



Havering

LONDON BOROUGH

REGULATORY SERVICES COMMITTEE AGENDA

7.30 pm

**Thursday
2 April 2015**

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

Members 11: Quorum 4

COUNCILLORS:

**Conservative
(5)**

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

**Residents'
(2)**

Stephanie Nunn
Reg Whitney

**East Havering
Residents'(2)**

Linda Hawthorn
Ron Ower

**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 - 42)

To approve as a correct record the minutes of the meetings of the Committee held on 29 January, 19 February and 5 March 2015 and to authorise the Chairman to sign them.

5 PLANNING APPLICATIONS - SEE INDEX AND REPORTS (Pages 43 - 102)

- 6 P0040.15 - 168/170 SOUTH STREET, ROMFORD** (Pages 103 - 116)
- 7 1591.14 - RISE PARK JUNIOR SCHOOL, ANNAN WAY** (Pages 117 - 128)
- 8 P1594.14 - PHASE4B, HAROLD WOOD HOSPITAL, GUBBINS LANE** (Pages 129 - 144)
- 9 P1448.14 - DOVETAIL HOUSE, 60 STATION ROAD, UPMINSTER** (Pages 145 - 160)
- 10 P0090.15 - 1 ALBERT ROAD, ROMFORD** (Pages 161 - 178)
- 11 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
29 January 2015 (7.30pm - 10.50 pm)**

Present:

COUNCILLORS: 11

Conservative Group Robby Misir (in the Chair) Ray Best (Vice-Chair),
Philippa Crowder, +John Crowder and +Melvin Wallace

Residents' Group Stephanie Nunn and Reg Whitney

East Havering Linda Hawthorn and Ron Ower

Residents' Group

UKIP Group Phil Martin

Independent Residents Graham Williamson
Group

Apologies were received for the absence of Councillors Steven Kelly and Michael White.

+Substitute members Councillor Melvin Wallace (for Steven Kelly) and Councillor John Crowder (for Michael White)

Councillors Roger Ramsey, Linda Van den Hende and John Glanville were also present for parts of the meeting.

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

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

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

159 **MINUTES**

The minutes of the meetings held on 4 December and 18 December 2014 were agreed as a correct record and signed by the Chairman.

160 **P0972.14 - 16 & 18 PROSPECT ROAD HORNCHURCH AND LAND TO THE REAR OF**

The report before Members concerned 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.

The application was previously considered by the Committee on 2 October 2014, where it was deferred to enable staff to seek to obtain details of the construction methodology in advance, to control the construction hours and to agree the phasing of the development. The report was now brought back to Members, updated to reflect the outcome of these negotiations with the applicant.

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 they were representing the residents of Prospect Road who were affected by the proposal. The objector advised that the two residents living adjacent to the site were both elderly and in poor health. The residential amenity of both of the residents would be significantly diminished should the demolition and construction works proceed. The objector also commented that the European Convention for the Protection of Human Rights gave every person the "entitlement of the peaceful enjoyment of their possessions" and if approval was given for the works to commence then this entitlement would be denied.

In response the applicant's representative commented that he was pleased to see that the proposal was recommend for approval but was concerned with the proposed hours of construction condition which was quite onerous and could lead to a delay in the completion of the construction period.

With its agreement Councillors Roger Ramsey and John Glanville addressed the Committee.

Councillor Ramsey commented that there had been no consideration of the human rights issues in the revised report and that there was also an issue regarding the lack of sunlight/daylight for the existing residents if the proposal was to be approved.

Councillor Glanville commented that Article 8 of the European Convention for Human Rights offered residents protection from noise and pollution issues and that officers had tried to address this by requesting a condition that would ask for a detailed methodology during the construction period.

During the debate Members discussed the unusual method of part demolishing the properties on either side of the application site and commented that a dangerous precedent could be set by approving the application. The Legal Officer advising the Committee acknowledged that the Human Rights issues were not addressed in the report and added that

the protection to peaceful enjoyment of property was a qualified right. In that it was limited and needed to be balanced against the developer's rights.

Members also received clarification that sunlight provision had been considered by officers. Due to the hipped nature of the two dwellings situated at the front of the proposal the sunlight projected was deemed sufficient.

Members also discussed the option of refusing planning permission and were reminded by the Head of Regulatory Services that the Planning Inspector had previously only refused the application for one reason and that was based on the absence of a legal agreement being in place.

Members also commented that the human rights issues had not been properly addressed in the report and agreed that further investigation be carried out to ascertain the Council's position regarding these issues.

It was **RESOLVED** that consideration of the application be deferred to allow for officers to provide a further report assessing whether Human Rights Act under Article 8 contributed a material reason for refusal reflecting the unique combination of issues presented by the proposal which: had a Planning Inspectorate appeal decision; was outline with no definition of impact details; sliced two pairs of bungalows in half; and because of transmission through party wall directly affected the living conditions of two elderly residents situated either side.

161 **P1528.13 - 22-28 NORTH STREET, ROMFORD**

The proposal was for the demolition of the existing four retail units, with vacant office accommodation above, and the erection of an six storey building with four (A1) retail units at ground floor level, and twenty flats above (sixteen two bedroom and four 1 bedroom units), occupying five storeys.

The sixth storey element would comprise a services block at the top of the building.

The application was first reported on 3 April 2014 when a decision was deferred to allow further information to be gathered and clarification sought.

The queries and their responses were then reported back to Members on 26 June 2014 when the decision was again deferred to allow the opportunity for a height reduction to be negotiated. Despite negotiations, the developer opted to continue with what was essentially an eight storey proposal with some minor changes. The scheme was reported to Members on 23 October 2014 when it was again deferred to give the applicant a further opportunity to reduce the height of the scheme.

The applicant had now submitted plans reducing the building's height from eight storeys to six, and from twenty eight flats to twenty. However, the applicant had stated that, owing to the reduction in the proposed number of

units, that the previously proposed contribution of £45,000 towards local environmental enhancements was no longer offered.

Members were advised that following negotiations the applicant was now willing to pay the Council's tariff of £120,000.

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

The objector advised that he was speaking on behalf of the Romford Civic Society and commented that the original building should not be demolished as it provided the setting for a significant set of buildings around other listed buildings in the conservation area and would be at odds with the Development Plan Policy. The proposal would have an adverse impact by reason of its height scale and design on the setting of a listed building and fail to preserve or enhance the character of Romford Conservation Area.

In response the applicant's representative commented that the applicant had listened to the Committee's previous concerns and had reduced the number of storeys from eight to six. The proposed building would sit lower than the spire of the nearby St Edwards Church and English Heritage had raised no objections to the proposal. English heritage had also conceded that the space at the front of the site was without merit and that the proposal would improve security and the area's commercial vitality.

During a brief debate Members commented that whilst English Heritage only briefly commented on the conversation area the Council's own Heritage Officer still recommended refusal of planning permission as the proposal failed to preserve or enhance the character of the conservation area and planning policy DC68 applied.

Members also commented about the current untidy state of the area but also felt it was important not just to accept a proposal because it looked better than what was currently there.

Following a motion for approval which was lost by 4 votes to 7. It was **RESOLVED** that planning permission be refused as per the officer's recommendation.

The vote for the resolution was carried by 8 votes to 3.

Councillors J.Crowder, Wallace, Hawthorn, Ower, Nunn, Whitney, Martin and Williamson voted for the resolution to refuse planning permission.

Councillors P.Crowder, Best and Misir voted against the resolution to refuse planning permission.

162 **P1114.14 - THE SYCAMORES 161A HACTON LANE, UPMINSTER**

The proposal before Members was for a retrospective application for the change of use of a swimming pool from residential to part residential/part business.

Members noted that the application had been called in by Councillor Linda Van den Hende on the grounds that she wanted Members to have the opportunity to consider the application rather than have it decided by delegated powers.

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

The objector commented that the application was the re-submission of an application that had previously been refused. The objector commented that the application was for sixty hours per week and expressed concerns that if granted then it would be difficult to police and would ultimately lead to a lack of amenity for neighbouring properties.

In response the applicant commented that none of the neighbours were objecting to the application and there had also been no objection from the Highways Department. The applicant also advised that thirty letters of support had been submitted.

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

Councillor Van den Hende commented that consideration of the application was a judgement call. The swimming pool was quite small and only used by up to six children at a time but the judgement by officers was possibly taken with effect on amenity in mind.

During a brief debate Members discussed the numbers using the facilities and possible concerns over operating hours that could affect the amenity of others.

The report recommended that planning permission be refused, however following a motion to approve a temporary planning permission for one year which was carried by 9 votes to 2 it was **RESOLVED** that planning permission be granted for a temporary one year period and subject to the change of weekend operating hours to 9am to 1pm which will be set out as planning condition the precise wording of which be delegated to the Head of Regulatory Aervices and due to the following reasons:

- No harm to Green Belt.
- Beneficial use for the community.
- No immediate apparent harm to residential amenity.
- Allowing temporary trial period to assess impact.

The vote for the resolution to grant planning permission was carried by 9 votes to 2.

Councillors Misir, Best, J Crowder, P Crowder, Wallace, Hawthorn, Ower, Martin and Williamson voted for the resolution to grant planning permission.

Councillors Nunn and Whitney voted against the resolution to grant planning permission.

- 163 **P1084.14/L0010.14 - THE CONVENT OF SACRED HEART - DEMOLITION OF LATER ADDITIONS TO THE GRADE II LISTED BUILDING; ERECTION OF TWO 2-STOREY SIDE EXTENSIONS; ALTERATIONS TO EXISTING ROOF INVOLVING INFILLING OF HIDDEN VALLEY AND INSTALLATION OF GLAZED LANTERN; INTERNAL ALTERATIONS TO FACILITATE THE CONVERSION OF THE BUILDING INTO SEVEN APARTMENTS; PROVISION OF CAR PARKING, CYCLE AND REFUSE STORES; AND FORMATION OF ACCESS DRIVE TO REAR AND CONSTRUCTION OF TWO 2-STOREY 5-BED LINKED-DETACHED DWELLINGS WITH CAR PARKING.**

It was **RESOLVED** that consideration of the reports be deferred to allow officers to check whether objectors had received consultation letters offering them the opportunity to speak before the Committee.

- 164 **P1536.14/L0014.14 - LANGTONS HOUSE, BILLET LANE HORNCHURCH**

The matter was brought before the Committee as the application site was Council owned. The proposal related to Langtons House, a Council owned, Grade II listed 18th century house and public gardens located in Billet Lane, Hornchurch. Planning permission was sought for new surface materials to the stable yard; additional works to the Billet Lane pedestrian entrance; changes to the surface materials to immediate context to Langtons House including a new ramp to south elevation door; new hard surfaces within the gardens to paths; reopened entrance to brick wall adjoining stable block; new external lighting; new park furniture and new park signage.

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

The objector commented that the local residents welcomed the improvement works to Langton's House and had no objection to the proposed development but opposed the proposed parking on Fielders Field. The objector referred to the appropriation of Fielders Field which he had had correspondence with officers and opposed .

In response the applicant's representative commented that the works to the car park area were not part of these applications and that they fall under permitted development. The works to Langton's were briefly outlined.

The Council's legal advisor confirmed that the reference in the objector's representation on the proposals for Fielders Field was not relevant to the application before members as the proposal for Fielders Field did not form part of the application for determination and fell under Part 12 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) and referred to paragraph 4.2 of the report before members.

The Committee considered the reports and without debate **RESOLVED** that in respect of P1536.14 that planning permission be granted subject to the conditions as set out in the report.

The Committee considered the reports and without debate **RESOLVED** that in respect of L0014.14 that the application and all relevant documentation be forwarded to the Secretary of State for determination in accordance with Section 12 of the Listed Building Act 1990 and regulation 13 of the Planning (Listed Building and Conservation Areas) Regulations 1990 and that should the Secretary of State be minded to grant Listed Building Consent that the conditions and Reason for Approval set out in the report be considered in respect of such consent.

165 **P1346.14 - RISE PARK JUNIOR SCHOOL, ANNAN WAY ROMFORD**

The proposal before Members was for the re-commissioning of the existing pedestrian access from Pettits Lane North and the construction of a new fenced off holding area in the south west corner of the playing field providing an additional pedestrian access into the school campus.

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 re-commissioning the original entrance could prove to be dangerous as the entrance was situated adjacent to a zebra crossing which was situated on a bend in the road. The objector commented that parents dropped their children off to school and sometimes stopped on the zig zag lines of the crossing setting a dangerous precedent.

In response the applicant's representative commented that the pedestrian crossing had been installed previously when the entrance had been in use. The Council's Highways department had suggested re-commissioning the Pettits Lane North entrance to alleviate the congestion on the entrance in Annan Way.

During a brief debate Members discussed the current congestion at the site was suffering from and possible enforcement action being taken on drivers that parked on the zig zag lines.

It was **RESOLVED** to delegate to the Head of Regulatory Services to grant planning permission subject to the conditions as set out in the report and subject to two additional conditions (the wording of to be decided by the Head of Regulatory Services) concerning:

- Restricted hours during which the holding area may be used.
- Except for the agreed hours during which the holding area is to be used the gate must be kept locked.

166 **P1609.14 - CRANHAM GOLF COURSE, ST MARY'S LANE, UPMINSTER**

The planning application before Members proposed the installation of a solar energy farm at the site, generating approximately 2.6MW of electricity for the national grid created by 11,700 solar panels.

The application had been submitted following the refusal, by Members, of planning application P0907.14 on 2 October, 2014. The current proposal was identical to the previous scheme, except that:

- a) The proposed panels would be reduced in height, now having maximum and minimum heights of approximately 1.9m and 0.6m respectively, compared to 2.9m and 0.9m respectively.
- b) The angle of the proposed panels is reduced to 20 degrees, from 25 degrees.
- c) The landscaping scheme previously agreed between officers and the applicant following the submission of that application has been incorporated.

The application had been called in by Councillor Ron Ower on the grounds of the potential harm to the Green Belt.

During the debate Members discussed the difference between the application and the previously submitted one.

Members still felt that the proposal would be a distraction to road users using the M25 motorway nearby and alternative screening arrangements were discussed.

The report recommended that planning permission be granted, however following a motion to refuse planning permission which was carried by 8 votes to 2 with 1 abstention it was **RESOLVED** that planning permission be refused for the following reasons:

- The principle harm to the Green Belt was not outweighed by very special circumstances.

- Physical harm to the Green Belt caused through the number and impact of the solar panel array together with the necessary infrastructure – fencing, lights and outbuildings all of which would have an unduly intrusive impact.
- Likely distraction to M25 drivers adversely affecting highway safety.

The vote for the resolution to refuse planning permission was carried by 8 votes to 2 with 1 abstention.

Councillors Misir, Best, J Crowder, P Crowder, Hawthorn, Ower, Nunn and Whitney voted for the resolution to refuse planning permission.

Councillors Wallace and Martin voted against the resolution to refuse planning permission.

Councillor Williamson abstained from voting.

167 **P1406.14 - 12 NORTH STREET, HORNCURCH - CHANGE OF USE TO NAIL SALON & BEAUTY SERVICES (SUI GENERIS)**

The Committee considered the report and without debate **RESOLVED** that planning permission be granted subject to the conditions as set out in the report and additional wording to condition 4 to be added under delegated powers of the Head of Regulatory Services.

168 **P1383.14 - RJ MITCHELL SCHOOL, SOUTH END ROAD SOUTH HORNCURCH - ONE FORM OF ENTRY EXPANSION TO SCHOOL INCLUDING NEW CLASSROOM BLOCK, INTERNAL ALTERATIONS, SCHOOL HALL EXTENSION, AND EXTENDED STAFF CAR PARKING PROVISIONS**

The Committee considered the report and without debate **RESOLVED** that subject to the Secretary of State deciding not to call-in the application under the provisions of the Town and Country Planning (Consultation) (England) Directive 2009 on the expiration of 21 days from effective consultation that the Head of Regulatory Services be authorised to grant planning permission subject to the conditions as set out in the report and subject to an additional condition requested by Sport England that the construction compound and access be removed as set out below:

No building shall be occupied or use commenced until the temporary construction access from South End Road has been closed and any temporary surfacing materials removed from the site. The area of playing field affected by the construction works would then be reinstated in accordance with details that have previously been submitted to and agreed in writing by the local planning authority. The reinstatement shall take place within three months of the completion of the construction works or such other period as agreed in the scheme of reinstatement. The scheme will

provide for the reinstatement of the playing field to a quality at least equivalent to the quality of the playing field immediately before the temporary construction access was erected or a condition fit for use as a playing field or in accordance with 'Natural Turf for Sport', (Sport England, 2011).

Reason: To ensure that the playing field was reinstated and was available for use following the completion of construction works in accordance with Development Control Policies Development Plan Document Policy DC18 and the guidance in the National Planning Policy Framework.

169 **P1212.14 - 64 SOUTH STREET ROMFORD - GROUND FLOOR SIDE EXTENSION, ALTERATION OF EXISTING BUILDINGS INCLUDING REMOVAL OF THE FRONT CANOPY, REPLACEMENT SHOP FRONTS AND FULL RESTORATION OF FRONT ELEVATION ALONG WITH PARTIAL DEMOLITION AND EXTENSION OF EXISTING BUILDING AT FIRST FLOOR UP TO 4 STOREYS IN HEIGHT TO PRODUCE 22 RESIDENTIAL UNITS COMPRISING 10 X 1 BEDROOM, 11 X 2 BEDROOM AND 1 X 3 BEDROOM UNITS WITH 2 FLEXIBLE GROUND FLOOR A1/A2/A3 UNITS WITH A CAFE (A3) TO THE REAR AND LOUVERED EXTRACT VENTS**

The Committee considered the report noting that the proposed development qualified for a Mayoral CIL contribution of £22,620 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 review of the viability of providing affordable housing shall be carried out after the first anniversary of the grant of planning permission unless the developer implements the planning permission on or before the first anniversary of the date on which planning permission was granted and on every subsequent year on the anniversary of the first viability assessment until completion and any affordable housing (or equivalent contributions for off site provision) be provided based on the revised viability assessment to a maximum of 50%. The developer/owner will bear the costs of the Council commissioning an independent viability assessment of the annual reviews of viability and the viability assessment and independent viability assessment will apply the methodology either of the Economic Assessment Tool (EAT) as issued by the Homes and Communities Agency OR the Argus Developers Toolkit (Argus).
- A financial contribution of £132,000 to be used towards infrastructure costs in accordance with the Planning Obligations Supplementary Planning Document.

- Save for Blue Badge holders to prevent any residential occupiers from obtaining residents parking permits for any existing or future controlled parking zones or residents' parking schemes within the area.
- 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 the Head of Regulatory Services 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.

170 **P1054.13 - LAND NORTH OF 8 JACKSON CLOSE - ERECTION OF SIX DWELLINGS**

The Committee considered the report noting that the proposed development qualified for a Mayoral CIL contribution of £16,500 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 £36,000 to be used towards infrastructure costs associated with the development in accordance with the Planning obligation SPD.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- To pay the Council's reasonable legal costs in association with the preparation of a legal agreement irrespective of whether the legal agreement is completed.
- Payment of the appropriate planning obligation/s monitoring fee prior to completion of the agreement.

That the Head of Regulatory Services 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 with the removal of condition 14 (Air Quality).

171 **P1020.12 - 69 OLDCHURCH ROAD, ROMFORD - DEMOLITION OF EXISTING WAREHOUSE AND OFFICE AND THE CONSTRUCTION OF 34 FLATS IN TWO BLOCKS WITH UNDERGROUND PARKING AND 2 SEMI-DETACHED HOUSES.**

The Committee considered the report noting that the proposed development qualified for a Mayoral CIL contribution 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 which will be due at the commencement of each phase of development as per the approved phasing plan (drawing no. 2216_P20). In order to facilitate financing of the infrastructure contribution it is agreed that the development be completed over 3 phases. Phase 1 would consist of the construction of a semi-detached pair of dwellings; phase 2 would consist of the construction of 10 flats and phase 3 would consist of the construction of the remaining 24 flats (as per drawing no. 2216_P20). The payment of the infrastructure contribution is to be paid prior to the commencement of each phase at a rate of £6,000 per dwelling unit for timely payment in accordance with the phasing set out above.
- 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 the Head of Regulatory Services 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.

172 **P1680.14 - HAYDOCK CLOSE, HORNCHURCH - ERECTION OF NINE FLATS (2 X 1 BEDROOM AND 7 X 2 BEDROOM) WITH ASSOCIATED LANDSCAPING & OFF STREET PARKING**

The Committee considered the report noting that the proposed development qualified for a Mayoral CIL contribution of £12,960 and **RESOLVED** that the proposal was unacceptable as it stood but would be acceptable subject to the applicant entering into a Section 106 Legal Agreement under the Town and Country Planning Act 1990 (as amended), to secure the following:

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

That the Head of Regulatory Services 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.

173 **P1534.14 - TESCO ROMFORD EXPRESS LAND TO THE REAR OF OAKLANDS AVENUE, ROMFORD**

This application was withdrawn by officers at the applicant's request.

174 **STOPPING UP ORDER**

The Committee considered the report and without debate **RESOLVED** that subject to the developer paying the Council's reasonable charges in respect of the making of, advertising of, any inquiry costs associated with and the confirmation of the Stopping Up Order pursuant to Regulation 5 of The London Local Authorities (Charges for Stopping Up Orders) Regulations 2000 that:-

The Council makes a Stopping Up Order under the provisions of s.247 Town and Country Planning Act (as amended) in respect of the area of adopted highway shown zebra hatched on the attached Plan as the land is required to enable development for which the Council has granted the Planning Permission.

In the event that no relevant objections are made to the proposal or that any relevant objections that are made are withdrawn then the Order be confirmed without further reference to the Committee.

In the event that relevant objections are made, other than by a Statutory Undertaker or Transport Undertaker and not withdrawn, that the application be referred to the Mayor for London to determine whether or not the Council can proceed to confirm the Order.

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

175 **P1276.12 - LAND ADJACENT TO HILLDENE AVENUE, HILLDENE CLOSE, BRIDGWATER ROAD, HAROLD HILL ROMFORD - REDEVELOPMENT OF THE PART-VACANT HILLDENE NORTH SITE TO PROVIDE 100 RESIDENTIAL UNITS (58% AFFORDABLE HOUSING) WITH ANCILLARY CAR PARKING AND ASSOCIATED LANDSCAPING.**

The Committee considered the report and without debate **RESOLVED** that subject to all parties to the S106 planning agreement dated 24 January 2013 as varied by a Deed of Variation dated 6 August 2013 ("the original agreement") agreeing to be party to a further deed of variation that the Head of Regulatory Services be authorised to enter into the deed of variation of the original agreement as detailed in the report to release Countryside Properties (UK) LTD from the obligations contained in the original agreement Provided That the terms of the deed of variation pursuant to Section 106A of the Town and Country Planning Act 1990 shall only take effect following the payment of a financial contribution of £126,000 to be used towards infrastructure costs in accordance with the Planning Obligations SPD and LDF Policy DC72 and the issuing and lawful commencement of planning permission pursuant to planning application reference P0819.14 pursuant to a new legal agreement to be entered into with Countryside Properties (UK) LTD and their mortgagee (bank) on the same date as the aforementioned deed of variation of the original agreement .

The Developer/Owner to pay the Council's reasonable legal costs associated with the deed of variation prior to the completion irrespective of whether the deed of variation was completed.

176 **SUSPENSION OF STANDING ORDERS**

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

Chairman

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Public Document Pack

**MINUTES OF A MEETING OF THE
REGULATORY SERVICES COMMITTEE
Havering Town Hall, Main Road, Romford
19 February 2015 (7.30 - 10.45 pm)**

Present:

COUNCILLORS: 11

Conservative Group Ray Best (Vice-Chair) (in the Chair), Philippa Crowder, Steven Kelly, Michael White and +John Crowder

Residents' Group Stephanie Nunn and Reg Whitney

East Havering Residents' Group Linda Hawthorn and Ron Ower

UKIP Group Phil Martin

Independent Residents Group Graham Williamson

Apologies were received for the absence of Councillor Robby Misir.

+ Substitute Member: Councillor John Crowder (for Robby Misir)

Councillors Alex Donald, David Durant and Linda Van den Hende were also present for parts of the meeting.

90 members of the public were present for parts of the meeting.

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.

177 **MINUTES**

The minutes of the meeting held on 8 January 2015 were agreed as a correct record and signed by the Chairman.

178 **P1475.14 - 168/170 SOUTH STREET, ROMFORD**

It was **RESOLVED** to defer the application to enable Ward Councillor to address Committee at a future meeting.

179 **P1742.14 - LAND AT OAK FARM, MAYLANDS FIELDS, ROMFORD**

The application before members was for a change of use of land to burial grounds including removal of existing agricultural buildings and erection of two pavilion buildings for associated usage, hard and soft landscaping, new access to A12 and internal roads and paths, parking and workshop area for storage of associated equipment, tools and materials.

Members noted that one late letter of representation, objecting to the proposals had been received. By way of correction members were informed that 2740 representations in support of the application had been received.

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

The objector commented that the vast majority of those supporting the application were not resident in the borough and the majority of local residents objected to the proposals. The objector questioned whether there was a local need for such a facility and asked who the facility would actually serve stating that it would serve communities from outside the borough. The objector considered the proposal to be in contravention of Policy 7.23 of the London Plan. The objector stated that the proposed development site had been used and valued by local residents for over 60 years and was a site of nature conservation importance. Concerns were raised over the style of buildings proposed on the site which were considered to be out of character with the locality and inappropriate in the Green Belt. Concerns were also raised over highway safety and the loss of foodplain storage.

In response the applicant's Solicitor commented that the applicants were not insensitive to the concerns of local residents. She stated that the proposed development was an acceptable Green Belt development and that a robust needs assessment had been put forward. The applicant's Solicitor made reference to a precedent set in 2013 at Upminster Cemetery where the needs of wider communities amounted to very special circumstances justifying green belt development. The applicants Solicitor also raised the improvements that the application would bring to the site including public access.

With its agreement Councillor Alex Donald addressed the Committee. Councillor Donald questioned whether anyone would actually benefit from the application concluding that it would not be the people of Havering. Councillor Donald stressed that the application was against the wishes of local residents. He raised concerns over the harm that the proposed buildings and structures would have on the openness of the Green Belt. Councillor Donald stated that the proposed development was contrary to the London Plan policy.

Councillor Donald questioned why the applicants had failed to acknowledge that the application would result in a net loss of flood plain storage and why the applicants had failed to consider other sites for the proposed

development nearer to the communities that that the development would serve.

Following the representations, the Committee, without debate **RESOLVED** that planning permission be refused for the reasons set out in the report.

180 **P1616.14 - 5 FITZILIAN AVENUE, HAROLD HILL**

The application before the Committee proposed the demolition of existing rear storage buildings and the construction of one 4-bedroom Mews House, one 3-bedroom Town House and the refurbishment of shop accommodation to create a 3-bedroom Town House

Members noted that one late representation had been received from London Fire Brigade confirming that they had no objection.

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

The objector commented that his only concern was with the Mews House. The objector asked for clarification of the buildings footprint and whether assurances could be given that restrictions would be placed on the height and width of the building. The objector also stated that a lighter colour brick should be used for its construction. The objector concluded by raising concerns over the potential for damage to an existing rear wall.

In response the applicant stated that the proposal was sympathetic to the streetscene. The applicant stated that issues relating to overlooking had been addressed and the removal of existing storage use would improve local area.

During the debate Members discussed the issues surrounding the retention of the rear wall and received clarification on the condition dealing with overlooking. . A Councillor commented that he considered that the proposal would be beneficial for the area.

