity space provision acceptable.

- 9.4 To the south the site is adjoined by a public car park with open space beyond which forms part of the Romford Ice Rink grounds. The ice rink site is Council owned and it is envisaged that the site will be redeveloped in the future. There is currently an extant planning permission to provide a mixed use development of housing, a foodstore and a petrol filling station on the adjacent site. This approval shows residential development on land immediately adjacent to the application site, although this is in outline form. The proposals for the adjacent ice rink site were received after this planning application and were judged with regard to this proposal. Staff are therefore satisfied that the proposal would not prejudice the redevelopment of this land
- 9.5 The layout of the proposed blocks would include main entrance doors from the new access road, with level access and double width doors. In order to ensure that the proposal meets the provisions of Policy DC7 in respect of Lifetime Homes, a planning condition is recommended.

10. Design and Visual Impact

- 10.1 The proposal includes the construction of a pair of semi-detached houses on land between nos. 67 and 73 Oldchurch Road, fronting onto Oldchurch Road. The surrounding properties in this part of Oldchurch Road are two storey semi-detached or terraced houses. Staff are of the view that the proposed pair of semi-detached houses would be of a suitable form and external appearance. It is considered that the proposed houses would satisfactorily integrate into the street scene.
- 10.2 The proposed flatted blocks have been designed as a predominantly three and four storey development, although the visual impact of this is mitigated by the flat roof design and use of contrasting external materials. The proposed flatted blocks would, for the most part, be of greater height than the current industrial building on the site. However, the overall height of the blocks would not exceed that of the adjacent Blade Court, which is a five storey building. Blade Court has been designed in such a way to address the road junction at Rom Valley Way and follow the curvature of the roundabout. The proposed development is considered to be different to this development in that the site does not form a frontage location and, instead, amounts to a type of 'backland' development to the rear of existing houses. The proposed development would however be visible from Rom Valley Way across the open land to the front of the Ice Rink and from Oldchurch Rise. Block A is considered to be acceptable in terms of siting

and design. Block B would comprise a predominantly four storey building. The block has been designed in such a way that it steps down in height to two storeys at the point closest to the rear of Blade Court and nos. 65 and 67 Oldchurch Road. Having regard to the design of the proposed blocks and the height of the adjacent Blade Court, the overall height and bulk of the proposed buildings is not considered to be materially out of scale and character with the surroundings.

- 10.3 The proposed development would be visible along Oldchurch Rise, which serves as a secondary access point to the Queens Hospital. Block A would be set back between 3 and 12 metres from the boundary of the site onto Oldchurch Rise, which mitigates its overall impact in the street scene. Staff are of the view that the proposal would result in an improved visual relationship to Oldchurch Rise which is presently characterised by the existing building of industrial appearance tight to the back edge of the footway.
- 10.4 In respect of the overall design and architectural style of the building, Staff consider that there is no distinctive architectural style in this part of Oldchurch Road. It is considered that the modern design of the development which consists of a mixture of different colours and types of materials would be acceptable in principle and would integrate with Blade Court and the Queens Hospital.

11. Impact on Amenity

- 11.1 To the north the site is backed on to by the rear gardens of dwellings in Oldchurch Road. In terms of bulk, visual impact and impact on light, the proposed flatted blocks are judged to be sufficiently far from the site boundary not to result in significant harm to amenity. At the closest point, habitable room windows in block A would face the northern boundary at a distance of approximately 17 metres to the boundary and 30 metres back to back. In respect of block B, at the closest point, habitable room windows would face the northern boundary at a distance of 21 metres to the boundary and 31.5 metres back to back. Staff consider this to be an acceptable relationship in respect of issues of privacy.
- 11.2 The proposed development is considered to have an acceptable relationship with Blade Court, with a distance of 12 metres being achieved to the flank elevation of block B. At this point the building is two stories and gradually increases in height to a maximum of five stories. At the point where the building reaches four stories it would be at a distance of 21 metres from the main rear wall of Blade Court. In view of the distances of separation and the orientation of the proposed flatted blocks it is considered that no material harm to amenity would result.
- 11.3 Given the curved facade of block B some of the proposed window openings facing east would face towards the rear of Blade Court. These window openings would be separated by a distance of 23 metres at the closest

point and be at an oblique angle which Staff consider would prevent significant inter-looking.

- 11.4 The depth of the proposed dwellings in relation to the adjacent houses is considered acceptable and would not result in an acceptable impact upon amenity.

12. Sustainability/Renewables

- 12.1 The proposed development aims to gain Code for Sustainable Homes Level 3, which is in accordance with Policy DC49. In the event that Members were minded to grant planning permission this could be secured by condition to ensure the development attains this standard.

- 12.2 It is indicated that predicted carbon dioxide emissions from the development could be reduced by 20% through the use of on-site renewable energy equipment. The development would therefore accord with the target set out in the London Plan. The Council's Energy Officer is satisfied with the proposal in respect of sustainability subject to suitable conditions. The proposal is therefore considered acceptable in this respect and conditions could be imposed to ensure the development demonstrates this level of reduction of CO₂ emissions is met.

- 12.3 Policy DC40 advises that planning permission will only be granted for developments where suitable waste and recycling storage facilities are provided. In this case the proposal would see the provision of suitable refuse storage enclosures which staff consider would allow convenient kerb side collection. In the event that Members are minded to grant planning permission a condition requiring further details in this respect could be imposed.

13 Highways / Parking Issues

- 13.1 Access into the site would be taken via Oldchurch Rise, with the vehicular crossover being situated in the same position as currently. The proposed access road into the site would join two ramps, each serving the underground car parks. A turning area for larger vehicles would be provided within the centre of the site. The proposed turning and access arrangements are considered to be acceptable, and meet the access and servicing needs of the development.

- 13.2 The development proposes a total of 44 parking spaces, which is a ratio of 1.15 spaces per flat, two spaces per house and two visitor spaces. The application site is located on the outskirts of Romford Town Centre in an area which is identified for high density development (PTAL 5-6). In view of this the proposed parking provision is considered to be acceptable and would accord with the density matrix in Policy DC2. Future occupiers could also be restricted from applying for parking permits through S106 agreement. The proposal includes cycle storage provision to accord with Policy DC36 and this would encourage alternative means of transport. Staff

consider, having regard to the package of measures proposed and the location of the site in relation to Romford Town Centre, that the parking provision is acceptable.

14. Affordable Housing

- 14.1 The proposal results in development for which an affordable housing provision is required in accordance with the National Planning Policy Framework and the London Plan. Policies CP2 and DC6 set out a borough wide target of 50% of all new homes built in the borough to be affordable. The applicant has provided with this application a financial appraisal which in the applicant's view justifies the provision of no affordable housing within the scheme. An independent economic viability assessment has confirmed that the scheme is not sufficiently viable to support any affordable housing provision and therefore the absence of any affordable housing provision on this site is justified and in accordance with the London Plan and Policy DC6.

15. The Mayor's Community Infrastructure Levy

- 15.1 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 a combined internal gross floor area for the two dwellings and 34 flats of 3529m² minus the existing floor area to be demolished of 1846.16m², which equates to a total area of 1682.84m² and a Mayoral CIL payment of £33656.80.

16. Planning Obligations

- 16.1 In accordance with the Planning Obligations Supplementary Planning Document a financial contribution of £6,000 per dwelling to be used towards infrastructure costs arising from the new development is required. This should be secured through a S106 Agreement for the amount of £216,000.

17. Other Issues

- 17.1 Policy DC63 requires new development to address safety and security in the design of new development. The proposal is considered acceptable in principle in this respect, subject to the imposition of conditions requested by the Borough Designing Out Crime Officer.
- 17.2 The site is in a location which may potentially affect the flight path of helicopters using the landing pad within the grounds of the adjacent Queens Hospital. The potential impact on the flight path is a material planning consideration and as such letters of consultation were previously sent for a similar planning application to the Queens Hospital, the London Air Ambulance, the Essex Air Ambulance and the National Air Traffic Services. No objections were raised by any of these parties at the time.

18. Conclusion

18.1 In conclusion, residential development on the site is considered to be acceptable in principle and would result in the removal of an existing commercial use. The proposal is considered to be acceptable in terms of scale, form, massing and visual impact. Staff are of the view that the proposal would have an acceptable relationship to adjoining properties and would provide suitable amenity provision for future occupiers. The development is also considered to be acceptable in respect of parking and highway issues. The viability case for not providing any affordable housing has been independently assessed and found to be acceptable. It is recommended that planning permission be granted, subject to the prior completion of the relevant legal agreement.

IMPLICATIONS AND RISKS

Financial implications and risks:

Financial contributions are required through a legal agreement

Legal implications and risks:

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

Human Resources implications and risks:

None.

Equalities implications and risks:

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

BACKGROUND PAPERS

1. Application forms and plans received 16/08/12.

**REGULATORY
SERVICES
COMMITTEE**

REPORT

21 August 2014

Subject Heading:

P0809.14 – 13 Burntwood Avenue,
Emerson Park, Hornchurch - Demolition
of the existing care home and the erection
of 4 dwellings and an access road (outline
application) (received 27/06/14)

Report Author and contact details:

Suzanne Terry
Interim Planning Manager
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 | [x] |
| Championing education and learning for all | [] |
| Providing economic, social and cultural activity in thriving towns and villages | [] |
| Valuing and enhancing the lives of our residents | [x] |
| Delivering high customer satisfaction and a stable council tax | [] |

SUMMARY

This report concerns an outline planning application for the demolition of the existing care home and the erection of 4 new dwellings and an access road. A Section 106

Legal Agreement is required to secure a financial contribution in accordance with the Planning Obligations Supplementary Planning Document. Staff consider that the proposal would accord with the residential, environmental and highways policies contained in the Local Development Framework Core Strategy and Development Control Policies Development Plan Document. It is recommended that planning permission be granted subject to conditions and the completion of a Section 106 Legal Agreement.

Councillor Ower requested this application be called in to committee, on the grounds of the planning history for the site and traffic movements. Councillor Ramsey requested this application be called in to committee, in view of its impact on adjoining properties.

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. As scale is a reserved matter, there are no definitive gross internal floor areas for the dwellings, so the applicable fee is not known.

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 £24,000 to be used towards infrastructure costs in accordance with the Planning Obligations Supplementary Planning Document and Policy DC72.
- 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 agreement, prior to completion of the agreement, irrespective of whether the agreement is completed;
- The Developer/Owner to pay the appropriate planning obligation/s monitoring fee prior to completion of the agreement.

That Staff be authorised 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. Approval of details – The development hereby permitted may only be carried out in accordance with detailed plans and particulars which shall previously have been submitted to and approved by the Local Planning Authority, showing the scale and appearance of the buildings and landscaping, including all matters defined as "landscaping" in the Town and Country

Planning (Development Management Procedure) (England) Order 2010 (herein after called "the reserved matters").

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

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

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

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

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

4. 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. Accordance with plans - The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans as listed on page 1 of this decision notice approved by the Local Planning Authority.

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

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

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

7. Cycle storage - Prior to 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 prior to first occupation of the development for residential purposes 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. Car parking - Before the building(s) hereby permitted is first occupied, the area set aside for car parking shall be laid out and surfaced to the satisfaction of the Local Planning Authority and retained permanently thereafter for the accommodation of vehicles visiting the site and shall not be used for any other purpose.

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

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

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

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

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

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

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

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

11. Permitted Development - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 Article 3, Schedule 2, Part 1, as amended by the Town and Country Planning (General Permitted Development) (Amendment)(no. 2)(England) Order 2008 Classes A - E, or any subsequent order revoking or re-enacting that order, no extensions, roof extensions or alterations shall take place to the dwellinghouses and no outbuildings shall be erected in the rear garden area of the dwellings, with the exception of ancillary structures up to 10 cubic metres in volume, unless permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

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

12. Boundary 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 and the approved boundary screening measures shall be implemented prior to first occupation of the development for residential purposes and shall be permanently retained and maintained thereafter to the satisfaction of the Local Planning Authority.

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

13. External lighting - No development shall take place until a scheme for a bat sensitive lighting scheme has been submitted to and approved in writing by the Local Planning Authority. All external lighting within the application site shall be installed in accordance with British Standards Institute (BSI) BS5489 and BS EN 13201. These standards identify further measures for reducing lighting spill, glare and overall pollution. Further guidance in respect of low impact lighting is provided in 'Guidance Notes for the Reduction of Obtrusive Light' produced by The Institute of Lighting Engineers (ILE). The approved

details shall be implemented in full prior commencement of the development hereby approved and permanently maintained in accordance with the approved details.

