



Havering

LONDON BOROUGH

REGULATORY SERVICES COMMITTEE AGENDA

7.30 pm

**Thursday
2 October 2014**

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

Members 11: Quorum 4

COUNCILLORS:

**Conservative
(5)**

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

**Residents'
(4)**

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

**UKIP
(1)**

Phil Martin

**Independent
Residents
(1)**

Graham Williamson

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

Protocol for members of the public wishing to report on meetings of the London Borough of Havering

Members of the public are entitled to report on meetings of Council, Committees and Cabinet, except in circumstances where the public have been excluded as permitted by law.

Reporting means:-

- filming, photographing or making an audio recording of the proceedings of the meeting;
- using any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later; or
- reporting or providing commentary on proceedings at a meeting, orally or in writing, so that the report or commentary is available as the meeting takes place or later if the person is not present.

Anyone present at a meeting as it takes place is not permitted to carry out an oral commentary or report. This is to prevent the business of the meeting being disrupted.

Anyone attending a meeting is asked to advise Democratic Services staff on 01708 433076 that they wish to report on the meeting and how they wish to do so. This is to enable employees to guide anyone choosing to report on proceedings to an appropriate place from which to be able to report effectively.

Members of the public are asked to remain seated throughout the meeting as standing up and walking around could distract from the business in hand.

AGENDA ITEMS

1 CHAIRMAN'S ANNOUNCEMENTS

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

The Chairman will announce the following:

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

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

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

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

2 APOLOGIES FOR ABSENCE AND ANNOUNCEMENT OF SUBSTITUTE MEMBERS

(if any) - receive.

3 DISCLOSURE OF PECUNIARY INTERESTS

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

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

4 MINUTES (Pages 1 - 16)

To approve as a correct record the minutes of the meeting of the Committee held on 21 August and 4 September 2014 and to authorise the Chairman to sign them.

5 PLANNING APPLICATIONS - SEE INDEX AND REPORTS (Pages 17 - 72)

- 6 **P0669.13 - LAND ADJACENT TO 330 ABBS CROSS LANE, HORNCHURCH**
(Pages 73 - 90)
- 7 **P0972.14 - 16 & 18 AND LAND TO THE REAR OF PROSPECT ROAD, HORNCHURCH** (Pages 91 - 114)
- 8 **P1002.14 - 20 PINWOOD ROAD, HAVERING-ATTE-BOWER** (Pages 115 - 130)
- 9 **P0986.14 - 104 PETERSFIELD ROAD, HAROLD HILL ROMFORD** (Pages 131 - 138)
- 10 **URGENT BUSINESS**

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

Andrew Beesley
Committee Administration
Manager

**MINUTES OF A MEETING OF THE
REGULATORY SERVICES COMMITTEE
Havering Town Hall, Main Road, Romford
21 August 2014 (7.30 - 9.20 pm)**

Present:

COUNCILLORS: 11

Conservative Group Ray Best, Philippa Crowder, Steven Kelly,
+John Crowder and +Carol Smith

Residents' Group Ron Ower (in the Chair), Linda Hawthorn,
Stephanie Nunn and Nic Dodin

UKIP Group Phil Martin

**Independent Residents
Group** Graham Williamson

Apologies were received for the absence of Councillors Robby Misir and Michael White.

+Substitute members: Councillor John Crowder (for Michael White) and Councillor Carol Smith (for Robby Misir).

Councillors Roger Ramsey, Damian White, Melvin Wallace and David Durant were also present for parts of the meeting.

22 members of the public were present.

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

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

46 P1015.13 - 6-7-8 CRANHAM HALL MEWS, THE CHASE, UPMINSTER

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

47 **A0032.14 - 7 CHASE CROSS ROAD, ROMFORD**

Officers requested that consideration of the item be deferred to allow the Member who had called in the application the opportunity to attend and explain the reasons for calling in the application.

48 **P0727.14 - 4 BURY FARM COTTAGES, ST MARY'S LANE, UPMINSTER**

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

49 **P0872.14 - THE FOREST CENTRE, BROADFIELDS FARM, PIKE LANE, UPMINSTER**

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

50 **P0251.14 - HARE LODGE, UPPER BRENTWOOD ROAD, ROMFORD**

The proposal before the Committee sought permission for the erection of a detached 2-storey three bedroom detached dwelling with associated parking on the southern part of the garden of Hare Lodge.

The site was situated within the Gidea Park Special Character Area. There were two preserved trees on site, subject of Tree Preservation Orders (TPO) and other trees within the site, mainly to the frontage, which were not subject to the TPO.

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

The objector commented that the proposed scheme was a rear garden development that was excessively cramped in its relationship with Hare Lodge. The objector also commented that it was wholly out of keeping in its relationship with the nearby dwellings in Cranbrook Drive.

The objector also commented that the development was close to the boundaries of the site and lack of amenity space would result in a cramped, over-development of the site materially harmful to and out of character with surrounding development, the Gidea Park Special Character Area and streetscene.

With its agreement Councillors Melvin Wallace and David Durant addressed the Committee.

Councillor Wallace raised objection to the development of the garden of Hare Lodge, a historical building in the borough. Councillor Wallace raised concerns regarding the proposal, making particular reference to the flat roof of the previous application. Councillor Wallace commented that he saw no difference in the current application that was designed to have a hipped roof. He added that the new development would not maintain or enhance the Gidea Park Special Character that also conflicted with Havering Policy DC69.

Councillor Durant commented in his objection that the development was contrary to the Gidea Park Special Character Policy. Councillor Durant also raised concerns regarding the previous proposal for the roof and the current hipped roof. Councillor Durant commented that both designs were detrimental to and would have an overbearing effect on Hare Lodge.

During a brief debate members raised concerns on the impact that the development would have on the streetscene and on amenities and parking in the neighbouring area.

The report recommended that planning permission be granted, however following a motion to refuse the granting of planning permission, it was **RESOLVED** that planning permission be refused for the following reasons:

- That the attempt to integrate a pitched roof onto a modernist architecturally themed building created a weak, discordant design which would be incongruous to the setting of Hare Hall Lodge and be materially harmful to the character of the Gidea Park Special Character Area.

51 **P0324.14 - 41-43 MAYLANDS AVENUE & 70 CORONATION DRIVE, ELM PARK**

The application before members was for the demolition of the existing single storey office building and the erection of a two storey building to form five two bedroom flats. There would be 2 two bedroom flats on the ground floor with a further two on the first floor and one in the loft.

During a brief debate members raised concerns on the impact that the development would have on the streetscene and on amenities and parking in the area.

Members raised concerns regarding the lack of adequate parking spaces for each of the properties taking into account the parking restrictions in the surrounding area. Members commented that since the approval of the original application, the revised application before them appeared to be an over-development of the site. Several Members had concerns regarding the additional apartment in the loft and the proposed dormer windows which could have a dominant effect on surrounding houses and lead to issues of overlooking.

The report recommended that planning permission be granted, however following a motion to defer the granting of planning permission it was **RESOLVED** that consideration of the report be deferred to allow officers to contact the applicant for further clarification of the following:

- Parking restrictions in the area in context of the ratio of on-site parking proposed including possibility of CPZ 106 resolution if relevant.
- Dormer relationship to Maylands Avenue and degree of overlooking of properties.

52 P0483.14 - 99 FRONT LANE, CRANHAM, UPMINSTER

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

53 P1020.12 - 69 OLDCHURCH ROAD, ROMFORD

The Committee considered the report, noting that the proposed development qualified for a Mayoral CIL payment of £33,656.80 and without debate **RESOLVED** that the proposal was unacceptable as it stood but would be acceptable subject to the applicant entering into a Section 106 Legal Agreement under the Town and Country Planning Act 1990 (as amended), to secure the following:

- 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, the Committee delegated authority to the Head of Regulatory Services to grant planning permission subject to the conditions as set out in the report.

54 **P0809.14 - 13 BURNTWOOD AVENUE, HORNCHURCH**

The report before members concerned an outline planning application for the demolition of an existing care home and the erection of four new dwellings and an access road.

Members noted that the application had been called in by Councillors Ron Ower and Roger Ramsey.

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

The Committee noted that a late letter of representation had been received that raised concern about the development being too near to adjoining properties.

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

The objector commented that the scheme would set a precedent for others to follow and as such would cause harm to the local area. The objector also commented that the infill development would not produce plot sizes equivalent to surrounding properties and also added that the layout was inappropriate and the plot width of one of the dwellings did not strictly comply with Supplementary Planning Guidance for the Emerson Park Policy Area. The objector also commented on the impact of the access road on neighbour's amenity with particular reference to number eleven Burntwood Avenue with issues arising from traffic and service vehicles.

In response, the applicant's representative had distributed a submission that detailed the proposal within the policy context, identifying areas that had been addressed from the previous refusal such as the overlooking and justifying elements of the scheme that remained unchanged. Reference was made to the significant gaps between the proposed and existing properties.

With its agreement Councillor Roger Ramsey addressed the Committee.

Councillor Ramsey commented that he had concerns regarding the application in view of its impact on adjoining properties and density. Councillor Ramsey also raised concern concerning the disturbance to amenity caused by the relationship of the access road to neighbour's houses.

During the debate members raised concerns regarding the application including the possibility of the development being a back garden development that would harm the character of Emerson Park area.

Members also received clarification regarding boundary distances and the Fire Services' comments regarding the application.

The report recommended that planning permission be granted, however following a motion to refuse planning permission which was carried by 10 votes to 0 with 1 abstention.

It was **RESOLVED** that planning permission be refused on the grounds that the layout of the plot and penetration of the built form would have on the rear open area. The development was out of keeping with and harmful to the character of the Emerson Park area. The physical plot width of the left hand frontage of the house failed to comply with the twenty three metres minimum plot width requirements, thereby harming the streetscene. There would be noise, disturbance and harm to local amenity caused by the relationship of the access road to neighbouring properties.

The vote for the resolution to refuse planning permission was carried by 10 votes to 0 with 1 abstention.

Councillor Phil Martin abstained from voting.

55 P0853.14 - PYRGO PRIMARY SCHOOL, SETTLE ROAD, HAROLD HILL

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

56 P1357.13 - FORMER PETROL FILLING STATION, ADJACENT 2A SUTTONS LANE, HORNCHURCH

The Committee considered the report and were updated on a late letter of representation and without debate **RESOLVED** that planning permission be granted subject to the conditions as set out in the report.

57 STOPPING UP ORDER - GARRICK HOUSE

The Committee considered the report and without debate **RESOLVED** that subject to the payment of the disbursements costs pursuant to advertising notices that:

- 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 was required to enable development for which the Council had granted

planning permission under planning reference P0665.13 to be carried out to completion, specifically the construction of a parking area.

- In the event that no relevant objections were made to the proposal or that any relevant objections that were made are withdrawn then the Order be confirmed without further reference to the Committee.
- In the event that relevant objections were 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.
- In the event that relevant objections were raised by a Statutory Undertaker or Transport Undertaker and were not withdrawn the matter may be referred to the Secretary of State for their determination unless the application was withdrawn.

58 **ENFORCEMENT REPORT - 30 ELMS CLOSE**

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

- (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 noncompliance, and if deemed expedient, that proceedings be instituted under the provisions of the Town and Country Planning Act 1990.

59 **ENFORCEMENT REPORT - TYAS STUD FARM**

Members considered the report and without debate **RESOLVED** it to be expedient that an Enforcement Notice be issued and served to require, within 6 months of the effective date of the enforcement notice:

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 noncompliance, and if deemed expedient, that proceedings be instituted under the provisions of the Town and Country Planning Act 1990.

Chairman

**MINUTES OF A MEETING OF THE
REGULATORY SERVICES COMMITTEE (MONITORING)
Havering Town Hall, Main Road, Romford
4 September 2014 (7.30 - 8.25 pm)**

Present:

COUNCILLORS: 11

Conservative Group Robby Misir (in the Chair) Philippa Crowder,
Steven Kelly, Michael White and Frederick Thompson

Residents' Group Linda Hawthorn, Stephanie Nunn, Brian Eagling and
Darren Wise

UKIP Group Phil Martin

**Independent Residents
Group** Graham Williamson

Apologies were received for the absence of Councillors Ray Best, Ron Ower and Nic Dodin.

+Substitute members: Councillor Frederick Thompson (for Ray Best), Councillor Darren Wise (for Ron Ower) and Councillor Brian Eagling (for Nic Dodin).

Councillor Jody Ganly was also present for part of the meeting.

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

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

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

60 MINUTES

The minutes of the meeting held on 17 July 2014 were agreed as a correct record and signed by the Chairman.

61 P1010.14 - 60 STATION ROAD, UPMINSTER

This item was deferred at officer's request to allow Councillor Linda Van den Hende to attend in person to explain her call-in of the application.

62 **A0032.14 - 7 CHASE CROSS ROAD, ROMFORD**

The planning application before Members sought permission for a non-illuminated wall mount advertising hoarding.

Members noted that the application had been called in by Councillor Robert Benham on the grounds that this type of application should be decided by the Committee instead of officers.

During a brief debate members noted that there had been an existing hoarding in the same position as that being proposed. Members noted that the existing hording had not been the subject of any complaints.

Officers advised Members that the existing hoarding had been erected without planning permission.

The report recommended that planning permission be refused, however following a motion to approve the granting of planning permission it was **RESOLVED** that planning permission be granted subject to standard conditions (for hordings), and to include no illumination of the hoarding.

63 **P0883.14 - 73 FARNHAM ROAD, HAROLD HILL - RETROSPECTIVE CHANGE OF USE FROM A1 (RETAIL) TO SUI GENERIS (SUNBED AND BEAUTY)**

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

64 **P0746.14 - LAND TO THE REAR OF 92 HARROW DRIVE, HORNCHURCH**

The proposal before Members was for the erection of a detached bungalow on land to the rear of 92 Harrow Drive, Hornchurch. The site was a strip of garden land and formed part of a traditional arrangement of rear domestic gardens serving the detached and semi-detached houses that fronted onto Harrow Drive.

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

The objector commented that historical applications for development on the site had been refused due to the lack of access from Hurstlands Close. The objector also commented that the proposed development would have a detrimental effect on the community spirit and character of the neighbourhood and could also lead to overlooking of properties in Harrow Drive. The objector also mentioned the lack of parking provision in the area.

In reply the applicant commented that he considered the proposal acceptable and within allowed tolerances. The applicant commented that due to a change in planning policies garden land was now classified as brownfield land and development on this type of land was now encouraged with each case being considered on its own merits.

With its permission Councillor Jody Ganly addressed the Committee.

Councillor Ganly commented that local residents had not been fully consulted regarding the proposed development and that many residents had concerns regarding back garden developments. Councillor Ganly also commented that the proposed development was cramped and unsuitable and that a restricted covenant on number 92 Harrow Drive allowed for only one property on the site. Councillor Ganly also commented that the domestic sprinkler system that had been asked for by the LFEPA, as there was insufficient turning space for a pump appliance, was not suitable. Councillor Ganly also wished to remind Members that the only parking provision on the site was for the residents of Hurstlands Close.

During the debate Members discussed the issue of back garden developments and the changing nature of the area. Members felt that the access road to the site was unsuitable for vehicles carrying building materials which would be forced to reverse back along the access road once deliveries were completed. Members also discussed the cramped nature of the development, whilst it was felt that the proposed bungalow was acceptable in its design, the narrow access road was felt to be unsuitable for servicing the property.

The report recommended that planning permission be granted, however following a motion to refuse the granting of planning permission which was carried by 8 votes to 3 it was **RESOLVED** that planning permission be refused on the grounds that the proposal was a cramped over-development of a constrained backland site with poor access which was insufficient for service and emergency vehicles and harmful to the character and amenity of surroundings.

The vote for the resolution to refuse planning permission was carried by 10 votes to 0 with 1 abstention.

Councillor Martin abstained from voting.

65 **P0819.14 - HILLDENE NORTH, HAROLD HILL, ROMFORD - DEMOLISH FILLING STATION CONSOLE BUILDING AND CANOPY, REMOVE HARDSTANDINGS AND ERECT 12NO. TWO-STOREY SEMI-DETACHED AND TERRACED DWELLINGS AND NINE SELF-CONTAINED FLATS IN A THREE-STOREY APARTMENT BLOCK, CONSTRUCT BIN AND CYCLE STORES, LAY OUT PARKING AND AMENITY AREAS AND FORM NEW VEHICULAR ACCESSES ONTO HILLDENE CLOSE, HILLDENE AVENUE AND BRIDGEWATER ROAD**

The Committee considered the report, noting that the proposed development qualified for a Mayoral CIL payment of £27,090 and without debate **RESOLVED** that the proposal was unacceptable as it stood but would be acceptable subject to the applicant entering into a Legal Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended), to secure the following:

- A financial contribution of £126,000 to be paid prior to commencement of development to be used towards infrastructure costs in accordance with the Policy DC72 of the LDF Core Strategy and Development Control Policies Development Plan Document and the Planning Obligations Supplementary Planning Document.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the Legal Agreement prior to the completion of the agreement irrespective of whether the agreement is completed.
- Payment of the appropriate planning obligations monitoring fee prior to the completion of the agreement.

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

66 **P0923.14 - LAND ADJACENT TO MOLE END, NOAK HILL ROAD, ROMFORD**

The application before Members sought planning permission to demolish the existing double garage and tack room and erect one, two bedroom, four person single storey house.

Officers advised the Committee that bullet point 9.1 of the report should have read:

- The agent asserted that the intention was to trade off the volume of the proposed house against the volume of the double garage and tack room which was approximately 167 cubic metres, the volume of the proposed house was approximately 276 cubic metres.

The Committee considered the report, noting that the proposed development was liable for a Mayoral CIL contribution of £696.85 and without debate **RESOLVED** that the proposal was unacceptable as it stood but would be acceptable subject to the applicant entering into a Section 106 Legal Agreement under the Town and Country Planning Act 1990 (as amended), to secure the following:

- A financial contribution of £6,000 to be used towards infrastructure costs in accordance with the Planning Obligations Supplementary Planning Document.
- 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 as set out in the report.

67 **APPLICATION FOR THE STOPPING UP (UNDER SECTION 247 OF THE TOWN AND COUNTRY PLANNING ACT 1990) OF HIGHWAY VERGE AT LAND ADJACENT TO FOOTWAY OFF NEAVE CRESCENT, ROMFORD**

The Committee considered the report and without debate **RESOLVED** that subject to the payment of legal costs in respect of the disbursements costs pursuant to advertising notices that:-

- 1.1 The Council make 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 area of footway (highway) zebra hatched black on the attached plan 9140-01, as the land was required to enable development for which the Council had granted planning permission under planning reference P0315.14 to be carried out to completion.

- 1.2 In the event that no relevant objections were made to the proposal or that any relevant objections that were made were withdrawn then the Order be confirmed without further reference to the Committee.
- 1.3 In the event that relevant objections were 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 could proceed to confirm the Order.
- 1.4 In the event that relevant objections were raised by a Statutory Undertaker or Transport Undertaker and were not withdrawn the matter may be referred to the Secretary of State for their determination unless the application was withdrawn.

68 **APPLICATION FOR THE STOPPING UP (UNDER SECTION 247 OF THE TOWN AND COUNTRY PLANNING ACT 1990) OF HIGHWAY FOOTWAY ON THE WESTERN SIDE OF HILLDENE CLOSE, HAROLD HILL**

The Committee considered the report and without debate **RESOLVED** that subject to the payment of legal costs in respect of the disbursements costs pursuant to advertising notices that:-

- 1.1 The Council commence the process of making 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 footway (highway) as the land was required to enable development for which the Council had resolved to grant planning permission subject to prior completion of a Section 106 Agreement under planning reference P0819.14 to be carried out to completion, specifically the construction of a parking area.
- 1.2 In the event that no relevant objections were made to the proposal or that any relevant objections that were made were withdrawn and the Council had issued planning permission under planning reference P0819.14 following satisfactory completion of the Section 106 agreement then the Order be confirmed without further reference to the Committee.
- 1.3 Following the issue of planning permission under planning reference P0819.14 and in the event that relevant objections were 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 could proceed to confirm the Order. In the event that relevant objections were raised by a Statutory Undertaker or Transport Undertaker and were not withdrawn the matter may be referred to the Secretary of State for their determination unless the application was withdrawn.

69 **PLANNING OBLIGATIONS/LEGAL AGREEMENTS**

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

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

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

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

The report accompanied a schedule of appeals and a schedule of appeal decisions, received between 7 June 2014 and 8 August 2014.

The report detailed that 20 new appeals had been received since the last meeting of the Monitoring Committee in June 2014.

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

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

71 **SCHEDULE OF ENFORCEMENT NOTICES**

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

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

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

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

72 **PROSECUTIONS UPDATE**

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

The Committee **NOTED** the report.