It was **RESOLVED** that the proposal was unacceptable as it stood but would be acceptable subject to the applicant entering into a legal agreement under section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following:

- A financial contribution of £18,000 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 Owner/Developer 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.
- of the Owner/Developer to pay the appropriate planning obligation/s monitoring fee prior to completion of the agreement.

That the Head of Regulatory Services be authorised to enter into a legal agreement to secure the above and upon completion of that agreement, grant planning permission subject to the conditions as set out in the report and with an amendment to Condition 14 to include details of existing and proposed boundaries.

181 **P1084.14/L0010.14 - THE CONVENT, SACRED HEART OF MARY, 64 ST MARY'S LANE UPMINSTER**

Planning application P1084.14 and listed building consent L0010.14 were presented together but voted on separately.

The planning application proposed the demolition of 1960's additions to a Grade II listed building, the conversion and extension of the remaining building to accommodate four 2-bed and three 3-bed apartments and the erection of two 5-bed detached dwellings within the grounds toward the southern boundary of the school site.

The listed building consent sought authority for works to a Grade II listed building.

The report detailed that following the demolition of the 1960's additions the original building would be extended on the east and west elevations by the addition of new two storey elements. These would be constructed in a similar style and materials to the main building. The apartments would be of different sizes and layouts to accommodate existing rooms and the historic features of the listed building. All the apartments would exceed the minimum floor space standards set out in the London Plan.

Members noted that one late letter of representation, objecting to the proposals had been received.

Members noted that the application had been called in by Councillor Linda Van den Hende on the grounds of overdevelopment.

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

The objector speaking on behalf of the governing body of the adjacent school raised concerns over the close proximity of the school to the proposed development and their ability to co-exist without conflict. The

speaker raised specific concerns over noise disturbance during demolition and construction, highway safety and separation distances.

In response the applicant's agent stated that the proposed development was represented an appropriate re-use of the Grade II listed building. The agent stated that the development was low density and high quality and would not harm the listed building. The agent noted that the Highways department had not objected to the development. He stated that dialogue had been opened with the school on a suitably timed programme for the development. The agent concluded that the development would act to safeguard the listed building.

With its agreement Councillor Linda Van den Hende addressed the Committee. Councillor Van den Hende commented on the importance of the listed building noting that it was unoccupied and in danger of falling into disrepair. Councillor Van den Hende commented on the size of the proposed development suggesting that the proposed car parking provision would be insufficient. Councillor Van den Hende also raised concerns over the access road to the site; overdevelopment; overlooking; and separation distances between the proposed development and the school.

During the debate Members discussed the design of the proposed development, the relationship between the development and the listed building, highway safety and separation distances between the development and the school. Members also noted that the listed building had not been in use for some years and was in danger of falling into disrepair. A member commented that the removal of the 1960's extension to the listed building and addition of new extensions would enhance the listed building itself. Members received clarification on the proposed parking provision for the new dwellings.

The Committee noted that the development proposed would be liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable fee would be £6440 subject to indexation based on the creation of a net increase of 322 sq. metres of new internal floor space.

It was **RESOLVED** that planning application P1084.14 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 £54,000 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 the Head of Regulatory Services be authorised to enter into a legal agreement to secure the above and upon completion of that agreement, grant planning permission subject to the conditions as set out in the report

The Committee having considered the report **RESOLVED** that listed building consent L0010.14 be granted subject to the conditions as set out in the report.

182 **P1559.14 - PARSONAGE FARM SCHOOL, FARM ROAD RAINHAM**

The application before the Committee related to a Council-owned application site. The application sought planning permission for a single storey standalone building consisting of seven classrooms, one multi-purpose room, toilet block and circulation space, new hard standing to the playground and relocation of the existing garage.

With its agreement Councillor David Durant addressed the Committee. Councillor Durant commented that he accepted that there was a statutory duty to provide additional school places but did not accept that this duty extended to the provision of places for pupils from outside the borough. Councillor Durant questioned the suitability of the proposed school expansion stating that the proposal was an over-development of the site to suit convenience and meet forecasted expansion needs not real current needs. Councillor Durant suggested that there were other schools more suitable for expansion and questioned whether the current facilities at the school could cope with that being. Councillor Durant also raised concerns over the effect of the proposed expansion on highway safety.

During the debate Members discussed a number of concerns including traffic flow and highway safety and the adequacy of the schools facilities. In response to members questions officers clarified that there would be little merit in undertaking traffic analysis at this point because the proposed expansion was a staggered process and it would take a number of years before the school would be operating at full capacity. Officer also confirmed that Highways had raised no issues on the proposal.

A member was of the opinion that the school's kitchen and canteen would be insufficient to meet the needs of the expanded school. A number of members were not satisfied with the traffic scheme.

A number of members concluded that the school site could accommodate an expansion if concerns were addressed. A member concluded that the principle of expansion was not an issue, rather the safety of children.

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 on the grounds that the resultant highways impact arising from traffic movement and consequent congestion would materially harm the safety of children using the school and the amenity of local residents.

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

Councillors Kelly, Philipa Crowder, John Crowder and White voted against the resolution to refuse the granting of planning permission.

183 **P1728.14 - CHAFFORD SCHOOL, LAMBS LANE SOUTH, RAINHAM**

The Committee considered the report and without debate **RESOLVED** that planning permission be granted subject to the conditions as set out in the report and with the addition of the Council's standard landscaping condition.

184 **P0447.14 - CHAFFORD SCHOOL, LAMBS LANE SOUTH, RAINHAM**

The Committee considered the report that proposed a phased master plan to replace and improve existing campus facilities, including a new sports centre for school and community use, new engineering and arts and drama wings, new-build and internally upgraded classbases together with upgrading and replacement of existing external sports courts, on-site parking and landscaped areas and without debate **RESOLVED** that planning permission be granted subject to the conditions as set out in the report.

185 **P0489.14 - 59 FAIRHOLME AVENUE, ROMFORD**

The Committee considered the report noting a revision to the height of the proposed development and consequential withdrawal of objections, and without debate **RESOLVED** that planning permission be granted subject to the conditions as set out in the report.

186 **P1167.14 - NEW ROAD (PREMIER INN) RAINHAM**

The application before Members proposed a rear extension to the Premier Inn Hotel building. The extension would replicate the existing form of the building. The extension would house twenty-one additional rooms. The proposal also included the installation of an air conditioning compound, to the south-east of the extension. This would involve the removal of one car parking space.

During a brief debate a Member raised concern of over the effect of the proposed development on the capacity of the A1306.

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

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

Councillor Michael White abstained from voting.

187 **P1417.14 - 65 LAMBS LANE SOUTH, RAINHAM**

The application before Members proposed the demolition all existing buildings on site and erection of three new dwellings with associated works including driveways and outbuildings.

Following advice it was **RESOLVED** that the legal agreement completed in relation to planning permission P0400.14 would require variation to change the definition of planning permission to read either planning permission P0400.14 or planning permission P1417.14 together with any other consequential amendments and payment of the Council's reasonable legal costs associated with the deed of variation irrespective of whether the deed was completed.

That the Head of Regulatory Services be authorised to enter into a deed of variation to secure the above and upon completion of that deed, grant planning permission subject to the conditions as set out in the report.

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

188 **P1495.14 - LAND REAR OF ABBS CROSS GARDENS, HORNCHURCH**

The application before members proposed the demolition of 14 existing garages and the erection of one two storey dwelling and four garages.

Members noted that the application had been called in by Councillor Crowder on the grounds that there was a previous refusal on an earlier application, P0782.14 and this application warranted consideration.

Members noted that one late representation had been received objecting to the proposal on the grounds of scale and the cramped nature of the development.

During the debate members sought and received clarification on the elevations of the proposed building and separation distances between the new property and existing properties. Members noted that the garages on site were derelict and that the site had become an eyesore. Members discussed the principle of residential development on the site.

The report recommended that planning permission be refused, however following a motion to approve planning it was **RESOLVED** that planning permission was unacceptable as it stood but would be acceptable subject to the applicant entering into a legal agreement under section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following:

A financial contribution of £6,000 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 the Head of Regulatory Services be authorised to enter into a legal agreement to secure the above and upon completion of that agreement, grant planning permission subject to conditions covering:

Standard Time Limit
Materials
Landscaping
Windows
Removal of Permitted Development Rights
Reserved Parking for new Dwelling
Access Details
Hours of Working
Construction Method Statement
Boundary Treatment

and any other condition considered reasonable by the Head of Regulatory Services.

The application would be remitted back to Committee for further consideration in the event that the legal agreement could not be successfully negotiated.

The Committee's reasons for approval were that the proposed development would enhance a derelict site; provide much needed housing and present no harm to amenity of the environment.

189 **P1499.14 - 28 HARROW DRIVE, HORNCHURCH**

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

190 **P1535.14 - EARLES COTTAGES, 83 LOWER BEDFORDS ROAD, ROMFORD**

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

191 **P1643.14 - MCDONALDS RESTAURANTS LTD, STRAIGHT ROAD, ROMFORD**

The application before the Committee sought variation of condition 5 of application P0755.09 (as amended by application P0143.14) in order to extend the drive-through opening hours from 07:00 - 23:00 hours seven days a week, to 06:30 - 23:30hours 7 days a week.

Members noted that the application had been called in by Councillor Brian Eagling on the grounds that he did not believe the proposal would have an unacceptable impact on the residential amenity of neighbouring occupiers. He added that there was no consistency in consideration of the application and that it also created extra employment.

During a brief debate a member noted a number of other establishments that had permission to trade in excess of the hours proposed by the application.

The report recommended that planning permission be refused, however following a motion to grant planning permission which was carried, it was **RESOLVED** to that planning permission be granted.

The vote for the resolution was carried by 8 votes to 2 with 1 abstention.

Councillors Nunn and Whitney voted against the resolution.

Councillor Williamson abstained from voting.

192 **P1717.14 - 2-6 FITZILIAN AVENUE HAROLD WOOD**

The Committee considered the report noting that the development proposed would be liable for the Mayor's Community Infrastructure Levy totaling £9110.00 and without debate **RESOLVED** 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 £54,000 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 Owner/Developer 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.
- of the Owner/Developer to pay the appropriate planning obligation/s monitoring fee prior to completion of the agreement.

That the Head of Regulatory Services 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

193 **P1378.14 - 50 PURBECK ROAD HORNCHURCH**

The Committee considered the report and without debate **RESOLVED** that planning permission be refused as recommended in the report.

194 **P1635.14 - 1-1A CHASE CROSS ROAD, COLLIER ROW ROMFORD**

The application before members was for an extension of first floor to form two one-bed flats and extension and sub-division of ground floor for A1 and A3 use including new shop fronts.

The application site comprised a part single storey and part two storey building that lies at the roundabout junction of Clockhouse Lane and Chase Cross Road.

The report detailed that there was no vehicular access to the building either from Clockhouse Lane or Chase Cross Road. There was a pedestrian barrier along the whole length of the road frontages. There was a small yard to the rear of the building which provides access to the ground floor units.

During the debate members discussed whether the development constituted over development of the site. Members raised concerns over the lack of

parking provision for the residential units concluding that it would add to congestion in the area and adversely affect amenity

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:

- (1) absence of on-site parking which would contribute to congestion in locality and be harmful to amenity; and
failure to secure infrastructure tariff due to absence of legal agreement.

195 **P1422.14 - THE OLD FORGE, HALL LANE UPMINSTER**

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

- A financial contribution of £24,000 to be used towards infrastructure costs in accordance with the 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 Owner/Developer 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.
- of the Owner/Developer to pay the appropriate planning obligation/s monitoring fee prior to completion of the agreement.

That the Head of Regulatory Services 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

196 **P1352.14 - SCOTTS PRIMARY SCHOOL SOUTH HORNCHURCH**

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

197 **P1552.14 - DELDERFIELD HOUSE, HAVERING ROAD, ROMFORD**

The Committee considered the report noting that the development proposed would be liable for the Mayor's Community Infrastructure Levy totaling £24,600.00 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 £78,000 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 Owner/Developer 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.
- of the Owner/Developer to pay the appropriate planning obligation/s monitoring fee prior to completion of the agreement.

That the Head of Regulatory Services 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 with the following amendments:

Change to condition numbering – change condition 17 onwards to condition 15 onwards;

Change conditions 4,5,8,9,10,12, 14, 17,24 and 25 (as numbered in the report) to include following wording – “Prior to the commencement of development hereby permitted, other than works solely for the demolition of existing buildings,”;

Change Condition 13 to include reference to demolition.

198 **P1526.07 - PROPOSED VARIATION OF SECTION 106 LEGAL AGREEMENT IN CONNECTION WITH P1526.07 INTERWOOD SITE, STAFFORD AVENUE HORNCHURCH**

The Committee considered the report and without debate **RESOLVED** that the Head of Regulatory Services be authorised to enter into a Deed of Variation under section 106A of the Town and Country Planning Act 1990 (as amended), to vary the legal agreement completed on 12 August 2008 in respect of planning permission P1526.07 and modified by previous Deeds of Variation Dated 20 October 2011 and 17 April 2014, to change the phasing of the payment of the Education Contribution as follows:

- Not to occupy or permit occupation of the Affordable Housing Units forming part of Block C (6 no. 2 bed units) until payment of £24,446.39 of the Education Contribution had been made to the Council;
- Not to occupy or permit occupation of the Open Market Units forming part of Block C until payment of £142,994.73 of the Education Contribution had been made to the Council.

The Developer and/or Owner would bear the Council legal costs in respect of the preparation of the Deed of Variation irrespective of whether the matter was completed.

Save for the variation to the Education Contribution set out above and any necessary consequential amendments to the legal agreement dated 12 August 2008 all recitals, terms, covenants and obligations in the said agreement shall remain unchanged.

199 **STOPPING UP ORDER**

The Committee considered the report and without debate **RESOLVED** that subject to the developer paying the Council's reasonable charges in respect of the making of, advertising of, any inquiry costs associated with and the confirmation of the Stopping Up Order pursuant to Regulation 5 of The London Local Authorities (Charges for Stopping Up Orders) Regulations 2000 that:-

1. The Council makes a Stopping Up Order under the provisions of s.247 Town and Country Planning Act (as amended) in respect of the area of adopted highway shown zebra hatched on the attached Plan as the land was required to enable development for which the Council had granted the Planning Permission.
2. In the event that no relevant objections are made to the proposal or that any relevant objections that are made are withdrawn then the Order be confirmed without further reference to the Committee.

3. In the event that relevant objections are made, other than by a Statutory Undertaker or Transport Undertaker and not withdrawn, that the application be referred to the Mayor for London to determine whether or not the Council can proceed to confirm the Order.
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.
5. It was therefore recommended that the necessary Order was made and confirmed

200 **SUSPENSION OF STANDING ORDERS**

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

Chairman

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**MINUTES OF A MEETING OF THE
REGULATORY SERVICES COMMITTEE
Havering Town Hall, Main Road, Romford
5 March 2015 (7.30 - 9.45 pm)**

Present:

COUNCILLORS:	11
Conservative Group	Robby Misir (in the Chair) Philippa Crowder, Steven Kelly, Michael White and Joshua Chapman
Residents' Group	Stephanie Nunn and Reg Whitney
East Havering Residents' Group	Linda Hawthorn and Ron Ower
UKIP Group	Phil Martin
Independent Residents Group	Graham Williamson

An apology for absence of was received from Councillor Ray Best .

+Substitute members: Councillor Joshua Chapman (for Ray Best).

Councillors Frederick Thompson and David Durant were also present for parts of the meeting.

65 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.

201 **DISCLOSURE OF PECUNIARY INTERESTS**

Councillor Hawthorn declared a personal but not prejudicial interest as a friend of Old Windmill Hall. She confirmed that she had not closed her mind to the proposal for 7 Highview Gardens.

Councillor Chapman had written that he opposed the proposal for 168-170 South Street and therefore had a prejudicial interest by predetermination and took no part in the vote on this proposal having left the room prior to members discussing the proposal.

202 **P0968.14 - 93 SHEPHERDS HILL (LAND TO THE REAR OF) ROMFORD**

Consideration of this item was deferred at officer's request to allow for re-production of the report in its full entirety.

203 **P1475.14 - 168-170 SOUTH STREET ROMFORD**

The application before Members was seeking planning permission for the change of use of the ground floor unit from an A1 retail use to an A3 restaurant.

Prior to the discussion by members Councillor Chapman commented that he was challenging the basis for the approval given the location. The location he considered was outside the town centre retail boundary. Councillor Chapman also commented that there was insufficient parking in the area and that only take-aways and not restaurants were situated in the part of South Street. The application was not subject to Policy RM11 as it was outside the retail fringe.

Councillor Chapman then left the meeting as he had previously declared an interest in the item P1475.14 as stated at the beginning of these minutes.

Members noted that the application had been called in by Councillor Frederick Thompson on the grounds that a restaurant in that part of South Street with later opening than the present retail use was unsuitable for the location under what were a large number of retirement flats and that the necessary provision of an extraction flue was unlikely to safeguard the residents above from cooking smells impinging on the enjoyment of their properties. Furthermore the location could not absorb any more parking, being on a bus route and Regarth Avenue had little parking provision in the evening, the disposal of restaurant waste also gave rise to concerns.

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

The objector advised that he was representing the residents of Gibson Court. The objector commented that noise and cooking smells emanating from the restaurant would harm the resident's amenity. The objector also commented about the longer opening hours and the problems with parking in the area.

With its agreement Councillor Frederick Thompson addressed the Committee.

Councillor Thompson commented that the site was unsuitable for a restaurant due to the residential properties for the elderly situated above. Councillor Thompson also commented that the food smells would spoil the amenity of the courtyard situated behind the retail unit.

During the debate members discussed Gibson Court which had specifically been built for the elderly and the impact the restaurant would have on the residents.

Members also discussed the parking problems in the area but felt this would be a weak argument against refusing planning permission as the area had a very high PTAL rating.

Members also discussed planning policy DC61 that stated that planning permission would not be granted where the proposal had adverse effects on the environment by reason of noise impact, hours of operation and fumes. The report recommended that planning permission be granted however following a motion to refuse the granting of planning permission which received unanimous support it was **RESOLVED** that planning permission be refused for the following reasons:

Harm to amenity arising from (a) noise and smells associated with operation of restaurant close to sheltered complex and other residences; (b) noise and disturbance caused by patrons including movement of their vehicles within Regarth Avenue.

204 **P1578.14 - THE PADDOCKS MOOR HALL FARM AVELEY**

The planning application before Members proposed the importation of around 50,000 cubed metres of material to restore the land located within Thurrock.

The application site comprises around seven hectares of open grassland located within the borough of Thurrock, along with land located within Havering, which would be used to provide vehicular access to the land in Thurrock, where the main development activities would be undertaken. The access through the land in Havering would be taken from New Road, through the Ingrebourne Links golf Course (under construction), and through the eastern perimeter of the golf course into Thurrock.

With its agreement Councillor David Durant addressed the Committee.

Councillor Durant commented that there were several live and pending applications in the area that were not yet implemented and that there were concerns regarding the cumulative impact of vehicular journeys being proposed by the various applications. Councillor Durant also commented on the dirty condition of the roads surrounding the application sites which were not being cleaned to an acceptable level and suggested that additional conditions regarding wheel washing and road cleaning were added to the application.

The report recommended that planning permission be granted however it was **RESOLVED** that consideration of the report be deferred to enable officers to:

a) To provide more information to address:

- on the background and context of the proposal.
- the purpose of the landfill including its relation to the A1306 golf course landfill operation.
- the reasons why access can't be taken from Thurrock side?

And

b) To negotiate:

- Legal agreement to secure daily washing of the A1306 by applicant (or commuted sum for this) and lorry routing.

205 **P1590.14 - ST PATRICK'S SCHOOL, LOWSHOE LANE, ROMFORD**

The planning application before Members proposed the installation of a Multipurpose Games Area (MUGA), measuring around 684sqm in area, including 3m high, mesh fencing around the perimeter.

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 proposed games area would affect the amenity of residents living nearby and be detrimental to property values. The objector also commented that although there were no plans for the installation of floodlighting or use outside of school hours at present there was no guarantee that the situation would not change in the future.

In reply the applicant's representative commented that the school had been approached and asked to take a bulge class to satisfy the need for extra school places in the borough. The extra class meant that there was a need for extra play areas and the existing field was liable to flooding as it had poor drainage. The applicant's representative also commented that the MUGA would never be floodlit and that there were a number of mature trees around the proposed fencing that would help to suppress noise with the possibility of additional hedges also being added at a later date.

During a brief debate members discussed the possibility of adding additional conditions regarding the colour of the fencing and tree screening.

It was **RESOLVED** that planning permission be granted subject to the conditions as set out in the report and subject to two additional conditions the precise wording of which is delegated to the Head of Regulatory Services concerning

- Provision of a tree screen along the edge of the MUGA closest to Hood Walk properties.
- That other than emergency/security lighting no lighting to be installed and/or operated to serve the MUGA.

206 **P1350.14 - THE FRANCES BARDSLEY ACADEMY FOR GIRLS, BRENTWOOD ROAD, ROMFORD - REMOVAL OF 127M OF EXISTING FENCING AND GATE AT THE REAR OF THE SCHOOL (2M HIGH CHAINLINK AND POST) AND ERECTION OF REPLACEMENT 3M HIGH PALISADE SECURITY FENCE AND A GATE TO MATCH THE NEW FENCE.**

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

207 **P1444.14 - CORBETS TEY SCHOOL, HARWOOD HALL LANE, UPMINSTER - ERECTION OF TWO SOLARDOME GLAZED DOME STRUCTURES**

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

208 **P0088.15 - HARWOOD HALL, HARWOOD HALL LANE, UPMINSTER - DEMOLITION OF EXISTING SWIMMING POOL ENCLOSURE AND REPLACEMENT SWIMMING POOL ENCLOSURE**

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

209 **P1128.14 - 7 HIGHVIEW GARDENS, UPMINSTER**

The application before Members sought planning permission for the demolition of 7 Highview Gardens and the erection of two semi-detached houses and one detached house.

Members noted that the application had been called in by Councillor Linda Van den Hende on the grounds that the plan to build three dwellings on the site would be an overdevelopment, bulky in the streetscene given the demolition of a bungalow to be replaced by three houses. In addition, the bungalow proposed for demolition was semi-detached, so there were concerns about the linked property and the impact on it. There would also be a loss of amenity (view) for neighbours as this backed onto Upminster Windmill.

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

The objector commented that the demolition of the bungalow could have a damaging effect on the stability of the remaining bungalow and that the proposed two and a half storey development proposed was out of keeping with neighbouring properties.

In reply the applicant's agent commented that the proposal provided three family homes and had been carefully planned to ensure amenity, in keeping with the streetscene and an efficient use of the land.

During the debate Members discussed the height of the proposed dwellings, possible effect on the nearby windmill and possible concerns regarding the demolition of the bungalow. Officers explained that they had received a report in response to the concerns raised by The Society for the Protection of ancient Buildings that the proposal would have a negative impact on Upminster Windmill which concluded that it was doubtful that the proposed development would have a significant negative impact.

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:

- Resulted in an unbalanced half of a former pair of bungalows, incongruous in appearance.
- By reason of its height, scale and setting the development would be overly obtrusive in the prevailing streetscene which, given its degree of openness, would be materially harmful to local character and amenity.
- Failure to provide infrastructure tariff via legal agreement.

210 **P1617.14 - 67 CORBETS TEY ROAD, UPMINSTER**

This planning application before Members proposed the erection of a three-storey block of six flats together with three parking spaces on vacant land located at 67 Corbets Tey Road, Upminster.

During a brief debate members discussed the parking provision on the site and the lack of amenity space and concluded that both were insufficient

Members also discussed the narrow entrance/exit and the arrangements for refuse collection.

The report recommended that planning permission be approved however following a motion to refuse the granting of planning permission which secured unanimous support it was **RESOLVED** that planning permission be refused on the following grounds:

- The built form represented a cramped overdevelopment of the site.
- Inadequate occupier and visitor parking to serve the needs of the development.
- Layout arrangement cramped including amount and form of amenity space for future residents.
- Failure to secure infrastructure tariff via legal agreement.

211 **P1715.14 - HAROLD WOOD JUNIOR MIXED AND INFANTS SCHOOL - EXTENSION AND ALTERATIONS TO AN EXISTING KITCHEN**

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

212 **P1745.14 - 6 COTTONS APPROACH, ROMFORD - VARIATION OF CONDITIONS 2 AND 3 OF PLANNING APPLICATION L/HAV/1021/80 IN ORDER TO EXTEND THE OPENING HOURS AND AMOUNT OF CHILDREN ACCOMMODATED AT ANY TIME IN ORDER TO UTILISE THE PREMISES AS A DAY NURSERY DURING THE WEEK AND CHILDREN'S PARTIES OVER WEEKENDS**

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

213 **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 2000-2015.

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

214 **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 8 November 2014 and 13 February 2015.

The report detailed that 39 new appeals had been received since the last meeting of the Monitoring Committee in December 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.

215 **SCHEDULE OF ENFORCEMENT NOTICES**

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

216 **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.

217 **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.

218 **SCHEDULE OF COMPLAINTS**

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 8 November 2014 and 13 February 2015.

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

Chairman

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Regulatory Services Committee

2 April 2015

Application No.	Ward	Address
P0014.15	Gooshays	5 Petersfield Close, Romford
P0021.15	Hylands	43 Gordon Avenue, Hornchurch
P0082.15	Hylands	23 Dorian Road, Hornchurch
P0152.15	Emerson Park	2 Berther Road, Hornchurch
P0182.15	Brooklands	361 London Road, Romford
P0219.15	Rainham & Wennington	44 Berwick Road, Rainham
P0968.14	Harold Wood	93 Shepherds Hill (Land rear of), Romford
P1467.14	Harold Wood	1 Four wantz Cottages, Hall Lane, Upminster
P1468.14	Mawneys	45-47 White Hart Lane, Romford
P1730.14	Romford Town	12 Carlton Road, Romford

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OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 2ND APRIL 2015

APPLICATION NO: P0014.15

WARD : Gooshays **Date Received:** 9th January 2015
Expiry Date: 1st May 2015

ADDRESS: 5 Petersfield Close
Romford

PROPOSAL: Proposed 1st floor extension over existing Garage space + creation of second floor within new loft space and minor internal alterations
Revised Plans received 10/03/2015

DRAWING NO(S): 2014-100/P01, 2014-100/P02 & 2014-100/P07
2014-100/P06
Cross Sections
Proposed Ground Floor Plan
Proposed Second Floor Plan
Proposed First Floor Plan

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

CALL-IN

The application has been called in by Councillor Philip Martin for the Committee to consider. The reason for the call in is that the proposal fits in with the street scene and replicates the terrace properties of which it is a part. Also, the symmetry of the terrace is preserved. The dormer it is behind the house and hidden from the street which preserves the street scene. Also, no objections were received from any of the neighbours.

SITE DESCRIPTION

This is a two storey end terraced dwelling finished in face brick. The application dwelling has benefited from a single storey front and side extension. There is parking for three vehicles, one in the garage and two on the driveway. The ground level slopes from north to south within the site in line with Petersfield Close and also from north east to south west in the rear garden. The surrounding area is characterised by two storey terraced dwellings.

DESCRIPTION OF PROPOSAL

Planning permission is sought for a first floor side extension over the existing garage and the creation of loft accommodation with a rear dormer window and roof lights.

The first floor side extension would measure approximately 5m wide, 7.19m deep and have the same ridge line as the existing dwelling.

A rear dormer window is proposed in the roof of the extension and would measure approximately 5.08m wide, 2.9m deep and 2m high.

Associated works include three roof lights on the front roof slope and a first floor flank window in the side of the extension.