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

14. Surfacing materials - Before any of the development hereby permitted is commenced, surfacing materials for the access road shall be submitted to and approved in writing by the Local Planning Authority and thereafter the access road shall be constructed with the approved materials. Once constructed, the access road shall be kept permanently free of any obstruction (with the exception of the car parking spaces shown on the approved plans) to prevent uses of the access road for anything but access.

Reason: To ensure that the appearance of the proposed development will harmonise with the character of the surrounding area and in the interests of highway safety.

15. Alterations to the Public Highway - The necessary agreement, notice or licence to enable the proposed alterations to the Public Highway shall be entered into and completed prior to the commencement of the development and the highway works completed prior to first occupation 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. Car parking - The proposals should provide 1.5 to 2 parking spaces per dwelling, to be retained thereafter.

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

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

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

18. Servicing - The proposals should provide details of access road widths, turning area dimensions and swept path analysis to demonstrate that servicing of the proposed dwellings to the rear of the site can be adequately serviced and that service vehicles can exit the site in forward gear.

Reason: In the interests of highway safety, and in order that the development accords with the Development Control Policies Development Plan Document Policies DC32 and DC36.

19. Wheel scrubbing - 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 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 on site.

Reason: 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.

20. Precautionary bat survey - An internal survey of the building(s) including the roof areas for bats must be undertaken by a licensed bat worker prior to any demolition works and between May and September. Evidence that the survey has been undertaken in the form of an ecological report including any recommendations shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of demolition of the existing care home. The proposed development shall be implemented in accordance with the approved ecological report, including any recommendations. If at any time during the works, presence of bats is suspected/identified, works in that area shall cease immediately and an ecologist contacted to enable further appropriate action to be implemented.

Reason: To ensure compliance with the Habitats Regulations and the Wildlife & Countryside Act 1981 (as amended), Chapter 11 of the NPPF and Policies DC58 & DC59 of the LDF.

21. Timing of demolition/vegetation clearance (breeding birds) - Demolition and/or removal of trees, hedgerows, shrubs, scrub or tall herbaceous vegetation shall be undertaken between October and February inclusive. If this is not possible then a suitably qualified ecologist shall check the areas concerned immediately prior to demolition and/or vegetation clearance works to ensure that no nesting or nest-building birds are present. If any nesting birds are present then the demolition and/or vegetation shall not be removed until the fledglings have left the nest.

Reason: All wild birds, their nests and young are protected during the nesting period under The Wildlife and Countryside Act 1981 (as amended), Chapter 11 of the NPPF and Policies DC58 & DC59 of the LDF.

22. The proposed development shall be implemented in accordance with the Extended Phase 1 Habitat Survey (Preliminary Ecological Assessment) dated June 2013 which shall include the following on site measures:
- Installing 10 bird boxes and 10 bat boxes.

- Retaining and protecting boundary trees as part of the development proposals and enhancing with additional planting.
- Additional ecological enhancements are included as part of the landscaping scheme as included in Annexe 5 of the Preliminary Ecological Assessment.

Reason: In order to protect the conservation status of bats in compliance with the Habitats Regulations and the Wildlife and Countryside Act 1981 (as amended), Chapter 11 of the NPPF and Policies DC58 and DC59 of the LDF.

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

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

24. Site levels - Prior to the commencement of the development, a drawing showing the proposed site levels of the application site and the finished floor levels of the proposed dwellings 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.

Reason: To protect neighbouring amenity.

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

Reason: To ensure that the occupants of the development are not subject to any risks from soil contamination in accordance with Development Control Policies Development Plan Document Policy DC53.

26. Prior to the first occupation of the development hereby permitted, a domestic sprinkler system shall be installed and shall be permanently retained and maintained thereafter to the satisfaction of the Local Planning Authority.

Reason: In the interests of safety.

27. Use of garages – Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995(or any order revoking

and re-enacting that Order with or without modification) the garage(s)/carport(s) hereby permitted shall be made permanently available for the parking of private motor vehicles and not for any other purpose including living accommodation or any trade or business.

Reason: To provide satisfactory off-street parking at the site, and that the development accords with the Development Control Policies Development Plan Document Policy DC61.

INFORMATIVES

1. Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.
2. In promoting the delivery of safer, stronger, sustainable places the Local Planning Authority fully supports the adoption of the principles and practices of the Secured by Design Award Scheme and Designing against Crime. Your attention is drawn to the free professional service provided by the Metropolitan Police Designing Out Crime Officers for North East London, whose details can be found by visiting <http://www.securedbydesign.com/professionals/details.aspx?forcecode=met>. They are able to provide qualified advice on incorporating crime prevention measures into new developments.
3. The Applicant is advised that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted, considered and agreed. If new or amended access as required (whether temporary or permanent), there may be a requirement for the diversion or protection of third party utility plant and it is recommended that early involvement with the relevant statutory undertaker takes place. The applicant must contact Engineering Services on 01708 433751 to discuss the scheme and commence the relevant highway approvals process. Please note that unauthorised work on the highway is an offence.
4. Highway legislation - The developer (including their representatives and contractors) is advised that planning consent does not discharge the requirements of the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works of any nature) required during the construction of the development. Please note that unauthorised work on the highway is an offence.
5. Temporary use of the public highway - The developer is advised that if construction materials are proposed to be kept on the highway during construction works then they will need to apply for a license from the Council. If the developer requires scaffolding, hoarding or mobile cranes to be used on the highway, a licence is required and Streetcare should be contacted on

01708 434343 to make the necessary arrangements. Please note that unauthorised use of the highway for construction works is an offence.

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

Planning Obligations

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

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

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| REPORT DETAIL |
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1. Call in

- 1.1 Councillor Ower requested this application be called in to committee, on the grounds of the planning history for the site and traffic movements. Councillor Ramsey requested this application be called in to committee, in view of its impact on adjoining properties.

2. Site Description:

- 2.1 The application site comprises of a former care home entitled Saint Mary's Convent, which is located on the northern side of Burntwood Road, Emerson Park. There are residential properties surrounding the site. There is a Tree Preservation Order - TPO 8-71, which applies to the site. The application site lies within Sector 6 of the Emerson Park Policy Area.

3. Description of development:

- 3.1 The application is for demolition of the existing care home and the erection of four dwellings and an access road. The development consists of two detached dwellings located on a north to south axis in the northern part of the site and two detached dwellings that would front onto Burntwood Road on the southern part of the site. The access road would be located adjacent to the western boundary of the site. The application is for outline permission seeking approval for access and layout. Appearance, landscaping and scale are reserved matters.

4. **Relevant History:**

P1330.13 – Demolition of the existing care home and the erection of 4 dwellings and an access road (outline application) – Refused.

5. **Consultations/Representations:**

- 5.1 The occupiers of 26 neighbouring properties were notified of this proposal. One letter of support was received. Six letters of objection were received (including one from the Emerson Park & Ardleigh Green Residents' Association), with detailed comments that have been summarised as follows:
- This application is very similar to the previous application, P1330.13 and does not address the concerns of Councillors and other residents or negate the reasons for refusal.
 - Reference was made to paragraph 53 of the NPPF, which states that the local planning authority should consider the case for setting out policies to resist inappropriate development of residential gardens. This scheme would cause harm to the local area.
 - This infill development will not produce plot sizes equivalent to surrounding properties.
 - Opposed to a high density development for both environmental and commercial reasons.
 - Reference was made to application P0606.14 at 15 Burntwood Avenue which was refused.
 - The impact of the access road on neighbouring amenity with traffic and service vehicles.
 - The impact of the proposal on the trees in the site.
 - Requested that TPOs be attached to four mature woodland trees along the front boundary and a Scots pine further back.
 - Impact on the character of the street.
 - This is a back garden development and cannot be acceptable in principle.
 - The proposal is contrary to paragraph 53 of the NPPF and the Emerson Park Policy Area SPD.
 - Traffic noise, disturbance and pollution in the rear garden.
 - Loss of amenity including loss of privacy.
 - Flooding.
 - Overlooking including level differences.
 - The houses at the back of the site constitute backland development, are located on comparatively cramped sites, out of keeping with the area.
 - The plot widths for the houses fronting Burntwood Avenue would be significantly smaller than most sites in the road, compounded by a new rear access road.
 - The NPPF makes it clear that back gardens should not be considered as brownfield land.
 - The gardens for the proposed houses would be much smaller than those in the surrounding area and would set an undesirable precedent.
 - Turning area, access and highway safety.
 - Noise and inconvenience during construction.
 - The dwellings to the front of the site would appear cramped.
 - Would set an undesirable precedent.

- Would prefer the turning point half way down the access road and a maximum of two houses to make the proposal less cramped.
 - Impact on local amenities.
- 5.2 In response to the above, the site is not in a Flood Risk Zone. Each planning application is determined on its individual planning merits. Noise and disturbance during construction can be addressed by appropriate planning conditions, as can the impact on trees and wildlife. Five large trees at the front of the site (two horse chestnuts, a beech, an oak and a scots pine are subject to a Tree Preservation Order (TPO 8/71). The remaining issues are addressed in the following sections of this report.
- 5.3 The London Fire Brigade Water Team is satisfied with the proposals. The London Fire and Emergency Planning Authority has commented that the access to the two rear dwellings does not appear to comply with Section 11 of ADB volume 1. A condition requiring use of a sprinkler system is recommended by Staff.
- 5.4 The Highways Authority has no objection to the proposals. Secure cycle parking facilities should be provided for a minimum of two bicycles for three or more bedroom homes. Request conditions regarding car parking, pedestrian visibility splays, servicing and vehicle access and informatives.
- 5.5 StreetCare Department – The two houses nearest Burntwood Road could get regular kerbside collections. The two properties behind could not. The access road would need to be at least 5.5m wide and have an adequate turning head. The developer will have to provide a bin storage area or a suitable communal sack collection point, no more than 30m from the road.
- 5.6 Environmental Health - It is important to ensure that any soil imported to site is free from significant contamination and pose no risk to human health, property, ecological system and controlled water. To safeguard the situation, it is recommended that any permission that might be granted be subject to soil import criteria related condition.
- 5.7 Essex and Suffolk Water – Existing apparatus does not appear to be affected by the proposed development. There is no objection to the proposed development. Consent is given to this development on the condition that a new water connection is made onto company network for each new dwelling for revenue purposes.
6. **Relevant policies:**
- 6.1 Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP8 (Community Needs), CP17 (Design), DC2 (Housing Mix and Density), DC3 (Housing Design and Layout), DC11 (Non-designated sites), DC32 (The road network), DC33 (Car Parking), DC34 (Walking), DC35 (Cycling), DC36 (Servicing), DC40 (Waste recycling), DC53 (Contaminated land), DC55 (Noise), DC61 (Urban Design), DC62 (Access), DC63 (Delivering Safer Places), DC69 (Other areas of special townscape or landscape character) and DC72 (Planning Obligations) of the LDF Core Strategy and Development

Control Policies Development Plan Document are considered material together with the Design for Living Supplementary Planning Document, the Landscaping Supplementary Planning Document, the Planning Obligations Supplementary Planning Document, the Emerson Park Policy Area Supplementary Planning Document.

6.2 Policies 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 6.13 (parking), 7.1 (building London's neighbourhoods and communities), 7.13 (safety, security and resilience to emergency), 7.4 (local character) and 8.3 (Community infrastructure levy) of the London Plan are relevant. Chapters 6 (Delivering a wide choice of high quality homes) and 7 (Requiring good design) of the National Planning Policy Framework are relevant.

6.2. Staff Comments:

6.2.1 This proposal follows a previous application P1330.13 for the demolition of the existing care home and the erection of 4 dwellings and an access road (outline application), which was brought to the 30th January 2014 Regulatory Services Committee. Although the application was recommended for approval, Members resolved to refuse planning permission for the following reasons:

6.2.2 1) The proposed development of four houses on the site, including building on the characteristic open rear part of the site and limited plot frontage width would represent an overdevelopment of the site at a density at variance to the immediate surroundings. In this respect, the proposal would be out of character with the setting of the surrounding area, harmful to the streetscene and the Emerson Park Policy Area, contrary to Policies DC61 and DC69 of the LDF Core Strategy and Development Control Policies DPD and the Emerson Park Policy Area Supplementary Planning Document.