73 **EXCLUSION OF THE PUBLIC**

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

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

The report before the Committee compiled a schedule listing, by Ward, all the complaints received by the Planning Control Service over alleged planning contraventions for the period from 7 June 2014 and 8 August 2014.

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

Chairman

Regulatory Services Committee

2 October 2014

Page No.	Application No.	Ward	Address
1-4	A0042.14	Rainham & Wennington	Tesco Stores Ltd, Bridge Road, Rainham, Essex
5-12	P0033.14	Brooklands	205 Rush Green Road, Romford
13-18	P0633.14	South Hornchurch	Unit 8, Fairview Industrial estate, Marsh Way, Rainham
19-23	P0814.14	Upminster	Park Corner Farm, Park Farm Road, Upminster
24-31	P0818.14	Romford Town	112-116 South Street, Romford
32-43	P0907.14	Upminster	Cranham Golf Course, St marys Lane, Upminster
44-49	P0989.14	Brooklands	Land to the West of Sandgate Close, Romford
50-54	P1070.14	Rainham & Wennington	Tesco Stores Ltd, Bridge Road, Rainham.

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REGULATORY SERVICES COMMITTEE

2nd October 2014

APPLICATION NO:	A0042.14	
WARD :	Rainham & Wennington	Date Received: 22nd July 2014 Expiry Date: 16th September 2014
ADDRESS:	Tesco Stores Ltd Bridge Road Rainham	
PROPOSAL:	Advertisement consent for 4no. statically illuminated signs and 5no. non-illuminated signs on Dry Cleaning, Key Cutting, Shoe & Watch Repairs retail Pod.	
DRAWING NO(S):	TSQP4 12861-060 Rev C4 12861-001 Rev C4 3086pag##.dgn 3086gag##.dgn 3086gag1#.dgn	
RECOMMENDATION :	It is recommended that planning permission be GRANTED subject to the condition(s) given at the end of the report given at the end of the report.	

CALL-IN

The application has been called-in to committee by Councillor Tucker alongside planning application P1070.14 on the grounds that the proposal appears to be an over-development that will inflict significant harm to the vitality and viability of the Rainham village high street.

SITE DESCRIPTION

The application relates to a section of the the Tesco supermarket site at Bridge Road, Rainham. The site is currently an area of hardstanding located within the south western corner of the main Tesco's car park, adjacent to a covered pedestrian walkway and the pedestrian crossing on Viking Way. The main Tesco store lies to the north and 'The Royals' Youth Centre and an area of public amenity space are sited on the opposite side of the Viking Way to the south. The site is within the Rainham Minor District Centre and as such the surrounding area is characterised by predominantly town centre commercial uses.

DESCRIPTION OF PROPOSAL

The application is seeking advertisement consent for the installation of 4no. statically illuminated signs and 5no. non-illuminated signs.

The main upper fascia strip panels on each of the four elevations will feature internally illuminated signs. The remaining 5no. signage boards will be attached lower down on elevations B, C and D.

The proposed signage will be installed on a 4.2 metre by 4.2 metre and 2 metre high kiosk building currently being considered under a separate planning application (P1070.14). The signage will advertise the various uses of the kiosk which will offer services ranging from dry cleaning, key cutting, shoe and watch repairs.

RELEVANT HISTORY

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- P1070.14 - Erection of of Dry Cleaning, Key Cutting, Shoe & Watch Repairs Pod to Retail Premises.
Awaiting Decision
- A0009.14 - 14 illuminated and Non illuminated car park signs, building signs, petrol filling station and gantry/totem signs.
Apprv with cons 17-04-2014
- P0239.14 - Proposed replacement of metal framed trolley bays and Perspex infill panels with wooden framed trolley bays with Perspex infill panels and new timber slat wall cladding adjacent the entrance lobby.
Apprv with cons 17-04-2014
- A0064.13 - 6 non-illuminated free standing signs and 2 non-illuminated signs
Apprv with cons 20-11-2013
- P1699.08 - 23 additional internal car park spaces, extension of ghost island right turn lane into the petrol filling station and new 2 lane exit onto the Bridge Road roundabout.
Withdrawn 31-10-2008
- P0956.08 - Addition of disabled and parent and child car parking spaces
Apprv with cons 13-08-2008
- P0708.08 - Install lobby at front
Apprv with cons 26-06-2008
- P0387.07 - Extension of existing ATM room to include an additional ATM.
Apprv with cons 24-04-2007

CONSULTATIONS/REPRESENTATIONS

Notification letters were sent to 16 properties and no representations have been received.

Local Highway Authority - no objection.

RELEVANT POLICIES

LDF

DC61 - Urban Design
DC65 - Advertisements

OTHER

NPPF - National Planning Policy Framework

STAFF COMMENTS

The main considerations relate to the impact on the character and appearance of the streetscene, the implications for the residential amenity of occupants of nearby houses and the impact on highway safety.

DESIGN/IMPACT ON STREET/GARDEN SCENE

In comparison to the surrounding buildings and structures the proposed signage will be attached to a relatively small single storey kiosk structure.

Although the signage boards on elevations B and C will be relatively substantial in comparison to

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the building it is considered that given the nature of this type of commercial structure the signage will not unduly impact on the appearance of the elevations and will serve to complement the form and composition of the building.

Overall it is considered that the size, design, siting and degree of illumination would be in character with the surrounding commercial area and would not materially harm the visual amenity of this section of Viking Way in accordance with policies DC61 and DC65.

IMPACT ON AMENITY

The proposed kiosk signage will be sited adjacent to the main Tesco car park and will be associated with the existing commercial activities of this area.

It is proposed that 4no. of the signs will be illuminated, however the nearest residential accommodation is located approximately 37 metres away to the south east at No.s 13 & 15 Parkway and will not be unduly affected. Given the relatively low key nature of the proposed signage and the existing commercial setting it is not considered that the proposal will result in any undue impact on the amenity of the neighbouring residents.

In addition it is not considered that the proposed signage would be overwhelming to pedestrians or unduly compromise public safety in accordance with policy DC65.

HIGHWAY/PARKING

Policy DC65 states that the Council will ensure that any advertisements or signs do not pose a hazard to traffic.

The proposed signage will be visible from the public highway at Viking Way, but will be screened to some degree from traffic approaching from the west by the existing covered pedestrian walkway which will serve to reduce the overall prominence. On balance the proposed signs are not considered to result in any distraction or significant influence to the present traffic situation. It is considered that the proposal would not affect highway safety.

The Local Highway Authority have raised no objection to the proposal.

KEY ISSUES/CONCLUSIONS

The proposal will harmonise well the commercial character of the streetscene and will not result in any loss of amenity to neighbouring residents in accordance with Policy DC61 and DC65.

The proposal is considered to be acceptable in all other respects and it is therefore recommended that planning permission be granted subject to conditions.

RECOMMENDATION

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

1. SC01A (Standard advert condition)

Compliance with the five standard conditions as defined in regulation 2(1) and set out in schedule 2 of the Town and Country Planning: (Control of Advertisements) (England) Regulations 2007

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2. SC01B (Maximum luminance) ENTER DETAILS

The maximum luminance of the fascia signs hereby permitted shall not exceed 130 cd/m².

Reason:-

To comply with the recommendations of the Institute of Public Lighting Engineers Technical Report No. 5 (Third Edition) in the interests of amenity, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC65

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.

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:	P0033.14	
WARD :	Brooklands	Date Received: 8th May 2014 Expiry Date: 3rd July 2014
ADDRESS:	205 Rush Green Road Romford	
PROPOSAL:	Extract ducting and change of use from A1 to a flexible A1,A2,A3 & A5 use with opening hours of 11:00-23:00 every day and 12:00 - 22:30 on Bank Holidays. Revised Plan received 22.08.2014	
DRAWING NO(S):	P01 Revision B X02 X01	
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

Two storey end of terrace property with an A1 unit at ground floor, which is in use as an Eastern European food and drinks store. The surrounding area comprises of a commercial row of shops with residential accommodation above. The site is located within the Rush Green Road Major Local Centre. There are residential dwellings to the west of the site.

DESCRIPTION OF PROPOSAL

The application is for a change of use from A1 to a flexible A1, A2, A3 and A5 use and extract ducting.

Opening hours are proposed to be 11:00 to 23:00 Monday to Sunday and 12:00 to 22:30 on Bank Holidays.

The application is accompanied by floor plans which indicate the provision of a customer area, counter, cooking area, staff area and wash area.

Details of the numbers of staff were not provided.

The extract duct would have a height of 4.55 metres, a width of 0.48 metres and a depth of 0.45 metres.

RELEVANT HISTORY

P0624.10 - Change of use from A1 to A5 and installation of two extract flues - Refused.

CONSULTATIONS/REPRESENTATIONS

The application has been advertised in a local newspaper and by way of a site notice, as the application does not accord with the provisions of the development plan. Neighbour notification letters were sent to 29 local addresses. Two letters of objection were received (from the same address) with detailed comments that have been summarised as follows:

- Rubbish.

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- Parking on yellow lines outside the parade of shops.
- Cars obstructing access to the driveway and front gardens of neighbouring properties.
- Highway and pedestrian safety.
- Concerns regarding the extended opening hours.

Environmental Health - Recommend conditions and informatives if minded to grant planning permission.

Highway Authority - No objection.

RELEVANT POLICIES

Policies DC16, DC23, DC33, DC55 and DC61 of the Local Development Framework Development Control Policies Development Plan Document.

STAFF COMMENTS

This proposal follows a previous application, P0624.10, for a change of use from A1 to A5 and the installation of two extract flues, which was refused planning permission for the following reasons:

1)The proposal would, by reason of the noise and disturbance caused the flues, combined with their proximity to No. 207 Rush Green Road, result in the unacceptable loss of amenity, contrary to Policy DC61 of the LDF Core Strategy Development Control Policies DPD.

2)The proposal, because it involves the loss of a retail unit within the Rush Green Major Local Centre, would contribute to a decline in the attractiveness and function of this area as a shopping centre, and would be contrary to Policy DC16 of the Havering Core Strategy and Development Control Policies Submission DPD.

The issue in this case is whether the revised proposal overcomes previously stated concerns. In this respect, the current application differs from the refused scheme in the following key areas:

- One extract duct has been deleted.
- The siting of the extract duct has changed and is located further away from the flank habitable rooms of the first floor flat -205a Rush Green Road.

The issues arising from this application are the principle of the development, including the impact of the proposed changes of use on the retail vitality and viability of the Rush Green Road Major Local Centre, impact on residential amenities and highways/parking.

PRINCIPLE OF DEVELOPMENT

The application site is located within the Rush Green Road Major Local Centre. Policy DC16 states that planning permission for A1 retail uses will be granted throughout the primary shopping area (comprising the retail core and fringe) at ground floor level and planning permission for service uses (Classes A2, A3, A4, A5) will be permitted within the retail core only where the following criteria are met:

- The use provides a service appropriate to a shopping area;
- The proposal will not result in a group of three or more adjoining A2-A5 uses;
- Within the Major Local Centres, not more than 33% of the length of the relevant frontage will be in non-retail use following implementation of the proposal.

All shop fronts in retail core and fringe areas must be active and maintain the impression of a visual and functional continuity to aid in enhancing the vitality of the town centre.

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This policy is intended to maintain the viability and vitality of the town centre by protecting the predominantly retail use so that the range and choice of goods sold are maintained. The retail core of the town centre has been defined in such a way as to single out the most concentrated areas of shopping for protection. In these areas the policy seeks to restrict the number of non-retail uses and also to prevent their grouping as this would interrupt the continuity of individual shopping frontages thus undermining their contribution to the centre as a whole.

The proposal would result in a group of three or more adjoining A2-A5 uses - comprising Mansell Estates at No. 203 and Farmer Insurance Brokers at No.'s 199-201 Rush Green Road.

In determining the relevant frontage for the purposes of the above, it is considered that the frontage runs between No.'s 205 Rush Green Road to No. 86 Dagenham Road. The frontage begins at the application site - No. 205 Rush Green Road and ends at New Season Chinese takeaway at No. 86 Dagenham Road. This frontage has a total length of 60 metres.

There are 6 units within this parade. The four non-retail uses comprise the application site at No. 205 - currently in A1 use, No.'s 199-201 - Farmer Insurance Brokers, No. 203 - Mansell Estates and No. 86 Dagenham Road - New Season Chinese takeaway.

These four non-retail uses including the proposed change of use at No. 205 Rush Green Road with a combined frontage measuring 36.4 metres, would result in 60.6% of the total length of the parade in non-retail use, exceeding the 33% given in policy.

The proposed change of use from A1 to a flexible A1, A2, A3 and A5 use would provide services appropriate to the Rush Green Road Major Local Centre and therefore would contribute to the vibrancy and vitality of the locality. Staff are of the view that the proposal would maintain an active shop front and has the potential to make a contribution to pedestrian flows. It is proposed that the premises be open seven days a week during normal shopping hours.

When reviewing the merits of this application, consideration was given to planning application P2477.07 at No. 203 Rush Green Road, which sought consent for a change of use from A1 (shop) to A2 (estate agents), which was refused for the following reason. The proposal, because it involves the loss of a retail unit within the Rush Green Major Local Centre, would contribute to a decline in the attractiveness and function of this area as a shopping centre, and would be contrary to Policy DC16 of the Havering Core Strategy and Development Control Policies Submission DPD.

This application was subsequently allowed on appeal and the Inspector was not convinced that it is appropriate to make precise calculations over such a restricted definition of frontage or (since unit widths can vary considerably) that it is necessarily appropriate to consider the insurance broker's office as two units, albeit that it may once have been so. The Inspector considered that the main centre of gravity at Rush Green is along Dagenham Road southwards from the Post Office to the public car park, including the supermarket. Compared with that area, and the area close to the junction on the north side of Rush Green Road, the length comprising No.'s 199-205 is more peripheral. Estate agency offices are commonly found within, and considered appropriate to, retail areas. The Inspector was not convinced that the objective of Policy DC16 to retain the retail function, vitality and viability of the centre would be materially compromised by the change of use of this particular unit and allowed the appeal.

Although the change of use would be contrary to Policy DC16, it is considered that on balance, a flexible A1, A2, A3 and A5 use would be acceptable, particularly as it may not result in the loss of a retail unit and would contribute positively to the vitality of the Rush Green Road Major Local

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Centre. It is however acknowledged that the proposal represents a departure from planning policy and that the issues in this case are balanced. For the above reasons, the principle of the change of use is a matter of judgement for Members.

DESIGN/IMPACT ON STREET/GARDEN SCENE

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.

There would be some limited oblique views of the extract duct from Rush Green Road, although it is considered that it would not be materially harmful to the streetscene, as it would be set back approximately 11 metres from the front facade of the building, which minimises its prominence. In addition, the extract duct would project one metre above the eaves of the building and its width and depth are relatively modest in size.

IMPACT ON AMENITY

With regard to the impact upon neighbouring properties consideration must be given to potential implications in terms of operating hours and noise and disturbance.

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 uses such as those proposed are more suitably located within a town centre location than within a predominantly residential setting, where some degree of evening activity can be expected and ambient noise levels are generally higher.

The application property lies within a row of commercial premises which forms part of Rush Green Road Major Local Centre. From the site visit it was observed that Rush Green Road 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 evenings and on Sundays and Bank/Public Holidays.

It is Staff's view that the proposal would not result in significant noise and disturbance over and above existing conditions given the location in a Major Local Centre. Opening hours would be secured by condition if minded to grant planning permission.

In this instance, opening hours are proposed to be 11:00 to 23:00 Monday to Sunday and 12:00 to 22:30 on Bank Holidays. 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. Also, Staff consider that the opening hours would be similar to other premises in this parade of shops, for example, the opening hours for Rush Green Balti Indian takeaway, No. 166 Rush Green Road are between 9:00 - 23:00 Monday to Saturday and 9:00 to 22:30 on Sunday (reference application P0816.96). In addition, the opening hours for Dixy Chicken & Pizza, 178 Rush Green Road are between 18:30 to 23:00 Monday to Sunday, Bank and Public Holidays (application P0055.04). The opening hours for Adil Indian takeaway, 172 Rush Green Road are between 8:00 and 23:30 (application L/HAV/662/74). If minded to grant planning permission, conditions will be placed for the following aspects: opening hours, trading days, deliveries and refuse storage.

Staff do however note that, in this case, although within a shopping centre, the application site

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directly adjoins the boundary with a residential dwelling. Members will therefore wish to exercise judgement as to the degree of harm to amenity caused by the introduction of a potential A3 or A5 unit in close proximity to the neighbouring dwelling.

Staff consider that the extract duct on the rear facade of the building would not result in a significant loss of amenity to neighbouring properties, as conditions from Environmental Health will be placed including one in respect of odours. Also, it is considered that deleting one extract duct and altering the position of the remaining extract duct have brought the scheme within the realms of acceptability and has addressed previous concerns regarding the impact on neighbouring amenity.

HIGHWAY/PARKING

There is no off street parking on the site, although there is a car park in Dagenham Road. The premises currently trades without any dedicated on site parking provision. 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.

KEY ISSUES/CONCLUSIONS

Although the change of use would be contrary to Policy DC16, it is considered that on balance, the A1, A2, A3 and A5 uses would be acceptable, particularly taking into account the appeal decision for application P2477.07. The acceptability of the use is however a matter of judgement for members. It is considered that the opening hours would be acceptable and the extract duct would not have an adverse impact on the streetscene or neighbouring amenity, subject to conditions. It is considered that the proposal would not be detrimental to neighbouring amenity. There are no parking issues as a result of the proposal and it is not considered the proposal would give rise to any other highway issues. Approval is recommended.

RECOMMENDATION

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

1. SC4 (Time limit) 3yrs

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

Reason:-

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

2. SC32 (Accordance with plans)

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

Reason:-

The Local Planning Authority consider it essential that the whole of the development is carried out and that no departure whatsoever is made from the details approved, since

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3. SC27 (Hours of use) ENTER DETAILS

The premises shall not be used for the purposes hereby permitted other than between the hours of 11:00 and 23:00 on Mondays to Sundays and between 12:00 and 22:30 on 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.

4. Construction and delivery hours

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

Reason:-

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

5. Insulation (Pre Commencement Condition)

Before the commercial use commences, the walls and ceiling of the ground floor 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.

6. Plant & machinery (Pre Commencement Condition)

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.

7. Noise & vibration (Pre Commencement Condition)

Before the A3 or A5 uses hereby approved commence, 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.

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8. Odours (Pre Commencement Condition)

Before the A3 or A5 uses hereby approved commence 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 designed and certified by a competent engineer and after installation a certificate to be lodged with the Planning Authority. Thereafter, the equipment shall be properly maintained and operated within design specifications during normal working hours.

The level of dispersion has been calculated based upon an estimation of intended use scale and nature of the business and has been determined as
Discharging 1m above eaves at 10-15 m/s.

Odour control should be implemented as described in guidance issued by the environmental health department to the level required by the level of likely nuisance.

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

9. SC58 (Refuse and recycling)

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

Reason:-

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

INFORMATIVES

1 Approval following revision

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

2 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.

3 Non Standard Informative 1

The applicant is advised to have regard to the following guidance provided in:

- The Food Industry Guides to Good Hygiene Practice:
- Workplace, Health, Safety and; Welfare Approved Code of Practice L24 ISBN 0-7176-0413-6 available to order from book shops.

Further information is available at the following web sites:

- Food safety - www.food.gov.uk/foodindustry/
- Occupational safety & health - www.hse.gov.uk

Applicants have found it beneficial to consider the items below before final detailed

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plans are produced

1. provision of suitable outside bin storage
2. provision of a grease trap on the foul drainage
3. proper storage and disposal of waste oil
4. vehicle and pedestrian routes when loading and unloading
5. vehicle and pedestrian routes for customers

Finally, food premises must be registered with us at least 28 days before opening. It is an offence for premises to trade without registration. A registration form is available from our office or at our web site:

online.haverling.gov.uk/officeforms/licence_food_business.ofml .

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APPLICATION NO:	P0633.14	
WARD :	South Hornchurch	Date Received: 11th July 2014 Expiry Date: 10th October 2014
ADDRESS:	Unit 8, Fairview Industrial Estate Marsh Way Rainham	
PROPOSAL:	Removal of scaffolding storage & portakabins used as offices and erection of 5 No Industrial Units for letting as storage/distribution units	
DRAWING NO(S):	804.01	
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 an area of hardstanding containing a number of portakabin and other structures, along with scaffolding. The submitted information states that the existing use involves the storage of scaffolding. The site's northern boundary adjoins a neighbouring site containing warehouse-type structures; the western boundary abuts the edge of the industrial estate beyond which is land associated with Fords; the southern boundary adjoins an open area of hardstanding associated with a neighbouring site; whilst the eastern boundary runs alongside Marsh Way. The site is enclosed by steel, palisade fencing. Access to the site is taken from Marsh Way. The site is located within the Fairview Industrial Estate, which forms part of the Rainham Employment Area (designated as a Strategic Industrial Location in the LDF.)