RELEVANT HISTORY

ES/ROM 120/W1 /49 - House Layout - Approved.

P0017.97 - Single storey front & side extension
Apprv with cons 05-03-1997

CONSULTATIONS/REPRESENTATIONS

No letters of representation were received.

RELEVANT POLICIES

LDF

DC33 - Car Parking
DC61 - Urban Design
SPD4 - Residential Extensions & Alterations SPD

OTHER

LONDON PLAN - 7.4 - Local character
LONDON PLAN - 7.6 - Architecture
NPPF - National Planning Policy Framework

MAYORAL CIL IMPLICATIONS

Application is not CIL liable.

STAFF COMMENTS

The issues arising from this application are the visual impact on the character of the streetscene, the impact on neighbouring amenity and parking and highway issues.

Negotiations were undertaken during the planning process to reduce the overall height and width of the first floor side extension. The applicant discussed alternatives with his agent and a lower ridge line was provided, however the width of the extension was not reduced.

DESIGN/IMPACT ON STREET/GARDEN SCENE

The proposed first floor side extension is situated in a visually prominent location, at the end of a group of terraced properties.

In general terms, although it is recognised that the proposed first floor side extension would be set off the boundary by 1m, it is considered that it is of excessive width, scale and bulk, which would lack subservience and have a detrimental impact on the street scene. Staff consider that the proposed first floor side extension would give the appearance of a new dwelling when viewed from the street and would not appear subservient to the host property.

The proposed width of the first floor side extension would be approximately 80% of the original dwelling and when combined with the large roof area of the existing dwelling and proposed extension and the prominent location, it is considered the proposal would lack subservience and thereby would cause harm to the character and appearance of the surrounding area.

It should be noted that a two storey side extension at No.42 Petersfield Close was approved under P1227.14, which is opposite the application site and has not been implemented. This scheme provided a 1m set back to create a break in the roof-line and the extension was more in proportion with the main dwelling with the extension being approximately 60% the width of the main dwelling.

It is acknowledged that the existing single storey side extension was approved in 1997 which

predates Council's current guidelines, where now a more sensitive subservient approach is now taken. The character of many streets in the borough is derived from the uniform spacing of dwellings. Side extensions should be carefully designed so they do not interrupt this rhythm and do not detract from Havering's open and spacious character.

The Residential Extensions and Alterations SPD states for an even row of terraces, side extensions should normally continue the existing building line of the front elevation, so that the architectural rhythm of the street is maintained. However, in this instance the proposal would result in the application dwelling being disproportionately wide, to the extent that it is harmful to the character of the street.

Although, the lowering of the ridge line from the initial submission is an improvement, Staff are concerned that the proposed first floor side extension is of excessive width and bulk, leading to a detrimental impact on the character of the streetscene.

No objections are raised to the roof lights or flank window from a visual point of view.

The proposed rear dormer window should normally be located facing the rear garden so they are not visible from the street and do not harm the appearance or character of the original house. Due to the open aspect between the application site and No.6 Petersfield Close, the proposed rear dormer window would also be visible from the street. However, it is sufficiently contained within the roof by being set back from the eaves, and by setting the sides well in from any gables or party walls. No objections are therefore raised subject to the rear dormer window being finished in a tile hung appearance which matches the colour of the main roof of the dwelling.

IMPACT ON AMENITY

Consideration has been given to the impact on neighbouring dwelling in terms of loss of light and loss of privacy.

The first floor side extension would be located on the north side of the dwelling. It is not envisaged that this element of the proposal would have any impact on the amenity of the attached neighbour at No.4 Petersfield Close as they are located to the south and the first floor side extension would not project beyond the rear wall of the dwelling.

Both the neighbouring site, 6 Petersfield Close and the application dwelling are sited at oblique angles from each other, which will help to mitigate the impact of the first floor side extension. It is considered that the separation distance between dwellings would mitigate the proposal. Due to the favourable orientation, no loss of sunlight would arise. It is acknowledged there may be some overshadowing but not of a significant nature to warrant a refusal.

The two first floor windows on the rear elevation would serve the bathroom. To safeguard the privacy of the adjacent neighbours, should the application be approved a condition would be attached to ensure these windows are obscured glazed and fixed shut apart from an open-able fanlight therefore reducing the potential for over-looking.

Any concerns regarding the potential overlooking from the rear dormer window would be unreasonable, as the first floor windows along this section of Petersfield Close and Petersfield Avenue afford views over the rear garden areas of surrounding neighbouring properties. Additionally, these areas are already overlooked by the existing first floor windows of the subject property and by other neighbouring properties. Furthermore, a rear dormer window can be constructed in the roof of the main dwelling house under permitted development and therefore

would not normally require consent subject to the relevant criteria being adhered to. In these circumstances it is considered that any additional loss of privacy will not be of a degree to warrant a refusal of this application.

The landing window on the side of the first floor extension and the roof lights to the front of the would over-look the street and the public amenity area and therefore no objections are therefore raised.

As a result, the development would not unacceptably impact on the amenity of the neighbouring properties and no loss of privacy would therefore result.

HIGHWAY/PARKING

No highway or parking issues would arise as a result of the proposal.

KEY ISSUES/CONCLUSIONS

The proposal, by reason of the excessive width and bulk of the extension is disproportionate to the original dwelling and detrimental to the character of the streetscene. The proposal is judged to be contrary to the above mentioned policies and guidance and refusal is recommended.

RECOMMENDATION

It is recommended that **planning permission be REFUSED** for the following reason(s):

1. Reason for refusal - Streetscene

The proposed first floor side extension would, by reason of its excessive width, bulk and mass, lack subservience to the existing dwelling and appear as an unacceptably dominant and visually intrusive feature in the street scene harmful to the appearance of the surrounding area contrary to Residential Extensions and Alterations SPD and Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.

1 Refusal - Amendments requested not made

Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: Improvements were required to make the proposal acceptable and suitable amendments were suggested during the course of the application, in accordance with para 186-187 of the National Planning Policy Framework 2012. The applicant declined to make the suggested revisions.

OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 2ND APRIL 2015

APPLICATION NO: P0021.15

WARD : Hylands **Date Received:** 19th January 2015
Expiry Date: 16th March 2015

ADDRESS: 43 Gordon Avenue
Hornchurch

PROPOSAL: Loft conversion with rear and side extensions
Revised Plans received 13.02.2015.

DRAWING NO(S): PL-01, PL-03, PL-05, PL-06 & PL-07
PL-02 & PL-04 Rev A

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

CALL-IN

The application has been called in by Councillor Ganly as the height of the roof blocks out natural light to the neighbouring property and the proposal does not adhere to the original plans.

SITE DESCRIPTION

Residential, detached bungalow finished in a mixture of face brick and painted render. Ground level slopes downhill from north west to south east within the site. The existing carport/garage has been demolished, leaving one parking space on the hard standing to the front of the property. The surrounding area is characterised by single and two storey dwellings of various styles and designs.

DESCRIPTION OF PROPOSAL

Planning permission is sought to retain the single storey rear extension which measures approximately 5m deep, 6.4m wide with a height of approximately 3.8m adjacent to the dwelling with this increasing to approximately 4.05m adjacent to the garden due to the substantial drop in ground level. Steps are provided from the extension into the rear garden.

The proposed single storey side extension can be completed under permitted development and would measure approximately 2.12m wide, 4.2m deep and 2.55m high. The applicant has decided to show this element within this application due to the amount of interest in this application.

Associated works include a loft conversion which would be in the fabric of the original dwelling. Two roof lights would be provided on either side of the dwelling to provide light to the bedroom. The proposed works to the loft can be completed under permitted development and therefore does not require planning permission.

It is noted that a concrete base has been added to the left side of the driveway to possibly park a motor vehicle. The agent has confirmed that the concrete slab to the front of the house will be removed and a new permeable block paving with acro drains to the front which will go to a soak-away within the site. The agent has commented this will not require any planning permission as the surface water will not discharge onto the pavement.

RELEVANT HISTORY

P1140.14 - Proposed rear extension and loft conversion.
Apprv with cons 15-10-2014

P0526.14 - Proposed rear extension, formation of raised patio area and loft conversion.
Withdrawn 31-07-2014

CONSULTATIONS/REPRESENTATIONS

Three letters of representation were received (two of which are from the same address) with their comments summarised below:

- Partially completed rear extension is not built in accordance with the approved plans (P1140.14).
- Loss of light from additional height of the roof.
- The proposal is out of character with the surrounding area.
- Fascia and soffits are not shown on the plans but project from the rear of the extension.
- The extension has been constructed with a flagrant disregard of the previous attached conditions.
- Insufficient parking for a six bedroom dwelling.
- No guarantees the proposal would be in accordance with plans if the revised scheme is approved.
- Quality of work does not conform with regulations.
- Permission not obtained to build closer to the neighbouring garage (Party Wall issues).

The comments made regarding the quality of the building work is not a material planning consideration but a building control matter. Furthermore, comments regarding party wall matters are not a planning consideration but a civil matter.

Environmental Health Department - After reviewing Council records, it is considered that a gas assessment will not be required for this development and there are no objections on land quality or air quality grounds.

RELEVANT POLICIES

LDF

- DC33 - Car Parking
- DC53 - Contaminated Land
- DC61 - Urban Design
- SPD4 - Residential Extensions & Alterations SPD

OTHER

- LONDON PLAN - 7.4 - Local character
- LONDON PLAN - 7.6 - Architecture
- NPPF - National Planning Policy Framework

MAYORAL CIL IMPLICATIONS

Application is not CIL liable.

STAFF COMMENTS

This is a re-submission of a previously approved application P1140.14, planning permission is sought to retain the alterations to the previously approved scheme. This application differs from the previously approved scheme in the following key areas:

1. The height of the roof adjacent to the dwelling has increased from 3.65m to approximately 3.8m high.
2. The fascia and soffits overhang the rear of the extension adjacent to the garden by approximately 0.25m.
3. The existing garage/carport has been demolished and will be replaced with a side extension that will be an en-suite. This side extension can be completed under permitted development.

The effect of these changes will be assessed in the context of the following:

DESIGN/IMPACT ON STREET/GARDEN SCENE

No impact upon the street scene as the proposal would only be visible from the rear garden. No objections are raised from a visual point of view as the proposal relates acceptably to the existing property.

IMPACT ON AMENITY

The position and the depth of the rear extension at 5m remains the same as previously approved under application P1140.14 and therefore is deemed to be acceptable.

The height of the rear extension is approximately 0.15m higher adjacent to the rear facade of the dwelling than previously approved. In this particular instance there are mitigating circumstances that can be taken into consideration when assessing this application.

The rear extension is set in from the boundaries of Nos.41 and 45 Gordon Avenue by approximately 1.1m and 1.9m respectively. The sloping ground level is common to both the application site and the neighbouring properties on either side of the rear extension.

Both the neighbouring properties at No.41 and No.45 have benefited from a single storey rear extension respectively, the latter being well removed from the boundary. It is noted that additional habitable space has been created to the rear of the garage of No.45, however it is considered the rear extension does not unacceptably impact on this neighbour. Any increase in fascia and soffit depth is very marginal and it is considered the neighbouring extension at No.41 partly mitigates the rear extension including its height.

It is considered the separation distance between the rear extension and the neighbouring properties helps to mitigate its height. Staff consider that an increase in height of approximately 0.15m is not judged to be significant enough to warrant a refusal and it would be difficult to substantiate a refusal at an appeal.

The window and door fenestration on the rear extension remains the same as previously approved and therefore is deemed to be acceptable subject to the provision of the previously attached safeguarding conditions. It is considered the high level window adjacent to No.41 would not give rise to undue overlooking or create a loss of privacy to the adjacent neighbours. As per the previous application, a condition would be attached to ensure that the roof lights in the loft conversion are located 1.7m above the finished floor to ensure there is no loss of privacy.

Given these circumstances and mindful of the general presumption in favour of development, Staff consider any impact upon this neighbour to be modest and within that envisaged as acceptable within guidelines.

HIGHWAY/PARKING

It is noted that the garage has been demolished and this not require any formal consent. The space for one vehicle of the driveway. There is two wheel off street parking bay adjacent to the front boundary of the site. No highway or parking issues have arisen from the rear extension.

KEY ISSUES/CONCLUSIONS

The development is considered to be in accordance with the above-mentioned policies and guidance and it is recommended that retrospective planning permission be granted.

RECOMMENDATION

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

1. **SC10 (Matching materials)**

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

Reason:-

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

2. **Non Standard Condition 31**

The "velux" roof lights inserted on the roof slope of either side of the dwelling house shall be obscure-glazed, and non-opening unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the windows are installed.

Reason - In the interest of privacy and to protect the amenity of the adjacent neighbours at No.41 and No.45 Gordon Avenue, Hornchurch in accordance with the Residential Extensions and Alterations Supplementary Planning Document and Policy DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.

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

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

Reason:-

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

4. **SC34B (Obscure with fanlight openings only)**

The proposed windows to the additional toilet and dining room 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.

5. SC46 (Standard flank window condition)

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

Reason:-

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

6. SC48 (Balcony condition)

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

Reason:-

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

INFORMATIVES

1 Approval 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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OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 2ND APRIL 2015

APPLICATION NO: P0082.15

WARD : Hylands

Date Received: 26th January 2015

Expiry Date: 20th May 2015

ADDRESS: 23 Dorian Road
Hornchurch

PROPOSAL: Proposed outbuilding in rear garden

DRAWING NO(S): JND/0574/41
JND/0574/40

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

CALL-IN

This application has been 'called in' to Committee by Councillor Jody Ganly for the reasons stated below:

The scale of the outbuilding is too large for a playroom/gym with concern raised to the excessive amount of concrete that has been laid within the garden area.

SITE DESCRIPTION

The application site is a detached bungalow with a pitch roof and two front dormers within the roof space. The property is finished in a red brick and there is a hard standing to the front and side of the property providing parking off street parking.

The area is characterised by a mixture of one and two storey dwellings, some detached and some semi-detached.

The garden areas to this south side of Dorian Road are characteristically large and well landscaped.

DESCRIPTION OF PROPOSAL

The application seeks planning permission for an outbuilding to be used as a playroom/gym at the rear of the garden.

The proposed structure measures 9.70m in width, 5.00m in depth with a hipped roof eaves height of 2.50m and ridge height of 3.70m.

Two windows and double glazed doors will be included to the front elevation with one small window to the flank.

RELEVANT HISTORY

P0117.15 - Retrospective planning permission for Side Gates
Awaiting Decision

P0066.15 - Single storey rear conservatory extension
Apprv with cons 18-03-2015

D0157.14 - Certificate of Lawfulness for a rear dormer window
PP not required 03-09-2014

P0305.92 - Single storey rear extension and dormer windows to front roof slope. (Revised plans received 15/7/92)
Apprv with cons 17-08-1992

CONSULTATIONS/REPRESENTATIONS

Five neighbouring properties have been notified with 9 representations received.

Objections received included the following comments:

- Concern that a WC and shower was to be installed and could be used as a dwelling or work place with access for vehicles.
- Increase in the amount of artificial light and rising heat.
- The hard standing concrete area that has been laid is to be used for parking vehicles for the applicant's double glazing business and access road creating noise and traffic disruptions to the road.
- The outbuilding is oversized
- The proportions and amenities appear to be for living accommodation, creating an increase in noise level and people movement.
- An access road has already been formed down the side of the property to the rear.
- The heavy concreting in the garden area will cause problems with water drainage and possible flooding of adjacent areas.
- concern that the outbuilding is to be used as a commercial premises and used at all hours.
- The proposal decreases the amount of green space.

It is understood that the applicant runs his own double glazing business and residents are concerned that the Outbuilding will be used for a commercial business.

In the event of an approval, conditions would be attached to restrict the use of the Outbuilding as a playroom and gym.

It appears that one writer had not been notified of the proposal and was only made aware of the application through neighbours and a circular from Hornchurch Residents Association.

Upon receipt of a planning application it is normal practice to notify adjoining occupiers whose boundaries directly adjoin the subject site together with others that may be reasonably affected by the development. At that time, it was considered all relevant neighbours had been included.

RELEVANT POLICIES

Residential Extensions and Alterations SPD and Policies DC33 and DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.

MAYORAL CIL IMPLICATIONS

N/A

STAFF COMMENTS

The issues arising from this application are the visual impact of the proposed outbuilding, its impact on neighbouring amenity and parking/highway issues.

The Council is in receipt of two separate planning applications, one for a rear conservatory and one for retrospective permission for side gates P0117.15. These have been considered separately from this application,

Staff note that representations have made reference to a large area of hard-standing concrete formed within the rear garden area and to the side of the property. This hardstanding does not form part of the proposal. Planning permission is not normally required in any event to lay hardstanding in a rear garden where it is required for any purposes incidental to the enjoyment of the dwellinghouse. If the hardstanding is put into use for purposes that are not incidental to the enjoyment of the dwelling then this could be looked at through a separate enforcement investigation and has no bearing on the merits of the proposal for an outbuilding.

The agent has confirmed that the use of the building would be solely used for a playroom and gym. A condition could be used to ensure the outbuilding is used for domestic purposes ancillary to the use of the main dwelling.

DESIGN/IMPACT ON STREET/GARDEN SCENE

The proposed outbuilding is located within the rear garden and will not be visible within the streetscene therefore no issues arise in this respect.

An outbuilding should normally only be used for purposes incidental to the enjoyment of the house. Examples could include common buildings such as garden sheds, other storage buildings, garages, and summer houses. A purpose incidental to a dwelling house does not include use as separate self-contained accommodation, or other primary living accommodation incorporating such components as a bedroom, bathroom, or kitchen. Nor does it include use for business purposes.

The outbuilding should be subordinate in scale to the existing dwelling and to the plot. In assessing proposals, the Council will consider factors such as the scale, height, proximity to boundaries, roof design, finishing materials and prominence in the street scene or rear garden environment. As with all extensions, outbuildings should not detract from the character of the area and should be unobtrusively located to the side and rear of the existing dwelling.

The design of outbuildings should reflect their intended use. Outbuildings should not cause undue loss of light to neighbouring properties or adversely affect the living conditions of neighbouring properties.

The garden area is substantial in scale with the proposed outbuilding sited a good distance from the main dwelling. The proposal is proportionate to its surroundings and the main dwelling and will fit comfortably at the far end of the garden.

The proposal is set in 1 metre from the shared boundary and is formed with a hipped roof reducing the appearance of bulk. Although substantial in width, the depth is not excessive allowing ample garden amenity.

Although there are no other similar structures within the surrounding rear environment, due to the location of the outbuilding at the far end of this large plot, the proposal is not considered to look unduly out of place or overly large within the rear garden environment.

Therefore, Staff consider the proposed development causes little impact within the rear garden environment and is an acceptable development in this instance.

IMPACT ON AMENITY

The detached neighbouring properties either side of the subject dwelling benefit from substantially large, well landscaped gardens. These dwellings are sited a sufficient distance away from the proposal with high fencing lining the common boundaries.

The proposed outbuilding is located at the far end of the garden and is unlikely to impact on the amenity space of the neighbouring properties. The garden area of no.20 Guardian Close which backs onto the subject site is screened with high fencing and lies to the south and is also unlikely to be affected by any loss of light or amenity.

In all, the proposed development is not considered to cause any undue impact on the surrounding neighbouring properties.

The use of the building is intended to be as a playroom/gym. Such uses are considered to be compatible with a residential environment and not to cause material harm to amenity through noise and disturbance. A condition is however recommended to ensure the building is used for purposes ancillary to the residential use of the dwelling.

HIGHWAY/PARKING

Parking arrangements remain the same, therefore no issues arise.

KEY ISSUES/CONCLUSIONS

The proposal under consideration meets the aims and objectives of Policies DC33 and DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document, as well as the Residential Extensions and Alterations SPD.

The proposal is considered to be acceptable and is recommended for approval.

RECOMMENDATION

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

1. SC4 (Time limit) 3yrs

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

Reason:-

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

2. SC10 (Matching materials)

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

Reason:-

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

3. SC32 (Accordance with plans)

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

Reason:-

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

4. SC33 (Workshops etc. - Restricted Use)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 the outbuilding hereby permitted shall be used only for a playroom/gym for purposes incidental to the enjoyment of the dwelling house and not for any trade or business nor as living accommodation.

Reason:-

To restrict the use to one compatible with a residential area, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

5. SC46 (Standard flank window condition)

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

Reason:-

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

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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OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 2ND APRIL 2015

APPLICATION NO: P0152.15

WARD : Emerson Park **Date Received:** 6th February 2015
Expiry Date: 3rd April 2015

ADDRESS: 2 Berther Road
Hornchurch

PROPOSAL: Single storey side extension

DRAWING NO(S): 14-094/4
14-094/1
14-094/2 Rev a

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

CALL-IN

The application has been called-in by Councillor Ron Ower on the grounds of the planning history at the site.

SITE DESCRIPTION

The application relates to the premises at 2 Berther Road, Hornchurch. This is a two storey detached building currently occupied by the 'Shish Meze Restaurant' at ground floor level. The building is located on the junction of Berther Road and Butts Green Road within an area of hardstanding with an outdoor seating area to the side, a car park and seating area to the front and Emerson Park Train Station and the railway line immediately to the south. The site is located within Sector One of the Emerson Park Policy Area and forms part of the Butts Green Road Minor Local Centre and as such the surrounding area is characterised by a mixture of commercial and residential uses.

DESCRIPTION OF PROPOSAL

The application is seeking planning permission for the erection of a single storey side extension to provide additional floorspace for the restaurant.

Planning permission was granted retrospectively in October 2014 for the provision of outdoor seating areas including a section of hardstanding between the side of the building and the footway with Butts Green Road and a second area on what was previously a section of the car parking spaces along the strip of land between the building frontage and the footway with Berther Road.

The current proposal would involve the construction of a single storey side extension to the western elevation adjacent to Butts Green Road. The extension would measure 4.2 metres in width and 7 metres in depth incorporating a pitched roof design with a ridge height of 5.2 metres providing an additional 25 square metres of internal floorspace.

According to the submitted details the restaurant employs 6 members of staff and as a requirement of the earlier planning permission for the A3 use in the ground floor unit under application P1471.08 is permitted to operate between the hours of 10:00 and 22:00 on Monday to Friday and between 10:00 and 23:00 on Saturday, Sunday and Bank or Public holidays.

RELEVANT HISTORY

- P1614.14 - Single storey extensions to the front and side elevations and the removal of off-street car parking spaces along Berther Road.
Withdrawn 23-01-2015
- P1178.14 - Retrospective change of use of part of the ground floor from A1 to A3 use. Retention of new shopfront. Provision of outdoor seating areas.
Apprv with cons 10-10-2014
- P1024.13 - First floor rear extension and rear dormer to provide three additional flats and retrospective change of use of part of the ground floor from A1 to A3 use
Refuse 11-12-2013
- P1243.12 - Single storey rear extension
Withdrawn 13-02-2013
- Q0008.09 - Discharge of conditions 2, 5, 6, 7, 8, 9 and 10
DOC Dischge 27-03-2009
Complete
- P1471.08 - Change of use from A1 to A3 (restaurant)
Apprv with cons 31-10-2008
- P1050.08 - Change of use from A1(licence post office) to A3 (restaurant)
Refuse 13-08-2008
- P0301.99 - New shopfront
Apprv with cons 09-04-1999

CONSULTATIONS/REPRESENTATIONS

Notification letters were sent to 29 properties and no representations have been received. The comments can be summarised as follows:

Environmental Health - no comments.

Local Highway Authority - no objection.

RELEVANT POLICIES

LDF

- DC16 - Core and Fringe Frontages in District and Local Centres
- DC23 - Food, Drink and the Evening Economy
- DC32 - The Road Network
- DC33 - Car Parking
- DC55 - Noise
- DC61 - Urban Design
- SPD12 - Shopfront Design SPD
- SPD5 - Emerson Park Policy Area SPD

OTHER

- LONDON PLAN - 2.15 - Town Centres
- LONDON PLAN - 4.7 - Retail and town centre development
- LONDON PLAN - 4.8 - Supporting a successful and diverse retail sector
- LONDON PLAN - 7.3 - Designing out crime
- NPPF - National Planning Policy Framework

MAYORAL CIL IMPLICATIONS

The gross internal floorspace created by the proposal would be less than the 100 square metre liability threshold and as a result there are no Mayoral CIL implications relating to the application.

STAFF COMMENTS

The main considerations relate to the impact on the character and appearance of the streetscene, the impact on the surrounding residential amenity and the implications for highways, pedestrian access and parking.

PRINCIPLE OF DEVELOPMENT

The site forms part of the Butts Green Road Minor Local Centre. Policy DC16 states that planning permission for uses appropriate to a shopping area, including A3, in the borough's Minor Local Centres will be granted at ground floor level. The proposal effectively involves the extension of internal floorspace of an existing A3 use.

In accordance with Policy DC16 the proposal would retain the building's active frontage and maintain an impression of visual and functional continuity, thus enhancing and aiding the vitality of the Minor Local Centre.

On this basis the proposal is considered to be policy compliant in landuse terms and its continued use for appropriate commercial purposes is therefore regarded as being acceptable in principle.

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.

The premises at 2 Berther Road forms a prominent feature in terms of its contribution to the streetscene, particularly from vantage points along Berther Road and the junction at Butts Green Road.

In terms of the visual appearance the proposed single storey side extension is considered to be relatively minor and is generally in keeping with the architectural style and design of the Victorian building and adjacent premises on Butts Green Road. Given its proposed positioning the side extension would largely be absorbed into the bulk and massing of the the existing building and would harmonise well with the character of the streetscene.

IMPACT ON AMENITY

Policy DC61 states that planning permission will not be granted where the proposal results in unacceptable overshadowing, loss of sunlight/ daylight, overlooking or loss of privacy to existing properties.

The proposed extension to the western side elevation would be located some 30 metres from the apartments at Tilia Court on the far side of Berther Road and on the opposite side of the building to the nearest residential accommodation at No.2a Berther Road. As such Officers are of the view that the proposal would not present any issues in relation to overshadowing, loss of daylight, over-dominance or privacy.

The proposal would enlarge the internal floorspace of the restaurant by 25 square metres. The area to the side of the building is currently used for outdoor seating and tables during warmer months and the proposal would therefore effectively enclose an existing seating area. Consequently the proposal would not result in a significantly greater number of covers.

The existing permitted opening hours for the restaurant are 10:00 and 22:00 on Monday to Friday and between 10:00 and 23:00 on Saturday, Sunday and Bank or Public holidays which is considered to be acceptable given the Minor Local Centre location. As such any residents living adjacent to the commercial units in this part of Berther Road can reasonably expect to experience an element of noise and disturbance from customers entering and leaving the premises, vehicles parking and passers by than residents living in a purely residential area.

The new sections of the restaurant would be served by the existing restaurant kitchen. As such extract and ventilation systems have been installed as part of the previous arrangements and are being utilised. Any requirement for new equipment to suit the specification of the the restaurant would be installed under further guidance and instruction from Environmental Health.

Officers are therefore of the view that the proposed single storey side extension would not harm the amenity of surrounding residential properties in accordance with policy DC61.

HIGHWAY/PARKING

The proposed side extension would result in no alteration to the existing 4no. off street car parking spaces along the strip of hardstanding to the front, accessed directly from Berther Road.

The site is located within a Minor Local Centre and is immediately adjacent to Emerson Park Station and in close proximity to bus stops along Butts Green Road. As such the existing off-street car parking provision is considered to be acceptable.

Servicing of the site would continue to takes place from the rear as per the existing arrangements, therefore allowing vehicles to park to the rear and to pull up adjacent to the site for loading and deliveries.