2) The proposed development, by virtue of its layout and proximity to the site boundaries would appear overdominant and have an adverse impact on the character of the area, including the outlook and residential amenity of occupiers of the neighbouring property at 6 Porchester Close. In this respect, the proposal would be contrary to Policies DC61 and DC69 of the LDF Core Strategy and Development Control Policies DPD and the Emerson Park Policy Area Supplementary Planning Document.

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

6.2.3 The current application differs from the refused scheme in the following key areas:

- Greater detailed provided within the main drawing of the houses.
- Increased distance between plot 2 and its boundary with No.15 (previously 2m approx. now approx. 3.7m)

- Increased distance between Plots 1 and 2 (increased by approx. 2m – total separation approx. 5.76m)
- Increased plot width to Plots 1 and 2.
- Alterations & greater details shown to layout of plots 3 and 4.
- Provision of detached garages to two rearmost units.
- Revised footprint and layout of units
- Increased separation between rearmost units and boundaries of the site

6.2.4 The main issues in this case are the principle of development, density and site layout, design/impact on streetscene, impact on amenity, highway/parking issues and other issues.

6.3 Principle of Development

6.3.1 Policy CP1 indicates that outside town centres and the Green Belt, priority will be made on all non-specifically designated land for housing. The application site is previously developed land. It is within a predominately residential area and is considered to be suitable in principle for residential development, subject to the detailed design of the proposals. There is no objection in principle to the demolition of St Mary's Convent, which has been vacant since December 2012. The proposal is therefore acceptable in principle and in accordance with Policy CP1 and Policy 3.3 of the London Plan and National Planning Policy Framework which seeks to increase London's housing supply.

6.4 Density and site layout

6.4.1 In respect of amenity space the Supplementary Planning Document (SPD) for Residential Design does not prescribe fixed standards for private amenity space or garden depths unlike previous guidance. Instead the SPD places emphasis on new developments providing well designed quality spaces that are usable. In terms of amenity space provision, the rear garden areas of the dwellings have private amenity space ranging between a minimum of approximately 590 to a maximum of 1444 square metres. Staff are of the view that the proposed garden areas are acceptable in terms of area and would provide future occupiers with a useable external space for day to day activities such as outdoor dining, clothes drying and relaxation.

6.4.2 The remaining area within the development is largely hard surfacing and consists of the access road and parking provision. It is considered that the layout of the site is acceptable.

6.4.3 The site is located within Sector 6 of the Emerson Park Policy Area. The Emerson Park Policy Area SPD states that new dwellings in this sector will be limited to infill development of existing frontages at plot sizes equivalent to immediately surrounding properties. Redevelopment will not be permitted where it will materially increase the existing density of the immediately surrounding area. Proposals will be of detached, single family, large and architecturally varied dwellings and provide a minimum plot width of 23m which should be achieved at both the road frontage and building line.

- 6.4.4 Based on the site layout plan, the proposed dwellings would be detached, large architecturally varied dwellings which adheres to the Emerson Park Policy Area SPD. The dwelling fronting Burntwood Avenue on Plot 1 would have a plot width of 20 metres at the road frontage, although seen in conjunction with the access road to the rear of the site it appears closer to 29m, and 23.32 metres at the building line. It is considered that the plot width of this dwelling would not be materially harmful to the open and spacious character of Emerson Park, as the access road and landscaped area would provide a separation distance of approximately 9.1 metres from the western boundary of the site, which would not result in material harm to the character and appearance of the surrounding area. Also, the plot width of 23.32 metres at the building line for this dwelling adheres to the Emerson Park Policy Area SPD and would ensure a sufficient degree of spaciousness in the site. It is noted that plot widths at the road frontage for neighbouring dwellings in the immediate vicinity of the application site vary in width from 19 to 40 metres and that there is not a consistent minimum plot width in this part of Burntwood Avenue.
- 6.4.5 The dwelling fronting Burntwood Avenue to the east of the site would have a plot width of 23.11 metres at the road frontage and 23.04 metres at the building line, which complies with the Emerson Park Policy Area SPD.
- 6.4.6 The two dwellings to the north of the site would have a minimum plot width of approximately 26 and 35 metres, which adheres to the Emerson Park Policy Area SPD.
- 6.4.7 In this case, existing local character is drawn largely from large detached two storey dwellings. It is noted that the dwellings on the northern side of Burntwood Avenue have a plot depth of approximately 70 metres. The dwellings on the southern side of Burntwood Avenue opposite the application site (No.'s 10-16) have a plot depth of between approximately 51 and 62 metres. The proposed dwellings fronting Burntwood Avenue have a plot depth of between approximately 62 to 66 metres which is comparable with the neighbouring dwellings in the vicinity of the site and is considered to be acceptable and in keeping with local character.
- 6.4.8 The dwelling on plot 3 to the north of the site is located at 90 degrees to the dwellings to the south. The dwellings on plots 3 and 4 have a plot depth of approximately 42 and 51 metres. It is considered that the plot depth of these two dwellings is acceptable as they are located in the context of the properties in Porchester Close and Tall Trees Close that adjoin to the rear of the site, which have plot depths of approximately 40 and 55 metres. The revisions to the layout compared to the earlier refusal are judged to result in a more spacious relationship to the site boundaries than was previously proposed.
- 6.3.9 The dwelling on plot 1 would have a separation distance of 2 and 4 metres at ground and first floor from the common party boundaries, which adheres to the Emerson Park Policy Area SPD. The dwelling in plot 2 would have a separation distance of 1.76 and 3.7 metres at ground and first floor from the common party boundaries. Staff consider that these distances are acceptable, as there would be a gap of 5.76 metres between the flank walls of the

dwellings in plots 1 and 2, which would maintain the open and spacious character of Emerson Park.

6.3.10 The dwelling in plot 3 would have a separation distance of 1 metre at ground floor and between 5 and 6.3 metres at first floor from the common party boundaries, which adheres to the Emerson Park Policy Area SPD. The dwelling in plot 4 would have a minimum separation distance of 6.75 and 14 metres at ground and first floor from the common party boundaries, which adheres to the Emerson Park Policy Area SPD.

6.3.11 It is noted that the Committee resolved to refuse the previous application on grounds of harm to local character and overdevelopment and the number of units proposed in this scheme is the same as previously. Members may therefore retain the view that this proposal constitutes harmful overdevelopment of the site. However, Staff consider that the current proposal is acceptable as the frontage width of plots has been increased from previously, improving the appearance of the development in the Burntwood Avenue streetscene. The revised layout of the rearmost properties is considered to create a more spacious layout within the site from the previous submission, that is considered comparable to other properties in the vicinity of the application site. The proposal is therefore judged to be in keeping with local character and to accord with the Emerson Park SPD.

6.5 Design/impact on street/Garden scene

6.5.1 The application would comprise the demolition of St. Mary's Convent. While the building appears to be in a structurally sound condition, it is not of any particular architectural or historic merit and no in principle objection is therefore raised to its demolition.

6.5.2 Landscaping is a reserved matter. A tree survey has been submitted with this application and the plans show the trees to be retained. It is considered that the proposal can achieve an acceptable level of landscaping given the proposed layout. Conditions are proposed requiring details of landscaping and for tree protection measures.

6.5.3 Scale is a reserved matter. The agent has indicated that the proposed dwellings would be of a comparable height to the existing property and nearby neighbouring dwellings which, in general, have heights of approximately between 10.5 – 11.1m from ground level to the ridge. It is considered that the footprint and siting of the dwellings and garages are acceptable.

6.5.4 Appearance is a reserved matter. It is deemed possible to construct dwellings that would be appropriate and would meet the requirements of the Emerson Park SPD in respect of individual design.

6.6 Impact on amenity

6.6.1 No. 15 Burntwood Avenue has two ground floor flank windows adjacent to the eastern boundary of the site. One serves a garage and is not a habitable room and the other serves a W.C. It is considered that the proposed dwelling adjacent to the eastern boundary of site would not result in a significant loss of

amenity to No. 15 Burntwood Avenue, as it would be located 3.7 metres from this common boundary. It is noted that No. 15 Burntwood Avenue has a substantial single storey rear projection comprising of a swimming pool enclosure and its double garage is located adjacent to the eastern boundary of the site, which will help to mitigate the impact of the proposal and Staff consider that this relationship is acceptable.

- 6.6.2 It is considered that the proposal would not result in a significant loss of amenity to No. 11 Burntwood Avenue, as there would be a flank to flank distance of approximately 22 metres between the western flank of the proposed dwelling located adjacent to the access road and the eastern flank of 11 Burntwood Avenue. It is noted that planning permission has been granted for a granny annexe to the rear of No. 11 Burntwood Avenue (application P0765.13), which has been implemented. It is considered that the proposal would not result in a significant loss of amenity to the granny annexe, as it is located 3.5 metres from the eastern boundary of the site and does not have any windows on its eastern flank wall. There is a timber paling fence along the eastern boundary of No. 11 Burntwood Avenue, which provides some screening. A Certificate of Lawfulness has been granted for an outbuilding to the rear of 11 Burntwood Avenue (application D0085.13), which is in the process of being implemented. It is considered that the proposal would not result in a significant loss of amenity to the outbuilding, as it is located 3 metres from the eastern boundary of the site and does not have any windows on its eastern flank wall.
- 6.6.3 It is considered that the proposal would not result in a significant loss of amenity to No. 3 Tall Trees Close, as there is a separation distance of between approximately 35 and 39 metres between the two storey rear façade of this neighbouring property and the western flank of the proposed dwelling in Plot 4. Staff consider that the garage on Plot 4 would not be harmful to the amenity of No. 3 Tall Trees Close, as it would be set off the western boundary of the site by 2 metres and its footprint appears to be relatively modest in size. There are some mature trees adjacent to the eastern boundary of No. 3 Tall Trees Close, which would provide some screening. Given this separation distance, Staff consider that this relationship is acceptable.
- 6.6.4 It is considered that the proposal would not result in a significant loss of amenity to No. 4 Porchester Close, as there would be a separation distance of between approximately 14 and 15 metres between the northern flank of the dwelling in Plot 4 and the southern boundary of this neighbouring property. There are some mature trees adjacent to the southern boundary of No. 4 Porchester Close, which would provide some screening. Given this separation distance, Staff consider that this relationship is acceptable.
- 6.6.5 It is considered that the proposal would not result in a significant loss of amenity to No. 22 Woodlands Avenue, as there would be a separation distance of approximately 64 metres between the rear façade of this neighbouring property and the northern boundary of the application site. There are some mature trees adjacent to the southern boundary of No. 22 Woodlands Avenue, which would provide some screening. Given this separation distance, Staff consider that this relationship is acceptable.

- 6.6.6 It is noted that the plans have been revised to alter the siting and layout of the dwellings on plots 3 and 4, which has increased their separation distances from neighbouring properties. It is considered that the proposal would not result in a significant loss of amenity to No. 6 Porchester Close, as there would be a separation distance of approximately 43 metres between the western flank of this neighbouring property and the two storey rear façade of the dwelling in Plot 4. There would be a minimum separation distance of 19.5 metres between the south western rear corner of No. 6 Porchester Close and the north eastern corner of the dwelling in plot 3, with a separation distance between buildings of 45 metres. Given these separation distances, Staff consider that this relationship is acceptable. In addition, there is mature landscaping on the eastern boundary of the site, which would provide some screening of the dwellings in Plots 3 and 4.
- 6.6.7 Overall, no harmful levels of overshadowing or overlooking are considered to occur as a result of the proposed dwellings.
- 6.6.8 From a noise and disturbance perspective, the siting of the access drive enables the provision of a landscaped buffer strip adjacent to the western boundary of the site. This will help to absorb any noise and light spillage resulting from vehicles using the drive and turning head. The provision of appropriate fencing together with a landscaping scheme would also afford reasonable protection to those who live adjacent to the site from the more active use of the site. It is considered that the use of the access road and turning head would not result in undue noise and disturbance as it serves two dwellings. When considering the merits of this application, it is considered that the proposal would not give rise to high levels of noise and general disturbance in comparison with the former use of the site as a care home.
- 6.6.9 It is acknowledged that the previous scheme was refused also on grounds of overdominant impact on the amenity of adjoining occupiers. Whilst the number of units is unchanged from the previously refused application, Staff consider that the revisions to this scheme by way of increasing the plot width for plots 1 and 2, altering the footprint and layout of the units, the increased separation distances between plot 2 and its boundary with No.15 Burntwood Avenue, Plots 1 and 2 as well as plots 3 and 4 and the boundaries of the site have addressed the concerns outlined in the second reason for refusal for P1330.13.
- 6.6.10 It is therefore considered that the layout and access 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.