DESCRIPTION OF PROPOSAL

This planning application proposes the clearing of the existing structures at the site and the erection of a row of 5 storage and distribution units, with a footprint of approximately 3000sqm and a height of around 11m. The building would run in an east-west direction and would be fronted by an area of hardstanding to be used for access and parking, with 50 car parking spaces being provided. The proposed cladding materials would be steel sheeting set on a brick base. Internally, two floors of accommodation would be provided within each unit, providing space for storage and offices.

RELEVANT HISTORY

The site is currently in use as a scaffold storage yard. There are no previous planning decisions of particular relevance to this proposal.

CONSULTATIONS/REPRESENTATIONS

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

The following were also consulted:

Highways - No objections.

Environmental Health - No objections; condition recommended.

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Environment Agency - No objections.

Thames Water - No objections.

Essex and Suffolk Water - No objections.

Designing Out Crime Officer - No objections; conditions recommended.

London Riverside BID - No objections.

RELEVANT POLICIES

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

MAYORAL CIL IMPLICATIONS

The proposed development would have an internal floor area of approximately 2890sqm and would therefore give rise to a payment under the Mayoral CIL regulations of £57,800.

STAFF COMMENTS

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

PRINCIPLE OF DEVELOPMENT

The application proposes the erection of five storage and distribution (use class B8) units on land that is located within a Strategic Industrial Location. Policy DC9 of the LDF states that such uses will be granted planning permission in the Rainham Employment Area, in which the site is located. The proposal is considered to be acceptable in principle.

DESIGN/IMPACT ON STREET/GARDEN SCENE

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

The proposed development would result in the erection of a building that would have an appearance typical of modern storage and industrial buildings. It would not be out of scale or character with the surrounding area, which is an industrial estate containing similar buildings. It is considered that the proposal would significantly improve the appearance of the site.

It is recommended that conditions be imposed requiring the approval of details in relation to cladding materials, landscaping, boundary treatment, external lighting, refuse storage, and bicycle storage. A further condition should ensure that no storage of equipment or material takes place in the open air.

Subject to the use of the afore mentioned conditions, it is considered that the proposal, in terms of its visual impact, would be in accordance with Policy DC61 of the LDF.

IMPACT ON AMENITY

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

The site is located within an industrial estate and in an area designated in the LDF as a Strategic

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Industrial Location. There are no sensitive land uses in close proximity to the site and it is considered that the proposal would not result in any significant adverse impacts on the amenities of neighbouring occupiers.

Given its siting, scale and design, it is considered that the proposal would not result in any significant adverse impacts on the amenity of neighbouring occupiers and that the proposal would be in accordance with Policy DC61 of the LDF.

HIGHWAY/PARKING

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

The site is located within an industrial estate and a Strategic Industrial Location. The Council's Highway officers have raised no objections to the proposal. In terms of its highway impact, the proposal is considered to be acceptable.

OTHER ISSUES

The Council's Environmental Health officer has considered the proposal and raised no objections subject to the use of a condition relating to the control of contaminated land.

The Council's Designing Out Crime Officer has raised no objections subject to the use of conditions, which can be imposed should planning permission be granted.

KEY ISSUES/CONCLUSIONS

The proposal is considered to be acceptable having had regard to Policies DC9, DC32, DC61, and DC63 of the LDF and all other considerations.

RECOMMENDATION

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

1. SC4 (Time limit) 3yrs

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

Reason:-

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

2. SC32 (Accordance with plans)

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

Reason:-

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

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3. SC09 (Materials) (Pre Commencement Condition)

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

Reason:-

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

4. SC11 (Landscaping) (Pre Commencement Condition)

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

Reason:-

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

5. SC13B (Boundary treatment) (Pre Commencement)

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

Reason:

To protect the visual amenities of the development and to prevent undue overlooking of adjoining properties and in order that the development accords with Policies DC61 and DC63 of the LDF Development Control Policies Development Plan Document.

6. SC58 (Refuse and recycling)

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

Reason:-

In the interests of amenity of occupiers of the development and also the visual amenity of the development and the locality generally, and in order that the development

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7. SC59 (Cycle Storage)

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

Reason:-

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

8. SC60 (Contaminated land condition No. 1) (Pre Commencement)

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 Strategy) 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.

9. Non Standard Condition 32

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

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10. SC78 (Secure by Design) (Pre Commencement)

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.

11. Non Standard Condition 31

No storage of equipment or material shall take place outside the proposed buildings.

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.

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 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.

3 Secure by Design Informative

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

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APPLICATION NO:	P0814.14	
WARD :	Upminster	Date Received: 12th June 2014 Expiry Date: 7th August 2014
ADDRESS:	Park Corner Farm Park Farm Road Upminster	
PROPOSAL:	Extension to existing 25m high lattice tower to 28.5m and associated works	
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 proposed facility is an upgrade to an existing 25m high Lattice Tower within the grounds of Park Corner Farm. the site is approximately 200m to the north of Park Farm Road and approximately 330m to the east of Hacton Lane.

The surrounding area is Green Belt, open fields adjacent to farmland and equestrian facilities. The surrounding area is open, and the ground is generally level. Surrounding trees remain unaffected.

DESCRIPTION OF PROPOSAL

The proposed upgrade is for two 600mm diameter transmission dishes to be mounted on a new support pole fixed to a tower extension leg. The new facility providing for additional sharing of the existing structure will require an extension in height from 25m to 28.5m above ground level.

In addition to providing a support frame for the new transmission dishes the upgrade would allow for some relocation of the existing antennas. The purpose of the upgrade would be to provide new coverage within the RM14 area of Upminster for a company which serves the electronic finance sector.

The applicant also proposes the addition of a cabinet on plinth on the existing concrete base behind the tower. The proposed cabinet would measure 0.8m wide, 0.8m deep and 1.2m high.

The height of the proposed mast exceeds that permitted under Part 24 of the General Permitted Development Order and is therefore the subject of an application for planning permission.

The applicant has indicated that it is imperative to consider that this is a site sharing planning application and thus the alternative to this minor increase in height on the existing facility is a new standalone mast very close proximity to the existing lattice tower. As such they consider that this represents special circumstances for development in the Green Belt.

A declaration of conformity has been submitted to confirm that the mast would be in compliance with the radio frequency (RF) public exposure guidelines of the Internal Commission on Non-ionizing Radiation Protection (ICNIRP).

RELEVANT HISTORY

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M0011.07 - Installation of 6 No. O2 antennas, 2 No. O2 dishes and 4 No. O2 equipment cabinets on the existing Orange telecommunications site.
Apprv with cons 01-05-2007

CONSULTATIONS/REPRESENTATIONS

Neighbour notification letters were sent to 10 properties. A site notice was displayed and a press notice was issued. Representations were received from 1 neighbouring occupier objecting on the grounds that the increase in height would make the mast more obvious to local properties.

RELEVANT POLICIES

LDF

CP14 - Green Belt
DC61 - Urban Design
DC64 - Telecommunications

OTHER

LONDON PLAN - 7.16 - Green Belt
NPPF - National Planning Policy Framework

STAFF COMMENTS

The issues arising from this application are the principle of development, including the principle of development within the Green Belt, its impact on the character and openness of the Green Belt and on local character and visual amenity, impact on residential amenity and any parking or highway matters.

PRINCIPLE OF DEVELOPMENT

In general, Local Planning Authorities are encouraged to respond positively to proposals for telecommunications development, as set out in the NPPF, although guidance provides that consideration should be taken of the protection of urban and rural areas.

Policy DC64 indicates that telecommunications will be granted where they meet specific criteria. It also indicates that careful consideration will be given with regard to impact of such development on the Green Belt.

The proposed mast installation will be located within the Metropolitan Green Belt. The NPPF states a presumption against inappropriate development within the Metropolitan Green Belt. This is reiterated in Policy DC45 of the LDF.

The proposed development does not constitute one of the specific forms of development referred to in the NPPF or Policy DC45 as appropriate. Consequently, it must be considered as inappropriate development in principle within the Green Belt. It is for the applicant to demonstrate that very special circumstances exist to outweigh this in principle harm, as well as any other harm arising from the proposed development.

GREEN BELT IMPLICATIONS

The proposal is for an extension to an existing lattice tower by raising its height from 25m to 28.5 above ground level.

The proposed additional height of 3.5m would be visible due to the height and relatively open nature of the surrounding locality and is therefore considered to have an impact on the openness

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of the Green Belt. Staff do however consider the potential impact to be mitigated given that there is an existing structure on site and that an additional lattice tower would cause a greater impact to the openness of the Green Belt than extending the existing.

Given the harm to the openness of the Green Belt, it is considered that the applicant must demonstrate very special circumstances exist to overcome the harm to the Green Belt arising from the proposed installation.

The proposal also includes a cabinet. This has a lesser impact on the Green Belt due to its reduced height and the greater benefit of tree screening at ground level.

IMPACT ON AMENITY

The proposal would not have an impact on residential amenity as it is set approximately 150m away from the nearest residential dwelling.

HIGHWAY/PARKING

The proposal is not considered to have an impact on parking or the highway.

OTHER ISSUES

It falls to be considered whether there are any very special circumstances which would justify the harm caused by the proposed development to the Metropolitan Green Belt.

The applicant has indicated that there is a requirement for the proposed development to meet an identified need in the locality. The application states that it is imperative to consider that this is a site sharing planning application and thus the alternative to this minor increase in height on the existing facility is a new standalone mast in very close proximity also within the Green Belt. The "exceptional circumstances" are quite evident because as stated above the alternative is two lattice masts rather than one. The current mast is an established feature in the Green Belt and thus a minor increase in height will not be injurious on the openness of the Green Belt. Two masts in close proximity of the same height and bulk would be considerably more "damaging" on the openness of the GB.

The NPPF has a number of areas that add weight to this proposal. The NPPF contains at its core a presumption in favour of sustainable development which runs through both plan-making and decision-making processes.

Paragraph 19 states that:

"The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system".

It continues in Paragraph 20 to confirm Central Government advice that:

"To help achieve economic growth, local planning authorities should plan pro-actively to meet the development needs of business and support an economy fit for the 21st century". The following paragraph states "Planning policies should recognise and seek to address potential barriers to investment, including a poor environment or any lack of infrastructure"

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Section 4 of the NPPF (Paragraph 29) encourages the "smarter use of technologies" to reduce the need to travel and promote sustainable transport methods in accordance with the central sustainable development thread which travels through the Framework.

The most pertinent section of the NPPF to the proposed development is that contained within Section 5: Supporting High Quality Communications Infrastructure.

There is recognition from Central Government in Paragraph 42 that:

"Advanced, high quality communications infrastructure is essential for sustainable economic growth" which will in turn play a vital role in developing provisions within the local community of both facilities and services.

Adding further weight to this proposal which is a site share is Paragraph 43 which identifies the need to:

"keep the number of radio and telecommunications masts and the sites for such installations to a minimum consistent with the efficient operation of the network". In doing so, Central Government encourages the use of existing masts, buildings and other structures unless the need for a new site can be justified. Where such new sites are required, it is suggested that, where appropriate, equipment should be sympathetically designed and camouflaged.

Staff have considered whether this amounts to the very special circumstances necessary to justify the development. Staff have had regard to the guidance set out in the NPPF and has concluded that in this case the extent of harm to the character and appearance of the Green Belt would be outweighed by the very special circumstances case.

KEY ISSUES/CONCLUSIONS

The proposal is considered to represent inappropriate development in the Green Belt and by reason of its height is also considered to result in harm to the openness of the Green Belt. Staff do however feel the very special circumstances have been demonstrated to justify the harm arising from the development. It is therefore recommended that planning permission be approved.

RECOMMENDATION

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

1. SC4 (Time limit) 3yrs

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

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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.

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:	P0818.14	
WARD :	Romford Town	Date Received: 9th July 2014 Expiry Date: 8th October 2014
ADDRESS:	112-116 South Street Romford	
PROPOSAL:	Change of use of part ground floor and four upper floors (Use class A3) to Hotel (C1)	
DRAWING NO(S):	14-022/03 14-022/02 14-022/10 14-022/01 14-022/08 14-022/04 14-022/11 14-022/05 Rev A 14-022/09 Rev A 14-022/06 Rev Q 14-022/07 Rev Q	
RECOMMENDATION :	It is recommended that planning permission be GRANTED subject to the condition(s) given at the end of the report given at the end of the report.	

CALL-IN

The application has been called-in to committee by Councillor Thompson on the basis that the proposal is not in compliance with the aspects affecting heritage assets with respect to the front facade.

SITE DESCRIPTION

The application relates to the premises 112-116 South Street, Romford. This is a 4-storey commercial block with a restaurant at ground floor level and a kitchen and storage areas in the upper floors. The site is in a prominent location adjacent to Romford Train Station and on the fringe of the Romford Major District Centre. The surrounding area is characterised by town centre commercial uses. The site is subject to an LDF Site Specific Allocation as it lies within a Crossrail Safeguarded Land Area. The premises is registered in Havering's Heritage Asset Register as a Building of Local Heritage Interest.

DESCRIPTION OF PROPOSAL

The application is seeking planning permission for the change of use of part of the ground floor and the four upper floors from a retail storage use (use class A3) to a hotel use (use class C1).

The proposal will involve internal alterations with the formation of an entrance lobby to the side and rear of the ground floor. Access will be gained via an existing doorway with the addition of a small canopy leading onto the side street The Battis.

The first, second, third and fourth floors will be refurbished and partitioned to form 48 hotel rooms (12 rooms per floor). In addition to the hotel rooms the first floor will include a reception,

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bar, kitchen and seating area with an associated office and at second floor level the external flat roof area will be utilised as a seating terrace area and cafe with a covered shade sail canopy.

The proposal will involve external alterations with the lengthening of the linear windows by approximately 0.86 metres (the equivalent to 3 of the facade tiles) on the eastern elevation in order to lower the ceiling levels within the hotel rooms to enable outlook from the windows. 6no. up-lights will be installed above the existing shop fascia to illuminate the eastern elevation.

The external staircase on the second floor roof terrace area will be encased in brick and render removed to create a more attractive setting for the new seating and cafe area.

RELEVANT HISTORY

P1463.13 - Change of Use to D2 Gym with associated internal alterations.
Apprv with cons 07-03-2014

P2355.06 - Ventilation ducting
Withdrawn 02-03-2007

P1559.05 - Conversion of upper storeys into 22 self-contained flats. Change of use of ground and basement to A3 restaurant.
Refuse 26-10-2005

P0031.05 - Conversion of upper storeys into 22 self-contained flats
Withdrawn 22-02-2005

P2325.03 - Change of use of basement ground and first floor from class A1 shop to class A3 (food and drink)
Apprv with cons 08-03-2004

CONSULTATIONS/REPRESENTATIONS

Notification letters were sent to 84 properties and a site notice was displayed. No representations have been received as a result of the neighbour consultation.

Romford Civic Society - no objection to the principle of the proposed use, but raised objections in relation to the lengthening of the facade windows and the internal partitioning of the proposed hotel rooms blocking off windows. In response, Officers shared these concerns and have sought amendments to the internal layout and a reduction in the amount that the windows will be lengthened to address these issues.

London Fire Brigade Water Team - no objection.

London Fire and Emergency Planning Authority - no objection.

Thames Water - no objection, recommended informatives relating to waste water, surface water drainage and water are included in any approval notice.

Essex & Suffolk Water - no objection.

Designing Out Crime Officer - no objection, recommended a condition and informative relating to Secured by Design are included in any approval notice.

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Environment Agency - no objection.

Heritage Officer - no objection.

Environmental Health - no objections, requested a conditions relating to noise insulation and extraction ventilation system are included in any approval notice.

Local Highway Authority - no objection.

Network Rail (Crossrail) - no objection.

RELEVANT POLICIES

LDF

DC14 - Hotels

DC33 - Car Parking

DC36 - Servicing

DC61 - Urban Design

DC67 - Buildings of Heritage Interest

SPD1 - Designing Safer Places SPD

OTHER

NPPF - National Planning Policy Framework

MAYORAL CIL IMPLICATIONS

The proposal comprises no additional gross internal floorspace and is therefore not CIL liable.

STAFF COMMENTS

The main considerations for this application is its siting within a Crossrail Safeguarded Land Area, the principle of the change of use to a non retail use within a town centre, the impact on amenity and any highway issues.

PRINCIPLE OF DEVELOPMENT

Policy DC14 states that Romford is the preferred location for large scale hotel development and advises that hotels strengthen the wider role of town centres and provide a range of employment opportunities. The supporting text refers to the GLA hotel Demand Study 2006 which states that between 2007 and 2026 an additional 300 hotel bedrooms will be required in Havering.

Policy 4.5 of The London Plan states that new visitor accommodation should be focused in town centres, where there is good public transport access to central London and international and national transport termini. In terms of accessibility the site occupies a highly accessible and sustainable town centre location close to the main railway station, on numerous bus routes and close to the South Street Bus terminus.

The site lies within a Crossrail Safeguarded Land Area, however following consultation with Network Rail its is not considered that the application will have any undue impact on future Crossrail proposals for Romford Station. Therefore with regard to this issue the proposal is considered to be acceptable in principle.

Policy DC16 states that all shop fronts in retail core and fringe areas must be active and maintain the impression of a visual and functional continuity to aid in enhancing the vitality of the

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town centre. Although his application proposes a change of use, the ground floor unit will remain as a restaurant and will not result in the loss of an active frontage. The proposal will serve to make active use of areas of the building not currently occupied or used for storage.

DESIGN/IMPACT ON STREET/GARDEN SCENE

The site is registered in Havering's Heritage Asset Register as a Building of Local Heritage Interest and Policy ROM6 states that developers will be required to take into account the regeneration potential of these buildings.

The original use of the premises was as the 'Times Furnishings' furniture store, built in the 1930s. The building incorporates an Art-Deco style, with characteristic strong linear features and proportions in the fenestration pattern, regular columns and a tile facade. It is demonstrative of a wave of Art Deco-style construction on South Street during the 1920s-30s.

The building uses high quality materials and design indicative of its era, and has a substantial presence in the streetscene at South Street. The eastern elevation of the building onto South Street is the key element of significance in the building and contributes positively to the the character of the area.

The fenestration pattern is a key element of the building's design and the internal cill height on the existing east elevation is 1.8 metres - so whilst the existing window arrangements could provide adequate light and ventilation into the proposed hotel bedrooms there would be no view or other amenity for the hotel guests. As a result the existing windows restrict the potential uses for the upper floors and limit the suitability to storage in its current format. Therefore the reason for dropping the level of the window cills by approximately 0.86 metres, which is the equivalent to 3 of the facade tiles, is considered to be a sufficient justification to turn the vacant historic building into a viable use.

Following consultation with the Heritage Officer, the window lengthening element of the proposal has been reduced by approximately 300mm (equivalent to 1 facade tile) in order to lesson the impact on the character of the elevation. Although the windows will be slightly longer, their regular bay pattern and strong linear emphasis will still be present, and the east facade will remain the most striking element of the building.

The intention to encase the fire escape on the north elevation in brick and render is considered an improvement to the current exposed staircase.

Conversion of the curved two-storey portion on the south elevation for use as a cafe and the installation of a more contemporary sail canopy is anticipated to be a positive alteration, creating a more lively and attractive place. There is also precedent for this kind of use here, where in the past this portion of the building housed a drinking establishment called 'The Star'.

The installation of windows in the 5th floor mansard roof to be an acceptable alteration. The windows are sufficiently in keeping with the fenestration pattern on floors below, being placed centrally and at regular intervals along the frontage.

As a result it is considered that the proposed external alterations will be sympathetic to the character of the locally listed building will serve to maintain the character and appearance of the streetscene along this section of South Street.

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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.

Romford town centre has ongoing issues relating to anti-social behaviour and noise in the early hours relating to nearby drinking establishments on South Street. However, the intended use of the building as hotel accommodation which, by its very nature, means that occupation is transient it does not justify the same levels of amenity as required for private dwellings.

Given the nature of the proposal, including its location and the separation distances between it and the nearest sensitive receptors, it is considered that the proposal would not result in any significant adverse impacts on the amenities of neighbouring occupiers. In terms of the likely impacts on local and residential amenity, it is considered that the proposal would be in accordance with Policy DC61.

HIGHWAY/PARKING

The Local Highway Authority has raised no objections or comments in relation to the proposal.

The proposed change of use would be located within the town centre close to rail and bus transport links and town centre car parks. As a result the proposal is not expected to provide a provision of off street car parking.

Consequently the proposed hotel use is considered to be acceptable on highway and parking grounds.

FLOOD RISK

The site lies within Flood Zone 1 and the current permitted restaurant use is classified as 'less vulnerable' and the proposed hotel use would be classified as 'more vulnerable'.