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

KEY ISSUES/CONCLUSIONS

On balance it is considered that the proposed single storey side extension presents no harm to the visual appearance of the building. Given the Minor Local Centre location and the site circumstances it is not considered that the positioning of the extension or its use would unduly harm the neighbouring residential amenity. The existing off street car provision would not be affected and the Local Highway Authority have raised no objections.

The proposal is therefore in accordance with Policies DC16, DC23, DC33 and DC61 and the Shopfront Design SPD and it is recommended that planning permission is approved subject to conditions.

RECOMMENDATION

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

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. SC10A (Matching materials & samples) (Pre Commencement)

All new external finishes shall be carried out in materials to match those of the existing building(s) and samples of the materials to be used shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of any of the works hereby permitted.

Reason:-

To safeguard the appearance of the premises and the character of the immediate area, and that the development accords with the Development Control Policies Development Plan Document Policies DC61 and DC54.

3. M SC27A (Hours of use)

The internal areas of the extension shall not be used as part of the existing restaurant use other than between the hours of 10:00 and 22:00 on Monday to Friday and between 10:00 and 23:00 on Saturday, Sunday and Bank or Public holidays. The external seating areas shall not be used for the purposes hereby permitted other than between the hours of 10:00 and 22:00 on Monday to Sunday and Bank or Public holidays. The hours of operation shall be implemented unless agreed in writing by 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.

INFORMATIVES

1 Approval - No negotiation required

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

2 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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OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 2ND APRIL 2015

APPLICATION NO: P0182.15

WARD : Brooklands **Date Received:** 11th February 2015
Expiry Date: 8th April 2015

ADDRESS: 361 London Road
Romford

PROPOSAL: Proposed two storey side extension and single storey front side and rear extensions.

DRAWING NO(S): 13/11/6/1

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

CALL-IN

This application has been called into Committee for decision by Councillor Robert Benham for the reasons stated below:

"The applicant has contacted me on three occasions to explain that he had a number of concerns with his previous application (P0172.14) and some of the conditions that had been placed upon it, namely multiple roof hips and one meter recess.

While visiting the location the applicant Mr Mark Egalton showed me a number of similar properties in the location that did not appear to have the same conditions on their extensions and he argues that the conditions were perhaps unfair and would cost considerable extra building costs. He expressed a wish to present his plans to Havering Councillors for them to take his arguments into consideration."

SITE DESCRIPTION

The subject dwelling is a semi-detached property with a hipped roof and finished in a pebble dash render. The property is one half of an unusually wide pair of semi-detached houses with a large shared hipped roof front projection, located within a large corner plot at the junction of London Road and Southern Way. There is hard standing to the rear of the property to provide off street parking for two vehicles with access from Southern Way and soft landscaping to the front and side.

The ground level drops slightly from the main highway of London Road (from north to south), where concrete steps lead down to the front elevation of the dwelling with a concrete pathway and soft landscaping.

DESCRIPTION OF PROPOSAL

The proposal is for a two storey side extension, single storey front, side and rear extensions.

The two storey side extension measures 4.70m in width, 14.30m in total depth extending from the front to the rear at ground floor, with a depth of 9.30m at first floor level. A hipped roof eaves height of 5.40m and total ridge height of 7.90m. The first floor element will sit above part of the proposed double garage at the rear.

The single storey side/rear extension sits behind the two storey side extension. The single storey rear element which is part of the double garage measures 2.60m in width, 6.25m in depth, (when

viewed from the flank) with a hipped roof eaves height of 2.40m and total ridge height of 3.90m.

The single storey front extension measures 2.25m in depth from the original front recess of the property bringing it 1m forward of the shared front bay projection, and extends across to join the side extension at a total width of 8.00m. A hipped roof eaves height of 2.40m and total ridge height of 4.40m.

RELEVANT HISTORY

P1317.14 - Proposed two storey side extension & single storey front, side & rear extensions
Refuse 12-11-2014

P0172.14 - Two storey side extension and single storey front, side and rear extensions
Apprv with cons 04-04-2014

CONSULTATIONS/REPRESENTATIONS

Four letters of notification were sent to neighbouring properties with no representations received.

RELEVANT POLICIES

Residential Extensions and Alterations Supplementary Planning Document.
DC33 & DC61 - LDF Core Strategy and Development Control Policies Development Plan Document.

MAYORAL CIL IMPLICATIONS

None.

STAFF COMMENTS

This proposal is a similar scheme of previously refused application P1317.14 which lacked a one metre set back from the front elevation at first floor level and incorporated some unsuitable roof forms.

Reason for refusal:

The proposed development would, by reason of its bulk and mass, lack subservience and would be out of scale with this pair of semi-detached houses. As a result the development will appear as an unacceptably dominant and visually intrusive feature in the streetscene harmful to the appearance of the surrounding area and contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.

The original application, previous to this, P0172.14, was granted permission for the same titled proposal as Staff were able to obtain sufficient changes to the scheme to grant an approval.

Staff at that time requested a 1 metre set back at first floor from the front elevation, in order to reduce the appearance of bulk and to retain the balance of the roof shape with the attached neighbouring dwelling. Roof designs were also altered from a pitch to a hip on the front and rear extensions to aid in softening the appearance visually.

Staff had also suggested a further reduction in width to the side extension, however, this was declined by the applicant.

On balance, staff considered the revised scheme provided a sufficient reduction in the appearance of bulk and would therefore not be reasonable to recommend refusal for this reason alone.

However, this application is now seeking permission for a scheme similar to that previously refused.

DESIGN/IMPACT ON STREET/GARDEN SCENE

The property is located in a prominent and highly visible position on a corner plot at the junction of Southern Way and the main highway of London Road. The front elevation of the property faces open green belt land on the opposite northern side of London road.

The symmetry of semi-detached houses and the spacing between pairs are important considerations for side extensions. The Residential Extensions and Alterations SPD states that side extensions should be subordinate to the existing dwelling to ensure they do not unbalance a pair of semi-detached properties, and to maintain the characteristic gap between neighbouring pairs of semi-detached houses.

Two storey side extensions should be set back at least one metre from the main front wall of the dwelling at first floor level, to create a break in the roofline and facade, and avoid a terracing effect.

The ground floor level should not project beyond the main building line on the front elevation and preferably should be set back by at least a brick course to provide a good junction between old and new materials.

The hipped roof forms to the ground floor front and rear extensions have been retained in this scheme and aid in reducing the appearance of bulk. However, the lack of any set back of the two storey side extension from the front main wall would result in the symmetry of the roof of the pair of houses being harmed which would serve to emphasise the substantial width and scale of the extension and its lack of subservience from the main house.

Accordingly Staff consider that the proposal unacceptably disrupts the existing visual harmony between this pair of semi-detached dwellings giving rise to a bulky, unbalanced and dominant relationship which would be harmful to the street scene in this visually prominent location.

Although the rear garden areas of this pair of semi-detached dwellings are substantial in width, the depth is much shorter. This allows approximately a gap of 1.50m from the back edge of the proposed single storey rear garage and the shared rear boundary.

In all, the substantial width and bulk of the proposal creates an unbalanced, dominant feature, disrupting the appearance within the surrounding streetscene contrary to Policy DC61 and the Residential Extensions and Alterations SPD.

IMPACT ON AMENITY

The attached neighbouring property, no.363, is not considered to be caused any undue impact as the proposed two storey side development is sited to the other side of the dwelling. The front extension at ground level is acceptable in depth, extending 1 metre beyond the front projection and is sited at a distance of 4.20m from this neighbouring property.

This front projection is mirrored by the attached dwelling and would therefore be unlikely to cause any undue impact.

The rear extension is sited over five and a half metres away from the shared boundary and as such is also unlikely to cause any undue impact.

Although the rear of the ground floor proposal is within close proximity to the neighbour sited at the back of the property, no.2 Southern Way, the proposal faces the flank of this dwelling and no windows or amenity space would be affected.

Due to the separation distance, it is unlikely that the proposed development will cause any undue impact with regard to the surrounding neighbouring properties within Southern Way.

HIGHWAY/PARKING

There are no changes to the existing parking arrangements and no highway or parking issues would arise from the proposal.

KEY ISSUES/CONCLUSIONS

This revised proposal is not considered to be in accordance with the above-mentioned policies and guidance and refusal is recommended.

RECOMMENDATION

It is recommended that **planning permission be REFUSED** for the following reason(s):

1. Reason for refusal - Streetscene

The proposed development would, by reason of its bulk and mass, lack of subservience and roof type, have a detrimental impact upon the symmetrical form and appearance of this pair of semi detached houses. As a result the development will appear as an unacceptably dominant and visually intrusive feature in the street scene harmful to the appearance of the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD and the Residential Extensions and Alterations SPD.

1 Refusal - No negotiation

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

OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 2ND APRIL 2015

APPLICATION NO: P0219.15

WARD : Rainham & Wennington **Date Received:** 11th February 2015
Expiry Date: 8th April 2015

ADDRESS: 44 Berwick Road
Rainham

PROPOSAL: Erection of rear outbuilding to form 'granny annexe'

DRAWING NO(S): Drawing no. 01 (dated Jan 15)

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

CALL-IN

The application has been called-in by Councillor David Durant on the grounds that a 'granny annexe' could set an over-development precedent for this area.

SITE DESCRIPTION

The application relates to the property at 44 Berwick Road, Rainham. This is a semi-detached bungalow laid out with a traditional arrangement of a driveway and parking area to the front and rectangular garden to the rear. The garden boundary to the east abuts a narrow right of way which leads to a garage court and a vehicular access onto Berwick Road. The site is located within a residential area predominantly characterised by semi-detached bungalows and two-storey houses.

DESCRIPTION OF PROPOSAL

The application is seeking planning permission for the erection of a detached single storey rear outbuilding to form a 'granny annexe' in the rear garden.

The proposed building would be located adjacent to the rear garden boundary and would incorporate a pitched roof design, 4.1 metres in height up to the ridge line. The building would be 9.3 metres wide by 4.7 metres in depth covering an area of 44 square metres and effectively infilling the the rear section of the back garden, abutting both of the the side garden boundaries as well as the rear property boundary with the access pathway.

The proposed building is intended to be used as annexe living accommodation for the elderly grandparents in association with the main family dwelling at No.44 Berwick Road. As such the development would include an open plan kitchen and living area, double bedroom and en-suite, with the main entrance doorway to the building taken from the rear garden of the existing dwelling.

The rear garden is currently partitioned with a 1 metre high picket fence surrounding hardstanding to provide a secure run for the family's pet dog. It is intended that this garden fencing arrangement would be retained and the hardstanding area would continue to be used as a dog run rather than a separate garden associated with the annexe.

In order to accommodate the annexe building the proposal will involve the removal of an existing detached garage.

RELEVANT HISTORY

P0045.15 - Outbuilding to form "granny annexe"
Withdrawn 24-02-2015

CONSULTATIONS/REPRESENTATIONS

Notification letters were sent to 6 properties and no representations have been received.

Environmental Health - no objection, recommended a condition restricting the hours of construction.

Local Highway Authority - no objection.

RELEVANT POLICIES

LDF

DC33 - Car Parking

DC4 - Conversions to Residential & Subdivision of Residential Uses

DC61 - Urban Design

SPD4 - Residential Extensions & Alterations SPD

OTHER

LONDON PLAN - 7.4 - Local character

NPPF - National Planning Policy Framework

MAYORAL CIL IMPLICATIONS

The proposal is a creating less than 100 square metres of gross additional floorspace associated with an existing dwelling. This is below the minimum floorspace threshold and therefore results in no Mayoral CIL implications.

STAFF COMMENTS

The main considerations relate to the principle of the development, the impact on the character and appearance of the surrounding garden setting and the implications for the residential amenity of occupants of neighbouring properties.

PRINCIPLE OF DEVELOPMENT

The Residential Extensions & Alterations SPD defines a residential annexe as accommodation that is ancillary to the main dwelling within the residential curtilage and must only be used for this purpose. The guidance states that the annexe must form part of the same planning unit, sharing facilities, including access, parking and garden areas.

The layout, design and physical relationship between the house and the proposed annexe are therefore important considerations, and the proposed annexe must demonstrate clear connections with the main dwelling. The size and scale of the accommodation to be provided should be proportionate to the main dwelling. As a guide, the scale should be such that the annexe could be used as a part of the main dwelling once any dependency need has ceased.

The proposed annexe building would include a main entrance on the elevation facing into the back garden area and would be sited some 16.5 metres from the rear of the main bungalow via an existing pathway through the centre of the garden. As proposed the annexe would be physically independent of the main house with its own sleeping, living, cooking and bathroom areas and those occupying it could do so without the need to enter the main house. However, functionally it would be dependent on the main house for power and other utilities, for amenity space and for parking and access. The only access to the annexe other than through the main

house would be via a narrow path on the south side of the house which passes adjacent to windows of habitable rooms.

Although it is capable of independent occupation, it would be unlikely to be occupied by anyone other than people closely associated with the occupants of the main house and who would therefore be content to share the curtilage area to No.44 and live closely overlooked by those in the main house. In any event the issue of occupancy could be satisfactorily controlled by condition as with any ancillary annexe.

As such the annexe building appears to be arranged to demonstrate clear connections with the main dwelling and its use would be entirely in an ancillary capacity to No.44 Berwick Road in accordance with the provisions of the Residential Extensions & Alterations SPD.

DESIGN/IMPACT ON STREET/GARDEN SCENE

Policy DC61 states that development must respond to distinctive local building forms and patterns of development and respect the scale, massing and height of the surrounding context. The Residential Extensions & Alterations SPD states that outbuildings should be subordinate in scale to the existing dwelling and to the plot, not detract from the character of the area and should be unobtrusively located to the side and rear of the existing dwelling.

The detached and semi-detached properties along Berwick Road have a relatively uniformed arrangement of driveways to the front and rectangular strips of garden to the rear. This arrangement is generally mirrored by the layout of the two-storey semi-detached dwellings to the east of the site at Jordans Way.

Currently there are a series of single storey detached buildings of various sizes and designs in the rear gardens of the houses neighbouring the application site. As such detached outbuildings form a key characteristic of the surrounding rear garden scene and officers are of the opinion that the proposed replacement building would not appear out of character in this setting. The scale, height and massing of the building would not be significantly larger than the building it replaces and would be proportionate to the height and positioning of the existing outbuildings to the rear of the neighbouring properties at No.46 and No.40 Berwick Road respectively.

It is therefore considered that the proposed annexe outbuilding would maintain the character and appearance of the rear garden setting and surrounding area in accordance with Policy DC61.

IMPACT ON AMENITY

The Residential Extensions & Alterations SPD states that outbuildings should not cause undue loss of light to neighbouring properties or adversely affect the living conditions of neighbouring properties. Policy DC61 reinforces these requirements by stating that planning permission will not be granted where the proposal results in unacceptable overshadowing, loss of sunlight/daylight, overlooking or loss of privacy to existing properties.

The annexe would not provide its occupiers with normal standards of outlook and private amenity space. However, as it is to be used entirely in an ancillary capacity officers are of the view that these shortcomings are not so great as to justify refusing the application.

In terms of the impact on the neighbouring properties, the annexe building would be located approximately 20 metres from the rear of the adjoining bungalow at No.46 Berwick Road and 25 metres from the rear of the neighbouring bungalow at No.42 Berwick Road. It is considered that a combination of the distance and the existing 1.8 metre high timber panel garden boundary

fencing would provide suitable screening of the ground floor windows and prevent overlooking from the annex building back towards the neighbouring Berwick Road properties.

The proposed annexe building would be sited approximately 15.3 metres from the rear windows of No.23 Jordans Way, located to the east of the application site beyond the rear access pathway. Given the height of the proposed building and the distance from the rear of No.23 it is not considered that the annexe would result in any undue issues in relation to overshadowing, loss of outlook or over-dominance. There would be no windows in the rear elevation of the annexe facing towards the Jordans Way properties and therefore the opportunity for noise from within the annexe causing disruption over this distance would be minimal.

It is acknowledged that there would be comings and goings to the annexe and increased use of the garden area but an outbuilding in use as a hobby, games and garden room could generate a similar level of traffic particularly in the summer months. As such officers are of the opinion that use of the outbuilding as a residential annexe would give rise to levels of noise and disturbance that would not be substantially different to those that could arise between gardens. As such the use would be unlikely to give rise to significant adverse impacts on health and quality of life or unreasonable adverse effects on the environment by reason of noise.

Nevertheless, it is considered reasonable to impose conditions removing permitted development rights in respect of the insertion of additional windows and openings in the proposed building, to avoid the potential for overlooking and increased noise transmission. It is also considered necessary to impose a condition to remove permitted development rights in Class A for extensions, and in Class E for ancillary buildings and structures as these are the classes that could result in further intensification of use of the curtilage to the possible detriment of neighbouring residents' living conditions and reduction in the amount of amenity space provision. Officers also consider it necessary for this condition to remove the PD rights under Class A Part 2 for fencing and walling as these rights could result in the curtilage being subdivided.

Finally, in this instance it would also be necessary to include a condition restricting the occupancy of the annex to purposes connected to the residential use of the main dwelling 44 Berwick Road.

On balance and subject to conditions officers are therefore of the view that the proposed annexe would be in accordance with provisions of Policy DC61 and the Residential Extensions & Alterations SPD.

HIGHWAY/PARKING

The proposed development would not affect the existing off street car parking arrangements to the front of the house which currently provides 2no. off street spaces. The annexe is proposed to be ancillary to the main dwelling and it is not judged that this requires separate parking provision in its own right.

The Local Highway Authority has raised no objections in relation to the proposed development.

KEY ISSUES/CONCLUSIONS

The proposed single storey detached annexe building would demonstrate clear connections with the main dwelling and its use would be entirely in an ancillary capacity to No.44 Berwick Road. The scale, height and massing of the proposed building would be sympathetic to the rear garden setting and officers are of the opinion that the proposal would not result in an undue impact on the amenity of neighbouring residents.

As such the proposal is considered to be in accordance with the provisions of Policy DC61 and the Residential Extensions & Alterations SPD and it is recommended that planning permission is granted.

RECOMMENDATION

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

1. SC4 (Time limit) 3yrs

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

Reason:-

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

2. SC32 (Accordance with plans)

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

Reason:-

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

3. 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. SC46 (Standard flank window condition)

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

Reason:-

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

5. Removal of Permitted Development Rights

Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order (1995) (or any order revoking or re-enacting that order with or without modification) no extensions, alterations or curtilage buildings falling within Classes A and E of Part 1 of Schedule 2 shall take place unless otherwise submitted to and approved in writing by 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.

6. SC31 (Use as part of main dwelling)

The outbuilding hereby permitted shall be used only be used for purposes incidental to or as living accommodation ancillary to the existing dwelling known as 44 Berwick Road, Rainham, RM13 9QL and shall not be used as a separate unit of residential accommodation at any time.

Reason:-

The site is within an area where the Local Planning Authority consider that the subdivision of existing properties should not be permitted in the interests of amenity, and that the development accords with Development Control Policies Development Plan Document Policy DC61.

7. Non Standard Condition 31

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, Article 3, Schedule 2, Part 2, Class A no gates, walls or enclosures shall be erected, constructed or altered within the site known as No. 216 London Road (including the annex) 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 order that the annex approved remains ancillary to the main dwelling and that the development accords with Policy DC61 of the Development Control Policies Development Plan Document.

8. Non Standard Condition 32

The garden area shall not be subdivided at any time and nor shall there be any additional pedestrian or vehicular accesses into the site.

Reason:- In order that the annex approved remains ancillary to the main dwelling and that the development accords with Policy DC61 of the Development Control Policies Development Plan Document

INFORMATIVES

1 Approval - No negotiation required

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

2 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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OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 2ND APRIL 2015

APPLICATION NO: P0968.14

WARD : Harold Wood **Date Received:** 14th July 2014
Expiry Date: 8th September 2014

ADDRESS: 93 Shepherds Hill (Land rear of)
Romford

PROPOSAL: Retrospective change of Use of rear portion of garden at 93 Shepherds Hill to hardstanding car park (permeable surface) - Annexed to the public house as an 'Overspill Car Park'

DRAWING NO(S): SD/01
SD/02

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

CALL-IN

This application has been called in to committee by Councillor Eagling, as there is a parking concern for local residents and this overflow car park alleviates heavy parking when it occurs in Shepherds Hill.

SITE DESCRIPTION

The application site consists of a plot of land located to the rear of No. 93 Shepherds Hill, Romford, which originally formed part of their rear garden. The land comprises of an area of hard standing with a depth of 48 metres and a width of approximately 13 metres and 2m high timber fencing on its perimeter. There is clear drop in ground level of approximately 1m to 1.5 metres from the entrance to the existing concrete slab at the rear of the car park. The site is within the Metropolitan Green Belt.

DESCRIPTION OF PROPOSAL

The proposal seeks retrospective consent for the change of use of the rear portion of the garden at 93 Shepherds Hill to a hardstanding car park (permeable surface), which is annexed to the Shepherd & Dog public house as an overspill car park that comprises of 27 car parking spaces. The agent has advised that sub base of the car park is in the main a 4/20 open graded aggregate.

RELEVANT HISTORY

- N0061.11 - Non-material minor amendment to P0919.11 to add a window to back wall of kitchen extension instead of roof light
Approve no cons 09-12-2011
- P1176.11 - Demolish single storey rear extension and garage. Two storey rear extension , bay windows, external alterations & garage
Apprv with cons 04-11-2011
- P0919.11 - Single storey front, side and rear extensions, replacement doors and windows and associated external alterations, extract ducting, enclosed yard/bin store, reconfiguration of parking area and alterations to form a single point of access,

hardstanding, landscaping and patio area.

Apprv with cons 26-08-2011

P1659.10 - Demolish single storey rear extension and garage. Two storey rear extension, Juliet balcony, bay windows, external alterations, conservatory, garage and car port.

Refuse 04-04-2011

A0026.09 - 1 No externally illuminated sign

1 No non illuminated post sign

Part aprvd part ref 29-06-2009

CONSULTATIONS/REPRESENTATIONS

The proposal was advertised by way of a site notice and in the local press as development which is contrary to the Metropolitan Green Belt Policies of the LDF Core Strategy and Development Control Policies Development Plan Document. 21 neighbouring occupiers were consulted and two letters of representation were received with detailed comments that have been summarised as follows:

- The proposal does not comply with national and local policy.
- The siting of the car park and its impact on the residential amenity of neighbouring properties.
- Reference to an on-going legal dispute between the applicant and a neighbour.
- Impact of the proposal on the openness and amenity of the Green Belt.
- The change of use constitutes inappropriate development and reference was made to the National Planning Policy Framework and various appeal cases. No very special circumstances have been provided and as such, the application should be refused.
- The location of the site is not a logical extension to parking for the public house with an incongruous access.
- Noise and disturbance from vehicles and patrons.
- Littering.
- Anti-social behaviour.
- Flood lights and their impact on residential amenity.
- It is alleged that the hardstanding is not permeable and surface water is not disposed of by way of a soakaway.
- Localised flooding of neighbouring gardens.
- Reference was made to a boundary dispute and potential encroachment issue involving the application site and a neighbouring property.
- It is suggested that this application be refused and enforcement action be taken on the existing unlawful use of the land.
- It is alleged that the boundary fencing has been erected on neighbouring land.
- The visual impact of the fencing.
- Overlooking and loss of privacy.
- Impact on property value.
- The existing pub car park is too small with an overspill of vehicles onto the highway.
- Suggested that the pub garden is reduced in size to provide more off street car parking.
- Queried if the residential curtilage of 93 Shepherds Hill is for domestic use only.

In response to the above, comments regarding property value are not material planning considerations. Comments regarding legal and boundary disputes and possible encroachment issues are civil matters and are not material planning considerations. Each planning application is determined on its individual planning merits. The agent has provided some very special circumstances. Comments regarding the flood lights are not material planning considerations and is currently being investigated by the Council's Enforcement team. The remaining issues will be addressed in the following sections of this report.

English Heritage - The proposal is unlikely to have a significant effect on heritage assets of archaeological interest. No further assessment or conditions are therefore necessary.

Highway Authority - No objection.

Environmental Health - No objection as the application has minor implications in terms of noise.

RELEVANT POLICIES

CP14 (Green Belt), DC33 (Car Parking), DC45 (Green Belt), DC48 (Flood risk) and DC61 (Urban Design) of the LDF Core Strategy and Development Plan Document are considered material.

Policies 6.13 (parking), 7.13 (safety, security and resilience to emergency), 7.16 (Green Belt) and 7.4 (local character) of the London Plan are relevant.

Chapters 9 (Protecting Green Belt land) and 10 (Meeting the challenge of climate change, flooding and coastal change) of the National Planning Policy Framework are relevant.

MAYORAL CIL IMPLICATIONS

This application is not liable for Mayoral CIL.

STAFF COMMENTS

This application was deferred from a previous meeting of Regulatory Services Committee on 5 March owing to technical issues with the printing of the committee report. The main issues in this case are considered to be the principle of development, the impact upon the character and appearance of the Green Belt, the impact on the streetscene, impact on local amenity and parking and highways issues.

PRINCIPLE OF DEVELOPMENT

The application site lies within Metropolitan Green Belt. The proposal seeks retrospective consent for the change of use of the rear portion of the garden at 93 Shepherds Hill to a hardstanding car park, which is annexed to the Shepherd & Dog public house as an overspill car park.

Paragraph 87 of the National Planning Policy Framework (NPPF) states that as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

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

The retrospective change of use of the rear portion of garden at 93 Shepherds Hill to a hardstanding car park is not one of the specified purposes listed in the NPPF and as such this proposal is inappropriate in principle. The NPPF provides that where inappropriate development is proposed within the Green Belt planning permission should not be granted unless the

applicant can demonstrate very special circumstances exist that outweigh the harm resulting from the development.

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

GREEN BELT IMPLICATIONS

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

Staff consider that the retrospective change of use of the rear portion of the garden at 93 Shepherds Hill to a hardstanding car park annexed to the Shepherd and Dog public house, combined with the 2m high timber fencing on its perimeter, are harmful to the open and spacious character of the Metropolitan Green Belt contrary to Policy DC45 of the LDF and Chapter 9 of the NPPF. The area of hardstanding and the siting of the vehicles replaces an undeveloped area of land and as a result, materially erodes the openness of the Green Belt.

DESIGN/IMPACT ON STREET/GARDEN SCENE

It is considered that the hardstanding car park is not materially harmful to the streetscene, as it is set back approximately 55 metres from Shepherds Hill, is largely screened by the vehicles in the car park to the front and side of the public house and is located behind the rear garden of No. 93 Shepherds Hill. The car park is also screened by the 2m high timber paling fence on its perimeter.

The site is surrounded by the rear gardens of neighbouring properties. As such, it is considered that the overspill car park appears out of character in the rear garden environment.

IMPACT ON AMENITY

It is noted that there are floodlights on the perimeter of the overspill car park, which do not form part of this planning application. Representations have been received regarding the impact of the flood lights on neighbouring amenity and this is being investigated by the Council's Enforcement team.

Planning permission was granted on appeal for a new dwelling to the rear of the Shepherd & Dog Public House under application P0995.12. The rear of the proposed dwelling would be approximately 19 metres from the western boundary of the application site. The rear of No. 85 Shepherds Hill would be approximately 27 metres from the western boundary of the application site. There is a two storey dwelling at No. 87 Shepherds Hill, which is located north of the application site. The eastern and southern boundaries of the application site abut the rear gardens of No.'s 99 and 93 Shepherds Hill respectively.

When reviewing the merits of this application, consideration was given to the levels of pedestrian and vehicular movements that would be generated by the 27 car parking spaces within the application site. This would result in noise and disturbance from cars manoeuvring, car doors slamming, additional pedestrian movements and cars starting and moving off. Staff consider that noise from these sources would be readily apparent from nearby residential properties. This would be at a time when residents might reasonably expect noise levels to be lower than they are during the daytime.