6.7 Highway/parking issues

- 6.7.1 Policy DC33 in respect of car parking refers to the density matrix in Policy DC2. Policy DC2 of the LDF indicates that in this part of the Borough parking

provision for residential development should be a maximum of 2 spaces per unit. There are detached garages for the dwellings in Plots 3 and 4. The proposal would provide two parking spaces per dwelling, which is deemed to be acceptable.

- 6.7.2 The proposal includes the provision of an access road with a width of between 3 and 6 metres, with a turning head at the northern end, which is suitable to allow refuse and emergency vehicles to enter and egress in forward gear. The majority of the access road is sufficient to provide two lanes of traffic except where it tapers adjacent to a Sycamore tree (that is subject to a Tree Preservation Order) where the road narrows to a single lane. The access road begins to taper approximately 45 metres from the existing site entrance, which would not impede traffic flow for vehicles entering and exiting the site. The Highway Authority has no objection to the proposals.
- 6.7.3 Details of cycle storage can be secured by condition if minded to grant planning permission. The London Fire Brigade Water Team is satisfied with the proposals. The London Fire and Emergency Planning Authority has commented that the access to the two rear dwellings does not appear to comply with Section 11 of ADB volume 1. The Council's Building Control Department was consulted and advised that a domestic sprinkler system could be installed in the dwellings, which would be acceptable. A condition will be placed in respect of storage of refuse and recycling awaiting collection if minded to grant planning permission.
- 6.7.4 In light of the above, the proposal is considered to satisfy the requirements of Policy DC2 and DC33 and would not result in any highway or parking issues.

6.8 Other Issues

- 6.8.1 Policy DC58 states that biodiversity and geodiversity will be protected and enhanced throughout the borough by not granting planning permissions which would adversely affect priority species/habitats identified either in the London or Havering Biodiversity Action Plans unless the economic or social benefits of the proposals clearly outweigh the nature conservation importance of the site and only then if adequate mitigation measures to secure the protection of the species/habitat can be provided and no alternative site is available
- 6.8.2 Ecological and tree surveys were submitted. It is concluded that bats are not considered to be currently roosting within any of the buildings on site. The Council's Regeneration Officer has no objection to the proposal and has recommended two conditions if minded to grant planning permission – one regarding an internal survey of the building for bats before any work takes place and one regarding the timing of demolition/vegetation clearance in respect of breeding birds.
- 6.8.3 The Council's Tree Officer has no objection to the proposal. There are a large number of trees on the site, many of which are the subject of tree preservation order 8/71. The most important trees are the 5 large trees at front of the site, (2 Horse Chestnuts, a beech an oak and a scots pine). These are protected by the above order and are shown as retained on the proposed scheme.

Some trees are in poor condition and in need of remedial tree surgery. Even though trees to the rear of the site have no public amenity value, as many trees as possible (both TPO's and non-TPO'd) should be retained throughout the site to help screen any new development to benefit local amenity and wildlife. It is suggested that existing trees are enhanced by new plantings so as to benefit long term tree cover. This should be capable of being addressed at the reserved matters stage. If minded to grant planning permission, a condition will be placed regarding the protection of the preserved trees.

6.8.4 It is considered that the proposal would not adversely affect neighbouring properties in terms of flooding, as the site is not located in a Flood Risk Zone.

9. **The Mayor's Community Infrastructure Levy**

9.1 The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. A CIL form was submitted with the application. As scale is a reserved matter, there are no definitive gross internal floor areas for the dwellings, so the applicable fee is not yet known.

10. **Planning Obligations**

10.1 A Section 106 Legal Agreement is required to secure a financial contribution of £24,000 to be used towards infrastructure costs in accordance with Policy DC72 and the Planning Obligations Supplementary Planning Document.

11. **Conclusion**

11.1 Staff consider the site to be acceptable in principle for residential development. It is considered that the layout and access of the dwellings proposed is compatible with the prevailing character of development within the locality. Staff are of the view that the proposal would have an acceptable relationship to adjoining properties and would provide suitable amenity provision for future occupiers. It is considered that the proposal would not create any parking or highway issues. There would be a financial contribution of £24,000 towards infrastructure improvements. Subject to the completion of a legal agreement the scheme is considered to be acceptable. The proposal is considered to be in accordance with the aims and objectives of the LDF Development Control Policies Development Plan Document and approval is recommended accordingly.

IMPLICATIONS AND RISKS

Financial implications and risks:

None.

Legal implications and risks:

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

Human Resources implications and risks:

None.

Equalities implications and risks:

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

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| BACKGROUND PAPERS |
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Application forms and plans received 27/06/2014.

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

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REGULATORY SERVICES COMMITTEE

REPORT

21 August 2014

Subject Heading:

P0853.14 – Pyrgo Priory Primary School
Settle Road (Date received 19/06/2014)

Proposal

Single Storey extension

Report Author and contact details:

Simon Thelwell (Projects and Regulation
Manager) 01708 432685

Policy context

Local Development Framework
London Plan
National Planning Policy Framework

Financial summary

None

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

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

SUMMARY

This matter is brought before committee as the application site is Council owned. The application seeks planning permission for a single storey

extension. Staff conclude the proposal to be acceptable. The application is recommended for approval subject to conditions.

RECOMMENDATIONS

That the Committee resolve that planning permission be granted subject to the following conditions:

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

Reason:-

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

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

Reason:-

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

3. The external finishes for the walls on the building hereby approved, shall be carried out in materials to match those of the existing building(s) to the satisfaction of the Local Planning Authority.

Reason:-

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

INFORMATIVES

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

REPORT DETAIL

1.0 Site Description

- 1.1 The application site consists of one large school building and playing fields to the south and east which lies to the north of Dagnam Park Drive and west of Settle Road.
- 1.2 The existing school itself measures over 2200 square metres floor area and is within the Metropolitan Green Belt and is surrounded by residential properties to the west, east and south..

2.0 Description of Proposal:

- 2.1 The proposal is for the erection of a flat roofed single storey extension, adjoining the south-east corner of the building adjacent to the main pedestrian access off Dagnam Park Drive. The extension would be 3.7m deep and 7.1m wide.
- 2.2 The proposed windows and doors would be installed with aluminum frames, the walls would be constructed in brickwork with piers to match the existing building and the parapet walls to be finished in coping stone.
- 2.3 The applicant states that the extension is to provide office space for the finance officer and that there would not be any increase in staff of pupils.

3. Relevant History

- P0384.09 - New hard surfacing to form external play area with seating and external sunshade on timber supports. – Approved
- P0668.07 - Single Storey detached children centre incorporating an office, counselling rooms, WC's and external courtyard – Approved
- P0410.02 - Replacement perimeter fencing of a green palisade style – Approved
- P0598.95 - Fire reinstatement - single storey extension to form nursery class – Approved

4. Consultations and Representations:

- 4.1 82 neighbouring comments received to date.

1 letter of objection received, comments in brief;

- The proposal would devalue their property
- Noise and disruption from the building and children playing near to their property boundary.

Officer's response;

With regards to devaluation of their residential property, this is not a material planning consideration and the noise and disruption issues are addressed within the impact on amenity section of this report.

4.2 The application has been advertised in the local press and on site.

5 Relevant Policies

5.1 Policies DC29 – Educational Facilities, DC33 - Car Parking, DC61 - Urban Design, DC45 - Green Belt Implications of the Local Development Framework Site Specific Allocations Development Plan Document are considered to be relevant.

5.2 The National Planning Policy Framework is a further material consideration.

6 Mayoral CIL Implications

6.1 The proposal would not be liable for Mayoral CIL as it is used to be part of an educational facility and is under 100 square metres floor area.

7. Planning Considerations

7.1 Principle of Development

7.1.1 The NPPF advises that a Local Planning Authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions are:

- Buildings for agriculture and forestry;
- Provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purpose of including land within it;
- The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- The replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- Limited infilling or the partial or complete redevelopment of previously developed sites, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing employment.

7.1.3 The NPPF also states that the Government attaches great importance to ensuring that sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should

take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. In doing this they should:

- give great weight to the need to create, expand or alter schools; and
- work with schools promoters to identify and resolve key planning issues before applications are submitted.

7.1.4 The planning history for the school demonstrates that it has not been substantially extended in the past. The scale of the extension proposed is small and in an unobtrusive location where it will be viewed as an infill development. Given the size of the overall school buildings the proposed extension is not considered to be disproportionate to the size of the original building and is therefore appropriate development within the Green Belt.

7.2 Green Belt Implications

7.2.1 By reason of its limited scale and positioning, the proposed extension would not harm the appearance and character of the site and surrounding area and would be considered as infilling a corner area between the existing lobby and classroom buildings as the walls would be finished flush with their elevations.

7.2.2 The proposed building is set well back from the existing rear building line of neighbouring residential properties and is integrated within a developed part of the school site and is not in an isolated or prominent position that harms the openness of the Green Belt..

7.3 Design and Appearance

7.3.1 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.

7.3.2 The existing school building which the extension adjoins onto is over 4 metres in height, the proposed structure would be lower at 2.8 metres tall, 3.85 metres depth and 7.55 metres width and would occupy a footprint of 25 square metres floor area which would infill the corner space between the existing lobby and classroom.

7.3.3 The extension has been designed as a subordinate building in materials which would be in keeping with the design and appearance of the existing school building on site and does not result in disproportionate additions over and above the size of the original building.

7.3.4 It is therefore considered that the building by reason of its appropriate positioning and scale would not harm the openness of the Green Belt or the character and appearance of the site and surrounding area. Staff are satisfied that the proposal complies with policy DC61 and the advice contained within the NPPF

7.4 Impact on Amenity

- 7.4.1 Policy DC61 of the LDF requires new development not to harm the amenities of adjoining occupiers by reason of noise and disturbance, loss of light, overlooking or other impacts.
- 7.4.2 The building would be only viewable at an oblique north-east angle from the closest neighbouring residential property No.150 Dagnam Park Drive's rear habitable room windows which is over 21 metres away.
- 7.4.3 As mentioned above there would not be an increase in pupils or staff as a result of the proposal and hence no increase in activity.
- 7.4.4 The proposed building by reason of its use, single storey scale would not result in any loss of privacy, outlook, sunlight or daylight to any habitable room windows of neighbouring properties.
- 7.4.5 It is therefore considered that the proposal would safeguard the amenities of neighbouring properties in accordance Policy DC61 the intentions of the NPPF.

7.5 Transportation, Highways and Parking

- 7.5.1 The proposal gives rise to no parking or highway considerations as there will be no increase in pupil numbers.

7.6 Conclusions

- 7.6.1 Having had regard to the LDF Core Strategy and Development Control Policies Development Plan Document, all other relevant local and national policy, it is considered that the proposal is appropriate development in the Green Belt and would not harm the openness of the Green Belt, the form and character of the school and surrounding area or residential amenity. The application therefore complies with aims and objectives of Policies DC29, DC33, DC45 and DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document and approval is recommended accordingly.

IMPLICATIONS AND RISKS

Financial implications and risks:

None arising.

Legal implications and risks:

None arising

Human Resources implications and risks:

There are no human resources and risks directly related to this report.

Equalities implications and risks:

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

BACKGROUND PAPERS

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

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REGULATORY SERVICES COMMITTEE

21 August 2014

REPORT

Subject Heading:

P1357.13– Former Petrol Filling Station, adjacent to 2a Suttons Lane, Hornchurch - Mixed use development comprising retail store on the ground floor with 5 no. flats over at first and second floors. Provision of on site parking: 5 car spaces for flats and 11 for retail. Formation of a new service lay-by off Suttons Lane (received 6/11/13)

Report Author and contact details:

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

Policy context:

Local Development Framework
The London Plan
National Planning Policy Framework
None

Financial summary:

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

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

SUMMARY

This report concerns an application for a mixed use development comprising of a retail store on the ground floor with 5 no. flats over the first and second floors. The provision for on site parking comprises of 5 car spaces for the flats and 11 car spaces for the retail store. The proposal includes the provision of a new service lay-by off Suttons Lane. The application was previously considered by Committee on 9 January 2014, where it was resolved to grant permission subject to conditions and completion of a legal agreement. The report is brought back before the committee as the applicant has requested a change to one of the planning conditions relating to delivery vehicles. No other changes have been made to the report previously considered by Members. It is recommended that planning permission be granted subject to conditions and the completion of a Section 106 Legal Agreement.