The Environment Agency has raised no objection to the proposed change of use as the submitted Flood Risk Assessment and evacuation plan documents have demonstrated that the occupants of the hotel will have an access and egress point at the south side of the building. This area is in Flood Zone 1 and should therefore be dry if there was to be a flood from the Blacks Brook or the River Rom.

KEY ISSUES/CONCLUSIONS

The proposed hotel would be located in a sustainable town centre location and would not result in a loss of active street frontage.

The proposal is considered to be acceptable in all other respects and it is therefore recommended that planning permission be granted subject to conditions.

RECOMMENDATION

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

1. 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.

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2. (Materials) (Pre Commencement Condition)

Before any of the development hereby permitted is commenced, samples of all external materials to be used as part of the alterations to the building, including details of the aluminium window frames and glazing, shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed with the approved materials.

Reason:-

To ensure that the appearance of the proposed development will harmonise with the character of the surrounding area and comply with Policies DC61 and DC67 of the Development Control Policies Development Plan Document.

3. Cleaning front facade (Pre Commencement Condition)

Before any of the development hereby permitted is commenced, a method statement for cleaning the tiled front facade shall be submitted to and approved in writing by the Local Planning Authority. The cleaning method statement shall include details of testing a discrete sample panel before the whole frontage is treated.

Reason:-

To ensure that the appearance of the proposed development will harmonise with the character of the surrounding area and comply with Policies DC61 and DC67 of the Development Control Policies Development Plan Document.

4. 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.

5. Noise insulation

Before the use commences, 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 the building.

Reason:-

To prevent noise nuisance to adjoining/ adjacent properties and in order that the development accords with the Development Control Policies Development Plan Document Policies DC55 and DC61.

6. SC42 (Noise - New Plant) (Pre Commencement Condition)

Before any works commence a scheme for the new plant or machinery shall be submitted to the Local Planning Authority to achieve the following standard. Noise

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7. Noise - nightclub (Pre Commencement Condition)

Before the development hereby permitted is commenced, a scheme for protecting the proposed building from noise from adjacent nightclub (currently named Liquid & Envy) shall be submitted to and approved by the Local Planning Authority. Any works which form part of the scheme shall be completed before any of the permitted dwellings is occupied.

Reason:-

To prevent noise nuisance to adjoining properties and in order that the development accords with the Development Control Policies Development Plan Document Policies DC55 and DC61.

8. Noise & Vibration (Pre Commencement Condition)

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 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, and in order that the development accords with Development Control Policies Development Plan Document Policies DC55 and DC61.

9. Extract Ventilation (Pre Commencement Condition)

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 designed and certified by a competent engineer and after installation a certificate to be lodged with the Planning Authority. Thereafter, the equipment shall be properly maintained and operated within design specifications during normal working hours.

Reason:-

To protect the amenity of occupiers of nearby premises, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61

10. SC61 (Railway noise assessment) (Pre Commencement Condition)

Prior to the commencement of any development, an assessment shall be undertaken of the impact of:

a) railway noise (in accordance with Technical memorandum, "Calculation of Railway Noise", 1995)

b) vibration from the use of the railway lines

upon the site. Following this, a scheme detailing the measures to protect residents from railway noise and vibration is to be submitted to, approved in writing by the Local Planning Authority, implemented prior to occupancy taking place.

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11. SC78 (Secure by Design) (Pre Commencement)

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.

INFORMATIVES

1 Approval following revision

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

2 Secure by Design Informative

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

3 Thames Water informative

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 Fee Informative

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

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APPLICATION NO:	P0907.14	
WARD :	Upminster	Date Received: 27th June 2014 Expiry Date: 26th September 2014
ADDRESS:	Cranham Golf Course St. Marys Lane Upminster	
PROPOSAL:	Proposed Solar Park	
DRAWING NO(S):	C/SU/14/001 C/SU/14/003 A C/SU/14/004 A C/SU/14/005 A C/SU/14/006 C/SU/14/007 A	
RECOMMENDATION :	It is recommended that planning permission be GRANTED subject to the condition(s) given at the end of the report given at the end of the report.	

CALL-IN

This planning application has been called in by Councillor Ron Ower owing to the proposal's potential to harm the Green Belt.

SITE DESCRIPTION

The application site forms a broadly rectangular area of flat, open land measuring around 5.5ha in area, which is in agricultural use. The site's northern boundary adjoins St Mary's Lane; the eastern boundary runs alongside the M25; the southern boundary abuts land associated with Broadfields Farm, generally comprising plantations and bridleways leading to the Thames Chase visitor centre; whilst the western boundary lies adjacent to Cranham Golf Course. The site's northern, western, and southern boundaries are marked by generally dense hedgerows, between 2m and 5m in height; a river also runs alongside the southern boundary. The eastern boundary adjoins the verge of the M25, which is located at a higher level than the site. Vehicular access is provided through the site's northern boundary. The land has recently been used to grow hay.

The site is designated in the LDF as Green Belt and forms part of the Thames Chase Community Forest. Whilst the majority of the site is designated as being at low risk of flooding (flood zone 1), an area at the southern end of the site is designated as Flood Zone 2.

DESCRIPTION OF PROPOSAL

This planning application proposes the installation of a solar energy farm at the site, generating approximately 2.6MW of electricity for the national grid. The proposal would comprise of the following elements:

a) 11,700 solar panels, each measuring 1.6m x 1.0m, mounted on galvanized steel frames driven into the ground. The steel frames would hold the panels at a 25 degree angle, in a south-facing direction. The lower end of the panels would be set above ground level at a height of approximately 0.9m, whilst the panels would be set around 2.9m above ground level at their highest points. The arrays of panels would form banks generally upto 30m in length located in 44

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rows, each running in an east-west direction.

b) A timber metering unit measuring approximately 4.6m x 5.5m in area and approximately 3.5m in height, to be located in the north west corner of the site.

c) Three timber switchgear units, measuring approximately 3m x 5.5m in area and approximately 3m in height, each accompanied by a transformer measuring around 1.5m x 1.9m in area and 1.7m in height, to be located at the northern end, middle, and southern end of the site at its western side.

d) Ten CCTV masts measuring 4m in height.

e) A 1200mm high perimeter fence within the site boundaries, enclosing the solar panel arrays.

f) An area of hardstanding in the site's north west corner, connecting the site to the public highway.

g) Landscaping works, including the planting of trees along the site's eastern boundary, and other ecological enhancements, including enhancements to the existing hedgerows, and the planting of wild flower species across the site, to replace the existing ryegrass.

It is anticipated that the development would have a life of 25 years.

RELEVANT HISTORY

Recent planning decisions at the site are as follows:

P0735.13 - Construction of concrete hardstanding measuring approximately 32m x 30m (max), between existing highway access and approved agricultural building - Approved.

F0002.13 - Proposed agricultural storage building - Prior approval not required.

CONSULTATIONS/REPRESENTATIONS

Notification letters were sent to 32 neighbouring properties; a site notice was placed in the vicinity of the site, and advertisements have been placed in the local press. Ten representations have been received, referring to the following material matters:

- a) The impact of the proposal on the Green Belt;
- b) Potential harm to highway safety in relation to the M25 owing to glare;
- c) Whether sufficient security measures would be provided;
- d) The proposal would be an eyesore and harm the character of the area;
- e) Whether the proposal affect a public right of way;
- f) Whether the proposal would reflect noise from the M25 towards residential areas;
- g) Potential harm to wildlife;
- h) The proposal could harm local drainage arrangements;
- i) The proposal would turn greenfield land into brownfield land, leading the way for the development of housing.

Comments have been received from the following consultees:

Essex Wildlife Trust - No objections.

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National Air Traffic Control - No objections.

Highways Agency - No objections; conditions recommended.

Essex and Suffolk Water - No objections.

Thames Water - No objections.

Environmental Health (Contaminated Land) - No comments received.

Environmental Health (Noise) - No objections; condition recommended.

Highways - No objections; condition recommended.

Environment Agency - No objections.

Thurrock Council - No objections.

RELEVANT POLICIES

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

DC32 - Road Network

DC45 - Appropriate Development in the Green Belt

DC48 - Flood Risk

DC50 - Renewable Energy

DC61 - Urban Design

The London Plan

Policy 5.7 - Renewable Energy

Policy 7.16 - Green Belt

National Planning Guidance

National Planning Policy Framework ("the NPPF")

MAYORAL CIL IMPLICATIONS

The proposal would result in less than 100sqm of new floorspace being built, and therefore would not give rise to a contribution under the Mayoral CIL regulation.

STAFF COMMENTS

The main issues in this case are considered to be the principle of development, visual impact, impact on amenity, highway safety, ecology, flood risk, agricultural land, and whether very special circumstances exist that outweigh any identified harm to the Green Belt, and other harm.

PRINCIPLE OF DEVELOPMENT

Policy 5.7 of the London Plan states that:

"The Mayor seeks to increase the proportion of energy generated from renewable sources."

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Policy DC50 of the LDF states that renewable energy facilities will be considered acceptable subject to certain criteria.

This planning application proposes building operations in the Green Belt. Policy DC45 of the LDF states that planning permission will be granted for development in the Green Belt that is for given purposes. The purposes listed do not include renewable energy development.

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.
- 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 building operations. Paragraph 89 of the NPPF states that building operations may constitute appropriate Green Belt in given instances, however, these do not include renewable energy development. Paragraph 91 refers specifically to renewable energy development in the Green Belt, stating that:

"When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources."

It is considered that the proposal would constitute inappropriate development in the Green Belt. A statement of very special circumstances has been submitted by the applicant, which will be considered later in this report.

DESIGN/IMPACT ON STREET/GARDEN SCENE

Policy DC61 states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area. Policy DC50 states that renewable energy facilities will be considered acceptable provided their design is not detrimental to the character of the surrounding area, and no visual harm would arise.

In assessing the harm that the proposal might cause to visual amenity and the character of the area, it is necessary to consider the nature and character of the site presently; the relationship between the site and its surroundings, in terms of its visibility and how it contributes to the character of its surroundings; and how the site would appear following the completion of the development, having regard to the scale, design, and visibility of the proposed development.

The proposal includes a number of elements. A number of these elements, including the proposed fencing, small scale plant and buildings, hardstanding area, and security cameras could appear as generally minor additions within the large, open context of the site that, through the use of planning conditions, could be designed in such a way as to minimise their visual

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impact in relation to the site's surroundings. By far the most significant element of the proposal would be the proposed solar arrays, which would dominate the site. When viewed from a distance, the proposed arrays would have a generally flat, monochrome appearance; they would follow the contours of the site, and would not rise above ground level by more than 3m.

The application site constitutes an area of flat, open grassland, mainly dominated by a single species of grass used for the production of hay. Visually, the site is considered to be of limited interest and character value. The presence of vegetation along three of the site's boundaries and the topography around the site are such that the site is not particularly visible beyond its southern, western, and northern boundaries. With the landscaping enhancements proposed, it is considered that the proposal, given the limited heights involved, would not result in any significant visual impacts beyond these boundaries.

The site is conspicuous when viewed from the M25, which is located above the site alongside its eastern boundary. The application proposes the planting of trees along this boundary, which should go some way to mitigating the impact of the proposal from that roadway, particularly if more mature trees are planted. It is considered that the site is of limited character value presently, and consideration must be given to the fact that users of the motorway tend to travel by at speed. The surrounding landscape does have a generally rural quality, notwithstanding the jarring and dominant effect of the motorway in this location. However, solar farms and other types of large scale renewable energy development do tend to be located in the countryside, and it need not be the case that the proposal, to the extent that it would be visible from beyond the site's boundaries, would be incongruous in the location proposed. Moreover, the implementation of a landscaping scheme along the site's eastern boundary would help to enhance visual amenity on the western side of the M25 by screening the motorway.

Given that the proposal would be located on land that is not of particular visual interest; that the site is well screened on three sides, and would receive additional landscaping treatment to the currently exposed boundary; that the proposal would mostly be visible from a motorway where users travel by at high speeds; and that the proposal would have a generally low and flat profile following the contours of the land, and constitutes a type of development that does tend to occur in rural areas, it is considered, in these respects, that the proposal would not result in significant visual harm.

The extent to which the proposal would result in visual intrusion within the wider landscape would be limited by its low profile, the presence of screening, the surrounding topography, and conditions controlling the use of landscaping, materials, and colour schemes. Landscaping works, particularly along the site's eastern boundary, would need to make use of heavy measures planting to ensure that the required screening is achieved as soon as possible. The submitted information recommends the use of Hornbeam at 5m intervals, and at least 4m in height. Staff consider it appropriate that a detailed landscaping proposal for the site be submitted for assessment and recommend that this is achieved by condition. Further conditions could ensure the life of the development is limited to 25 years, and the site restored afterwards.

Subject to the use of the afore mentioned conditions, it is considered, on balance, that the proposal would not be significantly harmful to the visual amenities of the Green Belt, and in this regard, would be in accordance with Policies DC50 and DC61 of the LDF.

IMPACT ON AMENITY

Policy DC61 of the LDF states that planning permission will not be granted for proposals that would significantly diminish local and residential amenity. Policy DC50 states that renewable

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energy facilities will be approved where, amongst other things, they are not harmful to residential amenity.

The proposed development is passive in nature and would not generate any noise that would be audible in relation to any sensitive land uses located in the vicinity. The nearest dwellings would, in any case, be located in excess of 100m from the proposed development.

Objections have been received stating that the proposal would result in noise from the M25 being deflected towards residential properties. The nearest residential development is located to the north and north west of the site. The proposed solar panel arrays would be orientated towards the south and would face towards the sky. It is considered unlikely that the proposal would result in any enhanced noise nuisance to any neighbouring properties.

The Council's Environmental Health officers have recommended a condition, should planning permission be granted, controlling the emission of noise from the site. In light of the above comments, this condition is not considered to be necessary.

In terms of its impact on amenity, the proposal is considered to be in accordance with Policies DC50 and DC61 of the LDF.

HIGHWAY/PARKING

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

The Council's Highway officers have raised no objections to the proposal, subject to the use of a condition relating to the creation of a new access onto the public highway.

The Highways Agency was consulted owing to the proximity of the proposal to the M25. Some of the objections received cite the potential for the proposal to cause harm to safety on the M25. The application is accompanied by a glint and glare study, which concludes that some northbound users of the M25 could observe reflected light at given points in time, however, these highway users would already be able to observe the sun directly from the same direction. As such, there would not be any significant increase in the amount of light encountered by road users. As the proposal would also include the planting of trees alongside the site's eastern boundary, which would serve to diminish visibility into the site, it is considered that the proposal would not result in any significant harm to highway safety. The Highways Agency has raised no objections to the proposal, subject to the use of conditions should planning permission be granted. These include the agreement and implementation of a landscaping scheme prior to the installation of solar panels, to prevent potential impacts in relation to motorway users. A further condition, requiring the prevention of access from the development onto the motorway is not considered to be necessary given that the application does not propose this.

Should consent be granted, it is recommended that further conditions be imposed requiring the approval of a construction method statement and wheel washing details to be implemented during the construction phase of the development.

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

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OTHER ISSUES

Policy 5.7 of the London Plan states that:

"All renewable energy systems should be located and designed to minimise any potential adverse impacts on biodiversity, the natural environment and historical assets, and to avoid any adverse impacts on air quality."

Ecology

The application is accompanied by an ecological appraisal, which concludes that the site is currently of low ecological value owing to the use of artificial fertilizers and the planting and subsequent mowing of a monocrop for hay (rye grass.) The existing hedgerows are considered to be of value as they support birds and bats. The proposal would result in a number of biodiversity enhancements including filling in gaps within the existing hedgerows, the planting of native tree species, and the sowing of a wild flower seed mix across the site.

Essex Wildlife Trust supports the proposals but recommends that an ecological management plan should be approved to ensure that the use of artificial fertilizers is kept to a minimum and that following the sowing of a wild flower seed mix, a regime of grazing or mowing be implemented to prevent dominance by the existing grass species. A condition can be imposed, should planning permission be granted requiring the approval of details in relation to the proposed ecological enhancement measures and a subsequent management scheme to be employed for the life of the development. This might include the use of grazing animals, which would be able to roam freely amongst the installed apparatus.

Flood Risk

The Environment Agency has been consulted about the proposal but has raised no objections. Part of the site, at its southern end, is located in flood zone 2. The remainder of the site is located in flood zone 1 (low risk of flooding.) As the proposed solar panels would be located in flood zone 1 only, it is considered that the proposal would not result in any significant adverse impacts in relation to flood risk or drainage arrangements.

Agricultural Land

The submitted information states that the site comprises Grade 3 agricultural land. Planning guidance aims to protect the best and most versatile agricultural land (grades 1, 2, and 3a.) In this particular case, the land under consideration has been left fallow and overgrown for a number of years, but in the past year has been used to grow hay. The proposal would not prevent the land being used for grazing and would not result in any significant or permanent harm to the soils.

Air Quality

The proposed development would not result in any significant emissions to air.

Green Belt - Very Special Circumstances

The proposal is considered to constitute inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt, and should be resisted except where very special circumstances are demonstrated that clearly outweigh the harm, by reason of inappropriateness, and any other harm. No other harm has been identified in this case. The applicant has submitted the following very special circumstances:

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- a) The proposal would generate renewable energy for the national grid, providing enough energy to power 640 typical homes. The proposal would make a contribution towards the UK's energy security, making it less dependent on imported energy.
- b) The proposal would result in ecological enhancements on a site that currently is of low biodiversity value.
- c) The site is located alongside the M25, and has recently been left fallow and overgrown. New planting and a landscape management plan will help to enhance the appearance of the site.
- d) The proposal would not result in any permanent change to the Green Belt. The apparatus used to support the solar panels do not require concrete footings, and all of the items installed at the site can be removed at the end of the development's life (25 years.)

Officers consider that there are very special circumstances in this case, that outweigh the harm to the Green Belt by reason of inappropriateness. Policy DC50 states that in assessing proposed renewable energy development:

"... the benefits of achieving diverse and sustainable energy supplies and reducing greenhouse effects will be balanced against any harm arising from the development."

The harm in this case concerns the harm to the Green Belt by reason of the proposal's inappropriateness. However, the Green Belt guidance contained in the NPPF does state that the environmental benefits of renewable energy development can constitute the very special circumstances needed to outweigh the harm by reason of inappropriateness. The proposal would make use of land that is of low ecological value and limited landscape interest to produce renewable energy. The proposal would be temporary in nature and involve landscaping enhancements that would limit any visual harm arising from the proposal, along with ecological enhancements that would significantly improve the site's biodiversity value. It is further considered that the proposed planting works alongside the site's eastern boundary, which would provide a visual screen between the M25 and the land to the west, would help to enhance the character of the area.

KEY ISSUES/CONCLUSIONS

Subject to the use of those conditions recommended, it is considered that the proposal would not result in any significant visual intrusion within the landscape or harm to the character of the area. The proposed landscaping enhancements, which would help to screen the M25 from land to the west of the site, would make a positive contribution to the character of the area. No significant harm has been identified in relation residential amenity, highway safety, flood risk and drainage, or the best and most versatile agricultural land. The proposal would significantly improve the biodiversity value of the site. The proposal would provide renewable energy for the national grid, and it is considered that very special circumstances exist in this case to outweigh the identified harm to the Green Belt.

The proposed development is considered to be acceptable having had regard to Policies DC32, DC45, DC48, DC50, 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

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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. SC09 (Materials) (Pre Commencement Condition)

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

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. 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

4. SC13B (Boundary treatment) (Pre Commencement)

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

Reason:

To protect the visual amenities of the development and to prevent undue overlooking of adjoining properties and in order that the development accords with Policies DC61 and DC63 of the LDF Development Control Policies Development Plan Document.

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5. SC57 (Wheel washing) (Pre Commencement)

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

Reason:-

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

6. Non Standard Condition 31

No development shall take place until a landscape management plan has been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details and retained as such for the life of the development.

Reason:

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

7. Non Standard Condition 32

The proposed tree planting along the eastern side of the site, which is intended to screen the development from the M25, shall be provided prior to the installation of the proposed solar panels and associated equipment to the satisfaction of the local planning authority, in accordance with the landscaping scheme to be approved under condition 3.

Reason:

In the interests of highway safety.

8. Non Standard Condition 33

The Local Planning Authority shall be notified in writing within 7 days of the date that the development is fully installed, or within 7 days of the date that a connection is made between the proposed solar panels and the national grid, whichever is the sooner.

Reason:

To ensure the temporary time limit imposed on the development is complied with.

9. Non Standard Condition 34

All buildings and man-made structures shall be removed from the site, in accordance with a restoration scheme to be approved by the Local Planning Authority prior to the commencement of development, within 25 years of the date communicated to the Local Planning Authority in accordance with condition 8. The submitted restoration scheme shall detail the site's restoration to greenfield land.