It is considered that overspill car park generates a material increase in noise and disturbance from additional vehicle and pedestrian movement that is heightened in this quiet suburban location. It is considered that the addition of 27 car parking spaces results in an unacceptable intensification of the use of the site, which has a harmful effect on the living conditions of existing occupiers of neighbouring dwellings with regard to noise and disturbance contrary to Policy DC61 of the LDF.

HIGHWAY/PARKING

There are 48 car parking spaces at the front of the Shepherd & Dog public house and the overspill car park provides a further 27 spaces. The Highway Authority has no objection to the proposal. The Highways Department considers that there is not a requirement for parking restrictions outside the Shepherd & Dog public house at present, although this may be reviewed at a later date. It is considered that the overspill car park does not create any parking or highway issues.

OTHER ISSUES

The Case for Very Special Circumstances

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

- The Shepherd & Dog public house was refurbished three years ago and since then, it benefits from a successful trade with approximately 300 covers on a Friday, 300 covers on a Saturday and 400 covers on a Sunday. The public house employs a total of 58 staff. In an economic climate where public houses are failing, the success of this public house outside a town centre is notable and constitutes an important community asset.
- The public house is busy and active and generates high demand for car parking. The overspill car park increases the on site parking by around 50% and would accommodate the needs of the public house. The additional parking has created a balance between the parking demand and parking provision. The users of the pub can park on adjoining highways and were indeed doing so.
- The Council will have on record the residents' objections to the number of cars parked on the adjoining highways due to the success of the public house and a petition was signed by numerous residents to ask the Council to implement parking restrictions in the residential area surrounding the public house. It is better to provide an on-site solution than clients parking on the adjoining highways.
- The car park results in a limited loss of openness. There is no permanent structure which is affecting the openness of the Green Belt. Vehicles are all below the fencing that is currently in place. The vehicles are not visible from the surrounding area, nor are they visible from the highway. The cars are only parked when the pub is open and are not permanently in place.
- The site is previously residential curtilage, whilst not previously developed land, it is suburban in nature rather than open land. The garden therefore, could accommodate residential paraphernalia, such as play equipment and clothes lines, etc.
- There is no real impact on neighbouring properties.

It is considered that the very special circumstances, in themselves, are not particularly unusual or weigh significantly in favour of the use of the site for a hardstanding car park. It is considered that there are not overriding considerations that outweigh the harm to the open character and appearance of the Green Belt arising from the use of the site for an overspill car park.

FLOOD RISK

The description of the proposal on the application form states that the hardstanding car park has a permeable surface. Also, the agent has advised that sub base of the car park is in the main a

4/20 open graded aggregate. However, Staff consider that the description of the proposal is incorrect, as the hardstanding car park is not permeable. A member of the Council's StreetCare Department has visited the site and provided the following comments. The material of the car park comprises of road planings - an asphaltic based material and the sub grade supporting this construction is not available to view. The area has a loose gravel finish to it. However when the gravel comprising of the asphalt planings are cleared to a firm base to about an inch below the gravel, the material is hard and well bound together, which allows this material to support the vehicular movement without sustaining ruts and the associated damage of slow vehicle movements. Therefore this material is well compacted, and being asphaltic nature is bonding together over time and will continue to do so getting tighter and firmer as time passes on. There is clear drop in ground level of approximately 1m to 1.5 metres from the entrance of the car park to the existing concrete slab at the rear of the car park. Adjacent to the western boundary of the application site, there is an approximately a 1m sheer drop to the land currently being developed house footings constructed to oversite level for which work has ceased well over a year ago. Adjacent to the existing concrete slab on the northern boundary of the application site, there is also a sheer drop of a similar depth. On the third remaining side the levels to the adjacent property appear to be generally the same. Staff consider that water would not be able to pass through the hardstanding material since it is highly impermeable, more so than crushed rock or concrete material due it being of an asphaltic nature. Water does not lay on this material due to the marked drop in level to the west and north boundaries of the site. It is noted that the slab has a lot of silt deposited on the existing concrete slab and if this material was allowing water to pass through it there would be little if any silt deposits on the slab.

Policy DC48 states that development must be located, designed and laid out to ensure that the risk of death or injury to the public and damage from flooding is minimised whilst not increasing the risk of flooding elsewhere and ensuring that residual risks are safely managed. Staff consider that the non-permeable surface of the overspill car park, together with the change in ground levels surrounding the application site, gives rise to surface water run-off and is likely to lead to flooding of the surrounding area contrary to Policy DC48 of the LDF.

KEY ISSUES/CONCLUSIONS

In conclusion the retrospective change of use of the rear portion of garden at No. 93 Shepherds Hill to a hardstanding car park represents inappropriate development in a Green Belt location contrary to national and local planning policies. Inappropriate development is by definition harmful to the character of the Green Belt and the purposes of including land within it. Staff consider that the very special circumstances cited are not overriding considerations and do not outweigh the harm to the open character and appearance of the Green Belt.

It is considered that overspill car park generates a material increase in noise and disturbance from additional vehicle and pedestrian movement and results in an unacceptable intensification of the site, which has a harmful effect on the living conditions of existing occupiers of neighbouring dwellings with regard to noise and disturbance contrary to Policy DC61 of the LDF.

Staff further consider that the non-permeable surface of the overspill car park, together with the change in ground levels surrounding the application site, gives rise to surface water run-off and is likely to lead to flooding of the surrounding area contrary to Policy DC48 of the LDF.

It is therefore recommended that planning permission be refused.

RECOMMENDATION

It is recommended that **planning permission be REFUSED** for the following reason(s):

1. Reason for refusal - Metropolitan Green Belt

The site is within the area identified in the Local Development Framework as Metropolitan Green Belt. Policy DC45 of the LDF and Government Guidance as set out in the National Planning Policy Framework (Green Belts) states that in order to achieve the purposes of the Metropolitan Green Belt it is essential to retain and protect the existing rural character of the area so allocated and that new development will only be permitted outside the existing built up areas in the most exceptional circumstances. The retrospective change of use of the rear portion of the garden at No. 93 Shepherds Hill to a hardstanding car park is inappropriate in principle in the Green Belt. The special circumstances that have been submitted in this case, do not outweigh the in principle harm and visual harm to the character and openness of the Green Belt arising from this proposal. The proposed development is therefore contrary to Policy DC45 of the LDF Core Strategy and Development Control Policies Development Plan Document, as well as Chapter 9 of the National Planning Policy Framework.

2. REFUSAL - Non Standard 2

The overspill car park generates a material increase in noise and disturbance from additional vehicle and pedestrian movement and results in an unacceptable intensification of the use of the site, which has a harmful effect on the living conditions of existing occupiers of neighbouring dwellings with regard to noise and disturbance contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.

3. Refusal - Non standard 3

The non-permeable surface of the overspill car park, together with the change in ground levels surrounding the application site, gives rise to surface water run-off likely to lead to flooding of the surrounding area contrary to Policy DC48 of the LDF Core Strategy and Development Control Policies DPD, Policy 7.13 of the London Plan as well as Chapter 10 of the National Planning Policy Framework.

1 Refusal - No negotiation

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

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OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 2ND APRIL 2015

APPLICATION NO: P1467.14

WARD : Harold Wood **Date Received:** 22nd October 2014
Expiry Date: 17th December 2014

ADDRESS: 1 Four Wantz Cottages
Hall Lane
Upminster

PROPOSAL: Single Storey Side and Rear Extension

DRAWING NO(S): 1283/14

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

SITE DESCRIPTION

The application site comprises of a two storey end terrace dwelling which is situated in the Metropolitan Green Belt. The application property is finished in a combination of painted render and face brick.

DESCRIPTION OF PROPOSAL

The proposal seeks consent for a single storey side and rear extension which would measure 3.60 metres in width and 6.97 metres in depth and would join the existing two storey addition with the original property at ground floor.

The proposal would feature a sloping roof, hipped away from the common boundary, measuring 2.58 metres to the eaves with an overall maximum height of 4.15 metres at its highest point. It is noted however that the height varies considerably due to the shape of the host property.

RELEVANT HISTORY

- P0234.03 - Removal of condition no. 3 of Planning Permission P1587.02 (restriction of use of garage).
Apprv with cons 28-03-2003
- P1587.02 - Detached garage
Apprv with cons 01-11-2002
- P1416.99 - Two storey side extension
Apprv with cons 02-12-1999

CONSULTATIONS/REPRESENTATIONS

The proposal was advertised by way of a site notice and in the local press as development which is contrary to the Metropolitan Green Belt Policies of the LDF Core Strategy and Development Control Policies Development Plan Document.

The application was also publicised by way of direct notification of adjoining properties. No letters of objection were received.

RELEVANT POLICIES

LDF

CP17 - Design
DC33 - Car Parking
DC45 - Appropriate Development in the Green Belt
DC61 - Urban Design
SPD4 - Residential Extensions & Alterations SPD

OTHER

LONDON PLAN - 6.13 - Parking
LONDON PLAN - 7.16 - Green Belt
LONDON PLAN - 7.4 - Local character
NPPF - National Planning Policy Framework

MAYORAL CIL IMPLICATIONS

The application under consideration is not liable for Mayoral CIL.

STAFF COMMENTS

The main issues in this case are considered to be the principle of development, the impact upon the character and appearance of the Green Belt, the impact on the street scene, impact on local amenity and parking and highways issues.

No calculations were presented by the agent and limited historical detail is available for the application site. Officers calculations have been used to determine this application.

PRINCIPLE OF DEVELOPMENT

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

The NPPF states that a Local Planning Authority should regard the construction of new buildings as inappropriate development in the Green Belt. An exception to this is the extension or alteration of a building provided it does not result in disproportionate additions over and above the size of the original building.

Where extensions are considered to be disproportionate and therefore inappropriate, such applications should not be approved except in very special circumstances. The NPPF advises that Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

This matter will be explored later in the report.

GREEN BELT IMPLICATIONS

Based on the limited historic information available staff calculate that the original dwelling house had a volume of 259m³.

The property has since benefitted from a number of additions, most notably the two storey side extension approved in 1999 (P1416.99 - 133.69m³), which represented in itself an additional 51% of the host property's original cubic capacity. The sum of all of the additions, two storey side extension, single storey rear extension and the detached garage (due to its close proximity

to the host dwelling) which was approved in 2002 is a total cubic volume of 196.20m³.

The proposed single storey side/rear extension under consideration would create an additional 77.9m³, which would represent an additional 30% of the host dwellings original cubic capacity.

The total cubic volume of all additions, including the proposed single storey side/rear addition would represent an increase of 105% of the host dwellings original cubic volume (as per officers calculations), which would be contrary to Policy DC45 which states "extensions alterations and replacement of existing dwellings will be allowed provided that the cubic capacity of the resultant building is not more than 50% greater, than that of the original dwelling". At such a volume increase it is difficult to come to any other conclusion than that the proposed extension would result in disproportionate additions over and above the size of the original dwelling. That being the case it is necessary to explore whether there are any very special circumstances which would outweigh the harm which would be caused by reason of inappropriateness and any other harm.

Staff maintain that the proposal would not have an adverse impact on the perception of openness in the area, as it would not significantly alter its relationship with surrounding buildings. The proposed extension would extend to the north and east in line with the existing flank of the building with the closest building to the north being 70m away and separated by an agricultural field and hedges. The proposed extension would not alter this relationship.

The proposed extension is single storey and would not be visually prominent from any vantage point due to the presence of screening hedgerows. It would be of subordinate appearance to the main dwelling matching well with its current appearance and in any possible view would be seen against the backdrop of the existing dwelling.

On this basis it is not considered that the proposed extension would have any unacceptable impact on the open nature or character of the Green Belt despite the disproportionate nature of the volume increase. Staff are therefore satisfied that notwithstanding the inappropriateness of the development in principle, that any harm is outweighed by the circumstances of the case which can reasonably be interpreted as very special.

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. Development must therefore respond to distinctive local building forms and patterns of development and respect the scale, massing and height of the surrounding physical context.

The proposed addition would be screened by the existing two storey side extension and boundary planting and as such would not be visible from Hall Lane. No objections are raised in this respect.

Despite the volume increase it is not considered that the proposed extension would appear disproportionate to the existing building; rather it would appear subservient to 1 Four Wantz Cottages by reason of its design and marginal scale.

IMPACT ON AMENITY

Policy DC61, states that planning permission will not be granted where development results in unacceptable overshadowing, loss of sunlight/daylight, overlooking or loss of privacy to existing or new properties.

The proposed single storey side/rear extension at 1 Four Wantz Cottage will be attached to the northern flank wall of the original dwelling house and its projection in terms of depth will be screened by the form of the original dwelling and the existing rear addition and would in essence, represent infilling between the original dwelling house and the existing two storey addition.

As such, staff conclude that the proposal - by reason of its siting would not present a materially greater impact to neighbour amenity than that of the existing single storey rear addition.

HIGHWAY/PARKING

The proposal will have no bearing on provision of parking and the Highway Authority have raised no objections.

KEY ISSUES/CONCLUSIONS

Having carefully considered the merits of this planning application, the proposed single storey side/rear extension is considered to be acceptable and would not adversely affect the open nature and character of the Green Belt. Overall, it is Staff's view that, despite the disproportionate overall volume increase, the extension would contribute to that its subservient appearance and relationship to the existing dwelling and its surroundings are sufficient circumstances to outweigh any in principle harm that the development causes to the Green Belt by reason of inappropriateness.

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

RECOMMENDATION

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

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, namely red fletton (tudor) bricks, concrete roof tiles and UPVC windows to the satisfaction of the Local Planning Authority.

Reason:-

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

3. SC32 (Accordance with plans)

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

Reason:-

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

4. SC46 (Standard flank window condition)

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

Reason:-

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

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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OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 2ND APRIL 2015

APPLICATION NO: P1468.14

WARD : Mawneys

Date Received: 7th November 2014

Expiry Date: 2nd January 2015

ADDRESS: 45-47 White Hart Lane
Romford

PROPOSAL: Change of use from Betting Shop (A2 Use Class) to Health Clinic (D1 Use) and erection of a single storey rear extension.

DRAWING NO(S): WHL-45-47/01
WHL-45-47/03
WHL-45-47/02

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

SITE DESCRIPTION

The application relates to the site at 45-47 White Hart Lane, Romford. This is a three storey premises which faces onto White Hart Lane across a wide pedestrianised forecourt. At ground floor level the building comprises a long parade of ground floor commercial units with residential accommodation in the upper floors; these have windows to both the front and rear of the building. The site is located within the White Hart Lane Minor Local Centre and as such the surrounding area is characterised by a mixture of commercial and residential uses.

DESCRIPTION OF PROPOSAL

The application is seeking planning permission for the change of use of the ground floor unit from Betting Shop (A2) to a Health Clinic (D1) with the erection of a single storey rear extension.

The proposal would not alter the external appearance of the front elevation, utilising the existing shopfront arrangement. Internally the existing 66 square metre unit would be reconfigured with partitions to provide consultancy rooms and a reception area.

To the rear the proposal would involve the erection of a single storey extension providing an additional 55 square metres of internal floor space. The extension would incorporate a mono-pitched sloping roof with a maximum height of 3.2 metres and a projection of approximately 7.11 metres from the main rear elevation across the entire 8.66 metre width of the building. A small yard area would be retained to the rear of the extension with a gated access onto the servicing road to the rear.

The proposed Health Clinic would employ 3 full time members of staff and 3 part time members of staff and would operate between the hours of 08:30 to 23:00 on Monday to Saturday and 09:00 to 16:00 on Sunday and Bank Holidays.

RELEVANT HISTORY

P1366.99 - Change of use from Class A1 to Class A2 (Betting Shop)
Apprv with cons 01-12-1999

CONSULTATIONS/REPRESENTATIONS

Notification letters were sent to 33 properties and no representations have been received.

Environmental Health - no objection, recommended a condition relating to noise insulation is included in any approval notice.

The Local Highway Authority - no objection.

RELEVANT POLICIES

LDF

- CP17 - Design
- DC16 - Core and Fringe Frontages in District and Local Centres
- DC26 - Location of Community Facilities
- DC33 - Car Parking
- DC55 - Noise
- DC61 - Urban Design

OTHER

NPPF - National Planning Policy Framework

MAYORAL CIL IMPLICATIONS

There are no Mayoral CIL implications relating to the proposal as the proposed additional floor space created by the development falls below the the minimum threshold for the tariff.

STAFF COMMENTS

The main considerations relate to the impact on the vitality and viability of the Minor Local Centre, the impact on the surrounding residential amenity and the implications for highways, pedestrian access and parking.

PRINCIPLE OF DEVELOPMENT

Within Minor Local Centres Policy DC16 seeks to control new uses so that they are appropriate to a shopping area, namely A1 through to A5 uses. According to Policy DC16 non-policy conforming uses will only be considered acceptable providing that the premises has unsuccessfully been advertised through over twelve months of marketing.

The unit is currently vacant but has an A2 use having last been occupied by a betting shop. Evidence would be required to certify that the premises is vacant and there has been a genuine attempt to market the existing A1 property for at least twelve months before it can be concluded that the existing use is not viable. However, the applicant has not provided any details of marketing exercises.

Nevertheless, Policy DC26 identifies Local Centres as a preferred location for new community facilities. Given the nature of the health clinic use and its close association with serving the local community it is considered in principle to be an appropriate use within a Minor Local Centre in accordance with Policy DC26.

The other commercial units within the parade consist of a mixture of A1 and A5 uses which could continue to provide the retail function and maintain the local centre. At the same time it is considered that the proposed health clinic would increase footfall in the area and serve to complement the existing uses, whilst in turn helping to ensure a greater range of services and health care provision is available locally.

On balance and as a matter of judgement officers are therefore of the view that a health clinic would be of a significantly greater benefit to the local community using the White Hart Lane

Minor Local Centre on a day to day basis than a betting shop or other A2 commercial use.

The proposed internal layout will ensure that an active frontage will be retained and would maintain the impression of visual and functional continuity to aid in enhancing the vitality of the centre. As such it is not considered that any material harm to the vitality of the frontage would occur and the proposal would potentially assist in bringing a vacant unit back into use 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.

The proposed single storey rear extension would cover the majority of the rear yard area, retaining a small open section adjacent to the rear boundary. This would match the arrangement of an existing single storey rear extension at the neighbouring premises. Several of the other properties in the row have existing single storey rear extensions which cover the rear yard areas entirely. Consequently it is not considered that the scale, height or depth of the proposed extension would be out of character with the existing rear extensions at the neighbouring premises.

The proposed application does not involve any external works to the existing shop front or fascia.

It is therefore considered that the proposed development would safeguard the character and appearance of the parade and surrounding area in accordance with Policy DC61.

IMPACT ON AMENITY

The proposed single storey rear extension would be situated below the rear windows of the upper floor flats and as such would have a relatively minor impact on the amenity of the neighbouring residents in terms of its scale, height and positioning.

It is proposed that the health clinic would operate between the hours of 08:30 to 23:00 on Monday to Saturday and 09:00 to 16:00 on Sunday and Bank Holidays.

The proposed health clinic use would be relatively low key and would not involve operations that would produce an excessively high volume of patients or practices that would result in an undue increase in noise levels in comparison to the existing A2 use. Consequently, in this instance it is considered reasonable for the proposed health clinic to operate later into the evening than standard daytime trading hours. Given the existing commercial uses within the parade any residents living above the White Hart Lane commercial units can reasonably expect to experience an element of noise and disturbance from vehicles, passers by and patients and staff entering and leaving the premises.

Therefore it is not considered that the proposal would harm the living conditions of neighbouring residents in accordance Policy DC61.

Given the residential accommodation situated above the unit Staff regard it as reasonable to include a condition restricting the use to a Health Clinic only and preventing a future permitted change to another use within the D1 classification, for example a day nursery or creche.

HIGHWAY/PARKING

To the front the proposal will not affect or alter the existing DDA and Part M compliant pedestrian access arrangements into the building.

The premises currently provides no dedicated off-street car parking provision, although there is an existing lay-by that is situated to the front of the parade of shops and there is unrestricted on street car parking within the immediate vicinity, including the areas to the side and rear of the commercial units.

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

The proposal is therefore considered acceptable in terms of parking and highway safety in accordance with Policy DC33.

KEY ISSUES/CONCLUSIONS

Officers are of the view that the proposed change of use would provide a beneficial community facility which is compatible with the White Hart Lane Minor Local Centre, whilst not harming the form and character of the surrounding area, the residential amenity of the occupants of neighbouring properties or resulting in any parking or highway safety issues.

On balance it is considered that the proposed use would be of greater benefit to the local community than the current A2 betting shop use and the minor centre would continue to provide a local retail function.

The proposal is therefore in accordance with Policies DC16, DC33 and DC61.

RECOMMENDATION

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

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. SC10A (Matching materials & samples) (Pre Commencement)

All new external finishes shall be carried out in materials to match those of the existing building(s) and samples of the materials to be used shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of any of the works hereby permitted.

Reason:-

To safeguard the appearance of the premises and the character of the immediate area, and that the development accords with the Development Control Policies Development Plan Document Policies DC61 and DC54.

3. SC32 (Accordance with plans)

The development hereby permitted shall not be carried out otherwise than in complete

accordance with the approved plans (as set out on page one of this decision notice).

Reason:-

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

4. SC42 (Noise - New Plant) (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 property 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 properties in accordance with the recommendations of the NPPF, and in order that the development accords with the Development Control Policies Development Plan Document Policies DC55 and DC61.

5. SC45B (Restriction of use) ENTER DETAILS

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 as amended the use hereby permitted shall be as a Health Clinic only and shall exclude all other uses whatsoever including any other use in Class D1 of the Order, without prior consent in writing of the Local Planning Authority.

Reason:-

To restrict the use of the premises to one compatible with the surrounding area and to enable the Local Planning Authority to exercise control over any future use not forming part of this application, and that the development accords with the Development Control Policies Development Plan Document Policy DC33, DC55 and 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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OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 2ND APRIL 2015

APPLICATION NO: P1730.14

WARD : Romford Town **Date Received:** 30th December 2014
Expiry Date: 24th February 2015

ADDRESS: 12 Carlton Road
Romford

PROPOSAL: Change of Use from a Hair Salon (A1) to a Tattoo Parlour (sui-generis)

DRAWING NO(S): Ground Floor Plan
Ground Floor Plan

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

SITE DESCRIPTION

The application site forms the ground floor of a two-storey mid-terrace unit. It is within the Carlton Road Minor Local Centre.

There are two off-street parking spaces directly to the front of the unit.

The remainder of the parade is a mixture of commercial uses to the ground floor with residential at first floor level. The surrounding area is predominately residential in character.

DESCRIPTION OF PROPOSAL

The proposal is for a change of use from an A1 use to a Tattoo Parlour which is classified as a Sui Generis use.

No external changes are proposed to the shop unit.

It is proposed that the unit would be open between 11am and 9pm Monday to Friday and 12pm and 10pm on Saturdays.

RELEVANT HISTORY

None

CONSULTATIONS/REPRESENTATIONS

Notification letters were sent to 66 neighbouring occupiers. One objection has been received raising concerns regarding:

- the suitability of a tattoo parlour in a residential street and opposite a park
- the opening hours
- disturbance and noise levels

Three letters of support for the application have been submitted and an online petition with 373 signatures in support of the proposal has been received.

Environmental Health have raised no objection to the proposal.

RELEVANT POLICIES

LDF

CP4 - Town Centres

DC16 - Core and Fringe Frontages in District and Local Centres

OTHER

LONDON PLAN - 2.15 - Town Centres

LONDON PLAN - 4.7 - Retail and town centre development

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

NPPF - National Planning Policy Framework

MAYORAL CIL IMPLICATIONS

There are no Mayoral CIL implications arising from this proposal.

STAFF COMMENTS

The main considerations in relation to this application are the principle of development, the impact on the street scene and neighbouring amenity and highway and parking issues.

PRINCIPLE OF DEVELOPMENT

Policy DC16 states that planning permission for retail uses (A1) and other uses appropriate to a shopping area (A2, A3, A4, A5) in the borough's Minor Local Centres will be granted at ground floor level. Exceptions may be made where the applicant can demonstrate, through twelve months marketing information, that the premises have proved difficult to dispose of for any such use.

The proposal for a tattoo parlour is for a use which is not within an A-Class Use. The unit is currently in use as a hair salon and 12 months marketing cannot be demonstrated. The proposal therefore does not accord with policy DC16.

This application has been advertised as a departure from the Development Plan via site notice and press advert in accordance with statutory requirements.

Although the proposal is for a sui-generis use and not within classes A1 - A5, it is considered that the proposed use is similar in character to an 'A' use as it would have an active frontage and will be open during typical retailing hours (unlike many other sui generis uses).

Officers consider that that the proposal would not detract from the character and function of the Local Centre and the proposal is potentially beneficial in terms of the vitality of the parade.

It is considered that there is still scope for the Local Centre to support Class A1-A5 uses in the future and that this change of use would not conflict with the overall aims and objectives of the Council's policy for Minor Local Centres, as such the change of use is considered acceptable in principle.

DESIGN/IMPACT ON STREET/GARDEN SCENE

The change of use application does not involve any changes to the external appearance of the building. Officers consider that a tattoo parlour will have a frontage that is appropriate within a shopping area and will not have an adverse impact on the streetscene.

IMPACT ON AMENITY

The nearest residential units are located above the shops and opposite in Carlton Road. The proposal is for a use which is normally located within existing town centre locations. The

proposal would attract a degree of footfall but not to such an extent that it would have a material adverse impact on neighbouring residents.

The application proposes that the tattoo parlour would be open between 11am and 9pm Monday to Friday and 12pm and 10pm on Saturdays. However, in response to officers concerns about the potential impact of these opening hours on residential amenity, the applicant has proposed a closing time of 7pm. This can be secured through condition and is considered to be acceptable.

HIGHWAY/PARKING

There are two off-street parking spaces directly to the front of the unit which would serve the tattoo parlour. Officers consider this will sufficiently provide for the proposed tattoo parlour.

KEY ISSUES/CONCLUSIONS

Officers consider that the proposed use as a Tattoo Parlour will not have an adverse impact on the character, function or vitality of Carlton Road Minor Local Centre. The application will not have an unacceptable impact on the streetscene, residential amenity or the highway and approval is recommended accordingly.

RECOMMENDATION

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

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. SC27A (Hours of use) ENTER DETAILS

The premises shall not be used for the purposes hereby permitted other than between the hours of 9:00 and 19:00 on Mondays to Saturdays and not at all on Sundays, Bank or Public holidays without the prior consent in writing of the Local Planning Authority.

Reason:-

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

3. SC32 (Accordance with plans)

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

Reason:-

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

differently in any degree from the details submitted. Also, in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

INFORMATIVES

1 Approval - No negotiation required

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

2 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.

REGULATORY SERVICES COMMITTEE

2 April 2015

REPORT

Subject Heading:

**P0040.15: 168-170 South Street,
Romford**

Change of use of first floor retail and office space to 3no. self-contained apartments with additional windows and alterations to South Street elevation. (Application received 16 January 2015).

Ward:

Romford Town

Report Author and contact details:

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

Policy context:

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

Financial summary:

None

SUMMARY

The proposal is for the change of use of the first floor retail and storage space to form 3no. self-contained apartments. The development will consist of 1no. one-bedroom flat and 2no. two-bedroom flats.

On balance the proposal is considered to be acceptable in all material respects and it is recommended that planning permission is granted subject to conditions and the applicant entering into a Section 106 Agreement.