RECOMMENDATIONS

That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable fee would be £17,680.08. This is based on the creation of 888sqm of new gross internal floor space.

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

- A financial contribution of £30,000 to be used towards infrastructure costs in accordance with the Planning Obligations Supplementary Planning Document and Policy DC72 of the LDF.
- 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 agreement, prior to completion of the agreement, irrespective of whether the agreement is completed;
- The Developer/Owner to pay the appropriate planning obligation/s monitoring fee prior to completion of the agreement.

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

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

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

2. 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.

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

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

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

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

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

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

6. Refuse and recycling - Before the development hereby permitted commences, details of the proposed refuse storage and recycling facilities to be provided at the site for the use, together with arrangements for refuse disposal and details of recycling and collection shall be submitted to and approved in writing by the Local Planning Authority. The facilities as approved shall then be provided at the site prior to the commencement of the use and retained at the site thereafter in accordance with the approved drawings at all times.

Reason: In order to ensure that any such facilities respect the visual amenity of the locality, and the amenity of surrounding residents.

7. Cycle storage – Prior to the first occupation of the development hereby permitted, provision shall be made for cycle storage shown on drawing No. 22 Revision B and permanently retained unless otherwise agreed in writing by the Local Planning Authority.

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

8. Sight lines - The proposals should provide a 2.1 by 2.1 metre pedestrian visibility splay on either side of the altered accesses, 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.

9. Car parking - Before the building(s) hereby permitted is first occupied, the area set aside for car parking shall be laid out and surfaced to the

satisfaction of the Local Planning Authority and retained permanently thereafter for the accommodation of vehicles visiting the site and shall not be used for any other purpose and details of measures to be employed to ensure that the residential parking spaces are kept as such shall be submitted prior to the first occupation of the retail unit.

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

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

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

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

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

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

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

12. Boundary 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 and shall be permanently retained and maintained thereafter to the satisfaction of the Local Planning Authority.

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

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

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

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

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

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

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

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

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

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

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

17. Obscure glazing - The proposed first floor windows on the northern elevation of the building serving the en-suite shower room and bathroom of flat 1 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.

18. Obscure glazing - The proposed first floor window on the southern elevation of the building serving the en-suite shower room of flat 2 and the first floor window on the rear façade of the building serving the bathroom of flat 2 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.

19. Wheel scrubbing - 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 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 on site.

Reason: 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.

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

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

21. Access - The development shall not be commenced until a means of vehicular/pedestrian/cycle access has been constructed in accordance with the approved plans.

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

22. Insulation - Before the commercial use commences, that part of the building shall be insulated in accordance with a scheme which shall previously have been approved by the Local Planning Authority in order to secure a reduction in the level of noise emanating from it and it shall be effectively sealed to prevent the passage of odours through the structure of the building to other premises and dwellings.

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

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

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

24. Noise and vibration – Before the use commences a scheme to control the transmission of noise and vibration from any mechanical ventilation system installed shall be submitted to and approved in writing by the Local Planning Authority and implemented prior to the permitted use commencing. Thereafter, the equipment shall be properly maintained and operated during normal working hours.

Reason: To protect the amenity of occupiers of nearby premises.

25. Sound insulation – The flats shall be so constructed as to provide sound insulation of 45 DnT, w + Ctr dB (minimum values) against airborne noise and 62 L'nT, w dB (maximum values) against airborne noise to the satisfaction of the Local Planning Authority.

Reason: To prevent noise to adjoining properties.

26. Hours of Use - The retail store hereby permitted shall not be used for the purposes hereby permitted other than between the hours of 07:00 and 23:00 on any day without the prior consent in writing of the Local Planning Authority.

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

LDF Development Control Policies Development Plan Document Policy DC61.

27. Provision of an area for delivery and service vehicles - Before the retail store hereby permitted is first occupied, a layby shall be provided within the highway to the front of the site for the loading and unloading of delivery and service vehicles, in accordance with Drawing No. 22 Revision B. Thereafter such provision shall be made permanently available for use to the satisfaction of the Local Planning Authority unless otherwise agreed in writing with the Local Planning Authority. No loading or unloading of goods from vehicles arriving at or departing from the premises shall be carried out otherwise than within the approved area. There shall be no storage of goods or other obstructions within the layby.

Reason: To avoid obstruction of the surrounding streets and to safeguard the amenities of occupiers of neighbouring property, and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC33.

28. Details of trolley bays - Prior to first occupation of the retail store hereby permitted, details of any external trolleys and trolley bays shall be submitted to and approved by the Local Planning Authority. Once approved, they shall be implemented in accordance with the approved details and retained thereafter.

Reason: To protect residential amenity and on highway safety grounds in accordance with Policies DC61 and DC32 of the LDF Development Control Policies Development Plan Document.

29. Delivery and servicing hours – No deliveries or servicing shall take place other than between the hours of 07:00 and 22:00 on Monday to Saturday and 08:00 and 22:00 on Sundays and Public Holidays without the prior consent in writing of the Local Planning Authority.

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

30. Parking Management Scheme - Prior to first occupation of the retail store hereby permitted, a parking management scheme showing how the five car parking spaces for the flats (in accordance with the block plan (scale 1:200@A3) will be provided and secured for use solely by residents of the proposed flats, shall be submitted to and approved by the Local Planning Authority. The parking management scheme shall thereafter be operated strictly in accordance with the agreed details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of pedestrian and highway safety and in order that the development accords with the LDF Development Control Policies Development Plan Document Policies DC32 and DC36.

31. Delivery and servicing plan – Notwithstanding the details contained in the Delivery Servicing Plan dated November 2013, prior to the first occupation of the development hereby approved a delivery and servicing plan (DSP) shall be submitted to and agreed in writing by the Local Planning Authority. The DSP shall include details of the servicing arrangements including the exact location, times and frequency of deliveries. The development shall thereafter be operated strictly in accordance with the agreed details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of pedestrian and highway safety and in order that the development accords with the LDF Development Control Policies Development Plan Document Policies DC32 and DC36.

32. Parking Management Scheme - Prior to first occupation of the retail store hereby permitted, a parking management scheme to ensure the eleven parking spaces provided for the retail store (as shown on drawing the approved block plan) remain available for customers of the store and to prevent alternative use (including use for commuter parking) shall be submitted to and approved by the Local Planning Authority. The parking management scheme shall thereafter be operated strictly in accordance with the agreed details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of pedestrian and highway safety and in order that the development accords with the LDF Development Control Policies Development Plan Document Policies DC32 and DC36.

33. Delivery Vehicles Specification - The delivery vehicles for the retail store hereby permitted shall have a maximum length of 11 metres unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of pedestrian and highway safety and in order that the development accords with the LDF Development Control Policies Development Plan Document Policies DC32 and DC36.

INFORMATIVES

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

2. In aiming to satisfy condition 16 the applicant should seek the advice of the Police Designing Out Crime Officers (DOCOs). The services of the

Police DOCOs are available free of charge and can be contacted via docomailbox.ne@met.police.uk or 0208 217 3813. It is the policy of the local planning authority to consult with the DOCOs in the discharging of community safety condition(s).

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

4. Any statutory undertakers equipment/street furniture requiring diversion/relocation due to this construction shall be diverted at the developers cost.

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

6. 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.

7. 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.

8. The proposal is liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be £17,680.08 (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.

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.

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| REPORT DETAIL |
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1. Background:

- 1.1 This application was considered by Regulatory Services Committee on 9 January 2014, where it was resolved to grant planning permission subject to the prior completion of a Section 106 legal agreement. At that meeting, the Committee requested the following condition: The delivery vehicles for the retail store hereby permitted shall have a maximum gross weight of 18 tonnes and a maximum length of 11 metres unless otherwise agreed in writing by the Local Planning Authority. The reason for the condition was in the interests of pedestrian and highway safety and in order that the development accords with the LDF Development Control Policies Development Plan Document Policies DC32 and DC36.
- 1.2 The applicant seeks to revise condition 33 to remove the restriction on the maximum gross weight of delivery vehicles for the retail store, on the grounds that the weight element of the current condition is not relevant and does not relate to the highway/pedestrian safety reason that is listed underneath the condition. In addition, the applicant asserts that the imposition of the weight restriction on the grounds of highway and pedestrian safety does not meet the criteria set out within paragraph 206 of the NPPF and the advice contained within the NPPG. The Highway Authority has no objection to this condition being amended as it is not judged to adversely affect the servicing arrangements or be harmful to pedestrian or highway safety. Member consent is required to revise the relevant condition, which would retain the limit on the length of the delivery vehicle (11m) but remove the weight restriction. The revised wording of the condition (referred to as condition 33) would state: The delivery vehicles for the retail store hereby permitted shall have a maximum length of 11 metres unless otherwise agreed in writing by the Local Planning Authority.
- 1.3 The report is brought back to committee primarily for Members to consider the revision to condition 33. All other issues are the same as that reported on 9 January and as set out below.

2. Site Description:

- 2.1 The site comprises of a parcel of land, which is a former petrol filling station. Hornchurch Nursing Home at 2a Suttons Lane, is located to the north of the site, with a communal garden and parking area to the west of the site. A two storey detached office building entitled Spectrum House at 2b Suttons Lane is located to the south. Two storey residential properties are located to the east.

3. Description of development:

- 3.1 The application is for a mixed use development comprising of a retail store (A1 use) on the ground floor with 5 no. flats over the first and second floors. There are three, two bedroom and two, one bedroom flats. The building would be two and a half storeys in height with accommodation in the roof space. Flats 1, 2 and 3 would be located on the first floor and flats 4 and 5 would be located within the roof space. There is a communal entrance for the flats on the northern flank of the building. The provision for on site parking comprises of 5 car spaces for the flats and 11 car spaces for the retail store. The proposal includes the provision of a new service lay-by off Suttons Lane.
- 3.2 The building would measure 24.2 metres in width by 21.2 metres in depth. The building would measure 6.9 metres to the eaves and 11.1 metres to the ridge. The proposed building has a hipped roof. External materials are indicated to be brickwork, plain roof tiles and powder coated aluminium windows and doors. A shop front is provided to the front elevation of the building. Any signage displayed on this shop front would be subject to a separate application for Advertisement Consent.
- 3.3 The store will employ up to 20 employees, in a combination of part and full-time work.

4. Relevant History:

- 4.1 P0865.06 – Redevelopment including new sales building, forecourt, canopy and pumps and installation of new underground fuel tanks and ATM – Refused.

A0040.06 – Various illuminated and non-illuminated signage – Refused.

P1903.05 – Ramp to sales building and extension to rear of sales building to accommodate accessible sanitary facilities – Approved.

5. Consultations/Representations:

- 5.1 The occupiers of 45 neighbouring properties were notified of this proposal. At the time of drafting this report, the neighbour notification period had yet to expire. Members will be verbally updated of any further representations

received. Six letters of objection were received with detailed comments that have been summarised as follows:

- The impact of the retail unit on local businesses.
- Queried if the retail unit would have an off licence and refreshments.
- Parking.
- Traffic.
- Access.
- Congestion.
- Highway safety.
- The opening hours are too long.
- Litter and the provision of litter bins for the proposal.
- The lay-by may be used by vehicles trying to park there.
- Noise and disturbance from deliveries.
- Anti-social behaviour.
- The proposal should not affect the future development potential of 2b Suttons Lane.
- Noise from the air conditioning units.
- Party Wall procedures.
- It was suggested that this development could be incorporated as part of any redevelopment of the St George's hospital site.
- Lack of consultation.
- It is alleged that another supermarket in Hornchurch is not required.
- Height and position of the new development.
- Loss of light.
- Light pollution from the shop front and any future advertisements on the building.

5.2 In response to the above, comments regarding the impact of the retail unit on local businesses and the requirement for another supermarket are not material planning considerations. Environmental Health has recommended conditions regarding the transmission of noise from any mechanical ventilation system and any new plant or machinery. Comments regarding party wall agreements are not material planning considerations. The Council has a statutory obligation to consult neighbouring properties that adjoin the common boundary of the application site or are located in very close proximity to the site. The Council uses its discretion to undertake a wider level of consultation where appropriate. Comments regarding advertisements are not material planning considerations, as any advertisements would be subject to separate advertisement consent. The remaining issues will be covered in the following sections of this report.

5.3 The Fire Brigade is satisfied with the proposals.

5.4 Environmental Health - Recommend six conditions if minded to grant planning permission.

5.5 Designing Out Crime Officer - Recommends conditions in respect of cycle storage, external lighting and secured by design and an informative if minded to grant planning permission.