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10. Non Standard Condition 35

No building, engineering operations or other development on the site, shall be commenced until a scheme for the protection of retained trees and hedgerows 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 and hedgerows, details of underground measures to protect roots, the control of areas around the trees and hedgerows, and any other measures necessary for their protection. 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 and hedgerows at the site, and the contribution they make to biodiversity.

11. SC63 (Construction Methodology) (Pre Commencement)

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

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

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

Reason:-

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

12. Non Standard Condition 40

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

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

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13. Non Standard Condition 41

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

Reason:

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

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 Highways Informatives

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

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

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

Under the terms of the Water Resources Act 1991, and the Thames Byelaws 1981 prior written consent of the Environment Agency is required for works within 8 metres of a main river. The applicant should contact The Environment Agency to apply for consent for any works within 8 metres of the top of bank of the West Branch Mardyke, which runs to the south of the site, which is classified as a main river.

3 Approval following revision

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

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APPLICATION NO:	P0989.14	
WARD :	Brooklands	Date Received: 8th July 2014 Expiry Date: 7th October 2014
ADDRESS:	Land to the West of Sandgate Close Romford	
PROPOSAL:	Change of use to provide a temporary car park for up to 290 spaces to serve Queen's Hospital employees, together with revised access and associated infrastructure.	
DRAWING NO(S):	C100 P3 Site Location Plan	
RECOMMENDATION :	It is recommended that planning permission be GRANTED subject to the condition(s) given at the end of the report given at the end of the report.	

SITE DESCRIPTION

The application site is a 1.5ha area of brownfield land, formerly used by National Grid in association with the local gasworks. The site mainly comprises an open area of hardstanding enclosed by timber fencing. Some remnants of the site's previous use remain, including old car parking areas and external lighting columns. The site's southern boundary adjoins Crow Lane; the eastern boundary runs alongside Sandgate Close; the northern boundary lies adjacent to a self-storage container business; whilst the western boundary abuts residential properties located at Beechfield Gardens. The site's western boundary is located approximately 29m from these dwellings, and several metres from their rear gardens, with a row of trees and other vegetation located between the two. The site is currently accessed from Sandgate Close through the container yard located to the north of the site.

DESCRIPTION OF PROPOSAL

This planning application proposes the change of use of land for the creation of a temporary car park, to accommodate upto 290 vehicles. The car park is intended to accommodate staff vehicles displaced from the existing car parks associated with Queen's Hospital during the construction of an extension to the multi storey car park. The car park will be required on a 24 hour basis to accommodate staff shift patterns, and would be in use for the duration of the car park extension works.

It is anticipated that the temporary car park will be required for three years. A new vehicular and pedestrian access would be provided onto Sandgate Close, beyond the public highway. The existing hardstanding is to be retained but will be levelled off using concrete hardcore in areas where the ground is uneven. The existing fencing along the western, southern, and eastern boundaries would be retained, except where the proposed new access into the eastern boundary would be provided. A new fence would be provided along the site's northern boundary; the trees located alongside the western boundary would be retained. External security lighting would be installed, along with a temporary portakabin structure for use by security staff who will be on-site 24 hours per day.

RELEVANT HISTORY

The following planning decisions are considered to be of most relevance to the proposal:

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P1521.10 - Remediation of the site on behalf of National Grid - Approved.

CONSULTATIONS/REPRESENTATIONS

Neighbour notification letters have been sent to 100 local addresses and the proposal has been advertised in the local press and by means of a site notice. Two representations have been received from local occupiers:

One supporting the proposal, which would make use of a vacant site that has previously been overgrown, and support hospital staff, and;

One objecting to the proposal on the grounds that the surrounding highway network is already congested and that the use of the carpark could result in a noise nuisance to neighbouring residents.

Comments have also been received from the following consultees:

Environmental Health - No objections; conditions recommended.

Highways - No objections.

Greater London Authority - No objections.

Designing Out Crime Officer - No objections; conditions recommended.

Transport for London - No objections.

Environment Agency - No objections.

RELEVANT POLICIES

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

DC10 - Secondary Employment Areas

DC32 - Road Network

DC61 - Urban Design

DC63 - Secured by Design

National Planning Guidance

National Planning Policy Framework ("the NPPF")

MAYORAL CIL IMPLICATIONS

The proposal is not considered to be CIL liable.

STAFF COMMENTS

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

PRINCIPLE OF DEVELOPMENT

The site is designated as a Secondary Employment Area in the LDF. Policy DC10 states that planning permission for non B class uses will only be granted in exceptional circumstances,

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where the applicant has demonstrated that:

- "· the site is not needed to meet future business needs with regard to the difference between the current supply of employment land and the demand for employment land over the plan period;
- the site is not considered fit for purpose when assessed against the economic, planning and property market criteria provided in; Appendix A of Havering's Employment Land Review 2006
- the site has proved very difficult to dispose of for B1 (b) (c), B2 and B8 uses."

The applicants have considered each of these criteria as part of their submitted information. It is noted that the Council's Employment Land Review (ELR), which was published 8 years ago, identified the site as having poor or very poor strategic road access, poor or very poor public transport access, and being in close proximity to residential properties. The site was nevertheless retained as a Secondary Employment Area, however, it is noted that the site has apparently remained vacant since the ELR was published and continues to be in a poor state of repair. It is stated that the landowner, National Grid, has extensively marketed the site for in excess of 12 months, but that no occupiers have been found. There is a lack of evidence to support this claim, although the fact that the site has been vacant for the past 8 years or more would suggest that the landowner may have experienced some difficulty in letting the site.

In light of the foregoing and that the proposal is for a temporary use that can be limited by condition, it is considered that the proposal would not be contrary to the spirit of Policy DC10. The site is in a poor state of repair and has not been in employment use for a number of years. The proposal would bring the site back into use, but would not permanently prevent it being used for those purposes required by Policy DC10. Moreover, the proposal would support the achievement of wider sustainability objectives by assisting the hospital in the development of additional, much needed car parking capacity.

The proposal is considered to be acceptable in principle.

DESIGN/IMPACT ON STREET/GARDEN SCENE

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

The site is screened from the surrounding area by vegetation along its western boundary, and timber fencing along the western, southern, and eastern boundaries. New fencing is proposed along the northern boundary. It is considered that the proposed use as a carpark would not generally be conspicuous from the highway or adjoining properties. To the extent that the proposal would have a visual impact, it would not be significantly more harmful than potential employment uses that might otherwise occur at the site and is, in any case, a temporary use.

It is recommended that details of the proposed external lighting, boundary treatment, and any buildings be approved by condition.

In terms of its visual impact, it is considered that the proposal would be in accordance with Policy DC61 of the LDF and the guidance contained in the NPPF, subject to the use of the aforementioned conditions.

IMPACT ON AMENITY

Policy DC61 of the LDF states that planning permission will not be granted for proposals that

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would significantly diminish local and residential amenity.

The proposed car park would be located approximately 30m away from neighbouring dwellings, and several metres from their gardens. The site would be screened from these properties by existing fencing and vegetation. The proposal, which would be a 24/7 operation could have the potential to cause a noise nuisance to neighbouring occupiers owing to the use of vehicles late at night. The use of external lighting would also have the potential to cause a nuisance.

Details of the proposed external lighting can be approved by condition; it is considered that a lighting scheme could be achieved that would not result in significant nuisance to neighbouring occupiers. In terms of the potential noise impacts, the applicant (Queens Hospital) has stated that the car park is required on a 24/7 basis; it is therefore considered that limiting the hours of use would be unreasonable. It is also considered that it would be unreasonable to require the installation of an acoustic screen along the site's western boundary given that the proposal would be temporary.

Given the separation distances between the proposal and the neighbouring residential properties, it is considered that any potential noise nuisance arising from the proposal could be adequately controlled by the approval of a management scheme in which the applicant explains how the site would be managed in a neighbourly fashion. Subject to the use of this condition, it is considered that the proposal could be managed in an acceptable fashion for the temporary period being applied for. However, this is a matter on which Members may wish to exercise their judgement.

HIGHWAY/PARKING

Highways officers have raised no objections to the proposal. It is considered unlikely that the proposal would result in any significant harm to highway safety or amenity, particularly considering what might otherwise be located at the site given its status as a Secondary Employment Area. The proposal would be used by cars rather than larger vehicles.

OTHER ISSUES

The Council's Designing Out Crime Officer has raised no objections to the proposal subject to the use of conditions requiring the approval of details in relation external lighting and boundary treatment. These conditions can be imposed should planning permission be granted.

The Council's Contaminated Land officer has recommended a condition to ensure that any potential ground contaminated is understood and managed appropriately. It is recommended that this condition be applied in the event that any ground breaking works are to be undertaken.

KEY ISSUES/CONCLUSIONS

The proposal is considered to be acceptable having had regard to Policies DC10, DC32, DC61, and DC63 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. Non Standard Condition 31

The use hereby approved shall cease, and any associated buildings or lighting

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2. Non Standard Condition 32

The approved development shall not be brought into use until the proposed external lighting scheme has been installed, in accordance with details that have first been submitted to and approved in writing by the local planning authority.

Reason:

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

3. Non Standard Condition 33

The approved development shall not be brought into use until the proposed security office has been installed in accordance with details that have first been submitted to and approved in writing by the local planning authority.

Reason:

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

4. SC13B (Boundary treatment) (Pre Commencement)

The approved development shall not be brought into use until the proposed boundary treatment has been installed in accordance with details that have first been submitted to and approved in writing by the local planning authority.

Reason:

To protect the visual amenities of the development and to prevent undue overlooking of adjoining properties and in order that the development accords with Policies DC61 and DC63 of the LDF Development Control Policies Development Plan Document.

5. Non Standard Condition 34

The approved development shall not be brought into use until a car park management scheme, detailing the proposed measures to ensure that the use does not result in significant nuisance to neighbouring occupiers, has been submitted to and approved in writing by the local planning authority. The use shall thereafter be undertaken in accordance with the approved scheme.

Reason:

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

6. Non Standard Condition 44

Prior to the commencement of any ground breaking 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.

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7. Non Standard Condition 45

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.

8. SC32 (Accordance with plans)

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

Reason:-

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

INFORMATIVES

1 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 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:	P1070.14	
WARD :	Rainham & Wennington	Date Received: 22nd July 2014 Expiry Date: 16th September 2014
ADDRESS:	Tesco Stores Ltd Bridge Road Rainham	
PROPOSAL:	Erection of of Dry Cleaning, Key Cutting, Shoe & Watch Repairs Pod to Retail Premises.	
DRAWING NO(S):	TSQP4 12861-060 Rev C4 12861-001 Rev C4 3086pag##.dgn 3086gag##.dgn 3086gag1#.dgn	
RECOMMENDATION :	It is recommended that planning permission be GRANTED subject to the condition(s) given at the end of the report given at the end of the report.	

CALL-IN

The application has been called-in to committee by Councillor Tucker on the grounds that the proposal appears to be an over-development that will inflict significant harm to the vitality and viability of the Rainham village high street.

SITE DESCRIPTION

The application relates to a section of the the Tesco supermarket site at Bridge Road, Rainham. The site is currently an area of hardstanding located within the south western corner of the main Tesco's car park, adjacent to a covered pedestrian walkway and the pedestrian crossing on Viking Way. The main Tesco store lies to the north and 'The Royals' Youth Centre and an area of public amenity space are sited on the opposite side of the Viking Way to the south. The site is within the Rainham Minor District Centre and as such the surrounding area is characterised by predominantly town centre commercial uses.

DESCRIPTION OF PROPOSAL

The application is seeking planning permission for the erection a kiosk building for use as key cutting, shoe and watch repairs kiosk, as well as for the receipt of clothes for dry cleaning.

The proposal will consist of a single storey 4.2 metre by 4.2 metre steel structure with larch wood timber cladding, incorporating a flat roof with a height of 2 metres.

The proposed kiosk will employ 1 member of staff and will operate between the hours of 09:00 to 18:00 on Monday to Saturday and 10:00 to 16:00 on Sunday and Bank Holidays.

The elevations will include various signage, the permission for which is being sought under a separate advertisement consent application (A0042.14).

RELEVANT HISTORY

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- A0042.14 - Advertisement consent for 4no. x statically illuminated signs and 5no. x non-illuminated signs on Dry Cleaning, Key Cutting, Shoe & Watch Repairs retail Pod.
Awaiting Decision
- A0009.14 - 14 illuminated and Non illuminated car park signs, building signs, petrol filling station and gantry/totem signs.
Apprv with cons 17-04-2014
- P0239.14 - Proposed replacement of metal framed trolley bays and Perspex infill panels with wooden framed trolley bays with Perspex infill panels and new timber slat wall cladding adjacent the entrance lobby.
Apprv with cons 17-04-2014
- A0064.13 - 6 non-illuminated free standing signs and 2 non-illuminated signs
Apprv with cons 20-11-2013
- P1699.08 - 23 additional internal car park spaces, extension of ghost island right turn lane into the petrol filling station and new 2 lane exit onto the Bridge Road roundabout.
Withdrawn 31-10-2008
- P0956.08 - Addition of disabled and parent and child car parking spaces
Apprv with cons 13-08-2008
- P0708.08 - Install lobby at front
Apprv with cons 26-06-2008
- P0387.07 - Extension of existing ATM room to include an additional ATM.
Apprv with cons 24-04-2007

CONSULTATIONS/REPRESENTATIONS

Notification letters were sent to 16 properties and 3 letters of objection have been received. The comments can be summarised as follows:

- Rainham is already equipped with enough small locally run shops providing the services which the applicant is applying.
- The proposal will result in the closure of Rainham's existing shoe repair shop, dry cleaners and jewellers.
- Local businesses can't compete with the Tesco supermarket and the proposal will take more trade away from Rainham, resulting in more takeaway outlets and betting offices.

London Fire and Emergency Planning Authority - no objection.

Local Highway Authority - no objection.

RELEVANT POLICIES

LDF

- CP17 - Design
- CP4 - Town Centres
- DC16 - Core and Fringe Frontages in District and Local Centres
- DC33 - Car Parking
- DC61 - Urban Design

OTHER

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OTHER

LONDON PLAN - 7.4 - Local character
NPPF - National Planning Policy Framework

MAYORAL CIL IMPLICATIONS

The proposed development will create 15 square metres of net additional gross internal floorspace. This falls below the minimum threshold for Mayoral CIL and the proposal will therefore not be liable to incur a charge.

STAFF COMMENTS

The main considerations relate to the principle of the development, the impact on the character and appearance of the streetscene, the implications for the residential amenity of occupants of nearby houses and the impact on highway safety and car parking.

PRINCIPLE OF DEVELOPMENT

Within District Centres Policy DC16 states that planning permission for A1 retail uses will be granted at ground floor level.

The proposed kiosk will primarily be used for A1 retail uses, such as receipt of clothes for dry cleaning, key cutting, watch and shoe repairs. As such, the proposal is considered to be acceptable in principle within this Minor District Centre and to complement the range of uses available within the Centre. In addition the kiosk will be located along the main pedestrian route which leads from the Tesco Store through the walkway off Viking Way to the local high street shops on Upminster Road South; providing good connectivity and linkage with the neighbouring shopping parade as well as the adjacent supermarket. It is therefore considered that the proposal would serve to enhance the vitality and viability of this part of the Rainham Minor District Centre.

Accordingly, in landuse terms the principle of the proposed development is considered to be acceptable as it is in accordance with the provisions of Policy DC16.

DESIGN/IMPACT ON STREET/GARDEN SCENE

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.

In comparison to the surrounding buildings and structures the proposal will consist of a relatively small single storey pod type structure. The building will sit on a 4.2 metre by 4.2 metre footprint and be finished with larch wood timber cladding, incorporating a flat roof with a height of 2 metres. The proposed kiosk will not be higher than the adjacent covered pedestrian walkway and will be afforded a degree of screening from views along Viking Way by this structure. As a result it is considered that the proposed kiosk will harmonise well the streetscene at Viking Way and will incorporate an appropriate design and appearance for the commercial setting adjacent to the larger Tesco supermarket.

The exterior elevations will also include several signage boards and adverts, which are being considered as part of a separate advertisement consent under application A0042.14. Nevertheless, given the location of the site within the Rainham Minor District Centre this element of the proposal is also considered to be acceptable.

IMPACT ON AMENITY

The proposed kiosk will be sited adjacent to the main Tesco car park and will be associated with

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the existing commercial activities of this area. The nearest residential accommodation is located approximately 37 metres away to the south east at No.s 13 & 15 Parkway. These properties are situated within the shopping centre and on balance the occupants of these dwellings can reasonably expect to experience a greater degree of noise and disturbance from commercial activity than a purely residential area. Nevertheless, given the relatively low key nature of the proposed kiosk use and the existing commercial setting it is not considered that the proposal will result in any undue impact on the amenity of the neighbouring residents.

The proposed kiosk is indicated to open from 09.00 to 18.00 Monday to Friday and 10am to 16.00 on Sundays. Given the extended opening hours of Tesco it is considered reasonable to allow the kiosk to open slightly earlier at 08:00 and to close later on Mondays to Saturdays until 21.00 hours, although retain a 10.00 until 16.00 restriction on Sundays. Members may however take a view as to whether they consider these hours to be reasonable.

HIGHWAY/PARKING

The proposed kiosk will be located adjacent to the existing large Tesco supermarket on an area of hardstanding forming the boundary between the car park and Viking Way. The proposal will not result in the reduction of any car parking spaces and ample parking provision is available in the existing Tesco car park. The proposal will also be situated adjacent to the Rainham bus terminus providing a good level of sustainable transport links.

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

KEY ISSUES/CONCLUSIONS

The proposed kiosk would be located within an appropriate location and would serve to enhance the vitality and viability of the Rainham Minor District Centre in accordance with Policy DC16. The proposal will harmonise well the commercial character of the streetscene and will not result in any loss of amenity to neighbouring resident in accordance with Policy DC61.

The proposal is considered to be acceptable in all other respects and it is therefore recommended that planning permission be granted subject to conditions.

RECOMMENDATION

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

1. 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:-

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3. Non Standard Condition 31

The external details of the development hereby approved shall accord with those specified on drawing no. 12861-060 Revision C4 unless otherwise submitted to and approved in writing by the Local Planning Authority.

Reason:-

To ensure that the development has an acceptable visual impact and to accord with Development Control Policies Development Plan Document Policy DC61.

4. Non Standard Condition 32

The premises hereby approved shall only be open to customers between the hours of 08:00 and 21:00 hours Mondays to Saturdays, and 10:00 and 16:00 hours on Sundays.

Reason:-

In the interests of amenity and to accord with Development Control Policies Development Plan Document Policy DC61.

INFORMATIVES

1 Approval - No negotiation required

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

**REGULATORY
SERVICES
COMMITTEE**

REPORT

2 October 2014

Subject Heading:

P0669.13 – Land adjacent 330 Abbs Cross Lane, Hornchurch: The erection of one, two storey block of flats providing 4x1 bed and 2x2 bed units. (received 03/06/13)

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

Financial summary:

None

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

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

SUMMARY

The application proposes the erection of a one storey block of flats providing 4 No. 1-bed units and 2 No. 2-bed units 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

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 318.4m² and amounts to £6368.

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

- The payment of a financial contribution of £20,000 towards highway safety improvements within the vicinity of the site.
- A financial contribution of £36,000 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.
- The Developer / owner 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.
- 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:

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. Parking standards: Before the building(s) hereby permitted is first occupied, provision shall be made for 6 x No. off-street car parking spaces as shown on approved plan H027-01 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 (as amended), no window or other opening (other than those shown on the submitted and approved plans,) shall be formed in the western flank wall(s) of the building(s) hereby permitted, unless specific permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

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

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

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

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

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

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

- a) parking of vehicles of site personnel and visitors;
- b) storage of plant and materials;
- c) dust management controls;
- d) measures for minimising the impact of noise and, if appropriate, vibration arising from construction activities;

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

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

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

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

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

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

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

12. Wheel Washing: Before the development hereby permitted is first commenced, wheel scrubbing/wash down facilities to prevent mud being deposited onto the public highway during construction works shall be provided 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.

13. 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.

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

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

15. 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.

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 Strategy) 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.

17. 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.

18. 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.

19. Noise Insulation: The building(s) 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 impact noise to the satisfaction of the Local Planning Authority.

Reason: To prevent noise nuisance to adjoining properties.

20. Noise Impact: Prior to the commencement of the development, an assessment shall be undertaken of the impact of:

- a) Railway noise (in accordance with Technical memorandum, "Circulation of Railway Noise", 1995)
- b) Vibration from the use of the railway lines

upon the site. Following this, a scheme dealing with the measures to protect residents from railway noise and vibration is to be submitted to the local planning authority for its approval in writing, once approved the scheme shall be implemented prior to occupancy taking place.