RECOMMENDATIONS

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 £18,000 to be used towards infrastructure costs and paid prior to the commencement of development in accordance with the Planning Obligations Supplementary Planning Document.
- Save for the holders of blue badges that the future occupiers of the proposal will be prevented from purchasing parking permits for their own vehicles for any existing, revised or new permit controlled parking scheme
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 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.
- of the Developer/Owner to pay the appropriate planning obligations/ monitoring fee prior to completion of the agreement.

That the Head of Regulatory Services be authorised to enter into a legal agreement to secure the above and upon completion of that agreement that the Committee delegate authority to the Head of Regulatory Services to grant planning permission subject to the conditions set out below:

1. Time Limit

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

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

2. In Accordance with Plans

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

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

3. Refuse and Recycling

Prior to the first occupation of the development hereby permitted, the refuse and recycling provision as detailed in drawing no.12250-P212 shall be provided and permanently retained thereafter, for the storage of refuse and recycling awaiting collection to the full satisfaction of the Local Planning Authority.

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

4. Cycle Storage

Prior to the first occupation of the development hereby permitted, cycle storage as indicated in drawing no.12250-P212 shall be provided and permanently retained thereafter, to the full satisfaction of the Local Planning Authority.

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

5. Sound Insulation

The development shall be constructed as to provide sound insulation of 43 DnT, w + Ctr dB (minimum values) against airborne noise and 64 L'nT, w dB (maximum values) against impact noise to the satisfaction of the Local Planning Authority.

Reason: To prevent noise nuisance to adjoining properties in accordance with Development Control Policies Development Plan Document Policies DC55 and DC61.

6. Front Elevation

Following the removal of the signage covering the first floor windows the external appearance of the front elevation shall be made good to match the remaining sections of the front elevation.

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. 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 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 The application has been called-in by Councillor Joshua Chapman on the grounds that residents in Gibson Court feel this proposed conversion would be a gross overdevelopment of the site. They also feel that there is a lack of parking provision in the already stretched Regarth Avenue which has not been accounted for.

2. Site Description

- 2.1 The application relates to the building at 168-170 South Street, Romford. This is a three storey premises located on the corner of South Street and Regarth Avenue.
- 2.2 At ground floor level the unit comprises an A1 retail unit currently occupied by 'Professional Music Technology' with associated storage space and offices in the two upper floor levels.
- 2.3 The premises forms part of a parade of commercial units including a sauna and convenience store with offices and storage above. The upper floors of the block to the south contain retirement flats and the rear of the site backs onto residential accommodation at Regarth Avenue and Gibson Court.
- 2.4 The site is located within central Romford in an area typified by a mixture of commercial and residential uses. Ground floor commercial premises and office blocks are evident extending along South Street towards the cross roads junction with Oldchurch Road and Thurloe Gardens.
- 2.5 The designated zoning of the Romford retail fringe area identified under policy RM11 of the Romford Area Action Plan Supplementary Planning Document (SPD) ends with premises directly opposite the application site at No.183 South Street (the end unit in the traditional parade of shops contained in the 1930's building at Station Parade). This means that the application site is situated just outside the retail fringe area of Romford and in policy terms is not strictly subject to the provisions of Policy RM11.

3. Description of Proposal

- 3.1 The application is seeking planning permission for the change of use of first floor retail and storage space to form 3no. self-contained apartments. The development will consist of 1no. one-bedroom flats and 2no. two-bedroom flats.
- 3.2 It should be noted that the remaining office space at first and second floor levels of the premises has recently been granted prior approval for conversion to 7no. residential flats, although this scheme has not yet been implemented.
- 3.3 The proposal will also involve the removal of the cladding associated with the unusual signage of the ground floor retail unit, exposing several existing

first floor windows on the front elevation. No other alterations to the external appearance of the building would be made.

- 3.4 The proposed flats would be accessed from an existing doorway off Regarth Avenue and then via a communal staircase and landing area. Internally the flats would be single aspect with living areas arranged to take advantage of the large office style windows.
- 3.5 The proposal would provide no off-street car parking provision.

4. Relevant History

- 4.1 P1475.14 - Change of use of ground floor retail unit (A1) to restaurant (A3) – Refused
- 4.2 J0012.14 - Prior Approval request for the change of use from offices to residential use by the conversion of approximately 7,000 sq.ft. into 7 self-contained apartments - Given 14-10-2014
- 4.3 J0001.13 - Prior Approval request for the change of use from offices to residential use by the conversion of approximately 7,000 sq.ft. into 7 self-contained apartments - Refused 30-08-2013
- 4.4 P1308.12 - Proposed construction of additional floor to provide seven new flats, bin store & cycle parking – Refused 10-01-2013
- 4.5 P0624.12 - Construction of an additional floor to provide four self-contained flats (2x2 bed, 2x1 bed) above 168-174 South Street and three self-contained flats (3x1bed) above 182-186 South Street. Rear staircase extension to 168-174 South Street. Bin stores and cycle parking – Refused 14-08-2012
- 4.6 P1367.11 - Construction of an additional floor to provide four self-contained flats (2x2bed, 2x1bed) above 168-174 South Street and three self-contained flats (3x1 bed) above 182-186 South Street. Rear extension to 168-174 South Street. Bin stores and cycle parking – Withdrawn 15-11-2011
- 4.7 P0441.98 – Change of use form A1/A2 to A3 from hairdresser/ building society to restaurant use – Approved 14-8-1998

5. Consultations/Representations

- 5.1 Notification letters were sent to 97 properties and 5 letters of objection have been received.
- 5.2 The objections to the proposed development can be summarised as follows:

- The development will result in increased traffic in the vicinity, which is already a very busy area and traffic is extremely heavy at all times of the day and night.
- No proposed car parking provision would be provided – there is already a lack of resident parking and the proposal will add pressure to the existing arrangements resulting in congestion.
- General disruption and disturbance to the peaceful environment enjoyed by the residents of the neighbouring retirement apartments at Gibson Court.
- The existing neighbouring flats and amenity areas would be overlooked by the proposed flats.
- Additional noise levels from building works and people living in the flats.
- Increased pressure on drainage and waste services.

5.3 Essex and Suffolk Water - no objection.

5.4 Thames Water – no objection.

5.5 London Fire Brigade Water Team – no objection.

5.6 London Fire and Emergency Planning Authority – no objection.

5.7 Local Highway Authority – no objection, subject to the applicant entering into a legal agreement to restrict future occupants from applying for car parking permits.

5.8 Environmental Health – no objection, recommended a conditions relating to noise insulation and traffic noise.

6. Relevant Policies

6.1 Policies CP1 (Housing Supply), CP17 (Design), DC2 (Housing Mix and Density), DC11 (Non-designated Sites) DC33 (Car Parking), DC34 (Walking), DC35 (Cycling), DC36 (Servicing), DC55 (Noise), DC61 (Urban Design), DC63 (Delivering Safer Places) and DC72 (Planning Obligations) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document are considered to be relevant.

6.2 Other relevant documents include the Residential Design SPD, Sustainable Design and Construction SPD and the Planning Obligations SPD.

6.3 Policies 3.3 (increasing housing supply), 3.5 (quality and design of housing developments), 3.8 (housing choice), 5.3 (sustainable design and construction), 6.9 (cycling), 6.10 (walking), 6.13 (parking), 7.3 (designing out crime), 7.4 (local character), 7.6 (architecture) and 8.2 (planning obligations) of the London Plan, are material considerations.

6.4 The National Planning Policy Framework, specifically Sections 6 (Delivering a wide choice of high quality homes), 7 (Requiring good design), 8 (Promoting healthy communities) are relevant to these proposals.

7. Staff Comments

- 7.1 The main considerations relate to the principle of the development, the impact on the character and appearance of the street scene, the implications for the residential amenity of the future occupants and of nearby houses and flats and the suitability of the proposed parking and access arrangements.

Principle of Development

- 7.2 The provision of additional housing is consistent with the NPPF and Policy CP1 as the application site is within a sustainable location in an established urban area.
- 7.3 The proposed change of use will involve the provision of self-contained residential units which would provide a reasonable outlook and aspect, internal partitioning allowing for separate bedrooms, living rooms and kitchen space and would allow for safe and secure access from the street.
- 7.4 Therefore the conversion of the first floor to a residential use would be in accordance with the provisions of policy DC4.
- 7.5 On this basis the proposal is considered to be policy compliant in landuse terms and its use for domestic residential purposes is therefore regarded as being acceptable in principle.

Density/ Layout

- 7.6 Policy DC2 of the LDF provides guidance in relation to the dwelling mix within residential developments. Policy DC61 states that planning permission will not be granted for proposals that would significantly diminish local and residential amenity.
- 7.7 The proposal would provide 3no residential units at a density equivalent to around 78 dwellings per hectare. This is considered to be acceptable as the Policy DC2 states that a dwelling density of between 240 to 435 dwellings per hectare would be appropriate in this location. It should be noted that this calculation does not take into account the 7no. flats previously granted prior approval under application J0012.14. The combined density of the 3no proposed flats and 7no. prior approval flats (total of 10no. units) would be approximately 200 dwellings per hectare, which is still below the appropriate density range according to Policy DC2.
- 7.8 Policy 3.5 of the London Plan advises that housing developments should be of the highest quality internally, externally and in relation to their context and to the wider environment. To this end Policy 3.5 requires that new residential development conforms to minimum internal space standards.
- 7.9 For one-bedroom flats for two people the standard is set at 50 square metres and for two bedroom flats at between 61 square metres and 70

square metres depending on the number of occupants. The proposed flats would all either meet or exceed the required internal spacing standards and are therefore be considered to be of an acceptable size for day to day living.

- 7.10 The Residential Design SPD states that private amenity space should be provided in single, usable, enclosed blocks which benefit from both natural sunlight and shading.
- 7.11 The proposed conversion would provide no public or private amenity space for future occupants. However, this type of living arrangement is generally consistent with the existing residential accommodation within this central area of Romford. Given the location of the site in close proximity to the town centre and in view of local character, Officers are of the opinion, as a matter of judgement, that the lack of amenity space provision is acceptable in this case. The suitability of the amenity provision and quality of the residential living environment is however a matter of judgement for Members.
- 7.12 On balance it is considered that the proposed internal spacing and amenity area would be of a suitable form and size and would therefore result in acceptable living conditions for future occupants. The proposed dwellings would have adequate access to sunlight and daylight. Therefore the general site layout is considered to be in accordance with Policy DC61 and The Residential Design SPD.

Design/Impact on Street/Garden Scene

- 7.13 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.
- 7.14 The proposal would involve a relatively minor alteration to the appearance of the front elevation with the removal of the cladding associated with the unusual signage of the ground floor retail unit. This would expose several existing first floor windows on the front elevation facing onto South Street. No other window openings would be formed or further alterations to the external appearance of the building would be made as part of the application.
- 7.15 On balance it is considered that the proposed development would contribute positively to the streetscene at South Street and would serve to maintain the character and appearance of the area in accordance with Policy DC61.

Impact on Amenity

- 7.16 The Residential Design SPD states that new development should be sited and designed such that there is no detriment to existing residential amenity through overlooking and/or privacy loss and dominance. Policy DC61 reinforces these requirements by stating that planning permission will not be granted where the proposal results in unacceptable overlooking or loss of privacy to existing properties.

- 7.17 The creation of the three new flats would not result in the installation of any new windows or alterations harming the amenity of the neighbouring dwellings. The uncovering of the existing windows to the front would face out onto South Street and would not directly overlook any neighbouring residential accommodation.
- 7.18 Given the distances and the positioning of the windows it is not considered that the proposed development will represent any issues in relation to residential amenity of the other neighbouring houses and flats in accordance with policy DC61.
- 7.19 Overall, the proposed flats would demonstrate a reasonable outlook and aspect, a separate sleeping area and safe and secure access from the street. In terms of the amenity of future occupants it is considered that the proposed accommodation would be of an acceptable size for day to day living. Although the proposal lacks the provision of amenity space the majority of the flatted accommodation within central Romford is comprised of a similar arrangement and as such persons living in the flats would be aware of the situation prior to buying or taking up a tenancy.
- 7.20 On balance, it is considered that the proposed development would not harm the amenities of neighbouring properties and would provide acceptable living conditions for the future occupants. The proposal is therefore in accordance with Policy DC61 and the intentions of the NPPF.

Environmental Issues

- 7.21 There are no historical contaminated land issues associated with the premises and Environmental Protection have raised no objections or comments in relation to the presence of contaminants.
- 7.22 The site is not located within a Flood Zone and presents no issues in relation to flood risk.
- 7.23 The proposal is not considered to give rise to any significant noise issues subject to conditions required by Environmental Health.

Parking and Highway Issues

- 7.24 The site has a Public Transport Accessibility Zone (PTAL) rating of 6b; meaning that the premises has very good access to a variety of public transport facilities. South Street is a main bus route with a bus terminus situated some 100 metres away and Romford Station just 150 metres from the site. Government guidance encourages a relaxation in parking and other standards in town centre locations, particularly where there is good access to public transport and the proposal accords with this advice.

- 7.25 Given the central location and the good public transport links there is no requirement for the proposed flats to provide dedicated off street residents' car parking provision.
- 7.26 South Street is a busy route through the area and is subject to a fairly consistent amount of traffic throughout the day and into the evening. Given the nature of the road a number of parking controls are present on South Street as well as on Regarth Avenue. In terms of on-street parking there are public car parking bays directly to the front of the application site on South Street and motorcycle parking bays to the side on Regarth Avenue. The other parking along Regarth Avenue is restricted to residents only between 08:30-18:30 Monday to Sunday.
- 7.27 The Local Highway Authority have raised no objection subject to the applicant entering into a legal agreement under Section 16 of the Greater London Council (General Powers) Act 1974 to prevent future occupiers from applying for parking permits. Subject to the completion of this agreement, the proposal would be acceptable in highway terms and it is not considered that the proposed change of use would result in any parking or highway safety issues. The legal agreement would be consistent with the arrangements agreed for the recently granted prior approval of the adjacent first and second floor office space to 7no. residential flats.
- 7.28 A refuse store would be provided in the existing gated servicing alleyway to the rear of site adjacent to the side elevation of No.17 Regarth Avenue. This area is currently used by the existing commercial occupiers of the ground floor retail unit and upper floor offices for the storage of refuse. Given the proximity to Regarth Avenue the area would be easily accessible for domestic refuse collection vehicles.
- 7.29 Secure storage for up to six bicycles would be provided in the rear alleyway adjacent to the refuse store.

Community Infrastructure Levy and Developer Contributions

- 7.30 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that, "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". Section 70 of the Town and Country Planning Act 1990 sets out the general considerations for Local Planning Authorities in determining planning applications and Section 70(2) requires that, "in dealing with such an application the authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations". Paragraph 2 of the National Planning Policy Framework (NPPF) reiterates this: "Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise".

7.31 The proposal is liable to a contribution of £18,000 in accordance with adopted Policy DC72 of the Development Plan and the adopted Planning Obligations SPD. These policies are up to date and accord with Paragraph 12 of the NPPF and the proposal should therefore be determined in accordance with these policies unless material considerations indicate otherwise. Staff have had regard to the Planning Policy Guidance (PPG) relating to the application of a residential unit threshold for infrastructure tariff which advises that no contribution be sought for developments of 10 residential units or less and which is a material consideration however officers consider that greater weight should be accorded to up to date Development Plan Policy and the supporting Planning Obligations SPD. Staff consider that the guidance in the PPG does not immediately supersede current adopted policy as set out in the existing development plan and adopted supplementary planning guidance and that greater weight should be given to adopted policy within the development plan.

8. Conclusion

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

8.2 Staff consider that the proposed development raises considerations in relation to the impact on the character and appearance of the streetscene, the impact on the residential amenity of neighbouring residents and future occupants and on-street car parking. On balance the proposal is considered to be acceptable in all material respects.

8.3 Staff are of the view that the proposal would not have a harmful impact on the character of the street scene or result in parking issues nor would it result in a loss of amenity to neighbouring occupiers. The proposal is considered to be acceptable in all other respects and it is therefore recommended that planning permission be granted subject to conditions and the applicant entering into a legal agreement to secure the infrastructure contribution and to prevent future occupiers from applying for parking permits.

IMPLICATIONS AND RISKS

Financial implications and risks:

Financial contributions will be sought through the legal agreement.

Legal implications and risks:

Legal resources will be required to prepare and complete the S 106 legal agreement. There is a risk that the weight accorded to the Development Plan

Policy and Supplementary Planning Document on Planning Obligations may be challenged at appeal or through judicial challenge.

Human Resources implications and risks:

None.

Equalities implications and risks:

The Council's planning policies are implemented with regard to equality and diversity.

BACKGROUND PAPERS

Application form, drawings and supporting statements received on 16 January 2015.

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REGULATORY SERVICES COMMITTEE

2 April 2015

REPORT

Subject Heading:

**P1589.14: Rise Park Junior School,
Annan Way, Romford**

Demolition of three exterior stores and the erection of a single storey building comprising 4no. classrooms and toilets and the erection of a single storey studio as an extension to the existing building. (Application received 2 December 2014)

Ward:

Pettits

Report Author and contact details:

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

Policy context:

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

Financial summary:

None

SUMMARY

The proposal is for the erection of a detached single storey building comprising 4no. classrooms and toilets and the erection of a single storey studio as an extension to the existing school building. The purpose of the proposal is to contribute towards addressing the Borough's identified shortage of primary school places.

On balance the proposal is considered to be acceptable in all material respects and it is recommended that planning permission is granted subject to conditions.

RECOMMENDATIONS

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

1. Time Limit

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

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

2. In Accordance with Plans

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

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

3. 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.

4. 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.

5. Parking Review

Within 18 months of the development being brought into use a review of parking restrictions around the school entrance shall be carried out and submitted to and approved by the Local Planning Authority. The review shall be aimed at reducing the impact of parent parking near the school entrance and to ensure that pedestrian desire lines across junctions are not unduly impeded.

Reason: To ensure the interests of highway safety and amenity and to accord with Policy DC32. To ensure the interests of pedestrians and address desire lines and to accord with Policy DC34. To manage the impact of parent parking in the streets surrounding the site and to accord with Policy DC33.

6. Travel Plan

Prior to the occupation of the development hereby permitted, a revision to the existing Travel Plan which reflects the increase in pupil numbers shall be submitted to and approved in writing by the Local Planning Authority. The revised Travel Plan shall include a review of walking routes and conditions in the area around the school and measures to reduce vehicular trips and proposals for monitoring and reporting progress to the Local Planning Authority and include a timetable for its

implementation and review. The approved Travel Plan as revised shall remain in force permanently and implemented in accordance with the agreed details.

Reason: To help bring about a reduction in private car journeys, to minimise the potential for increased on street parking in the area, to mitigate the impact of increased private car journeys at peak times and to accord with Policy DC32. To ensure the interests of pedestrians and address lines and to accord with Policy DC34.

7. Vehicle Cleansing

Before the development hereby permitted is first commenced, vehicle cleansing 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. If mud or other debris originating from the site is deposited in the public highway, all on-site operations shall cease until it has been removed.

The submission will provide;

- a) A plan showing where vehicles will be parked within the site to be inspected for mud and debris and cleaned if required. The plan should show where construction traffic will access and exit the site from the public highway.
- b) A description of how the parking area will be surfaced, drained and cleaned to prevent mud, debris and muddy water being tracked onto the public highway;
- c) A description of how vehicles will be checked before leaving the site – this applies to the vehicle wheels, the underside of vehicles, mud flaps and wheel arches.
- d) A description of how vehicles will be cleaned.
- e) A description of how dirty/ muddy water be dealt with after being washing off the vehicles.
- f) A description of any contingency plan to be used in the event of a break-down of the wheel washing arrangements.

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

8. Car Parking Spaces

Before the building(s) hereby permitted is first occupied, the 8no. additional car parking spaces as detailed on drawing no. B1730500/A/050.003 Rev 0 shall be

implemented 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.

INFORMATIVES

1. A fee is required when submitting details pursuant to the discharge of conditions. In order to comply with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which came into force from 22.11.2012, a fee of £97 per request or £28 where the related permission was for extending or altering a dwellinghouse, is needed.
2. Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012

REPORT DETAIL

1. Site Description

- 1.1 The application site relates to Rise Park Junior School, Annan Way, Romford, located on the north side of Pettits Lane North. The school consists of a relatively large campus of several single storey and two storey buildings to the east with surrounding playground areas and grassed playing fields to the west.
- 1.2 Vehicular and pedestrian access to the school is via Annan Way and the site is surrounded by residential dwellings adjoining the rear garden boundaries of houses at Pettits Lane North, Ayr Way, Ayr Green and Wallace Way.

2. Description of Proposal

- 2.1 The application is seeking planning permission for the erection of a single storey building comprising 4no. classrooms and toilets and the erection of a single storey studio as an extension to the existing building.
- 2.2 The proposed new classroom block would be a detached single storey flat roof building with a height of 3.3 metres and a rectangular footprint of

approximately 360 square metres. The proposed building would be located to the west of the main Junior School block on a strip adjacent to the main playing field currently occupied by detached storage buildings. The new block would incorporate an external canopy on the eastern elevation forming a partially covered enclosed yard area.

- 2.3 The proposed single storey studio extension would be located on the western elevation of the main school building and would effectively infill a relatively small 32 square metre area between two wings of the building.
- 2.4 The school currently caters for 240 pupils between the ages of 7-11 and it is proposed that an additional 120 places would be provided enabling the school to cater for 360 children. As a result of the proposal an additional 8 members of staff would be required.
- 2.5 The existing staff car park to the east of the site would be reconfigured and expanded with 8no. additional parking spaces giving a total provision of 35no. spaces including 3no. disability bays. Vehicular access to the car park would continue to be taken as per the existing arrangements from Annan Way.

3. Relevant History

- 3.1 P1346.14 - Re-commissioning existing Pedestrian access from Pettits Lane into school, including construction of new fenced off holding area. – Approved.
- 3.2 D0049.12 – Certificate of lawfulness for single storey extension to the front entrance of the school – Approved
- 3.3 D0181.11 - Certificate of lawfulness for a single storey extension – Approved

4. Consultations/Representations

- 4.1 Notification letters were sent to 70 properties and 3 representations have been received.
- 4.2 The objections can be summarised as follows:
 - The school is gradually increasing every few years, resulting in more traffic congestion, over development and an erosion of the green space around the school.
 - The school is large enough already and does not need to be extended.
 - Increase in the amount of traffic causing parking problems, noise and pollution.
 - The existing entrance and exit is insufficient for the extra number of pupils, parents and cars.

- Neighbouring residents already experience problems of inconsiderate parking from parents dropping off/ picking up children and blocking off driveways and through traffic.
- The safety of children at the junction of Annan Way and Ayr Way needs to be addressed with the introduction of a zebra crossing.

4.3 The Local Highway Authority – no objection, but have recommended the inclusion of conditions relating to a review of parking restrictions around the school within 18 months and a revision to the Travel Plan as well as the requirement for vehicle cleansing during the construction phase.

4.4 Environmental Health – no comments.

5. Relevant Policies

5.1 Policies CP17 (Design), DC26 (Location of community facilities), DC29 (Educational Facilities), DC34 (Walking), DC35 (Cycling), DC55 (Noise), DC61 (Urban Design) and DC63 (Delivering Safer Places) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document are considered to be relevant.

5.2 Other relevant documents include the Residential Design SPD, Sustainable Design and Construction SPD and the Planning Obligations SPD.

5.3 Policies 3.18 (Education Facilities), 5.3 (sustainable design and construction), 6.9 (cycling), 6.10 (walking), 7.3 (designing out crime) and 7.4 (local character) of the London Plan, are material considerations.

5.4 The National Planning Policy Framework, specifically Sections 7 (Requiring good design) and 8 (Promoting healthy communities) are relevant to these proposals.

6. Staff Comments

6.1 The main considerations relate to the principle of the development at the site, the impact on the character of the surrounding area and on the amenity of the surrounding residential properties as well as the implications for highway safety.

Principle of Development

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

- 6.3 Policy DC29 states that the Council will ensure that the provision of primary education facilities is sufficient to meet the needs of residents by, amongst other things, seeking to meet the need for increased school places within existing sites.
- 6.4 The development represents an expansion in the school floor space of approximately 390 square metres to provide additional classrooms and toilet facilities. The proposal is considered to be a necessary expansion in order for the school to continue to meet the needs of residents as well as future demands from population changes.
- 6.5 On this basis the proposal is considered to be policy compliant in landuse terms and is regarded as being acceptable in principle.

Design/Impact on Street/Garden Scene

- 6.6 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.
- 6.7 The school campus is characterised by a cluster of single storey and two storey buildings arranged to the east of the site and in terms of views from the west is set within a relatively spacious setting adjacent to the open playing field.
- 6.8 The height of the proposed detached building would be similar to the height of the existing sections of the main school block and would be sympathetic to the design of the adjacent buildings. Furthermore, given the siting of the proposed new block in close proximity to the existing school, the overall bulk, scale and massing would be absorbed into the backdrop of the existing built development at the school. As a result it is not considered that the proposal would serve to harm the appearance of the existing school buildings and would not erode the openness or spacious character of the site, particularly with regard to views into the site from the rear gardens of the houses to the west.
- 6.9 The proposed single storey studio extension would be located on the western elevation of the main school building and would effectively infill a 32 square metre area between two wings of the building. Again, this relatively minor element of the proposal would effectively be immersed into the bulk of the existing two storey block, with little impact on the character and appearance of the area.
- 6.10 On balance Officers are of the view that the proposed development would serve to maintain the character and appearance of the surrounding area, including the rear garden setting in relation to the neighbouring houses in accordance with Policy DC61.

Impact on Amenity

- 6.11 It is acknowledged that with the expansion in the number of pupils the proposal is likely to result in an intensification of students and parents congregating in and around the school premises primarily in the peak morning drop-off and afternoon pick-up times. In this regard the residents of the neighbouring houses are likely to encounter a greater degree of people passing along the pavement and vehicles using Annan Way and Ayr Way during these key times as a result of the proposal.
- 6.12 Nevertheless, the site has an established use as a primary school and it is not considered the increase in pupil numbers would result in a material change in the character or use of the site to justify refusal on grounds of noise and disturbance. Given the existing circumstances and the proximity of the neighbouring houses to the school and its existing activities it is considered that any residents living nearby can reasonably expect to experience an element of activity from pupils, parents and passers-by on a day to day basis.
- 6.13 It should be noted that planning permission has recently been granted to reinstate a pedestrian access from Pettits Lane North and to install a gated waiting area for parents and pupils in the western corner of the playing field, which as a pre-emptive measure will help to dissipate the amount of pupils and parents using the main access from Annan Way.
- 6.14 The proposed expansion in pupil numbers is therefore considered to be proportionate to the existing activities of the school in this instance and Officers are of the view that the proposed expansion would not unduly harm residential amenity.
- 6.15 In terms of the siting and positioning of the proposed new building; the nearest residential properties would be located some 50 metres away from the rear garden boundary. Consequently it is not considered that the proposed new building would result in any material adverse impact in terms of loss of daylight/sunlight, overbearing impact, overlooking or loss of outlook on the neighbouring residents.
- 6.16 On balance Officers are of the view that the proposed development would not result in an undue impact on the amenity of the surrounding residential properties in accordance with the provisions of policy DC61.

Environmental Issues

- 6.17 The site forms part of a school campus and is in use as a playing field and partly occupied by storage sheds. As such there are no historical contaminated land issues associated with the plot.
- 6.18 The site is not located within a Flood Zone and presents no issues in relation to flood risk.