- 5.6 The Highway Authority has no objection to the proposals; it is recommended that the residential parking spaces are clearly marked out as such and that any redundant footway left after the alteration/extension of the vehicle crossovers is returned to footway at the applicant's expense. Secure cycle parking facilities should be provided for a minimum of one bicycle for up to two-bedroom homes. Recommends four conditions and two informatives if minded to grant planning permission.

6. Staff Comments:

- 6.1 Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP4 (Town centres), CP17 (Design), DC2 (Housing Mix and Density), DC3 (Housing Design and Layout), DC11 (Non-designated sites), DC15 (Locating retail and service development), DC32 (The road network), DC33 (Car Parking), DC34 (Walking), DC35 (Cycling), DC36 (Servicing), DC40 (Waste recycling), DC53 (Contaminated land), DC55 (Noise), DC61 (Urban Design), DC62 (Access), DC63 (Delivering Safer Places) and DC72 (Planning Obligations) of the LDF Core Strategy and Development Control Policies Development Plan Document are considered material together with the Design for Living Supplementary Planning Document, the Shopfront Design Supplementary Planning Document, the Landscaping Supplementary Planning Document, the Planning Obligations Supplementary Planning Document and Policies 2.15 (town centres), 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 4.7 (Retail and town centre development), 4.8 (Supporting a successful and diverse retail sector), 6.13 (parking), 7.1 (building London's neighbourhoods and communities), 7.13 (safety, security and resilience to emergency), 7.4 (local character) and 8.3 (Community infrastructure levy) of the London Plan are relevant. Chapters 1 (Building a strong, competitive economy), 2 (Ensuring the vitality of town centres), 4 (Promoting sustainable transport), 6 (Delivering a wide choice of high quality homes), 7 (Requiring good design), 8 (Promoting healthy communities) and 11 (Conserving and enhancing the natural environment) of the National Planning Policy Framework are relevant.

6.2 Principle of Development

- 6.2.1 Policy CP1 indicates that a minimum of 535 new homes need to be built each year on sites which are not designated for other purposes. The site is non-designated land and the Council generally requires the redevelopment for housing of commercial sites which become available for development in accordance with Policy DC11. Although the site is not within a retail area, it is considered that a mixed use scheme comprising of a retail unit (A1 use) on the ground floor with residential accommodation above is acceptable in principle. A Retail Planning Statement was submitted with this application, which states that the proposals are acceptable in terms of the sequential assessment and impact tests. The Statement concludes that the proposal adheres to the requirements of the NPPF, as there are no other sites or buildings in retail use within a 500 metre catchment that would be

sequentially preferable, available or appropriate in terms of their size to accommodate a convenience store.

6.3 Density and site layout

6.3.1 The Density Matrix in Policy DC2 seeks to guide higher density of development to those parts of the Borough having good access to public transport. Policy DC2 indicates a density requirement of 30-65 dwellings per hectare. The proposal achieves a density of some 46 units per hectare on this 0.108 hectare site, which is within the range indicated by Policy DC2 and by national planning policy.

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 amenity space for the flats would comprise a communal roof terrace with an area of 47 square metres on the second floor and private balconies. The front perimeter of the second floor communal terrace would have a 1.8 metre high obscured glass screen with planters behind to prevent undue overlooking of the gardens of Hornchurch Nursing Home. The Residential Design SPD Document states that balconies should be incorporated into all flatted developments and should as a minimum be 1.5 metres in depth and 5 square metres in overall size to allow adequate space for a table and chairs. All of the proposed balconies would have a depth and area which complies with policy. There would be a louvered hardwood screen on the flank wall of the balcony for Flat 3 to prevent undue overlooking of the gardens of Hornchurch Nursing Home at first floor level.

6.3.4 In terms of layout Policy DC4 states that subdivided or converted residential units should have a safe secure access from the street and decent outlook and aspect. There is a side entrance for the residential units which provides safe and secure access. It is considered that the flats would have a reasonable outlook and aspect.

6.3.5 Policy 3.5 of the London Plan advises that housing developments should be of the highest quality internally, externally and in relation to their context and to the wider environment. To this end Policy 3.5 seeks that new residential development conforms to minimum internal space standards set out in the plan. Table 3.3 states provides the following standards for flats: 1 bed, 2 person units, 50 square metres. 2 bed, 3 person units, 61 square metres and for 2 bed, 4 person units, 70 square metres. The floor area of

the flats is in accordance with the London Plan standards and are therefore acceptable.

- 6.3.6 The remaining 'public' area within the development is largely hard surfacing and consists of parking provision with some soft landscaping. The proposal includes the provision of a new service lay-by off Suttons Lane. It is considered that the layout of the site is acceptable.

6.4 Design/impact on street/Garden scene

- 6.4.1 Council policy and guidance seeks to ensure that all new developments are satisfactorily located and are of a high standard of design and layout. In this regard, it is important that the appearance of new developments is compatible with the character of the local street scene and the surrounding area. The site is located between detached, two and two/three storey buildings. In street scene terms, the provision of a two and a half storey building with accommodation in the roof space is considered to be acceptable. It is considered that the building would integrate satisfactorily with the prevailing scale and character of development within the locality. It is noted that the front building line for Spectrum House and Hornchurch Nursing Home is staggered and the proposal respects this.

- 6.4.2 The proposed hipped roof along with a low eaves line minimises the bulk of the building. In addition, the first floor of the building is recessed 2.3 metres from the ground floor retail unit, which further minimises bulk and articulates its front and flank elevations. It is considered that the height of the building is acceptable and would appear in character with neighbouring properties. The size and siting of the dormer windows adhere to the Residential Extensions and Alterations SPD and are contained well within the roof space.

- 6.4.3 The proposed building would utilise a mixture of materials including facing brickwork, reconstituted stone blocks and plain roof tiles. Staff are of the view that the proposed materials would be compatible with those to be found on neighbouring buildings. Full details of the samples of materials will be secured by condition if minded to grant planning permission.

6.5 Impact on amenity

- 6.5.1 Spectrum House is occupied by 'Johal & Company' chartered accountants and registered auditors. There is a ground floor window with roller shutters on the northern flank of Spectrum House, which is adjacent to a 2m high timber paling fence on the southern boundary of the application site. It is considered that the proposal would not result in a loss of amenity to Spectrum House given the commercial use of the property.

- 6.5.2 Hornchurch Nursing Home is located to the north of the site, with a communal garden and parking area to the west of the site. There is one ground floor window, one first floor window and one second floor roof light

on the southern flank of the nursing home (adjacent to the northern boundary of the application site) which serve bathrooms and are not habitable rooms. There are three ground and first floor windows on the eastern flank of the nursing home, (from left to right) one serves an en-suite and two serve a corridor, all of which are not habitable rooms. There are two second floor windows on the eastern flank of the nursing home (adjacent to the western boundary of the site) that serve a corridor, which is not a habitable room. There are two ground and first floor windows on the southern elevation of the nursing home (fronting its communal garden), which each serve a bedroom.

- 6.5.3 It is considered that the proposal would not result in a significant loss of amenity (including overlooking) to the Hornchurch Nursing Home for the following reasons. Firstly, there would be a separation distance of between approximately 20 and 21.4 metres between the southern flank of the nursing home (adjacent to the northern boundary of the application site) and the northern flank of the proposed building. Secondly, the rear façade of the building would be recessed 2 metres at first floor level from the western boundary of the site. Thirdly, the accommodation on the second floor is contained well within the roof space. There would be a separation distance of approximately 6 metres between the perimeter of the communal terrace and the western boundary of the site. Furthermore, the front perimeter of the second floor communal terrace would have a 1.8 metre high obscured glass screen with planters behind, which would provide screening and mitigate any overlooking of the nursing home. There would be a louvered hardwood screen on the flank wall of the balcony for Flat 3 to prevent undue overlooking of the gardens of Hornchurch Nursing Home at first floor level.
- 6.5.4 Staff consider that the proposal would not result in a significant loss of amenity to residential dwellings located opposite the application site (namely No.'s 35 to 45A-G Suttons Lane), as there would be a front to front distance of approximately 27 metres between the front façade of the proposed building and the front façade of No.'s 35 to 45A-G Suttons Lane.
- 6.5.5 This proposal is for the creation of a retail shop. It is considered that the traffic, both via car and foot, and general activity at and within the vicinity of the site from the proposed retail use, would be similar to that generated by the previous use of the site as a petrol station. From this, it could also be reasonably concluded that the use of the premises along with customers entering and leaving the site, would give rise to a similar degree of impact in terms of noise and general disturbance, as its former use as a petrol station. When reviewing the merits of this application, consideration was given to the fact that Suttons Lane is a relatively busy main road which is served by bus routes with fairly high ambient noise levels throughout the week. Given the nature of this road, there is no reason to believe that these observations are unusual. It is considered that the opening hours are acceptable and do not result in a significant loss of amenity to neighbours.

- 6.5.6 The operation of the retail unit during the core daytime hours is unlikely, in staff's view, to be materially harmful to residential amenity given the ambient noise levels already present in this location. The proposed opening hours for the retail unit are between 07.00 and 23.00 seven days a week. Staff consider that the opening hours are acceptable taking into account the former use of the site as a petrol filling station. It is noted that the Tesco store at 495-405 Brentwood Road, Romford has the same opening hours as this proposal (approved under application P0636.11). Members may however wish to apply their judgement to this aspect of the scheme.
- 6.5.7 Another form of noise which would be likely to result from this proposal is from deliveries and the associated unloading. Daily deliveries are required, as fresh produce deliveries are needed each day to maintain supply. A Delivery Servicing Plan has been submitted with this application regarding the management of delivery and servicing activity for the proposed convenience store. Deliveries to the store will not take place outside of the hours 06.00 to 22.00 Monday to Sunday. The Delivery Servicing Plan states that the occupiers has forecast that two depot (main) deliveries per day via an 11 metre rigid vehicle will be sufficient for daily customer trade. The use of vehicles up to 11m allows the occupiers to transport recyclable materials in empty vehicles back to their depot, which reduces servicing trips. In addition to depot deliveries, it is likely that there will be approximately five direct deliveries made each day by third-party suppliers, such as bread, milk and newspapers and these are often undertaken from panel or box vans. Also, there would be one weekly delivery of cigarettes. Therefore, the combined total of depot and direct deliveries is likely to be seven per day.
- 6.5.8 The Delivery Service Plan states that the occupiers approach to deliveries is to organise time windows, whereby staff know when to expect a delivery and so are in place to process it efficiently. Thus, service vehicles should not arrive at the same time. All delivery vehicles are in contact with each store where servicing is to take place via automated radio communications. The store manager will be responsible for the monitoring, implementation and updating of the delivery schedule. Subject to the imposition of conditions limiting opening, delivery and servicing hours and requesting details of a servicing and delivery plan, it is considered that any noise impact arising would not be unduly harmful.
- 6.5.9 Environmental Health has recommended conditions regarding the transmission of noise from any mechanical ventilation system and any new plant or machinery to ensure that this equipment does not result in noise nuisance.

6.6 Highway/parking issues

- 6.6.1 Policy DC36 seeks to ensure that new developments make adequate provision for servicing. The retail store would be serviced by a new lay-by off Suttons Lane as part of this application. The proposed layby is intended

for use by vehicles making deliveries to the proposed retail unit. Staff raise no objection to the provision of a layby in this location and the Council's Highway Authority has no objection to the proposal. In the event that this application were to be approved the layby would, upon completion, be incorporated into the public highway allowing the Council to introduce any parking or loading restrictions deemed appropriate using its Highway powers.

6.6.2 Car parking standards contained within the LDF recommend the provision of one off street parking space per 30 square metres of floor space for a retail shop in the rest of the borough location. The proposal would result in a retail floor space of 418 square metres which equates to a recommended maximum parking provision of 13 spaces. The proposal would provide 11 off street parking spaces for the proposed retail unit and the Council's Highway Authority have no objection to the proposal. Members will be aware that the Council's parking standards are maximum standards and as such it is appropriate to apply them flexibly having regard to site specific circumstances. Consideration should also be given to Government planning policy which encourages local planning authorities to be flexible with parking standards in areas where effective on-street parking control is present or can be secured. Consideration has been given to the location of the site being fairly well served by public transport, including Hornchurch Underground Station and bus routes. Staff are of the view that the parking and servicing arrangements for the retail unit are acceptable.

6.6.3 Policy DC2 of the LDF indicates that in this part of the Borough parking provision for residential development should be a maximum 1.5 to 2 spaces per unit. The proposal complies with Policy DC2, as there would be 1 space per dwelling.