Reason: To protect residents from transportation noise and vibration.

- 21. Turning Area: Before the building (s) hereby permitted is first occupied the turning area, shown on plan reference H027 – 01 shall be made available for use and thereafter kept free from obstruction.

Reason: In the interest of highway safety.

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

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

- 23. Ground levels: No works shall take place in relation to any of the development hereby approved until details of proposed ground levels and finished floor levels are submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved levels.

Reason: In order to ensure that the development is acceptable and does not have any unexpected impact on existing residential amenity in accordance with Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.

- 24. Obscure glaze: The proposed windows to the northern elevation at first floor serving bathrooms and stairwells 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.

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: Improvements required to make the proposal acceptable were negotiated and submitted, in accordance with para 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 £6,368.00 (subject to indexation). CIL is payable within 60 days of commencement of development. A Liability Notice will be sent to the applicant (or anyone else who has assumed liability) shortly and you are required to notify the Council of the commencement of the development before works begin. Further details with regard to CIL are available from the Council's website
5. The 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 13 the applicant should seek the advice of the Police Designing Out Crime Officers (DOCOs). The services of the Police DOCOs are available free of charge and can be contacted via docomailbox.ne@met.police.uk or 0208 217 3813. It is the policy of the local planning authority to consult with the DOCOs in the discharging of community safety condition(s).

REPORT DETAIL

1. Site Description

- 1.1 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.
- 1.2 The surrounding area is characterised by two storey terraced properties.

2. Description of Proposal

- 2.1 This full planning application seeks planning permission for the erection of a two storey building containing 6 no. flats, comprising 4 no. 1 bed units and 2 no. 2 bed units.
- 2.2 At its maximum, the building measures 10.5m wide by 24.3m deep by 8.2m high. By reason of the variations in levels, the building would appear as

single storey when viewed from the footway adjacent to the site in Abbs Cross Lane. The layout of the building is such that it is parallel to the Underground Railway line, with the eastern facing flank of the building designed to appear as a double fronted dwelling, with symmetrical bay windows across ground and first floor levels. This bay window feature is replicated on the southern elevation.

- 2.3 The block is located between 5.4m and 10m from the footway in Abbs Cross Lane and between 1.8m and 7.6m east of the boundary with properties at nos. 38 to 44 Diban Avenue. A distance of between 14.3 and 30.4m is present between the block and the common boundary with no. 330 Abbs Cross Lane, which lies to the north of the site.
- 2.4 6 no. car parking spaces are located due north of the block, with 5 of those spaces located adjacent to the common boundary with no. 330 Abbs Cross Lane. Access to these spaces is to be achieved via a 4m wide vehicular crossing.

3. History

- 3.1 P0046.08 - Proposed new two storey flats. 3 no. 2 bed flats and 3 no. one bed flats – Refused and the Appeal was Withdrawn
- 3.2 P1875.07 - Proposed residential development 9 No. flats with 11 No. parking spaces - Refused
- 3.3 P1723.06 - Outline residential development for 12 No. flats - Withdrawn

4. Consultation/Representations

- 4.1 Notification letters were sent to 34 neighbouring properties. One letter of support from 330 Abbs Cross Lane and 25 letters, including 21 proforma letters of objection were received raising the following concerns.
- hazardous access on to Abbs Cross Lane and impact upon vehicle and pedestrian safety
 - not enough parking provided, will create overspill and parking on Abbs Cross lane to the detriment of highway safety
 - development would look out of place next to cottages
 - too many units on site
 - overlooking rear gardens of properties along Diban Avenue
 - area is prone to flooding which would be made worse by development
 - noise and fumes from vehicles in the car park
- 4.2 The Highway Authority raised an initial objection to the proposal on the basis that the new vehicular access would present an unacceptable risk to users of the Road Network contrary to Policy DC32 and insufficient parking contrary to Policy DC33, however following negotiation with the applicant it was agreed that the application would make a contribution towards improvements to the Highway to address safety concerns.

- 4.3 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 Service also requested a noise insulation, noise impact and vibration assessment and construction and delivery hours condition.
- 4.4 The Borough Crime Prevention Design Advisor did not raise an objection to the proposal but does require a Secured by Design condition.
- 4.5 The London Fire and Emergency Authority has raised no objection to the proposal.

5. Relevant Policies

- 5.1 Policies CP1 (Housing Supply), CP17 (Design), DC3 (Housing Design and Layout), DC32 (The Road Network), (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. Mayoral CIL Implications

- 6.1 The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 as there are no structures currently on site. The applicable fee is based on a combined internal gross floor area for the six flats of 318.4m² which equates to a Mayoral CIL payment of £6368.

7. Staff comments

- 7.1 The main issues in this case are considered to be the principle of the development, density and site layout, impact upon character and appearance of the street scene, impact upon amenity, highways considerations and car parking provision.
- 7.2 *Principle of Development*

7.2.1 Policy CP1 indicates that outside town centres and the Green Belt, priority will be made on all non-specifically designated land for housing. The proposal is for redevelopment of an open 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.

7.2.2 Policy 3.8 of the London Plan states that DPD policies should offer a range of housing choices, in terms of the mix of housing sizes and types, taking account of the housing requirements of different groups. Policy 3.5 states that Local Development Frameworks should incorporate minimum space standards. The Mayor has set these at 37sq.m for a 1-bed 1-person dwelling and 61sq.m for a 2-bed 3-person dwelling. The proposed dwellings have internal floor space which is in line with the recommended guidance and considered acceptable.

7.3 *Site Layout / Amenity Space*

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

7.3.2 The proposed development would provide 248 square metres of amenity space. The amenity space provision is also supplemented by balconies to the southern elevation at first floor level. Staff are of the opinion that the communal garden areas would be large enough to be practical for day to day use and with the provision of fencing, would be screened from general public views and access, providing usable garden areas. As a result, it is considered that the proposed amenity areas would comply with the requirements of the Residential Design SPD and is acceptable in this instance.

7.3.3 The residential density range for this site is 30 - 50 units per hectare. The proposal would result in a density of approximately 60 units per hectare. This is above the density range identified, however subject to the delivery of a high standard of design and layout higher density development can be acceptable.

7.3.4 The proposal would be set to the southern side of the site close to the railway embankment and will be situated at an angle to the rear gardens of the properties along Diban Avenue, to the west of the proposed 2-storey block. The nearest property to the west, 42 Diban Avenue is situated approximately 31 metres away, a distance of 1.8m would remain between the proposed block of flats and this neighbour's rear boundary. The

nearest property to the north, 330 Abbs Cross Lane, is situated approximately 14.3m away from the block at its closest point, with the distance from the boundary generally much greater. To the east is Abbs Cross Lane. Staff consider the proposed two storey structure to be satisfactorily located within the site with an acceptable standard of design and layout, which would acceptably integrate into the locality.

7.4 *Impact on Local Character and Street Scene*

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

7.4.2 By reason of the variations in levels described above, the building would appear as single storey when viewed from part of the adjacent footway on Abbs Cross Lane. From most other views however, the building would be seen in its true two storey form. However, given the orientation and the sloping ground levels on the site the bulk of the building would not be clearly visible in the wider streetscene and is considered acceptable in the surrounding area.

7.4.3 Mindful of the previous reasons for refusal regarding the character of the surrounding area, the application has reduced the overall height of the building from 8.4m to 8.2m thereby bringing it in line with the height of No. 330 Abbs Cross Lane when viewed from the streetscene.

7.5 *Impact on Amenity*

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

7.5.2 At its closest, the building is 14.3m due south from the common boundary with no. 330 Abbs Cross Lane. However, by reason of their orientation, the distance between the building and no. 330 increases to 30.4m. The distance of 30.4m is sufficient to mitigate any overlooking from north facing windows at first floor. The potential for overlooking can further be mitigated by requiring all bathroom and stairwell windows to be obscure glazed. Staff do not consider that the development would cause an unacceptable loss of light or privacy or appear unduly overbearing.

7.5.3 The back-to- flank distance between the building and properties in Diban Avenue ranges between 31 and 48m. This is considered to be sufficient not to have an unacceptable impact in terms of loss of light and outlook to

these neighbouring occupiers. In order to address previous concerns relating to overlooking all windows to the western flank elevation have been removed. Windows to the northern elevation are set at an oblique angle and well away from the properties to the west and would therefore not result in an unacceptable impact in terms of overlooking.

7.5.4 5 no. car parking spaces proposed to serve the development are located at right angles to the common boundary with no. 330 Abbs Cross Lane. The submitted plans indicate that a buffer strip would remain between the spaces and the boundary and a condition could be imposed to ensure that sufficient planting would be provided in this area to absorb light spillage and minimise noise. Whilst the proximity of the parking to the boundary with a neighbouring residential property is a matter of judgement, Staff consider that the opportunity for providing a landscaped buffer and boundary treatment would be sufficient to maintain an acceptable degree of amenity for the adjoining occupier. Also it should be noted that the owner of No. 330 Abbs Cross Lane has written a letter in support of the application.

7.6. Highways / Parking Issues

7.6.1 Car parking is proposed across the development at a rate of 1 space per unit. The site is located within PTAL Zone 1-2, where 2-1.5 parking spaces are anticipated per unit. Given the 1 no. bed size of the majority of the flats and the relative (although not close) proximity of Elm Park Underground Station and local bus routes, Staff consider that this level of provision is acceptable.

7.6.2 It should be noted that Members previously considered the parking provision of 1 space per unit to be acceptable and it was not included in the reasons for refusal for the previous scheme. Staff do not consider there to have been a material change in site circumstances since the previous decision.

7.6.3 Concerns were initially raised by the Highways Authority on the basis that the formation of a new vehicular access would present an unacceptable risk to users of the Road Network contrary to Policy DC32.

7.6.4 A phase 1 and 2 Road Safety Audit was completed and assessed by the Highways Authority. Based on the results it was concluded that the visibility at a speed of 30mph was less than desirable however the Highways Authority queried the actual speed of traffic in the immediate vicinity of the site and suggested the completion of a traffic survey.

7.6.5 The traffic survey was undertaken and concluded that the average speed was 38mph northbound and 37.5mph southbound on Abbs Cross Lane.

7.6.6 In order to address the traffic speeds in the vicinity of the application site the Highways Authority has suggested the implementation of traffic calming measures. The Highway Authority has suggested that changing the existing

pelican crossing to the south of the bridge to one on a flat-topped speed hump would be an appropriate measure to influence traffic speeds in the area. This would not only make exiting from the site safer but would generally be to the benefit of highway safety in the immediate area of Elm Park Primary School.

7.6.7 In order to implement the speed calming measures the applicant has agreed to make a Highways contribution of £20,000. Staff are satisfied that the proposed calming measures would address the Highway Safety concerns. However, it is acknowledged that the site access is in an awkward location at the base of the railway bridge and Members may attach different weight to the potential harm to both road users and pedestrians and may wish to consider whether this constitutes grounds for refusal.

7.7 Planning Obligations

7.7.1 In accordance with the Draft 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 £36,000.

7.8 *Other Issues*

7.8.1 With regards to refuse collection, previous concerns have been raised regarding the lack of provision for a refuse truck to turn within the site and exit in forward gear. The current scheme addresses these concerns by providing a turning area within the site. Staff consider the refuse collection and servicing arrangements to be satisfactory. There has been no objection to the proposal from the Fire Brigade.

7.8.2 With regards to water runoff and flood risk, Staff do not consider the potential impact to be sufficient to justify a refusal. The proposed development is not situated in a designated flood zone. Sufficient soft landscaping is provided throughout the proposed development and a landscaping strip to the rear of the car parking to the northern boundary of the site to sufficiently mitigate any issues relating to water runoff.

8. **Conclusion**

8.1 Overall, Staff are of the opinion that the proposal would not detract from the character of the surrounding area or neighbouring properties. The proposal is not considered to appear as unacceptably dominant or visually intrusive. It is considered that the proposal would not have any material harmful impact on neighbouring amenity. Amenity space provision is considered sufficient. Staff are of the opinion that the access arrangements are acceptable, although it is considered that this would be subject to the provision of traffic calming measures to the south side of the railway bridge, funding for which can be secured through a legal agreement. However, it

is acknowledged that Members may reach a different view in this respect. Overall, Staff consider the development to comply with Policy guidance 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. A planning condition is suggested to ensure that the development is built to Lifetime Homes standard, meeting the needs of the wider community.

BACKGROUND PAPERS

1. Application forms and plans received 03/06/13.

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REGULATORY SERVICES COMMITTEE

REPORT

2 October 2014

Subject Heading:

P0972.14 – 16 & 18 Prospect Road and land rear of, Hornchurch – Demolish 16 and 18 Prospect Road for the creation of a new access road to provide 9 new detached dwellings and 2 replacement dwellings (outline application) (received 19/08/14)

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 to demolish 16 and 18 Prospect Road for the creation of a new access road to provide nine new detached dwellings and two replacement dwellings. 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 Ramsey requested this application be called in to committee, on the grounds of its impact on neighbours and the streetscene.

RECOMMENDATIONS

That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable fee is based on an internal gross floor area of (1,410.4 sq.m. – 179.5 sq.m.) 1,230.9m² which equates to a Mayoral CIL payment of £24,618 (subject to indexation).

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

- A financial contribution of £54,000 to be used towards infrastructure costs 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 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 demolition method statement and a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority to control the adverse impact of the development on the amenity of the public and nearby occupiers. The Construction Method statement shall include details of:

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

- c) dust management controls;
- d) measures for minimising the impact of noise and ,if appropriate, vibration arising from construction activities;
- e) predicted noise and, if appropriate, vibration levels for construction using methodologies and at points agreed with the Local Planning Authority;
- f) scheme for monitoring noise and if appropriate, vibration levels using methodologies and at points agreed with the Local Planning Authorities;
- g) siting and design of temporary buildings;
- h) scheme for security fencing/hoardings, depicting a readily visible 24-hour contact number for queries or emergencies;
- i) details of disposal of waste arising from the construction programme, including final disposal points. The burning of waste on the site at any time is specifically precluded.
- j) delivery locations.
- k) advance notification to neighbours and other interested parties of proposed works and public display of contact details including accessible phone contact to persons responsible for the site works for the duration of the works.
- l) lighting.
- m) A programme and timetable detailing the various stages of the proposed works for the demolition of No.'s 16 and 18 Prospect Road and the construction of the replacement dwellings.

And the development shall be carried out in accordance with the approved demolition method statement and construction management plan.

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

11. Waste materials – No waste materials shall be burnt on site of the development hereby approved.

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

12. 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.

13. 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.

14. 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.

15. 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.

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

17. Parking Management Scheme - Prior to first occupation of the dwellings hereby permitted, a parking management scheme showing how the car parking spaces for the dwellings (in accordance with the proposed site plan on Drawing No. L01 Revision A) will be provided and secured for use solely by residents of the proposed dwellings, 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.

18. 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.

19. Wheel washing - Before the development hereby permitted is first commenced, wheel scrubbing/wash down facilities to prevent mud being deposited onto the public highway during construction works shall be provided 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. Site levels - Prior to the commencement of the development, a drawing showing the existing and 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.

21. 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.

22. Air quality assessment - 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 full air quality assessment for the proposed development to assess the existing air quality in the study area (existing baseline)

b) The air quality assessment shall include a prediction of future air quality without the development in place (future baseline).

c) The air quality assessment shall predict air quality with the development in place (with development).

d) The air quality assessment should also consider the following information:

- A description containing information relevant to the air quality assessment.
- The policy context for the assessment- national, regional and local policies should be taken into account.
- Description of the relevant air quality standards and objectives.
- The basis for determining the significance of impacts.
- Details of assessment methods.
- Model verification.
- Identification of sensitive locations.
- Description of baseline conditions.
- Assessment of impacts.
- Description of the construction and demolition phase, impacts/ mitigation.
- Mitigation measures.
- Assessment of energy centres, stack heights and emissions.
- Summary of the assessment of results.

For further guidance see the leaflets titled, EPUK Guidance Development Control: Planning for Air Quality (2010 update), EPUK Biomass and Air Quality Guidance for Local Authorities.

Reason: To protect public health, those engaged in construction and occupation of the development from potential effects of poor air quality.

23. Archaeology - A) No demolition or development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the Local Planning Authority.
B) No development or demolition shall take place other than in accordance with the Written Scheme of Investigation approved under Part (A).
C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programmed set out in the Written Scheme of Investigation approved under Part (A), and the provision made for analysis, publication and dissemination of the result and archive deposition has been secured.

Reason: Heritage assets of archaeological interest may survive on the site. The Local Planning Authority wishes to secure the provision of archaeological investigation followed by the subsequent recording of significant remains prior to development (including preservation of important remains), in accordance with recommendations given by the Borough and in PPS5/NPPF.

24. 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.

25. 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 and to reflect guidance in PPS1 and Policies CP17 and DC63 of the LDF Core Strategy and Development Control Policies Development Plan Document.

26. Biodiversity/Protected Species: The applicant shall submit with the application for reserved matters – Landscaping - further survey information as indicated in the Summary of their submitted report “Update Extended Phase 1 Habitat Survey” dated 2/9/13. Any mitigation measures identified shall be put in place prior to the commencement of the development.

Reason: To ensure that appropriate mitigation measures are included in respect of flora and fauna.

27. Flank windows - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995(or any amendment of that Order or successor order), 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.

28. Obscure/fixed glazing - The proposed windows at first floor in the flank elevations of the proposed dwellings (Type A and B) shall be permanently glazed with obscure glass and thereafter be maintained and permanently fixed shut 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.

29. 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

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

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

31. Road Noise Assessment - Prior to the commencement of any development, an assessment shall be undertaken of the impact of road noise emanating from Southend Arterial Road upon the development in accordance with the methodology contained in the Department of Transport/Welsh Office memorandum "Calculation of Road Traffic Noise", 1988. Reference should be made to the good standard to be found in the World Health Organisation Document number 12 relation to community noise and PS8233:1999. Following this, a scheme detailing measures, which are to protect occupants from road traffic noise shall be submitted to, and approved in writing by the Local Planning Authority and shall be implemented prior to occupation.

Reason: To protect future residents against the impact of road noise in accordance with the NPPF and the Noise Policy Statement for England (NPSE).

32. Replacement dwellings - The new dwellings to the rear of the application site shall not be occupied until the replacement dwellings at No.'s 14 and 16 Prospect Road have been constructed.

Reason: To protect neighbouring amenity.

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. 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 £24,618. CIL is payable within 60 days of commencement of development. A Liability Notice will be sent to the applicant (or anyone else who has assumed liability) shortly. Further details with regard to CIL are available from the Council's website.
3. In promoting the delivery of safer, stronger, sustainable places the Local Planning Authority fully supports the adoption of the principles and practices of the Secured by Design Award Scheme and Designing against Crime. Your attention is drawn to the free professional service provided by the Metropolitan Police Designing Out Crime Officers for North East London, whose details can be found by visiting <http://www.securedbydesign.com/professionals/details.aspx?forcecode=met>. They are able to provide qualified advice on incorporating crime prevention measures into new developments.
4. The development of this site is likely to damage heritage assets of archaeological and historical interest. The applicant should therefore submit detailed proposals in the form of an archaeological project design. The design should be in accordance with the appropriate English Heritage guidelines.
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. 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.
6. 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.

7. 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.

8. Surface Water Drainage – With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water, it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposed 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. 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.

REPORT DETAIL

1. Call in

- 1.1 Councillor Ramsey requested this application be called in to committee, on the grounds of its impact on neighbours and the streetscene.
- 1.2 Councillor Wise requested this application be called in to committee, as the previous proposal had issues regarding overcrowding and insufficient

pedestrian access to the site via the access road and this requires a more detailed review.

- 1.3 Councillor Ower requested this application to be called in to committee, due to the previous planning history for the site, the closeness to the Green Belt and possible traffic problems.

2. **Site Description:**

- 2.1 Prospect Road is a residential cul-de-sac located to the north of the A127. The application site comprises the dwellings at No. 16 and No.18 Prospect Road, their rear gardens and land to the rear of Prospect Road formerly comprising of residential properties entitled "The Bowery" and "Sunset". The south western side of the application site fronts onto the Southend Arterial Road (A127). Ground levels fall from the highway of Prospect Road towards the south/south-east of the site. Just beyond the site boundary to the A127 there is a sharp drop in ground levels covered by some tree/shrub planting. The application site has an area of 0.43 hectares. To the rear part of the site, the eastern boundary adjoins an area of Metropolitan Green Belt, which consists of an open playing field.