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

Parking and Highway Issues

- 6.20 The Public Transport Accessibility Level (PTAL) rating for the site is classified as 1b which is 'very poor'. As a result additional car parking spaces would be provided as part of the proposal.
- 6.21 As previously stated the school currently caters for 240 pupils between the ages of 7-11 and it is proposed that an additional 120 places would be provided enabling the school to cater for 360 children. Consequently 8 additional members of staff would be required.
- 6.22 The existing staff car park to the east of the site would be reconfigured and expanded with 8no. additional parking spaces giving a total provision of 35no. spaces including 3no. disability bays. Vehicular access to the car park would continue to be taken as per the existing arrangements from Annan Way. The Council's parking standards for Primary Schools require 1 car parking space per teaching staff and the proposed 8no. new parking spaces would account for the additional members of staff.
- 6.23 Given the location of the proposed development it would not result in any implications for the existing vehicular access to the school or parking arrangements for the site.
- 6.24 The Local Highway Authority has raised no objection in relation to the proposal, but have recommended the inclusion of conditions relating to a review of parking restrictions around the school within 18 months and a revision to the Travel Plan. It is therefore considered that the access arrangements are acceptable and would not result in highway safety issues.

7. Conclusion

- 7.1 Having regard to all relevant factors and material planning considerations Staff are of the view that this proposal would be acceptable.
- 7.2 Staff consider that the proposed development raises considerations in relation to the impact on the character and appearance of the streetscene and the impact on the amenity of the neighbouring residents. On balance the proposal is considered to be acceptable in all material respects.
- 7.3 Staff are of the view that the siting, scale and location of the proposal would not be disproportionate or have a harmful impact on the character of the street scene or rear garden setting nor would it result in a loss of amenity to neighbouring occupiers. The proposal is considered to be acceptable in all other respects and it is therefore recommended that planning permission be granted subject to conditions.

IMPLICATIONS AND RISKS

Financial implications and risks:

None.

Legal implications and risks:

None.

Human Resources implications and risks:

None.

Equalities implications and risks:

The Council's planning policies are implemented with regard to equality and diversity.

BACKGROUND PAPERS

Application form, drawings and supporting statements received on 2 December 2014.

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REGULATORY SERVICES COMMITTEE

2 April 2015

REPORT

Subject Heading:

P1594.14 – Former Harold Wood Hospital, Gubbins Lane, Harold Wood (Date received 28/11/2014)

Proposal

Reserved matters application for the approval of siting, design, external appearance and landscaping (the reserved matters) pursuant to the outline planning permission P0702.08 for Phase 4B of the former Harold Wood Hospital, for the development of 84 residential dwellings, plus associated infrastructure, open space and car parking.

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

SUMMARY

Since outline planning permission for the redevelopment of the former Harold Wood Hospital was granted under ref P0702.08 Members have considered full applications for the construction of the spine road and Phases 1A and 1B and reserved matters applications for Phase 3A, 3B, 5 and 4A of the residential development. This reserved matters application is for the next phase of development, Phase 4B which proposes 84 residential dwellings, plus associated infrastructure and car parking.

Staff consider that the development would be sufficiently in line with the parameters agreed for the redevelopment by the outline planning permission which is required by condition. The development is further considered to be acceptable in all other respects.

It is concluded that the reserved matters application should be approved.

RECOMMENDATIONS

That the Committee resolve that reserved matters permission be granted subject to the following condition:

1. The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans, particulars and specifications as listed above on this decision notice.

Reason:-

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

2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 space within the garages hereby permitted for the houses and duplex units shall be made permanently available for the parking of private motor vehicles at all times and shall not be used as living accommodation 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:-

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

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

Reason:-

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

INFORMATIVES

1. 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 dwelling house, 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.

REPORT DETAIL

1.0 Site Description

- 1.1 The former Harold Wood Hospital is located on the western side of Gubbins Lane approximately 500m (¼ mile) south of the junction with Colchester Road (A12), and opposite Station Road and Harold Wood mainline railway station.
- 1.2 The former hospital site is of irregular shape and covers an overall area of approximately 14.58 hectares, including the retained uses. This application relates to an area of 1.65 hectares towards the eastern end of the site. This

phase is wholly contained within the site bordered on all sides by the wider redevelopment site, with the sites of Phases 1A and 1B to the north and west, Phase 4A to the south and future Phase 2B and The Grange Listed Building to the east. The red line site plan also incorporates an area of road in front of The Grange to the east.

- 1.3 There is one existing tree within the site which is the subject of a Tree Preservation Order which is to be retained.
- 1.4 Vehicular access to the site will be from the now constructed spine road granted full planning permission under P1703.10 which will link the site to Nightingale Crescent to the west.

2.0 **Description of Proposal:**

- 2.1 The proposal is a reserved matters application for siting, design, external appearance and landscaping pursuant to outline planning permission P0702.08 in relation to Phase 4B of the redevelopment of the former Harold Wood Hospital site. This would consist of 84 dwellings with one apartment block L providing 8 no. 1 bedroom flats and 10 no. 2 bedroom flats, Block C providing 9 no. 3 bedroom duplex units and 8 no. 2 bed flats, plus 29 no. 3 bedroom terraced houses and 19 no. 4 bedroom terraced houses, and one detached 4 bedroom house.

Siting and Scale

- 2.2 Block L is proposed as a 3 storey block to a maximum height of 10.5m designed as a staggered L shape and positioned on the inside of the 90° bend in the spine road with key outward elevations to the north and west. a depth of 14.5m and a 30m long elevation facing onto the eastern side of the main area of public open space but with a row of preserved Willow trees immediately in front of it. The block would have an angled alignment to the railway line boundary.
- 2.3 Blocks A, B, D, E and F comprise terraces of 3 storey houses. Blocks A and B are sited either side of Block L facing north and west respectively. Block D would face onto a secondary area of open space adjacent to the spine road whilst Blocks E and F would face onto new side roads. Block C is centrally located and comprises two elements, a 3 storey terrace incorporating duplex units with flats above on the northern side and a 2 storey element on the southern side incorporating garages with flats above. Six wheelchair accessible houses and four wheelchair accessible flats are proposed.

Access and Parking

- 2.4 Access into the site would be at two new points from the northern side of the Spine Road with provision at the eastern end of the site for the road to link into Phase 4a of the redevelopment.

- 2.5 A total of 116 parking residents / visitor spaces would be provided in the form of on plot and garage parking for the houses and a mixture of undercroft and courtyard parking for Block I giving an overall parking ratio of 1.4 spaces per unit for the phase. The detached house would be provided with 2 spaces, as would 19 of the 3 and 4 bed houses (in tandem, one in garage and one as an undercroft parking space). The duplex units would be provided with 2 in tandem spaces in a rear garage/car port. Other terraced 3 bedroom houses would all be provided with one on plot space. A minimum of one cycle storage space per unit would be provided either by way of secure communal ground floor areas within the Block I, and C or within front garden bike stores or garages for the housing.
- 2.6 The area of road in front of The Grange is incorporated into this reserved matters application for contractual reasons relating to the sale of The Grange to the company which is implementing the approved conversion. The road is to be constructed in block pavior finish.

Design and External Appearance

- 2.7 Block L would provide 18 units comprising of 8 no. 1 bedroom, 10 no. 2 bedroom units of which the 4 no. ground floor units would be wheelchair accessible. The wheelchair accessible ground floor units would all be externally accessible from the spine road. All ground floor units would be provided with their own semi-private terrace/front garden area, with each apartment on other floors having its own balcony.
- 2.8 The design approach for Block L responds to the location on the internal side of the 90° bend in the spine road with a staggered L-shaped exterior giving key facades to each side of the bend. Each element of the block is clad differently to provide contrasting masses, one in yellow brick the other in white render with a panel clad entrance to act as a fulcrum between the two at the apex of the bend in the spine road. The proposed flat roof will match with that of Block A and the individual house on plot 39 opposite.
- 2.9 The houses in Phase 4B are of two key types. Blocks A, B and D which either face onto the spine road or onto the open space adjacent to the spine road comprise terraces of units of the same type with each property characterised by a bold, framed front gable feature with interspersing flat roofed sections. Each property has an integral garage with an undercroft space in front of it. Surveillance of the undercroft space has been improved by increasing the size of the kitchen window overlooking each space in response to SBD consultations.
- 2.10 Blocks F and E are proposed as flat roofed terraces with a ground floor rear projection and a front facing second floor terrace. The design follows from themes developed elsewhere on the Kings Park and incorporates extensive use of yellow brick with a rendered second floor element at the front.
- 2.11 Block C uses a design and format which has not been used elsewhere on the development and includes a detached front and rear element. The duplex units at the front (northern side) have a single storey of flats above

them. There are 9 duplex units and 4 flats above accessed from 2 stair cores. The duplex units have a rear garden whilst the flats each have a forward facing terrace, with only high level or obscure glaze windows facing towards the private garden of the duplex units below. At the foot of the garden as a separate block each Duplex unit has a rear garage/car port accessed from the road to the rear. The rear garages also have a single storey of flats above them with a similar arrangement of terraces, balconies and windows which both provide amenity for the occupant whilst protecting the amenity of the duplex units. These flats can be accessed from either side of Block C from the road to the rear or from the front via a route between the duplex unit's gardens. The materials will be predominantly yellow brick, but with end elevations in dark grey brick, plus areas of white render and a projecting window feature to the northern face of each duplex unit.

Landscaping and Amenity Space

- 2.12 The application includes detailed proposals for the hard and soft landscaping, including a significant retained Horse Chestnut tree, which are intended to fulfil the requirements of the relevant conditions of the outline permission for this phase of the development. This includes a secondary area of public open space alongside the spine road. Various biodiversity measures including bird and bat boxes, wildflower planting and log piles are shown to be incorporated into the development. Details of all surface treatments are also included.
- 2.13 The gardens to the houses vary in depth from 7.5m to 13m and in width from 4.5m to 8m. Blocks L units would be provided with semi-private terraces or balconies.

3. Relevant History

P0704.01 - Residential development (Outline) - Resolved by Committee to be approved subject to the prior completion of a Section 106 Agreement. (10.56ha site similar to the current application site)

P0141.06 - Residential development of up to 480 dwellings (outline) – Refused (appeal withdrawn)

P1232.06 – Residential development of up to 423 dwellings (outline) – Approved

P0702.08 - Outline application for the redevelopment of the site to provide 810 dwellings including submission of full details in relation to the retention, with alterations, of the Grange listed building within the site to provide 11 flats and for a two storey building adjacent to the Grange to provide 4 flats – Approved.

P1703.10 - Construction of Spine Road in relation to site redevelopment for residential use at the former Harold Wood Hospital - Approved

P0230.11 - Construction of Phase B of a Spine Road in relation to site redevelopment for residential use at the former Harold Wood Hospital – Approved

P0004.11 - Phase 1A of the development of the former Harold Wood Hospital, to include demolition of existing buildings and the construction of 20 residential units and associated infrastructure and landscaping – Approved

D0122.11 - Demolition of the former Harold Wood Hospital, Gubbins Lane. - Prior Approval Granted

P1002.11 - Phase 1B of the development of the former Harold Wood Hospital, to include demolition of existing buildings and the construction of 68 residential units and associated infrastructure and landscaping – Approved

P0243.12 - The approval of siting, design, external appearance and landscaping (the reserved matters) pursuant to the outline planning permission P0702.08 for Phase 3B of the former Harold Wood Hospital, for the development of 74 residential apartments, plus associated infrastructure and car parking – Approved

P0412.12 - The approval of siting, design, external appearance and landscaping (the reserved matters) pursuant to the outline planning permission P0702.08 for Phase 5 of the former Harold Wood Hospital, for the development of 105 dwellings, plus associated infrastructure and car parking. – Approved

P0346.13 - The approval of siting, design, external appearance and landscaping (the reserved matters) pursuant to the outline planning permission P0702.08 for Phase 3A of the former Harold Wood Hospital, for the development of 144 residential dwellings, plus associated infrastructure and car parking. - Approved

P1295.13 - The approval of siting, design, external appearance and landscaping (the reserved matters) pursuant to the outline planning permission P0702.08 for Phase 4A of the former Harold Wood Hospital, for the development of 55 residential dwellings, plus associated infrastructure, open space and car parking. - Approved

4. Consultations and Representations:

4.1 Consultees and 44 neighbouring properties have been notified of the application. The application has been advertised on site and in the local press.

4.2 Two letters of representation have been received. Objections are raised to:

- The density of development proposed and the positioning and effect of Block L on earlier phases 1B and 1A and the massing of Blocks C

and E.

- Inadequate pavement widths and road widths particularly the access road to Blocks C, L and E;
- Overdevelopment will lead to increased pressure for parking exacerbated by unauthorised use of resident spaces;
- Block L would be better located where Block D is proposed.

Consultee Responses

Borough Designing Out Crime Advisor – Advises that there have been pre-application discussions and that the application shows that crime prevention measures have been considered in the design of the proposed development and how it reflects the seven attributes of Safer Places as required by DC63. A number of detailed design points and considerations are highlighted.

Environment Agency – Require further information to demonstrate that the proposed drainage scheme is compliant with the outline permission but are satisfied that this can be dealt with under the discharge of conditions imposed on the outline permission in relation to this phase.

LFEPA – Objections to design of access road 13 have been addressed by revisions to the road design.

London Fire Brigade – No objections.

Natural England – No objection. The Council's obligation to assess and consider the possible impacts arising from the development and to seek biodiversity enhancement is reiterated.

Thames Water - no observations.

Essex and Suffolk Water – No objections

Streetcare – No objections

5 Relevant Policies

- 5.1 The development plan for the area consists of the Havering Local Development Framework (Core Strategy, Development Control Policies and Site Specific Allocations) and the London Plan 2011
- 5.2 Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP7 (Recreation and Leisure), CP15 (Environmental Management) and CP17 (Design) of the Local Development Framework Core Strategy are considered relevant.
- 5.3 Policies DC2 (Housing mix and density), DC3 (Housing Design and Layout), DC6 (Affordable Housing), DC7 (Lifetime Homes and Mobility Housing), DC20 (Access to Recreation and Leisure Including Open Space), DC21 (Major Developments and Open Space, Recreation and Leisure Activities),

DC32 (The Road Network), DC33 (Car Parking), DC34 (Walking), DC35 (Cycling), DC36 (Servicing), DC48 (Flood Risk), DC49 Sustainable Design and Construction), DC50 (Renewable Energy), DC51 (Water Supply, Drainage and Quality), DC58 (Biodiversity and Geodiversity), DC59 (Biodiversity in New Developments), DC60 (Trees), DC61 (Urban Design), DC63 (Delivering Safer Places), of the Local Development Framework Development Control Policies Development Plan Document and Policy SSA1 (Harold Wood Hospital) of the Local Development Framework Site Specific Allocations Development Plan Document are also considered to be relevant. Various Supplementary Planning Documents of the LDF are also relevant.

- 5.4 London Plan policies: 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 3.6 (children's play facilities), 3.8 (housing choice), 3.9 (mixed and balanced communities), 3.10 (definition of affordable housing), 3.11 (affordable housing targets), 3.12 (negotiating affordable housing), 3.13 (affordable housing thresholds), 5.2 (minimising carbon dioxide emissions), 5.3 (sustainable design and construction), 5.7 (renewable energy), 5.12 (flood risk management), 5.13 (sustainable drainage), 5.16 (waste self sufficiency), 6.9 (cycling), 6.10 (walking), 6.13 (parking), 7.3 (designing out crime), 7.4 (local character), 7.6 (architecture), 7.15 (reducing noise and enhancing soundscapes) and 7.19 (biodiversity and access to nature) are considered to apply. There is also a range of Supplementary Planning Guidance to the London Plan, including 'Providing for Children and Young People's Play and Informal Recreation' that are considered to be relevant.
- 5.5 The National Planning Policy Framework is a further material consideration.

6.0 Planning Considerations

- 6.0.1 The principle of the residential redevelopment of the Harold Wood Hospital sites has been established by the outline planning permission P0702.08. Many of the environmental issues arising from the principle of residential development, such as land contamination, archaeology and ecology have all previously been considered by the outline application. These matters are all dealt with in detail by the planning conditions forming part of the outline permission.
- 6.0.2 This is the seventh application for full permission or reserved matters approval which has been submitted and if approved, would bring the total number of units with detailed permission to 565 representing 70% of the total 810 units for which planning permission was granted.
- 6.0.3 The main issues arising from this application for reserved matters approval are therefore considered to be the extent to which the detailed proposals accord with the parameters and principles established by the outline permission; housing density, tenure and design, site layout including proposals for hard and soft landscaping of the site, massing and street scene implications, impact upon residential amenity, highways, parking and accessibility and sustainability.

6.1 Principle of Development

- 6.1.1 The outline planning application was submitted with an indicative masterplan and a number of development parameters and parameter plans as the means by which the design concepts for the redevelopment of the site would be translated into a framework for the future submission of reserved matters. The parameter plans showed the land uses, development, landscape strategy, access and movement, density and building height across the site to demonstrate how new development will work within the site and how it would relate to neighbouring development. The illustrative masterplan demonstrated one way in which this could be translated and forms the basis on which this reserved matters application has been submitted.
- 6.1.2 The outline permission included a condition (Condition 7) which required that the development should be carried out in accordance with the parameter plans and in general accordance with the corresponding strategies within the Design and Access Statement and other documents. The condition also states that any deviation from these can only be made if it is agreed by the Local Planning Authority that such deviation would not give rise to any adverse environmental effects which would have otherwise required mitigation. The parameters therefore act as a check to ensure that reserved matters follow principles established by the outline permission and a benchmark against which to assess subsequent reserved matters submissions.

6.2 Density, Siting and Layout

- 6.2.1 The overall density approved in principle at Outline stage provided for an average of 64 dwellings per hectare (dph) across the whole development site. The density was designed to vary according to the location within the site to reflect the nature of surrounding development and the proximity to public transport. Phase 4B is located within Block B in the Density Strategy parameter plan where densities of up to 33 dph have in principle consent. The number of units proposed in this phase is 84 on a site area of 1.65 hectares, which equates to a density of 51 dph which exceeds the density approved under the outline planning permission. However, Block B comprises both Phases 4A and 4B which when combined provide 139 units over an area of 3.55 hectares delivering a density of 39 dph. Whilst this is marginally in excess of the Block B density parameter the overall density of the development that has been the subject of detailed or reserved matters applications to date remains below the overall permitted density of 64 dph for the entire development. Furthermore, the applicant has confirmed that this overall density would not be exceeded were the final phases of the development to be developed at their permitted density parameter level.
- 6.2.2 The approved Building Height Strategy Parameter Plan identified the site of Phase 4B as being predominantly 3 storey (9 to 12m in height). The proposed layout and design falls entirely within this parameter with only 2 and 3 storey buildings to be developed throughout the phase.

- 6.2.3 No significant impacts will arise from the density zone variation which might require specific mitigation and staff are therefore satisfied that there is no conflict with the condition which requires the development to be carried out in accordance with the parameter plans and Condition 7 of the outline planning permission as set out in paragraph 6.1.2.
- 6.2.4 In terms of layout the scheme has been derived from a detailed testing of the illustrative layout used for the outline application. The scheme has been developed paying close attention to the site topography, movement and access desire lines, relationship to other parts of the redevelopment and neighboring development, maximization of landscaping and the desire to minimize the impact of the parking and maximize the overlooking of any parking and open space.
- 6.2.5 The proposed housing will help create a sense of enclosure, strong active street frontages and provide natural surveillance for the public open space alongside the spine road. Block L will provide an architectural landmark at the turning point of the spine road and a counterbalance to Block A within Phase 1B on the opposite side of the road to the west in a location identified for such a building in the indicative master plan. The housing layout forms conventional street blocks which combine with the arrangement of Block C to provide a cohesive modern residential environment. Accordingly the proposed layout is considered to be acceptable.

6.3 Design, Residential Quality and Open Space

- 6.3.1 The Residential Design Supplementary Planning Document seeks to promote best practice in residential design and layout and to ensure that new residential developments are of the highest quality. The detailed design approach and layout justification is set out within the Design and Access Statement and corresponds with the principles of the outline Design and Access Statement as they apply to this part of the site.
- 6.3.2 The design of Block L maximises the number of ground floor entrances which in combination with the housing frontages onto the spine road will provide a functional and lively street scene.
- 6.3.3 The design of Block L incorporate some design features that are recurrent with earlier phases, including roof edge detailing, grouping of balconies, cladding and distinctive material changes. Staff are satisfied that they continue the theme and character established by the earlier approved phases and offer suitably distinctive and high quality architecture with attention to detail and context whilst creating an attractive place where people will want to live.
- 6.3.4 The scheme will provide accommodation built to Lifetime Homes requirements throughout and also incorporates nine units which are designed to be wheelchair accessible from the outset. The development is therefore in accordance with Policy DC7.

- 6.3.5 The design of the Block L will offer acceptable levels of daylighting and sunlight for future occupants. Whilst there is no communal amenity area for the block staff are satisfied that this is adequately offset by the availability of balconies of a depth and area which comply with the guidance contained in the Residential Design SPD together with semi-private terraces at ground floor. In addition the close proximity of the central open space and the setting provided by the tree lined spine road and other ecological features of the development will enhance amenity for future residents.
- 6.3.6 The design of Block C has not been used elsewhere on the development but has proved popular in other developments by the applicant. The duplex units benefit from a private rear garden and a double depth rear garage/car port. Flats above the duplex units each have forward facing terrace which can be accessed from each bedroom and the living room, with only high level or obscure glaze windows facing towards the private garden of the duplex units below. The rear garages also have a single storey of flats above them with a similar arrangement of terraces, balconies and windows which both provide amenity for the occupant whilst protecting the amenity of the duplex units. These flats can be accessed from either side of Block C from the road to the rear or from the front via a route between the duplex unit's gardens. Staff are satisfied that the design of Block C will both provide adequate amenity and outlook whilst protecting the amenity of other occupants.
- 6.3.7 The housing designs have been developed from those in earlier phases and have frontages either onto shared surface private roads running parallel to the spine road or secondary side access roads. The three storey housing proposed is considered by staff to be of high architectural quality and individual character that will provide an attractive streetscene.
- 6.3.8 Rear garden areas for the houses are quite compact but provide sufficiently sized areas for private amenity purposes. This phase of the development incorporates a secondary area of public open space to the west of the Grange in accordance with the parameters plans which formed part of the outline consent. This will provide an attractive setting for the Block A as well as an area for relaxation.

6.4 Landscape Strategy and Biodiversity Enhancement

- 6.4.1 The Landscape Strategy and specification submitted with the application demonstrates a commitment to providing a high quality residential environment, both in terms of the streetscape and hard landscaping and the soft landscaping proposed. Areas of road and driveway are indicated in block paving with conservation kerbs used for all adoptable highways. A significant tree is to be retained within the open space with the roads and development kept clear of the tree root zone to ensure its successful retention and integration into the development. Extensive planting of trees and shrubs within the open space, within rear gardens and along the new roads is proposed which will enhance the biodiversity potential of the site and provide an attractive street scene and setting for the development

6.4.2 Hedging is proposed in many areas of the site with the dual function of giving definition between public, semi- public and private areas of the site, defining the edges and giving structure to the public open space as well as providing an attractive feature in the street scene.

6.4.3 As well as the planting of native trees and shrubs on the site the buildings will also incorporate integrated bird and bat boxes. This together with further ecological enhancement measures within other phases of the development adjacent to the railway SINC and the creation of “Green Links” to it would be in accordance with the parameters set for the development and in compliance with Policy DC59.

6.5 Impact on Adjoining Sites and Residential Amenity

6.5.1 The site only has boundaries with other phases of the redeveloped site both built and as yet unbuilt. The back to back distance with the proposed dwellings in Phase 4A is a minimum of 20m which is considered to be acceptable. The front to front distance across the spine road would vary between 22m and 30m which is considered to be more than adequate to maintain privacy.

6.5.2 Some relationships within the phase between respective blocks and houses are quite close, but none are considered to result in an unacceptable living environment for future occupants.

6.6 Transportation, Highways and Parking

6.6.1 The scheme incorporates new access roads which are designed to an acceptable standard with adequate space for turning and servicing. An issue in relation to the availability of a turning facility for fire vehicles and the width of the highway for the road serving Blocks C and E has been resolved by revisions to the plans to make the road shared surface and by the use of retractable bollards to protect a turning facility.

6.6.2 The level of parking would allow for an overall ratio of virtually 1:1 for the apartments (17 spaces for 18 flats), 1 or 2 spaces for each house depending upon the house type, plus 9 on-street spaces for flats and visitors. The overall level of provision for the phase is 116 spaces which is considered to be acceptable.

6.6.3 The level of parking proposed within this phase is such that the overall level of parking provision, if this phase is approved, for the permitted phases would equate to a ratio in excess of 1:1, which is the overall minimum level of parking that could reasonably be accepted. The parking requirement for the site as whole set out in Site Specific Policy SSA1 is expressed as a maximum rather than a minimum requirement i.e. a maximum of 1 – 1.5 spaces per unit. The parameters of the outline permission requires that the overall level of provision on the site should fall within this range with a maximum of 1.5 spaces per unit.

- 6.6.4 Caution will be needed in dealing with the final phases to ensure that an overall satisfactory level of parking is maintained. However, on the basis that both the overall level of parking and that for this individual phase are in accordance with Policy SSA1 and the parameters of the outline permission, no objections are raised.
- 6.6.5 The parking is provided in a manner which does not unduly impinge upon the appearance of the development and will enable the provision of significant amounts of on street planting and landscaping. However, in order to ensure that the appearance of the development is maintained and that garage spaces are not lost it is recommended that conditions be imposed to restrict permitted development rights which would otherwise allow residents to remove landscaping to create further parking spaces or convert garages to living accommodation. All potential wheelchair adapted ground floor units and houses would have an identified parking space located either within curtilage or as close as is reasonably practical to the respective units.
- 6.6.6 In terms of overall impact upon the highway network the whole of this phase will be accessed from Gubbins Lane which served as the original access to the former hospital and no objections are raised.

6.7 **Housing**

- 6.7.1 The proposed housing within phase 4B of the redevelopment would be developed entirely as private housing as the full quota of affordable housing required by the S106 on the basis of the current financial viability of the scheme has already been approved within earlier phases of the development. The housing offers family housing and smaller flats which in combination with the variety of flats and houses within other phases of the development will provide for the full range of housing need for the Borough in accordance with the policy requirements of Policy DC2 and the indicative mix identified in the outline scheme.

6.8 **Sustainability**

- 6.8.1 The outline permission included conditions requiring the installation of photovoltaic panels and renewable energy systems in accordance with the approved Energy Strategy. In addition to the energy efficiency measures to be employed in the buildings and in its construction, all dwellings will be provided with high efficiency condensing boilers. Additionally, Block L will have roof mounted photovoltaic panels to both assist in achieving the required Code level and to provide renewable energy for communal systems. All the dwellings within Phase 4B are proposed to be private and are therefore required to achieve Code for Sustainable Homes (Code) Level 3 as standard. The combination of efficiency improvements to reduce the carbon emissions of 4B plus the renewable energy to be provided means that an overall carbon saving of 32.9% over that required by the Building Regulations 2006 will be achieved. Staff are satisfied that the combination of measures will be sufficient to satisfy the requirements of the conditions and the related policies that these stem from.