6.6.4 There is provision for 6 cycle spaces for the retail unit and 5 spaces for the flats within a residential bike store. Staff consider the arrangement to be acceptable, but would require further details by condition if planning permission were to be granted.

6.6.5 The agent has advised that retail refuse and recycling collection will be provided by a private contractor.

7. The Mayor's Community Infrastructure Levy

7.1 The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. 420 square metres of new floor space is proposed for the retail unit and 468 square metres is proposed for the five dwellings. On this basis, the CIL liability equals $888 \times \text{£}20 \text{ per sq.m} = \text{£}17,760$. $\text{£}17,760 \times 0.9955 = \text{£}17,680.08$. Therefore, CIL would be payable up to $\text{£}17,680.08$ (subject to indexation).

8. **Planning Obligations**

- 8.1 A Section 106 Legal Agreement is required to secure a financial contribution of £30,000 to be used towards infrastructure costs in accordance with Policy DC72 and the Planning Obligations Supplementary Planning Document.

9. **Conclusion**

- 9.1 Staff consider the site to be acceptable in principle for a mixed use scheme comprising of a retail unit at ground floor and residential above. It is considered that the siting, design and scale of the proposed building is compatible with the prevailing scale and character of development within the locality. Staff are of the view that the proposal would have an acceptable relationship to adjoining properties and would provide suitable amenity provision for future occupiers. The proposal is judged to be acceptable in respect of potential impact on adjacent residential properties subject to the imposition of planning conditions. In respect of parking and highway matters the proposal would provide a lay by off Suttons Lane, which would be capable of accommodating delivery vehicles. There would be a financial contribution of £30,000 towards infrastructure improvements. Subject to the completion of a legal agreement the scheme is considered to be acceptable. The proposal is considered to be in accordance with the aims and objectives of the LDF Development Control Policies Development Plan Document and approval is recommended accordingly.

IMPLICATIONS AND RISKS

Financial implications and risks:

None.

Legal implications and risks:

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

Human Resources implications and risks:

None.

Equalities implications and risks:

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

BACKGROUND PAPERS

Application forms and plans received 6/11/2013.

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

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REGULATORY SERVICES COMMITTEE

REPORT

21 August 2014

| | |
|---|---|
| Subject Heading: | Application for the Stopping Up (under Section 247 of the Town and Country Planning Act 1990) of Highway Verge at land adjacent to Garrick House, Adelphi Crescent, Hornchurch shown zebra hatched on the plan annexed to this report. (Application received 29 th July 2014) |
| Report Author and contact details: | Vincent Healy, 01708 432467 Vincent.Healy@havering.gov.uk |
| Policy context: | Local Development Framework |
| Financial summary: | None |

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

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

1. SUMMARY

This report relates to an application received on 29th July 2014 for the stopping up of highway to enable part of the development of land pursuant to a planning permission (planning reference P0665.13). The planning permission (planning reference P0665.13) involves the construction of two single storey extensions to create four self-contained sheltered housing flats with associated amenity and car parking (“the Planning Permission”). It is the specific implementation of the parking element that requires this additional stopping up of highway.

The developer has applied to the Council under S.247 of the Town and Country Planning Act 1990 (as amended) (“the Act”) to stop up the area of footway (highway) shown zebra hatched on the plan 12040_103 annexed to this report so that the development can be carried out. The Council’s highway officers have considered the application and consider that the stopping up and diversion is acceptable to enable the Planning Permission to be carried out.

2. RECOMMENDATIONS

Subject to the payment of legal costs in respect of the disbursements costs pursuant to advertising notices that:-

- 2.1 The Council makes a Stopping Up Order to stop up highway under the provisions of s.247 Town and Country Planning Act (as amended) in respect of the areas of grass verge (highway) zebra hatched black on the attached plan 12040_103, as the land is required to enable development for which the Council has granted planning permission under planning reference P0665.13 to be carried out to completion, specifically the construction of a parking area.
- 2.2 In the event that no relevant objections are made to the proposal or that any relevant objections that are made are withdrawn then the Order be confirmed without further reference to the Committee.
- 2.3 In the event that relevant objections are made, other than by a Statutory Undertaker or Transport Undertaker and not withdrawn, that the application be referred to the Mayor for London to determine whether or not the Council can proceed to confirm the Order.

- 2.4 In the event that relevant objections are raised by a Statutory Undertaker or Transport Undertaker and are not withdrawn the matter may be referred to the Secretary of State for their determination unless the application is withdrawn.

3. REPORT DETAILS

- 3.1 On 1st August 2013 the Council's Regulatory Services Committee resolved to grant Planning Permission under planning reference P0665.13 for the construction of two single storey extensions to create four self-contained sheltered housing flats with associated amenity and car parking. The Planning Permission was issued on 9th August 2013. As part of the planning permission the relevant car parking arrangements were approved as shown on plan 12040_103.
- 3.2 The stopping up is necessary in order that the development pursuant to planning permission reference P0665.13 can be implemented and this the second stopping up order sought is require so that the car parling element of the planning permission can be carried out.
- 3.3 The dimensions of the area to be stopped up are approximately 8.475 metres by 5.582 metres.
- 3.4 Section 247 (2A) of the Town and Country Planning Act 1990 allows a London Borough to make an Order authorising the stopping up and of any highway if it is satisfied that it is necessary to do so in order to enable development to be carried out in accordance with a planning permission.
- 3.5 The Council makes the necessary Order, advertises it, posts Notices on site and sends copies to the statutory undertakers. There is then a 28 day period for objections to be lodged. If there are no objections or any objections that have been made are withdrawn the Council may confirm the Order, thereby bringing it into legal effect. If relevant objections are made and not withdrawn then the Council must notify the Mayor of London of the objections and the Mayor may determine that a local inquiry should be held. However under Section 252(5A) of the 1990 Act the Mayor of London may decide that an inquiry is not necessary if the objection/s are not made by a local authority, statutory undertaker or transport undertaker and may remit the matter to the Council for confirmation of the Order. If however a Statutory Undertaker of Transport Undertaker makes a relevant objection which is not withdrawn then the matter may be referred to the Secretary of State for determination.

4. IMPLICATIONS AND RISKS

4.1 Financial Implications and Risks:

The costs of advertising will be borne by the developer.

4.2 Legal Implications and Risks:

Legal Services will be required to draft the Stopping Up Order and Notices as well as amongst other matters carrying out the Consultation process and mediate any negotiation with objectors.

4.3 Human Resources Implications and Risks:

None directly attributable to the proposals.

4.4 Equalities and Social Inclusion Implications:

Section 149 of the Equalities Act 2010 (EA) came in to force on 1st April 2011 and broadly consolidates and incorporates the 'positive equalities duties' found in Section 71 of the Race Relations Act 1976 (RRA), Section 49 of the Disability Discrimination Act 1995 (DDA) and section 76(A)(1) of the Sexual Discrimination Act 1975 (SDA) so that due regard must be had by the decision maker to specified equality issues. The old duties under the RRA, DDA and SDA remain in force.

The duties under Section 149 of the EA do not require a particular outcome and what the decision making body decides to do once it has had the required regard to the duty is for the decision making body subject to the ordinary constraints of public and discrimination law including the Human Rights Act 1998.

Having considered the above duty and the Human Rights Act 1998 the stopping up of the highway verge will not lead to a break in the continuity of access. There will be a provision of 2 parking spaces which will be available

5. CONCLUSION

The proposed stopping up relates to an area of highway verge the stopping up of which is necessary to enable the development of land pursuant to a planning permission (planning reference P0665.13), which involves the construction of two single storey extensions to create four self-contained sheltered housing flats with associated amenity and car parking ("the Planning Permission"). In this case it is the parking element that is to be implemented. It is therefore

recommended that the necessary Order is made and confirmed to stop up the highway zebra hatched as shown on the attached plan.

Background Papers List

1. Report of Regulatory Services Committee of 1st August 2013 which resolved to grant planning permission under planning reference P0665.13.

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DO NOT SCALE
 REPORT ERRORS AND OMISSIONS TO THE ARCHITECT
 CHECK ALL DIMENSIONS BEFORE FABRICATION

| REVISION | DRAWN | CHKD | DATE |
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CONTRACT
Garrick House
Adelphi Crescent
Hornchurch, RM12 4LB

TITLE
Stopping Up
Parking Bays

SCALE 1:500 @A3

DATE Jul 2014


DRAWN CH

CHECKED DH

DRAWING No

12040_103

REVISION

KEY:
 Proposed highway to be stopped up



ATP Group
 Architects & Building Surveyors
 Brook House Coventry Road Ilford Essex IG1 4QR
 T 020 8532 4141 F 020 8532 4140 E atp.ilford@atpgroup.co.uk

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REGULATORY SERVICES COMMITTEE

REPORT

21 August 2014

Subject Heading:

Planning Contravention
30 Elms Close
Hornchurch

Report Author and contact details:

Simon Thelwell
Planning Control Manager (Projects and
Compliance)
01708 432685
simon.thelwell@havering.gov.uk
Local Development Framework

Policy context:

Financial summary:

Enforcement action and a defence of the
Council's case in any appeal will have
financial implications.

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

| | |
|--|-------------------------------------|
| Ensuring a clean, safe and green borough | <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

This report concerns a residential property at 30 Elms Close Hornchurch. In August 2011 the Planning Enforcement Service received a complaint that an outbuilding had been erected to the rear of the property without the benefit of planning permission. The outbuilding is some 2.7m in height and is within some 10cm of the boundary with 61 Rockingham Avenue Hornchurch. The structure is of brick construction with a dummy pitched roof.

The unauthorised development is considered to be unacceptable by its design and height and appears unsightly to neighbouring properties, in particular 61 Rockingham Avenue ,and therefore it is requested that authority be given to issue and serve Enforcement Notices to seek to remedy the breach.

RECOMMENDATIONS

That the committee consider it expedient that an Enforcement Notice be issued and served to require, within 3 months of the effective date of the notice the following:

- (1) The height of the building hatched black on the plan attached must be reduced to 2.5metres.*
- (2) Remove from the Land at 30 Elms Close, Hornchurch, all rubble and waste Material resulting from compliance with (1) above.*

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

REPORT DETAIL

1. **Site Description**

- 1.1 30 Elms Close Hornchurch shown outlined bold black on the attached plan is a detached house in a residential street with residential curtilage ("the Land").The Land has a rear garden.
- 1.2. In the rear of the garden of the Land is an outbuilding, the subject of this Report.
- 1.3 The outbuilding is approximately 2.7 meters in height and is within approximately 10cm of the boundary with 61 Rockingham Avenue. It is constructed of grey block work and brick. The front view of the outbuilding, facing the main property, shows a brick facia and tiled dummy pitch roof. The view from the rear elevation shows unrendered grey blocks with an open dummy hipped pitch roof which is open on three sides which partially screens a large flat roof.
- 1.4 The location of the outbuilding is shown hatched black on the attached plan.

2. **Relevant Planning and Enforcement History**

- 2.1 P 0406.08 (erection of 44 detached, semi- detached and terrace houses and associated access) –approved 05/06/08.
- 2.2 No Enforcement history.

3. **The Alleged Planning Contravention**

- 3.1 Without planning permission, the erection of an outbuilding in the rear garden. The alleged breach has occurred in the last 4 years.

4. **Policy and Other Material Considerations**

- 4.1 The unauthorised erection of an outbuilding within the rear garden of 30 Elms Close, Hornchurch is considered to be unacceptable in its design and height and appears unsightly ,by its design and materials used ,to neighbouring properties in particular 61 Rockingham Avenue. The outbuilding is 2.7m in height and is within approximately 10cm of the boundary fence of 61 Rockingham Avenue.
- 4.2 It is considered that the development is contrary to Policies, DC61 and the supplementary planning document for residential extensions and alterations of the Local Development Plan.
- 4.3 Negotiations have taken place with the owner of the property however a the roof has not been reduced in height or has a valid planning application been submitted.

5. **Recommendation for action**

- 5.1 The issue is whether it is expedient for the Council to serve a Planning Enforcement Notice having regard to the impact and nature of the unauthorised development. The relevant policies of the LDF are policy DC 61 (urban design)and the supplementary planning document for extensions and alterations.
- 5.2 Policy DC61 seeks to ensure that all development is compatible with its surrounding environment. In this case it is considered that the unauthorised development is unacceptable by its height and design which has impact on and prejudices the living conditions of neighbouring occupiers
- 5.3 Overall, the development requires a reduction in height which would then Comply with “permitted development” of outbuildings

- 5.4 Based on the information in this report it is judged that planning conditions cannot mitigate the adverse consequences of the breach. In these circumstances, it is considered expedient to take enforcement action and to serve a notice.