3. **Description of development:**

- 3.1 The application is to demolish 16 and 18 Prospect Road and replace them with narrower, one storey properties for the creation of a new access road through to the rear land for the creation of nine, two storey detached properties. The application is for outline permission seeking approval for access, layout and scale. Appearance and landscaping are reserved matters.
- 3.2 The site would be laid out with the replacement bungalows fronting onto Prospect Road frontage and the new houses located to the south/south-west of, and fronting onto, the new 5.2m wide access road which would extend from Prospect Road to the south/south-east. The access road is a combined carriageway and footpath.
- 3.3 The two replacement bungalows would, as currently, be attached to the remaining part of their respective semi-detached pairs, i.e., No.'s 14 and 20 Prospect Road. They would be narrower (at 4.2m wide) and deeper (14.85m deep) than the existing semi-detached bungalows, nonetheless they would have the same matching roof form (the highest ridge height would remain at 6.1m above ground level), eaves levels and materials as the remaining semi-detached properties. Two parking spaces would be provided for each replacement bungalow - one to the front garden area and one at the end of each rear garden area.
- 3.4 Each of the nine new houses would be detached with its own rear amenity area and parking provision for two vehicles, either in an integral garage or on hardstanding adjacent to the property. There would be 4-bedroom properties of two types A and B; the main difference being that A would be provided with an integral garage and B with an attached garage (with the exception of two

dwellings which would each have two off street parking spaces). All the properties would have a similar appearance.

3.5 There would be 3, Type A houses. They would be a maximum of 7.7m wide, 13.1m deep and have gabled pitched roofs with a ridge height of 8m above ground level.

3.6 There would be 6, Type B houses. They would each be a maximum 10.4m wide (including the attached garage), 10.6m deep and have gabled pitched roofs with a ridge height of 8m above ground level.

4. **Relevant History:**

P1119.13 – Demolish 16 and 18 Prospect Road for the creation of a new access road to provide 9 new detached dwellings and 2 replacement dwellings – outline – Refused. Dismissed on appeal.

P0087.11 – Outline application for demolition of No.'s 16 & 18 Prospect Road together with "Sunset" and "The Bowery" and the erection of 11 dwellings with associated access and parking - Refused. Dismissed on appeal.

P1627.09 - Outline application for demolition of No.18 Prospect Road and the erection of 14 dwellings with associated access and parking –Refused. Dismissed on appeal.

P1829.07 – Proposed development to provide 16 dwellings -Refused.

5. **Consultations/Representations:**

5.1 The occupiers of 58 neighbouring properties were notified of this proposal. Twenty four letters of objection were received with detailed comments that have been summarised as follows:

- Proximity of the new dwellings to neighbouring properties.
- Overlooking and loss of privacy.
- Vehicular access.
- There is not a hospital within 1 kilometre of the application site.
- The proposed development would appear out of character in the surrounding area.
- The site is unsuitable for the proposed development of this size.
- The proximity of the access road to the replacement dwellings.
- Impact on wildlife.
- The proposal will appear dominant and visually intrusive.
- Noise, dust, disruption and pollution.
- Impact on local services.
- The safe removal of asbestos roofs of the two semi-derelict properties on the site (entitled the Bowery & Sunset).
- Objects to the demolition of the existing bungalows and the proposed development due to the impact on the occupiers of the adjoining dwellings (including No.'s 14 and 20 Prospect Road), neighbouring occupiers and the appearance of the streetscene.
- Highway and pedestrian safety.

- It was suggested that the applicant should approach the Motel owners to see if they would grant him permission to have a road built across his land into the Motel's access to the A127 road, so the existing bungalows would not need to be demolished.
- The visual impact of the access road.
- Would prefer bungalows to be built instead of houses.
- Parking, traffic and congestion.
- The removal of two oak trees on the site, which have Tree Preservation Orders.
- Disruption.
- Access for emergency vehicles.
- The area is already overpopulated with new buildings and people.
- The proposed development would overshadow the existing mostly low level residences in Prospect Road.
- Transport links are poor.
- There are no shops nearby.
- Party wall agreements and works to protect No.'s 14 and 20 Prospect Road during construction.
- Impact on amenity and human rights.
- The proposal is contrary to Policy DC61 of the LDF.
- Reference was made to the previous planning and appeal decisions.
- Loss of light.
- This application is very similar to the previously refused application, P1119.13.

- 5.2 In response to the above, each planning application is determined on its individual planning merits. Comments regarding party wall agreements and asbestos are not planning considerations and are building control matters. A section 106 agreement would be entered into in the event that planning permission is granted, which would secure a financial contribution towards local infrastructure. There are no trees with Tree Preservation Orders on the application site. Noise, disturbance and wheel washing during construction can be addressed by appropriate planning conditions. The remaining issues are addressed in the following sections of this report.
- 5.3 The London Fire Brigade Water Team – consideration has been given to the provision of fire hydrants and it will be necessary for one new private fire hydrant to be installed in the position marked by the red x on the enclosed plan. The hydrant should be numbered P106284.
- 5.4 London Fire and Emergency Planning Authority – The access road should be a minimum of 3.7m in width between kerbs and capable of supporting a pump appliance with a minimum carrying capacity of 14 tonnes. The turning facility should be of a sufficient size to allow a pump appliance to manoeuvre.
- 5.5 The Highways Authority has no objection to the proposals. Request conditions regarding pedestrian visibility splays, vehicle access, wheel washing and various informatives.
- 5.6 Environmental Health – Recommend conditions regarding soil contamination, a full air quality assessment, a demolition method statement/construction

management plan, waste materials and a road noise assessment if minded to grant planning permission.

- 5.7 English Heritage – Recommend a condition regarding archaeology if minded to grant planning permission.
- 5.8 Designing Out Crime Officer – Recommends a condition and an informative if minded to grant planning permission.
- 5.9 Transport for London – No objection. Details of cycle storage should be secured by condition. Recommends a condition regarding parking facilities being equipped with Electrical Vehicle Charging points. Given the size of the scheme and the planning history for the site, Staff consider that it is not reasonable to condition electrical charging points, as this condition was not placed on the previous application P1119.13.

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), DC6 (Affordable housing), 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), DC58 (Biodiversity and Geodiversity), DC59 (Biodiversity in new developments), 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 Landscaping Supplementary Planning Document and the Planning Obligations Supplementary Planning Document.
- 6.2 Policies 3.12 (Negotiating affordable housing on individual private residential and mixed use schemes), 3.13 (Affordable housing thresholds), 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), 7 (Requiring good design) and 11 (Conserving and enhancing the natural environment) of the National Planning Policy Framework are relevant.

7. Background:

- 7.1 This proposal follows a previous application P1119.13 to demolish 16 and 18 Prospect Road for the creation of a new access road to provide 9 new detached dwellings and two replacement dwellings (outline application), which was brought to the 19th December 2013 Regulatory Services Committee. Although the application was recommended for approval, Members resolved to refuse planning permission for the following reasons:

- 1) The proposed development would result in the unbalancing of the semi-detached dwellings at nos. 14 and 20 Prospect Road with two long, narrow properties in the place of the properties to be demolished, resulting in a form of residential development which is out of character in the street scene and harmful to local character contrary to Policy DC61 of the LDF Core Strategy and LDF Development Control Policies DPD.
- 2) The need for such an excessively narrow and contrived bungalow design in order to enable access to the site demonstrates that the proposal represents an unacceptably cramped overdevelopment of the site, detrimental to the character and amenity of the locality and contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.
- 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.

7.2 Although this application was subsequently dismissed on appeal, this was solely in respect of the absence of a completed legal agreement. The Inspector did not agree with the first and second reasons for refusal and concluded the proposal would have an acceptable local impact. The appeal decision for application P1119.13 is a material consideration for this application. This proposal is the same as the previously refused scheme.

7.3. **Staff Comments:**

7.3.1 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.

7.4 **Principle of Development**

7.4.1 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 on land which is not designated land in the LDF, such as its use for housing would be acceptable 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. In addition, the principle of development was deemed to be acceptable for the previous application, P1119.13.

7.5 **Density and site layout**

7.5.1 Policy DC2 sets out ranges of residential densities. In this location a density of 30-50 units per hectare would be expected. The site area is 0.43 hectares and the proposal is for 11 dwellings (including the replacement properties). The proposed density is therefore 25.6 units per hectare which falls below the guidance range. However, the provision of the access road reduces the area

available for development such that the density of the land specifically developed is likely to be somewhat higher. Nonetheless density is only one indicator and the main consideration is whether the proposal provides a high quality of design and layout.

- 7.5.2 The London Plan indicates at Policy 3.5 that for four bed houses for six people should have a minimum gross internal floor area of 107 square metres. The proposed four bed houses would have a gross internal floor area of 146 square metres (type A) and 145 square metres (type B). A one bed unit for two people should be a minimum of 50 square metres. All units would be in excess of the minimum internal space standards.
- 7.5.3 In respect of the site layout, the new driveway access would extend from the existing southern edge of Prospect Road and extend southwards between the replacement bungalows and then south-east parallel to the rear boundaries of No.'s 20, 22 and 24 Prospect Road. The proposed detached houses would be located to the south/south-western side of the proposed driveway and it is considered that this would provide an acceptable arrangement with parking to the front and integral garages and amenity space provided to the rear of each property.
- 7.5.4 Six of the properties would front directly onto the access drive with two fronting onto the spur section at the south-eastern corner. The south-eastern corner has a less formal arrangement which is often the case at the end of cul-de-sacs where arrangements reflect the shape of the land available. Staff consider that the properties are reasonably well spaced and that they do not appear cramped. In any event, this would be a "buyer beware" situation where prospective purchasers would be aware of the layout/outlook before making their decision.
- 7.5.5 The Supplementary Planning Document on Residential Design states that every home should have access to suitable private and/or communal amenity space through one or more of the following: private gardens, communal gardens, courtyards, patios, balconies and roof terraces. The proposed separate amenity spaces for each property at a minimum of 59 square metres for the bungalows and well over 100 square metres for the new houses are considered to provide an acceptable level of amenity space.

7.6 **Design/impact on street/Garden scene**

- 7.6.1 The application would comprise the demolition of No.'s 16 and 18 Prospect Road. While the dwellings appear to be in a structurally sound condition, they are not of any particular architectural or historic merit and no in principle objection is therefore raised to their demolition. There is no objection in principle to the demolition of The Bowery and Sunset properties.
- 7.6.2 Members will be aware that the decision to refuse the previous application turned primarily on the removal of the pair of dwellings and the acceptability of the resulting bungalows on the character of the streetscene and the locality.

- 7.6.3 The Inspector (for P1119.13) noted that the character of Prospect Road is not limited to one particular type of dwelling. Although the rhythm of this group of bungalows would be altered, the symmetry retained within the immediate group of No.'s 14 to 20 would not cause the dwellings to appear out of place when considered as part of the wider street scene. The Inspector further considered that, the adherence within the proposed design to the existing bungalows' roof ridge heights, and the incorporation of features similar to those on surrounding dwellings, such as window and roof gable design, would result in dwellings that would appear similar to those of their immediate neighbours. The Inspector concluded that despite their narrower width, the proposed bungalows would not stand out as being inappropriate or out of place in a row of otherwise heterogeneous dwellings, as a result of their appearance.
- 7.6.4 The appeal decision (for P1119.13) stated that the front building lines of the bungalows would be the same as others in the area, and the creation of the access road would result in a more spacious area between No.'s 16 and 18, compared with the relatively narrow spacing between the existing bungalows surrounding the site. Therefore, despite the narrower width of the plots compared with their neighbours, the Inspector considered that the impression of spaciousness currently enjoyed from the street would not be harmed. In any case, the arrangement of the two proposed bungalows and the access road would not represent such a departure from the established pattern of development that significant harm to local character would result.
- 7.6.5 Having regard to the views expressed by the Inspector, which constitutes a material planning consideration, Staff consider that this is no material justification for refusal of the development based on the demolition of the existing bungalows and the impact of the replacement bungalows on the street scene and local character. The layout, siting and scale of the proposed two storey dwellings were deemed to be acceptable for the previous application and no issues were raised in these respects in the appeal decision for application P1119.13. As these aspects are not materially changed from the previous application and there has been no material change in policy or site circumstances, these are again considered to be acceptable.
- 7.6.6 Landscaping is a reserved matter. It is considered that the proposal can achieve an acceptable level of landscaping given the proposed layout.
- 7.6.7 Appearance is a reserved matter. The agent has provided scaled elevations of the dwellings. It is deemed possible to construct dwellings that would be appropriate.

7.7 Impact on amenity

- 7.7.1 The nearest affected properties are No.'s 12 and 18 Prospect Road and beyond them, those to the southern side of Prospect Road from No.'s 2 to 28 (evens). Staff consider that, while the new two storey properties would be visible to the occupiers of the existing frontage properties, at a minimum distance of approximately 19 metres away there would not be any significant loss of light or privacy or overlooking between the new and existing

properties. Windows to the side elevations at first floor level can be fitted with obscure glass and fixed shut (or restricted) to prevent any loss of privacy.

7.7.2 Staff further consider that the proposed development would also not suffer from a reduced level of residential amenity due to the orientation and relative positioning in relation to existing residential development and each other. Staff therefore consider that the proposed development would result in an acceptable level of amenity for the new occupiers whilst not affecting existing residential amenity to an unacceptable degree. It is noted that no issues were raised regarding the impact of the proposal on neighbouring amenity for the previous application, P1119.13 or in the appeal decision.

7.8 Highway/parking issues

7.8.1 The car parking requirements for developments in this location is 1.5-2 parking spaces per dwelling. Two parking spaces are proposed to each of the nine new houses and the replacement one-bedroom bungalows. This would be acceptable.

7.8.2 In respect of access, the proposed development would take access from Prospect Road. The Fire Brigade are satisfied with the proposed access.

7.8.2 In line with Annex 6, suitable provision would need to be made for both cycle parking and refuse/recycling awaiting collection on site and would be subject to suitable planning conditions for its implementation and retention.

7.8.3 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.

7.9 Other Issues

7.9.1 A Noise Exposure Assessment has been submitted with the planning application. A full assessment is requested to devise a suitable scheme for sound insulation against traffic noise through a suitably-worded condition.

7.9.2 The application site lies within an Archaeological Priority Area. It is unclear from the submitted material whether there have been modern impacts on buried potential. In view of the scale of the proposals, there may be an impact on hitherto undiscovered archaeological remains. A suitable condition would be attached to any grant of planning permission in relation to the need for further archaeological investigation.

7.9.3 The agent has submitted a Phase 1 Habitat Survey with the application. It is considered that there are further requirements in terms of further surveys with regard to trees (retention or removal) and mitigation measures for protected species together with other landscaping requirements which could usefully be submitted with the reserved matters application which relates solely to Landscaping. A suitable condition will be attached to any grant of outline planning permission requiring further information/details to be submitted in line with the summary contained in the Phase 1 Survey.

7.9.4 While the site lies adjacent to an area of Metropolitan Green Belt, it forms part of the existing urban area and, in line with previous Planning Inspector's decisions (including application P1119.13), it is concluded that this development would not adversely impact on the openness of the adjoining Metropolitan Green Belt as it would be viewed in the context of the urban area.

8. The Mayor's Community Infrastructure Levy

8.1 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. The applicable fee is based on an internal gross floor area of (1,410.4 sq.m. – 179.5 sq.m.) 1,230.9m² which equates to a Mayoral CIL payment of £24,618 (subject to indexation).

9. Planning Obligations

9.1 A Section 106 Legal Agreement is required to secure a financial contribution of £54,000 to be used towards infrastructure costs in accordance with Policy DC72 and the Planning Obligations Supplementary Planning Document.

10. Affordable Housing

10.1 The proposed density is below the range for the area which results in nine additional units being just below the trigger point for affordable housing (ten or more units). Staff consider that if smaller units or semi-detached pairs were provided, that this would increase the density and number of units, nonetheless this is not the scheme for consideration. Staff consider that the proposed form of development and the size of the units are not unacceptable of themselves and that, as such, it would not be possible to add further similar-sized units without the development appearing cramped. No issues were previously raised in respect of affordable housing for the previous application, P1119.13.

10.2 An area of land has been excluded from the application site. Staff consider that this could support either one or possibly two additional detached properties of the same scale to those proposed. If this site comes forward for development as a second phase, the number of additional properties would in total meet the trigger point for the provision of affordable housing and any application for this adjoining site would therefore be subject to an affordable housing contribution.

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 £54,000 towards infrastructure improvements.

- 11.2 The proposal is the same as that previously refused under application P1119.13. Although dismissed on appeal this decision was solely on the grounds of the lack of a S106 Agreement, with the Inspector raising no objection to any other aspect of the development. This is a material consideration. Accordingly, 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 19/08/2014.

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

2 October 2014

Subject Heading:

P1002.14 – 20 Pinewood Road, Havering-
atte-Bower - Construction of a new 3
bedroom dwelling (previous approved
application P1128.11). (received
14/07/14)

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

The proposal is for the construction of a replacement bungalow comprising 3 bedrooms.

The planning issues are set out in the report below and cover the principle of the development, impact on street scene, residential amenity and highways/parking.

The application site is Council owned land.

It should be noted that the current application is the same as a previous application submitted and approved under P1128.11. The following report is similar to the previous report with the exception of a change to Green Belt Policy references to reflect the National Planning Policy Framework (NPPF) rather than previous policy guidance set out in PPG2.

Staff are of the view that the proposal is acceptable and it is recommended that permission be granted subject to conditions.

RECOMMENDATIONS

That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable fee is based on an internal gross floor area of 102.5m² and amounts to £2,050.

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

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

Reason: To comply with the requirements of section 91 of the Town and Country 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 hereby permitted is first occupied, provision shall be made for 2 x No. off-street car parking spaces within the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority 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. **Boundary treatment:** The proposal hereby permitted shall not have a residential curtilage established and no means of enclosure or boundary treatment shall be erected at any time without prior consent in writing from the Local Planning Authority.

Reason: In order to ensure that the development maintains the open character and appearance of the Green Belt, and in order that the development accords with Development Control Policies Development Plan Document Policy DC45.

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

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

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

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

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

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

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

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

10. 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

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 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. 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.

14. 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.

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. 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.
3. In promoting the delivery of safer, stronger, sustainable places the Local Planning Authority fully supports the adoption of the principles and practices of the Secured by Design Award Scheme and Designing against Crime. Your attention is drawn to the free professional service provided by the Metropolitan Police Designing Out Crime Officers for North East London, whose 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.
4. Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.
5. 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 £2,050.00 (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.

REPORT DETAIL

1. **Site Description**

- 1.1 The application site is located to the northern side of Pinewood Road. The site measures approximately 0.31ha and was previously occupied by a single storey bungalow which has now been demolished due to extensive

fire damage. The site is within the Metropolitan Green Belt, forms part of the Havering Ridge Area of Special Character and designated as a Site of Importance for Nature Conservation (SINC). Ground levels on the site drop significantly from east to west. The site is characterised by mature trees and dense vegetation.

- 1.2 There is no other residential development within close proximity to the application site with the nearest being Hillsdene along Clockhouse Lane to the south-west, approximately 260m away. The surrounding area is generally rural in character with dense vegetation forming part of Havering Park and the Green Belt.

2. Description of Proposal

- 2.1 The Council is in receipt of a planning application seeking permission to replace a previously demolished dilapidated, fire damaged bungalow and construct a new 3-bedroom chalet-style bungalow.
- 2.2 The proposal would be in the same location as the existing building. The bungalow would have a width of 9.3m and a depth of 13.4m. The proposal would have a half-gabled roof design to a maximum height of 6.2m above ground level. On ground floor level would be a dining area / family room, kitchen, living room, bathroom and 2 bedrooms and on 1st floor level would be a 3rd bedroom with en-suite.
- 2.3 Windows and doors would generally be to the front and rear of the bungalow with flank windows serving the utility, kitchen and living room on ground floor level. Due to the change in ground levels, there would be an access ramp to the front entrance and a patio towards the rear measuring approximately 700mm above ground level at its highest point.
- 2.4 Although the drawings do not indicate where and how car parking spaces will be provided, the applicant indicated on the application forms that there will be 3 No. car parking spaces.

3. History

- 3.1 On 04 November 2011, planning permission Ref. P1128.11 was approved for the demolition of existing dilapidated and fire damaged dwelling and construction of a new 3 bedroom dwelling. The current proposal is exactly the same.

4. Consultation/Representations

- 4.1 Notification letters have been sent to 6 neighbouring addresses and 3 objections were received raising the following concerns:

- property will result in a distraction from the natural environment
- concerned that the council would sell this property at a later date
- impact on Green Belt and park

- 4.2 The Council's Environmental Health Service requested a soil contamination condition in the event of an approval.
- 4.3 The Highway Authority has raised no objection to the proposal.
- 4.4 The London Fire and Emergency Planning Authority has raised no objection to the proposal.

5. Relevant Policies

- 5.1 Policies CP1 (Housing Supply), CP14 (Green Belt), CP16 (Biodiversity and Geodiversity), CP17 (Design), DC3 (Housing Design and Layout), DC33 (Car parking), DC45 (Appropriate Development in the Green Belt), DC58 (Biodiversity and Geodiversity), DC60 (Trees and Woodlands), DC61 (Urban Design) and DC63 (Crime) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Documents and the Residential Extensions and Alterations Supplementary Planning Document (SPD), 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), 6.13 (Parking), 7.16 (Green Belt), 7.19 (Biodiversity and 7.21 (Trees and Woodlands)
- 5.3 National Planning Policy Framework (NPPF).

6. Staff comments

- 6.1 The issues arising from this application are whether the development is acceptable in principle and, if not, whether there are very special circumstances sufficient to justify the development; the impact on the character and openness of the Green Belt, the impact on the street scene, the Havering Ridge Area of Special Character and adjoining Conservation Area, impact on local amenity, parking and highway issues.
- 6.2 It should be noted that the current application is the same as a previous scheme approved in 2011 by the Regulatory Services Committee under P1128.11. The current scheme has been resubmitted in order to give the applicant more time to implement. There has been no material change in site conditions and the issues arising from this application are exactly the same. The only difference would be a change in Green Belt Policy from PPG2 to the NPPF (National Planning Policy Framework). The change in policy is discussed further below.
- 6.3 *Principle of Development*
 - 6.3.1 According to the NPPF (National Planning Policy Framework), the construction of new buildings inside the Green Belt is inappropriate unless

it is for, amongst others, 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.

- 6.3.2 The former dwelling became an unsafe structure which was in a poor state of repair and subject to vandalism and trespass. In July 2011, the dwelling was subject to an arson attack and was subsequently demolished. Given that the dwelling was demolished a few years ago it is considered that the proposed dwelling should be considered to be inappropriate development, in principle, within the Green Belt. Such development should not be approved except where there are very special circumstances.
- 6.3.3 The replacement of dwellings in the Green Belt is strictly controlled to safeguard the openness of the Green Belt. Replacement dwellings will only be allowed provided the new building is in the same use and not materially larger than the one it replaces.
- 6.3.4 Permission will not normally be granted for a new dwelling where the existing dwelling has been demolished or abandoned as this would be regarded as a new house and hence contrary to Green Belt policy. Where a dwelling has been substantially or wholly demolished as a result of accidental damage such as fire, this may, depending on the circumstances, be regarded as very special circumstances. Before considering these very special circumstances in more detail, it is necessary to consider whether any other harm arises. This is explored below.

6.4 *Impact on Green Belt*

- 6.4.1 The proposal would be in a similar location compared to the dwelling which was on the site prior to demolition. The original dwelling had a floor area of 84.4sq.m which was increased by a single storey extension in 1982 (to have a floor area of 114sq.m). The proposal would have a floor area of 121sq.m which is an increase of 36.6sq.m over and above the original dwelling and 7sq.m more than the extended dwelling. The overall volume of the proposal would be 513 cubic metres whilst the original dwelling had a volume of 362 cubic metres. The original dwelling was extended to have a total volume of 448sq.m. This results in a volume increase of 151 cubic metres or 41.7% over and above that of the original dwelling and 65 cubic metres or 14.5% over and above the extended dwelling (as it stood before demolition).
- 6.4.2 The Council's LDF Policy DC45 states that replacement of dwellings will be allowed provided that the cubic capacity of the resultant building is not more than 50% greater than that of the of the original dwelling. The proposal's cubic capacity would be 14.5% more than the extended dwelling it replaces and 41.7% over and above the original dwelling (prior to 1982). In terms of the volume increase, the proposal complies with the requirements of policy DC45 of the Council's LDF.

- 6.4.3 Although larger, the increased volume of the building is within acceptable limits and Staff are of the opinion that the replacement dwelling would not be harmful to the open character and appearance of the Green Belt as it would not be significantly greater compared to the dwelling it would replace. The proposal would see a building of improved quality and character and in light of the minor increase in floor area and overall volume, is not considered to be harmful in Green Belt terms. The proposal is therefore considered to be acceptable in this respect.
- 6.4.4 Staff did however notice upon site inspection that there are no clear boundaries which define a residential curtilage and the area surrounding the subject site remains fairly open with a natural flow into the surrounding woodlands. The drawings submitted as part of the application however indicate a red line around what appears to define a residential curtilage. Staff are of the opinion that the creation of a residential curtilage should be prevented in this instance as the formation of any means of boundary treatment or fencing would be harmful to the openness of the Green Belt and the surrounding woodland
- 6.4.5 In light of the volume and floor space which have already been increased compared to the original and replacement bungalow, Staff consider any enclosures or formation of a residential curtilage to prejudice the open character and appearance of this part of the Green Belt. It is therefore important that the area surrounding the proposed bungalow remains Green Belt land which naturally forms part of the surrounding woodland. Staff therefore recommend a condition to prevent any boundary treatment or fence to be erected in order to prevent a residential curtilage to be established.
- 6.4.6 In addition to the above, Staff are of the opinion that any further development to the bungalow or on the application site would be harmful to the open character of the Green Belt. It is therefore recommended that all Permitted Development Rights are removed to prevent any harm from occurring, should future occupiers wish to extend the bungalow.
- 6.5 Site layout/Amenity space
- 6.5.1 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.
- 6.5.2 The application site is a large plot measuring approximately 0.3ha and indeed, its current use is residential. The proposal would be in the same

location and of a similar size compared to the fire damaged bungalow. The proposal would be set back from its front boundary by approximately 15m. The site is well screened from all sides by mature trees and vegetation allowing no or very limited public views into the site.

6.5.3 Staff are of the opinion that this large plot and the proposed development would leave adequate amenity space for practical day to day use.

6.5.4 The site can comfortably accommodate parking towards the front and amenity to the rear without appearing cramped or overdeveloped. It is therefore considered that the siting and layout of the proposal would be acceptable with no adverse impacts on the character of the area.

6.6 *Impact on Local Character and Street Scene*

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

6.6.2 The application site is on a large plot with mature trees and dense vegetation to its boundaries allowing no or very limited views from the public domain. The proposal would therefore not form part of any existing street scene.

6.6.3 Notwithstanding the proposal's negligible impact on the character of the street scene, the application falls within the Havering Ridge Area of Special Character and would ultimately have an impact on the special character area.

6.6.4 Policy DC69 of the LDF states that planning permission will only be granted in areas of special townscape or landscape character if it maintains or enhances the special character area. Havering Ridge was recognised by the former London Planning Advisory Committee as an Area of Special Character because of its skyline character and the panoramic views it affords of Central London. It has also been identified by English Heritage as an Area of Heritage Land for its combined intrinsic value for landscape, historic and nature conservation interest. The Council will therefore ensure that any development has regard to the special character of the area.

6.6.5 The proposal is for a modest, single storey bungalow which would see the replacement of a bungalow which was of a similar scale and design. The proposal would be slightly larger compared to the previous bungalow however, not to the extent that would cause harm to the character of the area.

6.6.6 In light of the distance of the proposal from its site boundaries, the dense vegetation to the site boundaries and the simplistic design, Staff are of the opinion that the proposed new bungalow would not adversely affect the character of the Havering Ridge Area of Special Character. Appropriate conditions can be imposed to require the submission of material samples and the retention of the mature trees within the grounds which will ensure that the open, verdant character of the ridge is maintained.

6.6.7 For the reasons mentioned above, it is considered that the proposed development would be acceptable in terms of its overall scale, bulk and design and would be acceptable in terms of its impact on the street scene and in particular on the Havering Ridge Area of Special Character. The development is therefore considered to be consistent with the aims and objectives of Policy DC61, DC68 and DC69 of the LDF Development Control Policies Development Plan Document.

6.7 *Impact on Amenity*

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

6.7.2 The proposal would be approximately 260m from its nearest neighbouring dwelling, Hillsdene along Clockhouse Lane to the south-west. As a result of the dense vegetation and mature trees on the site, in particular to its boundaries and the distance of the proposal from neighbouring dwellings, it is not considered that there would be any harmful impact in terms of neighbouring amenity.

6.8 *Highways / Parking Issues*

6.8.1 Policy DC33 in respect of car parking refers to the density matrix in Policy DC2. The site has a PTAL rating of 1-2 and therefore requires 2 - 1.5 parking spaces per unit for a development of this type in Romford. The proposal does not indicate how parking spaces will be provided however the application form indicates that 3 spaces would be available. Three parking spaces can comfortably be accommodated on the application site. The provision of 3 spaces would be sufficient and the layout and details of parking spaces can be secured by means of an appropriate planning condition. In this respect, the proposal would comply with the requirements of Policies DC2 and DC33. Access to the site will remain as per the existing arrangement.

6.9 *The Mayor's Community Infrastructure Levy*

6.9.1 The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable fee is based on an internal gross floor area of 102.5m² and

amounts to £2,050.

610. *Planning Obligations*

6.10.1 The proposal would not be required to make £6000 Planning Obligation contribution as the current proposal is re-application of a previous 2011 approval that did not require such a contribution and which can still be implemented.

6.10 *Other Issues*

6.10.1 The application site is designated as a Site of Importance for Nature Conservation (SINC). Notwithstanding, the replacement bungalow would be in the exact same location as the previous bungalow that occupied that site and the immediate area surrounding the bungalow is clear of any vegetation which may be affected. As such, Staff are satisfied that the development is able to take place without resulting in any harm to the surrounding wildlife and it is therefore not considered that conditions to protect the SINC is required in this instance.

6.11 *Very Special Circumstances*

6.11.1 Given that the previous dwelling on the site was demolished in 2010, Staff consider the proposed development to be inappropriate in principle in the Green Belt. It must therefore be considered whether any very special circumstances exist to justify the development. When resolving to grant planning permission for a replacement dwelling in 2011, Members considered whether the dwelling that had existed on the site was considered to have been 'abandoned'.

6.11.2 A dwelling will be considered 'abandoned' depending on:

- whether the site had been used for any other purpose following the cessation of the lawful use;
- the physical condition of the building;
- the length of time for which the building had not been used for residential purposes and
- the intentions of the owners of the building.

6.11.3 The original bungalow was used as a "park managers lodge" and has been on the site prior to 1982. According to the details provided by the applicant, the building was occupied for residential purposes until 2006 and was used on and off between 2006 and 2010 due to the building's poor state of repair. It is further evident that the bungalow was subject to several arson attacks, the first occurring in April 2010 and the second in May 2011. Following the arson attacks the bungalow was no longer in a state to be

occupied as a residential dwelling and therefore demolished for health and safety purposes.

6.11.4 Members accepted that the building had remained in residential use until it fell in a state of disrepair after which it was used occasionally as a residential dwelling and there was no evidence which suggests that the building had been abandoned as a residential dwelling. The building was only demolished for health and safety reasons following two arson attacks and the intention was therefore not to demolish the building in order to construct a replacement bungalow.

6.11.5 Although a longer period of time has now elapsed since the demolition of the bungalow, in light of the above information and that the existing planning permission under P1128.11 can still be implemented, Staff are of the opinion that this constitutes the very special circumstances necessary to justify the grant of a further permission for residential development on the site. Having regard also to the acceptability of the scale and design of the bungalow and the absence of harm to Green Belt character, Staff consider that an acceptable case for very special circumstances has been made.

7. Conclusion

7.1 The current application is the same as a previous application approved under P1128.11 which expires on 04 November 2014. Although the Green Belt Policy has changed since the previous approval the fundamental issues of appropriateness in the Green Belt and potential impact remain the same. The proposal is judged to be inappropriate development in principle in the Green Belt, given the length of time which has elapsed since the previous bungalow on the site was demolished. However, it is judged that there are very special circumstances, relating to the reasons for demolishing the previous building, the extant planning permission, the reasonable scale and impact of the proposal and the absence of harm to the character of the Green Belt, which justify approval in this case.

7.2 The proposal is considered acceptable in terms of its impact on the character of the Havering Ridge Area of Special Character and would have no harmful impact on the amenities of neighbouring properties. No concerns are raised in terms of parking / highway issues. The proposal is not considered to affect the SINC as a result of the development or during construction.

7.3 Overall, the proposal is considered to be acceptable and compliant with the relevant LDF Policies. The proposal is therefore recommended for approval, subject to conditions

IMPLICATIONS AND RISKS

Financial Implications and risks:

None.

Legal Implications and risks:

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

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 14/07/14

REGULATORY SERVICES COMMITTEE

REPORT

2 October 2014

Subject Heading:

P0986.14 – 104 Petersfield Avenue,
Harold Hill, Romford

Change of use from A1 retail to a D2
Leisure use for a ladies only gym and spa.

Application received 16/07/2014

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	[]
Providing economic, social and cultural activity in thriving towns and villages	[X]
Valuing and enhancing the lives of our residents	[X]
Delivering high customer satisfaction and a stable council tax	[X]

SUMMARY

This application relates to a Council owned property in the Major Local Centre of Petersfield Avenue for the change of use of No 104 from an A1 use to a D2 Leisure use as a ladies only gym and spa. The planning issues are set out in the report below and relate to the principle of the use, the impact upon the centre and residential amenity. Staff consider the proposal to be acceptable as an exception to policy and recommend that planning permission be granted.

RECOMMENDATIONS

That planning permission be granted subject to the following condition:

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 premises shall not be used for the purposes hereby permitted other than between the hours of 9.00am and 8.00pm on Mondays to Saturdays and 10.00am to 3.00pm on Sundays, Bank and Public holidays.

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.

3. Before the development hereby approved is brought into use a window display area shall be provided and thereafter maintained to the satisfaction of the Local Planning Authority in accordance with details which shall previously have been agreed.

Reason:-

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

4. Before the development hereby permitted commences details of a scheme shall be submitted to and approved in writing by the Local Planning

Authority which specifies the provisions to be made for the control of noise emanating from the site. Such scheme as may be approved shall be implemented prior to the use commencing and thereafter retained in accordance with the approved details.

Reason:-

To prevent noise nuisance to adjoining and adjacent premises in order that the development accords with the Development Control Policies Development Plan Document Policies DC55 and DC61.

5. Before any use commences a scheme for any new plant or machinery shall be submitted to and approved by 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 and adjacent premises in order that the development accords with the Development Control Policies Development Plan Document Policies DC55 and DC61.

1. INFORMATIVES

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

REPORT DETAIL

1. **Site Description**

- 1.1 The application site comprises of the ground floor and basement of 104 Petersfield Avenue which is a vacant A1 Retail unit.
- 1.2 The property is a Council owned vacant mid-terrace shop within a row of 21 units. These properties combined are designated as a Major Local Centre. The upper floors of the parade consist of residential maisonettes.
- 1.3 To the front of the site is a layby and to the rear is a car park that provides car parking spaces for the parade. To the southwest of the site are residential properties.

1.4 To the north east of the site is a day centre and St. Pauls Church.

2. **Description of Proposal:**

2.1 The proposal is for the change of Use from A1 retail to D2 Leisure for a ladies only gym and spa.

The proposed hours of use are as follows:

Monday to Saturdays	9.00am to 8.00pm
Bank Holidays and Sundays	10.00am to 3.00pm

2.2 It is proposed to have 1 full time, and 1 part-time member of staff.

3. **Relevant History**

P1136.13 - Change of Use of the existing vacant retail (A1) unit to a hot food takeaway (A5) with a new rear external extract duct – Approved

4. **Consultations and Representations:**

4.1 29 neighbouring properties have been consulted, no representations received to date. The application has been advertised in the local press and on site as a departure from the Development Plan.

London Fire Brigade Water Team - No objections

London Fire & Emergency Planning Authority Team- No objections

Environmental Protection - No objections subject to appropriate conditions

Essex & Suffolk Water - No objections

Highways- No objections

5 **Relevant Policies**

5.1 LDF

CP4 - Town Centres

DC16 - Core and Fringe Frontages in District and Local Centres

DC26 - Location of Community Facilities

DC27 - Provision of Community Facilities

DC33 - Car Parking

DC36 - Servicing

LONDON PLAN

2.15 - Town Centres

4.7 - Retail and town centre development

4.8 - Supporting a successful and diverse retail sector

6.13 - Parking

6.9 - Cycling

NATIONAL POLICY GUIDANCE

NPPF - National Planning Policy Framework

6 **Mayoral CIL Implications**

The proposal is not Mayoral CIL liable.

7. **Staff Comments**

7.1 The issues arising from this application are the principle of development, the impact on the vitality and viability of the Centre, impact on neighbours living conditions and parking and highway matters..

Principle of Development

7.2 The advice contained in the NPPF is that retail vitality should be protected such that Local Plans should "define the extent of town centres and primary shopping areas, based on a clear definition of primary and secondary frontages in designated centres, and set policies that make clear which uses will be permitted in such locations".

7.3 The application site is located within the Petersfield Avenue Major Local Centre. Policy D16 states that planning permission for service uses (A2, A3, A4, A5) will only be granted within District and Neighbourhood Centres throughout the retail core at ground floor level where:

- the use provides a service appropriate to a shopping area
- the proposal will not result in the grouping of 3 or more adjoining A2-A5 uses
- within the retail core of Hornchurch and Upminster the proposal will not result in the proportion of non-retail uses within the relevant frontage exceeding 20% of its total length. Within the retail cores of Collier Row, Elm Park, Harold Hill and Rainham and the Major Local Centres, a 33% figure will apply.

7.4 The application is for a D2 unit from a vacant A1 unit.

7.5 The purpose of the policy is to ensure the continued vitality and viability of the various size retail centres throughout the Borough by exercising control over the nature of the uses and the mix of uses which can locate there. In this instance, the proposed use would fall within a non-retail "D" Use Class, adjacent to an existing sui generis beauty salon at 102 Petersfield Avenue which is also run by the applicant. Although not within the "A" use class staff are satisfied that it could be argued that the proposal would provide a service appropriate to a shopping area, create a footfall and generally contribute to the vitality and viability of the centre. The proposed change of use would not result in 3 or more A2-A5 (or other non-retail) adjoining uses

nor would it result in more than 20% of the length of the existing frontage being in non-retail use.

- 7.6 Whilst the proposed change of use would not accord with the above policy in relation to retaining A-Class uses, the proposed use is considered to be akin to a service use, and being linked to the adjacent successful beauty salon, would be more likely to attract footfall and custom to the remainder of the parade. Members may therefore wish to make an exception in this case given that the proposal would involve bringing a vacant unit back into use.

Design and Impact on Street scene

- 7.7 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.
- 7.8 The proposed application does not involve any external works to the existing shop front or fascia. In the event that Members approve the application a condition can be imposed requiring the applicant to maintain an active window display at the premises to ensure that it does not appear as dead frontage..
- 7.9 It is therefore considered that the proposed development would safeguard the character and appearance of the parade and surrounding area. The proposal is acceptable in accordance with Policy DC61 and advice contained within the NPPF..

Impact on Amenity

- 7.10 Policy DC61 considers that new developments should not materially reduce the degree of privacy enjoyed by the occupants of adjoining properties and should not have an unreasonably adverse effect on sunlight and daylight to adjoining properties.
- 7.11 With regard to the impact upon the amenity of neighbouring occupants consideration must be given to potential implications in terms of operating hours, noise and disturbance and odours, particularly in view of the fact that there are residential properties located on the upper floors of the parade.
- 7.12 The proposed use would not significantly increase the level of noise and disturbance from pedestrian movements and vehicles over and above the existing conditions. If minded to grant planning permission, conditions will be placed for the following aspects: opening hours, trading days, deliveries, noise insulation and refuse storage.
- 7.13 The proposed use would not be open later than 8:00pm Monday to Saturdays and 3.00pm on Sundays and Bank Holidays. 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 within a fully functional commercial parade.

- 7.14 Subject to safeguarding conditions, it is considered the proposal would not harm the living conditions of neighbours in accordance Policy DC61.

Highways and Parking

- 7.15 The application does not involve any changes to the existing highway or creation of car parking provisions. There is an existing lay-by that is situated to the front of the parade of shops, unrestricted on street car parking within the immediate vicinity and service area to the rear.
- 7.16 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. Highways raised no objections. The proposal is therefore considered acceptable in parking standards terms and highway safety in accordance with Policy DC33..

8. Conclusions

- 8.1 The proposed development is considered to be contrary to Policy DC16 of the LDF, however, the nature of the use proposed is not necessarily considered to be inappropriate within a Major Local Centre. The proposal would bring a vacant unit back into use, provide employment, generate footfall and contribute to the vitality and viability of the Centre. On this basis Members may consider that the economic benefits potentially derived from the proposal are sufficient to overcome any harm arising from the loss of the retail unit.
- 8.2 It is recommended that planning permission be granted.

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 proposal is for a ladies only establishment, but this is responding to a demand for single sex leisure facilities which may encourage wider gym use by others who may be discouraged from using a mixed sex facility.

BACKGROUND PAPERS

Application form, drawings and supporting statements received on 9 June 2014.