IMPLICATIONS AND RISKS

Financial implications and risks:

Enforcement action may have financial implications for the Council.

Legal implications and risks:

Enforcement action, defence of any appeal and, if required, prosecution procedures will have resource implications for the Legal Services.

Human Resources implications and risks:

No implications identified.

Equalities implications and risks:

Section 149 of the Equalities Act 2010 (EA) came in to force on 1st April 2011 and broadly consolidates and incorporates the 'positive equalities duties' found in Section 71 of the Race relations Act 1976 (RRA), Section 49 of the Disability Discrimination Act 1995 (DDA) and section 76(A)(1) of the Sexual Discrimination Act 1975 (SDA) so that due regard must be had by the decision maker to specified equality issues. The old duties under the RRA, DDA and SDA remain in force.

The duties under Section 149 of the EA do not require a particular outcome and what the decision making body decides to do once it has had the required regard to the duty is for the decision making body subject to the ordinary constraints of public and discrimination law including the Human Rights Act 1998.

Having consider the above duty and the Human Rights Act 1998 there are no equality or discrimination implications raised

BACKGROUND PAPERS

1. *Ordnance survey extracts showing site and surroundings.*

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Scale: 1:500
 Date: 31 July 2014
 Size: A4



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 Ordnance Survey 100024327

London Borough of Havering
 Town Hall, Main Road, Romford, RM1 3BD
 Tel: 01708 434343



REGULATORY SERVICES COMMITTEE

REPORT

21 August 2014

Subject Heading:

Land lying to the North of St Marys Lane also known as Tyas Stud Farm, St Marys Lane, Upminster

Report Author and contact details:

Simon Thelwell
Projects and Regulation Manager
01708 432685
simon.thelwell@havering.gov.uk
Local Development Framework

Policy context:

Financial summary:

Enforcement action and a defence of the Council's case in any appeal will have financial implications.

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

| | |
|---|-------------------------------------|
| Ensuring a clean, safe and green borough | <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

This report concerns rural land to the north of St Marys Lane, Upminster which is within the Metropolitan Green Belt. In March 2013 the Planning Enforcement service received a complaint that travellers were importing soil and hardcore materials onto the site. A Temporary Stop Notice and Injunction was served to stop further works and to prevent caravans or mobile homes to be brought onto the site. Despite the notice and Injunction works continued and the site was laid out as two travellers pitches. The site is now permanently occupied as a gypsy-travellers site.

RECOMMENDATIONS

That the committee consider it expedient that an Enforcement Notice be issued and served to require, by 6 months:

1. Cease the unauthorised use of the Land, for residential purposes.
2. Cease the use of the Land for the parking of vehicles.
3. Cease the use of the Land for storage purposes (associated with the unauthorised use).
4. Remove from the Land all mobile homes, caravans, vehicles, sheds, fences, decking, septic tanks, goods, machinery, rubbish, apparatus, equipment associated and installations brought onto the Land in connection with the unauthorised use.
5. Remove all hardstanding and materials deposited on the Land in connection with the unauthorised development.
6. Reinstate the Land to a condition suitable for rough grazing uses.

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

REPORT DETAIL

1. Site Description

The site is a rectangular shaped plot some 0.6 hectares in size and is sited in the Metropolitan Green Belt. The site lies to the north of St Marys Lane, Upminster immediately to the east of the M25. To the south of the site is Latchford Farm Aquatics which shares the same access road from St Marys Lane. To the north of the site is the C2C London Fenchurch Street to Southend Railway Line. The wider surrounding area overwhelmingly comprises of open land which forms part of the Metropolitan Green Belt.

In 2013 large amounts of hardstanding and soil were imported onto the site and two travellers pitches have been formed. This covers a substantial part of the site. Two new cement bases have been laid and two double unit mobile homes have been brought onto the site. The site is now occupied by two traveller families that permanently live on the site.

Also within the site is a large stable block (granted on appeal in 2006). The two double unit mobile homes also have verandas, brick plinths and picket fences to the front. . A concrete hardstanding has been formed adjacent to the stable block on which is placed a portable building/shed and a gas storage container. A touring caravan is also present on site.

The two pitches are separated by a post and rail fence. A 1.8 metre wooden panel fence has been erected along the southern and eastern boundaries of the site. The eastern and southern boundaries outside the fence line have mature hedges. To the west is the motorway embankment, which is mainly grass.

There are two residential properties close to the site at Latchford Farm and at Wyngray Farm to the south east of the site. The site lies within the Green Belt and the area of the Thames Chase Community Forest.

2. **Relevant Planning and Enforcement History**

Planning history

P1174.05 – Change of use to residential and stationing of two mobile homes and touring caravans – Refused 18-08-2005

P2122.05 – Change of use of the land to residential use and stationing of two mobile homes and a touring caravan for an extended Gypsy family. Refused 17-01-2006 Appeal allowed 11-10-2006 for 3 years

P2218.05 -Retrospective planning application for the retention of a stable block. Refused 01-02-2006 Appeal allowed 11-10-2006

P1363.09 - Renewal of planning permission for stationing of 1 mobile home on the land. This application was approved by the Council for a temporary period of 3 years. The permission was personal to the applicant, Mr Port and the decision notice was dated 26 February 2010. Temporary planning permission ran out on 26 February 2013.

P0773.13 - Change of use of land to caravan site for 2 pitches for occupation by two gypsy-travellers families with associated hard standing, utility block and package treatment plant (Part retrospective). – Refused 19-05-2014

Enforcement history

14 May 2013 - Temporary Stop Notice was served. The notice required unauthorised operational development of the Land to cease, including the importation and deposition of materials onto the Land including but not limited to hardcore and soils and the movement and spreading of materials. It also required all engineering operations on the Land, including the raising of levels on the Land to cease. Copies of the notice were delivered to the workers on site and copies were posted on the site and surrounding area.

24 May 2013 - Romford County Court granted an Injunction Order under Section 187B of the Town and Country Planning Act 1990 with a return date of 10 June 2013.

25 May 2013 - Injunction were served on two workmen on site. Copies of the Injunction was posted on the site and further copies left in the letterbox.

10 June 2013 Romford County Court granted a Permanent Injunction Order under Section 187B of the Town and Country Planning Act 1990. The Injunction prevents any person causing or permitting any unauthorised development of the land. Unauthorised development includes, but is not limited to, the importation of hardcore, soils and other construction materials onto the land and the formation of hardstanding whether by spreading, levelling or compacting materials. It also prevents any person from stationing any mobile homes, caravans or motor homes or for any residential use on the land without the prior grant of planning permission. The Injunction also order the removal of any mobile homes and/or caravans and all building materials including but not limited to fabric membrane, hardcore, gravel, sand, tarmac and soil brought on to the land in association with the unlawful formation of hardstanding on the land by 8 July 2013.

3. **The Alleged Planning Contravention**

Without planning permission, 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 importation of soil and the laying on hard surfacing on the land, the parking of vehicles and open storage on the Land.

4. **Policy and Other Material Considerations**

The Land lies within the Metropolitan Green Belt where the guidance in Policy E of the Planning Policy for Travellers sites (2012) is that traveller sites (temporary or permanent) are considered inappropriate development. Inappropriate development is by definition harmful to the Green Belt and should not be approved, except in very special circumstances. The guidance in the NPPF is that local planning authorities should ensure that substantial weight is given to the harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. This guidance has been reinforced in two recent ministerial statements in July 2012 and January 2014.

The unauthorised use of the Land for a gypsy and travellers site has a materially harmful impact on the Metropolitan Green Belt. The unauthorised use is detrimental to the visual amenity and character of the surrounding

area in general and is harmful to the essential open nature of this part of the Metropolitan Green Belt.

Both national and local planning policies provide for the protection of the Metropolitan Green Belt, the fundamental aim of Green Belts being to prevent urban sprawl by keeping land permanently open.

The Council has published a Gypsy and Travellers Sites Local Plan which has been submitted for formal examination by a planning inspector. However, whilst the public examination has commenced the Planning Inspector has issued a further note to the Council in which she agrees to suspend the examination of the Gypsy and Traveller Sites Local Plan. This is to allow the Council time to undertake additional work and public consultation on the plan. A date for the continuation of the examination has not yet been set, therefore, the formal adoption of the Local Plan is not anticipated until the end of 2014. Table 2 of the submission Local Plan identifies the application site as having one pitch.

Policies CP2 and DC8 of the Core Strategy and Development Control Policies DPD apply to the provision of travellers sites. CP2 states that sites will be identified to meet identified needs and DC8 sets criteria for the consideration of applications for travellers' sites. These include meeting an identified need and the site being capable of accommodating the number of caravans proposed. In the Green Belt the design, layout and landscaping should, amongst other things minimise the impact on openness and should not prejudice the purposes of including land in the Green Belt.

It is considered that the unauthorised use of the Land for two travellers' pitches has a materially harmful impact on the openness of the Green Belt. The size of the pitches, the extent of hardstanding, the introduction of mobile homes, caravans, fences, flowerbeds and sheds has a materially harmful impact on the openness of the Green Belt.

The occupiers carried on with the works despite the Temporary Stop Notice and the Injunction being served and gradually changed the rural open nature of the site to a former gypsy and travellers site.

The occupier's personal circumstances are known to the Council and have been formally considered however it is considered that the personal circumstances do not amount to the very special circumstances needed to over-ride planning policy in the Green Belt.

It is also regarded that the permanent residential accommodation would create infrastructure demands. The Council adopted a Planning Obligation Supplementary Planning Document in 2013 that sets a standard charge of £6,000 per dwelling to help meet the infrastructure requirements of new development.

5. **Recommendation for action**

The site lies within the area identified in the Havering Local Development Framework Core Strategy and Development Control Policies Development Plan Document as Metropolitan Green Belt. Policy DC45 of the Development Plan Document and government guidance in the National Planning Policy Framework set out what development is appropriate in Green Belts. Government guidance in Planning Policy for Traveller Sites states that traveller sites (temporary or permanent) in the Green Belt are inappropriate development. Such development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. No very special circumstances have been demonstrated in this case sufficient to outweigh the demonstrable harm that the development would cause to the openness of the Green Belt and the rural character of the area. The development would, therefore be contrary to policy DC45 of the Core Strategy and Development Control Policies Development Plan Document and the guidance in the National Planning Policy Framework and the Planning Policy for Traveller Sites.

It is therefore recommended that an Enforcement Notice be served.

IMPLICATIONS AND RISKS

Financial implications and risks:

Enforcement action may have financial implications for the Council.

Legal implications and risks:

Enforcement action, defence of any appeal and, if required, prosecution procedures will have resource implications for the Legal Services.

Human Resources implications and risks:

No implications identified.

Equalities implications and risks:

Section 149 of the Equalities Act 2010 (EA) came in to force on 1st April 2011 and broadly consolidates and incorporates the 'positive equalities duties' found in Section 71 of the Race relations Act 1976 (RRA), Section 49 of the Disability Discrimination Act 1995 (DDA) and section 76(A)(1) of the Sexual Discrimination Act 1975 (SDA) so that due regard must be had by the decision maker to specified equality issues. The old duties under the RRA, DDA and SDA remain in force.

The duties under Section 149 of the EA do not require a particular outcome and what the decision making body decides to do once it has had the required regard to the duty is for the decision making body subject to the ordinary constraints of public and discrimination law including the Human Rights Act 1998.

Having consider the above duty and the Human Rights Act 1998 there are no equality or discrimination implications even though the group of people involved with the unauthorised use are 'travellers' which are regarded as an ethnic group in their own right. However the travellers do not have a specific need to be on this site whether it is for ethnic or any other reason, this was investigated by staff at the time of the site visit and face to face conversations with the people living in the caravans. In the circumstance of a continuing and serious breach of planning control and the significant harm to amenity of the Metropolitan Green Belt the public interest in the amenity afforded by the protection of the Green belt outweighs the individual protection afforded by the Human Rights Act 1998 of those in breach.

BACKGROUND PAPERS

- 1. Non-exempt notes and correspondence on case file*
- 2. Aerial Photographs*
- 3. Relevant Planning History*

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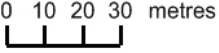


Tyas Stud Farm, St Marys Lane







Scale: 1:2000
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