6.9 Conclusions

- 6.9.1 Having regard to the above it is considered that the proposal satisfies the relevant policies identified in paragraphs 5.2 to 5.4.
- 6.9.2 Staff consider that this reserved matters application for the seventh phase (Phase 4B) of the redevelopment of the former Harold Wood Hospital site will continue to display the benchmark of the quality established by the previous phases, both in terms of the residential accommodation and environment. This is in line with the illustrative master plan and the Design and Access Statement for the outline application. The scheme promises to deliver a sustainable, safe and attractive development for new residents in a form that maintains the residential amenity of existing residents.
- 6.9.3 It is recommended that the reserved matters application for Phase 4B of the development be approved

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:

This phase of the development incorporates specifically designed accommodation for wheelchair users as well as meeting the requirement for all new dwellings to meet the Lifetime Homes standard. The council's policies and guidance, the London Plan and Government guidance all seek to respect and take account of social inclusion and diversity issues.

BACKGROUND PAPERS

1. The planning application as submitted or subsequently revised including all forms and plans.

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REGULATORY SERVICES COMMITTEE

2 April 2015

REPORT

Subject Heading:

P1448.14 58-60 Station Road , Upminster

Conversion and ground, first and second floor extensions of the existing building to provide A1 and A2 uses on the ground floor with a cycle store and two bin stores and 5 no. residential units on the upper floors. (Application received 29th October 2014, Revised Plans received 28th January 2015)

Ward

Upminster

Report Author and contact details:

Suzanne Terry 01708 4322755
Suzanne.terry@havering.gov.uk

Policy context:

Local Development Framework
Development Control Policies
Development Plan Document

National Planning Policy Framework

London Plan

Financial summary:

Not relevant

SUMMARY

This application is for the conversion and extension of an existing unit in Upminster Town Centre for residential and retail purposes. There have been a number of other applications for similar development at the site. Two applications for the redevelopment of the site following demolition of the existing building have been refused. The main issue of concern to members was the scale of the development in Howard Road and the adverse impact this would have on the streetscene. However, a subsequent application for the residential conversion of the main building and a ground floor retail extension was considered to be acceptable by the committee, subject to the prior completion of a legal agreement. The current application reduces the scale of the development along the Howard Road frontage and again proposes the conversion and extension of existing buildings rather than complete redevelopment. On balance Staff consider that this proposal adequately addresses the earlier reasons for refusal and would, therefore, be acceptable, subject to the prior completion of a S106 planning agreement.

RECOMMENDATIONS

1. That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable fee would be £4160 subject to indexation. This is based on the creation of 208 square metres of new gross internal floor space.
2. That the proposal is unacceptable as it stands but would be acceptable subject to the applicant entering into a Legal Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended), to secure the following:
 - A financial contribution of £30,000 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 Head of Regulatory Services be authorised to enter into a legal agreement to secure the above and upon completion of that agreement, grant planning permission subject to the conditions set out below.

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

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

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

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

3. *Car parking* - No building shall be occupied or use commenced until the car/vehicle parking area shown on the approved plans has been completed, and thereafter, the area shall be kept free of obstruction and available for the parking of vehicles associated with the development

Reason: To ensure that there are adequate parking facilities to serve the development in the interests of highway safety and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC33.

4. *Materials* - The development hereby permitted shall not be commenced until samples of all materials to be used in the external construction of the buildings and hard landscaped areas have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed with the approved materials.

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

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

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

development accords with the LDF Development Control Policies Development Plan Document Policy DC61.

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

Reason: In the interests of providing a wide range of facilities for non-motor car residents, in the interests of sustainability and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC36.

7. *Secured by Design* - The development hereby permitted shall not be commenced until details of the measures to be incorporated into the development demonstrating how the principles and practices of the Secured by Design scheme have been included have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, and shall not be occupied or used until written confirmation of compliance with the agreed details has been submitted to and approved in writing by the LPA.

Reason: In the interest of creating safer, sustainable communities, reflecting guidance set out in the National Planning Policy Framework, Policy 7.3 of the London Plan, and Policies CP17 and DC63 of the LDF Development Control Policies Development Plan Document.

8. *External lighting* - The development hereby permitted shall not be commenced until a scheme for the lighting of external areas of the development, including any access roads, has been submitted to and approved in writing by the local planning authority. The scheme of lighting shall include details of the extent of illumination together with precise details of the height, location and design of the lights. The approved scheme shall then be implemented in strict accordance with the agreed details prior to the first occupation of that phase of the development and retained thereafter.

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

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. *Wheel washing* - The development hereby permitted shall not be commenced until details of wheel scrubbing/wash down facilities to prevent mud being deposited onto the public highway during the construction works has been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be permanently retained and used at relevant entrances to the site throughout the course of construction works.

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

11. *Construction methodology* - The development hereby permitted shall not be commenced until a scheme has been 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 that phase on the amenity of the public and nearby occupiers. The Construction Method statement shall include details of:

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

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

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

12. *Pedestrian visibility splays*- Pedestrian visibility splays shall be provided on either side of the access onto Howard Road of 2.1 by 2.1 metre back to the boundary of the public footway. Thereafter the visibility splays shall be permanently retained and kept free from obstruction or objects 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.

13. *Restriction of use* - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) Order 1995 (as amended) the ground floor use hereby permitted shall be A1 or A2 only and shall be used for no

other purpose(s) whatsoever including any other use as set out in Schedule 2, Part 3 of the Order.

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

Informatives

1. *DMO Statement* - 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. *Mayoral CIL* - 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 £4,160 (subject to indexation). CIL is payable within 60 days of commencement of development. A Liability Notice will be sent to the applicant (or anyone else who has assumed liability) shortly and you are required to notify the Council of the commencement of the development before works begin. Further details with regard to CIL are available from the Council's website.

3. *Planning obligation* - The planning obligation required has 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. *Temporary use of the highway* - If any 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.

5. *Secured by Design* - 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.

REPORT DETAIL

1. Site Description

- 1.1 The application site lies within the retail core of Upminster Town Centre. It comprises a three storey building at the end of a parade of mainly retail units. The building continues at three storeys around the corner into Howard Road. The ground floor frontage floor space was originally occupied for A1 (retail); A2 (professional services) and B1 (a) (offices) and the first and second floor for B1 (a) offices. All floors are currently vacant. Along the Howard Road frontage toward the back of the site is a single storey white rendered building occupied by a D1 use (cosmetic clinic) beyond which are residential properties. There is access to the rear of the buildings from Howard Road along a shared roadway and parking space for about 8-10 cars. On-street parking along Howard Road adjacent to the single storey building is restricted to 2 hours, elsewhere it is restricted during morning peaks. On the north side of the site is a three storey rear extension to no. 62 Station Road which is in office use and which shares the same rear access.
- 1.2 The existing Station Road frontage is constructed in red brick with two bay windows at first floor level with a second storey window in the centre. This elevation has an ornamental Dutch gabled parapet in the centre above the second storey window. There is also a plain parapet along the Howard Road frontage. The rear elevations are in yellow brick. The total site area is 0.05 hectares.
- 1.3 On the southern corner of Howard Road is a three/four storey building with A1, A2 and B1 uses on the ground floor with offices above. On the opposite (western) side of Station Road on the corner with Branfill Road are two more recent mixed use developments (Marks and Spencer and Alder Court) which are both four storey with retail on the ground floor with flats above. On the other corner of Branfill Road is Roomes' department store which is three- storey. Most of the remainder of the retail frontage in Station Road is two or three storey.

2. Description of proposal

- 2.1 This is a full application for the conversion and extension of the existing buildings to provide 5no. flats over two floors and A1 (retail) and A2 (professional services) floorspace on the ground floor. The existing single storey building that accommodates the D1 use (cosmetic clinic) along the Howard Road frontage would be retained and a first floor added to accommodate a new residential unit. The existing ground floor would be extended to the rear alongside the single storey building, effectively extending the ground floor development across the whole site width. This would provide an additional 65 square metres of floorspace to the rear of the existing.
- 2.2 The main building would be extended over all three storeys eastwards along Howard Road to provide the entrance and stairs to the flats and new dormers would be provided within the existing front and rear roof elevations. This part of

the development would accommodate four of the five flats. This extension would be in red and yellow brick to match the existing building.

- 2.3 The first floor addition along Howard Road would comprise a mansard style roof and would accommodate a single flat. The existing rendered finish would be replaced with red brick slips to match the main building and the first floor extension tiled. A curved Dutch gabled parapet modelled on that on Station Road is also proposed. Bin and secure cycle storage would be at the rear of the ground floor extension. Car parking for four vehicles would be provided at the eastern end of the building, leaving sufficient space for deliveries to the retail unit. The existing vehicular access would be widened. The parking would be for the residential occupiers. Access to the clinic would be taken from Howard Road as at present.
- 2.4 Due to the proximity of office accommodation in the rear section of the adjoining property that faces onto the application site part of the flat roofed extension would be reduced in height to reduce the loss of natural light to the adjoining windows. The ground floor extension would be set back 0.6 metres from the site boundary.
- 2.5 None of the flats would have balconies or other amenity space provision.

3. Relevant History

- 3.1 P0744.13 - The demolition of existing building and construction of new mixed use building with retail use on the ground floor with a cycle store and two bin stores and 7 residential flats on the upper floors. Refused 20/06/2014 – appeal dismissed.
- 3.2 P1010.14 - Demolition of existing building and construction of new mixed use building with retail use on the ground floor with a cycle store and two bin stores and residential units on the upper floors. Refused 02/10/2014.
- 3.3 P1493.14 - Conversion and ground, first and second floor extensions of the existing building to provide A1 and A2 uses on the ground floor with a cycle store and two bin stores and 4 No residential units on the upper floors. Approved subject to prior completion of S106 agreement.

4. Consultations/Representations

- 4.1 36 neighbour notification letters have been sent to local addresses. No letters of representation have been received in response.
- 4.2 Thames Water has no comments.
- 4.3 London Fire Brigade (Water Team) is satisfied with the proposals – no additional fire hydrants required.
- 4.4 Essex and Suffolk Water has no objections to the development. New metered water connections should be provided.

- 4.5 London Fire and Emergency Planning Authority is satisfied with the proposals.
- 4.6 Streetcare (Highway Authority) has no objections. Site has a PTAL score of 5 indicating good access to transport facilities so 4 parking spaces acceptable.

5. **Relevant Policies**

- 5.1 Policies CP1 (Housing Supply); CP4 (Town Centres); CP9 (Reducing the need to travel); CP10 (Sustainable Transport); CP15 (Environmental management); CP17 (Design); CP18 (Heritage); DC2 (Housing Mix and Density); DC3 (Housing Design and Layout); DC7 (Lifetime Homes and Mobility Housing); DC33 (Car Parking); DC34 (Walking); DC35 (Cycling); DC36 (Servicing); DC40 (Waste Recycling); DC49 (Sustainable Design and Construction); DC50 (Renewable Energy); DC53 (Contaminated Land); DC61 (Urban Design); DC62 (Access); DC63 (Delivering Safer Places); DC72 (Planning obligations) of the Local Development Framework (LDF) Core Strategy and Development Control Policies Development Plan Document (DPD) are material considerations.
- 5.2 In addition, the Planning Obligations SPD, Residential Design Supplementary Planning Document (SPD), Designing Safer Places SPD, and Sustainable Design and Construction SPD are also material considerations.
- 5.3 Policies 2.15 (Town Centres) 3.3 (increasing housing supply), 3.4 (optimising housing potential); 3.5 (quality and design of housing developments), 4.7 (Retail and Town Centre Development; and 8.2 (planning obligations) of the London Plan and the provisions of the National Planning Policy Framework and the National Planning Practice Guidance are also relevant.

6. **Staff Comments**

Background

- 6.1 This is the fourth application for the development of the site for residential and commercial purposes. Two of the applications involved the redevelopment of the site following demolition of the existing building. Both these applications have been refused, mainly on the grounds that the scale of development in Howard Road would be visually dominant and out of character. The 2013 application was dismissed at appeal not only because of the adverse impact on the streetscene due to the scale of the extension in Howard Road, but also due to the loss of light to the adjoining property. A third application for the conversion and extension of the existing frontage building, including a ground floor retail extension was considered to be acceptable to the committee subject to the prior completion of a legal agreement. This application was for four flats. The current applications do not involve any demolition.
- 6.2 The site lies within Upminster Town Centre where new residential and retail development as part of a mixed-use scheme would normally be considered acceptable. The main issues for consideration are the layout and form of

development, the impact on the character and appearance of the streetscene, impact on amenity, highway and car parking issues.

Principle of the development

- 6.3 The application site lies within an existing town centre within the defined retail core where the redevelopment of a site for retail and residential purposes would be acceptable in principle in accordance with Policy CP1 of the LDF Core Strategy and Development Control Policies DPD and the guidance in the National Planning Policy Framework (NPPF).
- 6.4 The site is in a sustainable location with very good access to public transport given the proximity of Upminster station and local bus services that pass along Station Road. The site is very close to local amenities, including shops, schools, library and public parks. Therefore, subject to an acceptable impact on the character and appearance of the area, the streetscene and the amenities of adjoining occupiers the development can be considered acceptable.

Density/Site Layout

- 6.5 The density of the residential element would be 100 units per hectare or 280 habitable rooms per hectare. The London Plan Housing SPG and LDF Policy DC2 set out densities for new residential development. The densities proposed would be in accordance with the policy and guidance. Therefore, for a town centre development the density proposed is considered acceptable. The SPG also sets minimum floorspace standards for all housing types. The proposed units would meet these standards. However, whilst meeting these layout parameters indicates that the development would be broadly acceptable, account also needs to be taken of the character of the local area and whether the scale of the development is appropriate in terms of its appearance in the local context. Account also needs to be taken of any adverse impact on the amenity of nearby occupiers.

Design/Impact on the streetscene

- 6.6 The application site is in a prominent corner position within Upminster Town Centre and the main building currently makes a positive contribution to the character and appearance of the area. The single storey building along Howard Road is considered to have a neutral effect on the streetscene. There is a contrast in scale between the buildings that make up the retail frontage and the mainly two storey dwellings behind the frontage. The single storey building marks a transition between the taller town centre buildings and those of residential scale to the east.
- 6.7 The buildings in Station Road have a mix of architectural styles, including more recent developments such as those on the west side of the road opposite the application site. The higher buildings also extend behind the main frontage into mainly residential streets, such as Howard Road and Branfill Road. The National Planning Practice Guidance states that good quality design is an integral part of sustainable development. The guidance in the NPPF is that

planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. LDF Policy DC61 requires that new buildings and extensions to existing ones complement or improve the character of the area and respect the scale, massing and height of the surrounding physical context. In refusing planning permission for the earlier applications members had regard to this guidance and judged that the increase in height and scale would be visually dominant harmful to the character and appearance of the area.

- 6.8 The current application seeks to reduce these impacts by limiting the increase in height along the Howard Road frontage. It also retains the existing building along the Station Road frontage with only minor changes in the form of two dormer windows on the second floor. The rear extension to the second floor of the main building would be to a depth of 4.5 metres at its maximum and would be in matching materials. There would be additional windows and additional window sizes in the side elevation and one to the rear. There would also be a new access door to serve the flats. Staff consider that this limited extension would not have a material impact on the appearance of the building from Howard Road or be visually dominant in the streetscene.
- 6.9 The proposed mansard roof extension to the single storey building in Howard Road would provide space for an additional flat. The appearance of the roof has been modified from earlier schemes through the reduction in width and the introduction of a Dutch gable feature, similar in style to that on the front elevation. The roof would appear less bulky than that of previous schemes and would also be one storey lower. There would be four windows in the Howard Road elevation and one in the rear elevation. Whilst the roof form is not typical of the area it would not be dissimilar in shape to that of the main building. The proposal is not judged to be out of character in the local streetscene which has an eclectic mix of architectural styles. Staff consider as a matter of judgement that the proposed first floor extension would be acceptable. However, should members consider that the extension would be out of character and harmful to the character and appearance of the area then this could amount to a material objection to the application.
- 6.10 The proposed ground floor extension to provide retail and financial and professional services would not be readily visible from the street and would, therefore, not have any material impact on the character and appearance of the area. This part of the development is the same as that already considered acceptable by the committee.

Impact on amenity

- 6.11 The proposed development would have some adverse impact on adjoining properties mainly as a result of a loss of daylight and sunlight. The adjoining building at no.62 has a shop on the ground floor with offices above, which extend over three floors in a rear extension. A number of the offices have windows facing onto the application site.

- 6.12 Objections were raised to the by the landlord and occupiers of the building to the earlier applications due to the loss of daylight to these offices. A recent site visit has clarified that none of the rooms potentially affected are in residential use. Policy 61 of the LDF states that planning permission will not be granted where development results in an unacceptable overshadowing or loss of sunlight/daylight. There is no national guidance on loss of light, although 'rights to light' are set out in law. The submission details include a daylight and sunlight report based upon guidance issued by the Building Research Establishment (BRE) in 2011. The guidance states that in residential properties only habitable rooms should be assessed and in non-domestic buildings on rooms where there is an expectation of daylight. The assessment has had regard to the location of the annexe to the rear of no.62 which is close to the boundary of the development site. The assessment concluded that whilst there would be a loss of daylight and sunlight to existing windows, these either served non-habitable rooms, already had restricted light or were very close to the site boundary. The assessment concluded that the development would meet the terms of the guidance.
- 6.13 The assessment was carried out in relation to the earlier applications and now that the rear extension has been reduced by one storey there would be significantly less impact compared to the first two refused applications. The roof of the single storey extension closest to the office units would have a flat roof, part of which would be set back from the boundary to minimise any loss of light. There would be some loss of light as a result of the proposed first floor extension, but this would not be significant given that nearest part of the roof would be over six metres away. The impact on the adjoining building did not amount to a reason for refusal of the early applications and is not considered to be a material objection.
- 6.14 In the appeal decision on the 2013 application the Inspector considered that the three-storey extension would have an unacceptable impact on the living conditions of adjoining occupiers. The current proposal is significantly lower and staff consider, as a matter of judgement, that the impact would be acceptable.
- 6.15 The rear elevation of the main building would be largely unchanged, but there would be a new window at second floor level serving a proposed bedroom. However, this would not result in any significant overlooking or interlooking and would not be significantly different from the existing situation.

Parking and Highway Issues

- 6.16 The proposed development would increase the building footprint compared with the current buildings on site, thereby reducing the area available for car parking. The four spaces would be for future residents only and not for the new ground floor units. For the residential element both the London Plan SPG on housing and the density matrix in LDF Policy DC2 indicate that less than one space per unit would be acceptable given the high public transport accessibility level (PTAL) of 5. The maximum standard for a non-food shop would be between four and five spaces. However, Upminster has other public parking areas nearby for shoppers and staff, including short-term on street parking. No

objections are raised by Streetcare (Highway Authority) to the proposed parking provision, whether it serves the flats or the ground floor units. Given the accessibility of the site to local services and public transport staff consider that the site is in a sustainable location and the proposed level of car parking would be acceptable. The proposed level of parking is the same as for the four unit residential scheme which was considered acceptable. It is also the same as for the refused applications where the level of parking was not one of the reasons for refusal.

- 6.17 During the site visit the agent for the landowner of the adjoining commercial property raised the issue of deliveries and the potential that vehicles could block the shared access road to the rear of the site. Space is provided to allow for deliveries to the rear door, but this could not accommodate a large delivery vehicle. The access is not part of the public highway and is considered to be a private matter between the parties with a right of access. There is currently no delivery space at the rear and it is assumed that most deliveries are made from the public highway, which may continue. Given the size of the unit(s) deliveries are unlikely to be a significant issue.

Other Issues

- 6.18 None of the five flats would have any form of amenity area. LDF policies are not prescriptive in terms of the amount of amenity space that should be provided in residential developments. In town centres it may not always be possible to provide amenity areas for flatted development, especially given the relatively high densities achieved and the constraints posed by redevelopment sites. For this scheme additional amenity space could not be easily accommodated which would meet the criteria for usable space. There are public parks and open spaces reasonably close to the site and staff consider that the provision proposed is acceptable.

Secured by Design

- 6.19 LDF Policy DC63 seeks to ensure that new developments are designed to discourage crime and adopt the principles and practices of the 'Secured by Design' award scheme. The previous comments of the Crime Prevention Design Advisor are that the proposed development has taken these into account and that subject to conditions to cover lighting and security measures the development would be acceptable.

Section 106 Planning Obligations

- 6.20 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that, "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". Section 70 of the Town and Country Planning Act 1990 sets out the general considerations for Local Planning Authorities in determining planning applications and Section 70(2) requires that, "in dealing with such an application the authority shall have regard to the provisions of the development

plan, so far as material to the application, and to any other material considerations". Paragraph 2 of the National Planning Policy Framework (NPPF) reiterates this: "Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise".

- 6.21 The proposal is liable to a contribution of £30,000 in accordance with adopted Policy DC72 of the Development Plan and the adopted Planning Obligations SPD. These policies are up to date and accord with Paragraph 12 of the NPPF and the proposal should therefore be determined in accordance with these policies unless material considerations indicate otherwise. Staff have had regard to the Planning Policy Guidance (PPG) relating to the application of a residential unit threshold for infrastructure tariff which advises that no contribution be sought for developments of 10 residential units or less and which is a material consideration however officers consider that greater weight should be accorded to up to date Development Plan Policy and the supporting Planning Obligations SPD. Staff consider that this guidance in the PPG does not immediately supersede current adopted policy as set out in the existing development plan and adopted supplementary planning guidance and that greater weight should be given to adopted policy within the development plan.

7. Mayor's Community Infrastructure Levy (CIL)

- 7.1 All new floorspace is liable for Mayoral CIL, but in assessing the liability account is taken of existing usable floorspace that has been lawfully used for at least six months within the last three years. The existing floorspace has been lawfully used within this period. The new build would amount to 208m² and the CIL rate is £20 per square metre giving a CIL liability of £4,160.

8. Conclusions

- 8.1 The site lies with the retail core area of Upminster Town Centre where the proposed extension and conversion of the existing building to provide for a mixed use with retail on the ground floor is considered acceptable in principle. The main issues relate to the design and scale of the new building works and their impact on the character and appearance of the area. The site is in a prominent end of terrace street corner location and staff consider that, as a matter of judgement the proposed development would not be materially harmful to the character and appearance of the area. The grant of planning permission is recommended accordingly subject to the prior completion of a S106 legal agreement to secure a financial contribution towards local infrastructure costs and appropriate conditions.
- 8.2 However, should members consider that, the proposed mansard roof extension over the existing single storey rear extension, which is the only material difference from the approved scheme, is visually dominant and materially harmful to the character and appearance of Howard Road then there would be a case for refusal.

IMPLICATIONS AND RISKS

Financial implications and risks:

None

Legal implications and risks:

Legal resources will be required to prepare and complete the S 106 legal agreement. There is a risk that the weight accorded to the Development Plan Policy and Supplementary Planning Document on Planning Obligations may be challenged at appeal or through judicial challenge.

Human Resources implications and risks:

None

Equalities implications and risks:

The Council's planning policies are implemented with regard to equality and diversity.

BACKGROUND PAPERS

1. Application form and plans received 29th October 2014. Revised plans received 28th January 2015.

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REGULATORY SERVICES COMMITTEE

2 April 2015

REPORT

Subject Heading:

P0090.15: 1 Albert Road, Romford

Proposed demolition of existing building and construction of 5 new dwellings with off street car parking, landscaping and private amenity space (Application received 2 February 2015).

Ward:

Romford Town

Report Author and contact details:

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

Policy context:

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

Financial summary:

None

SUMMARY

The proposal is for the demolition of an existing two storey commercial building and the construction of 5 new two-storey four bedroom dwellings with off street car parking, landscaping and private amenity space

On balance the proposal is considered to be acceptable in all material respects and it is recommended that planning permission is granted subject to conditions and the applicant entering into a Section 106 Agreement.

RECOMMENDATIONS

That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable fee would be £6,400 subject to indexation. This is based on the creation of 320 square metres of new gross internal floor space.

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

- A financial contribution of £30,000 to be used towards infrastructure costs and paid prior to the commencement of development 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 in association with the preparation of a legal agreement, prior to completion of the agreement, irrespective of whether the legal agreement is completed.
- of the Developer/Owner to pay the appropriate planning obligations/ monitoring fee prior to completion of the agreement.

That the Head of Regulatory Services be authorised to enter into a legal agreement to secure the above and upon completion of that agreement that the Committee delegate authority to the Head of Regulatory Services to grant planning permission subject to the conditions set out below:

1. Time Limit

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

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

2. In Accordance with Plans

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

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

3. External 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.

4. 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. The landscaping should take into account the requirement for adequate visibility splays for residents parking their cars. 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. Boundary Treatment

Prior to the commencement of the development hereby approved, details of all proposed walls, fences and boundary treatment shall be submitted to, and approved in writing by, the Local Planning Authority. The proposed boundary should take into account the requirement for adequate visibility splays for residents parking their cars. 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. 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.

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. Removal of Permitted Development Rights

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 Article 3, Schedule 2, Part 1, as amended by

the Town and Country Planning (General Permitted development) (Amendment)(no. 2)(England) Order 2008, or any subsequent order revoking or re-enacting that order, no development shall take place under Class A, B, C, D and E 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.

9. Wheel Washing

No development shall take place until a scheme of vehicle cleansing has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details, which shall be retained for the life of the development.

The submitted scheme will provide the following details:

- a) A plan showing where vehicles will be parked within the site, to be inspected for mud and debris and cleaned if required. The plan should show where construction traffic will access and exit the site from the public highway.
- b) A description of how the parking area will be surfaced, drained and cleaned to prevent mud, debris and muddy water being tracked onto the public highway.
- c) A description of how vehicles will be checked before leaving the site, including their wheels, the underside of vehicles, mud flaps and wheel arches.
- d) A description of how vehicles will be cleaned.
- e) A description of how dirty/muddy water be dealt with after being washed off the vehicles.
- f) A description of any contingency plan to be used in the event of a break-down of the wheel washing arrangements.
- g) A description of how any material tracked into the public highway will be removed.

Should material be deposited in the public highway, then all operations at the site shall cease until such time as the material has been removed in accordance with the approved details.

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.

10. Construction Method 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.

11. 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.

12. Contaminated Land

Prior to the commencement of any works pursuant to this permission the developer shall submit for the written approval of the Local Planning Authority:

a) A Phase I (Desktop Study) Report documenting the history of this site, its surrounding area and the likelihood of contaminant/s, their type and extent incorporating a Site Conceptual Model.

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

c) A Phase III (Risk Management Strategy) Report if the Phase II Report confirms the presence of a significant pollutant linkage requiring remediation. The report will comprise two parts:

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

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

d) If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals, then revised contamination proposals shall be submitted to the LPA; and

e) If during development work, site contaminants are found in areas previously expected to be clean, then their remediation shall be carried out in line with the agreed contamination proposals.

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

Reason: To ensure the safety of the occupants of the development hereby permitted and the public generally, and in order that the development accords with Development Control Policies Development Plan Document Policies DC61 and DC54.

13. Noise Insulation

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

Reason: To prevent noise nuisance to adjoining properties in accordance with the recommendations of Planning Policy Guidance Note 24 Planning & Noise.

14. 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.

15. Flank Windows

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

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

INFORMATIVES

1. A fee is required when submitting details pursuant to the discharge of conditions. In order to comply with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which came into force from 22.11.2012, a fee of £97 per request or £28 where the related permission was for extending or altering a dwellinghouse, is needed.
2. 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.

3. The proposal involves works which affect the highway and/or its verge. Before commencing such works you must obtain separate consent of the Highway Authority. Please contact the Streetcare on 01708 432563.
4. In promoting the delivery of safer, stronger, sustainable places the Local Planning Authority fully supports the adoption of the principles and practices of the Secured by Design Award Scheme and Designing against Crime. Your attention is drawn to the free professional service provided by the Metropolitan Police Designing Out Crime Officers for North East London, whose can be contacted via DOCOMailbox.NE@met.police.uk or 0208 217 3813 . They are able to provide qualified advice on incorporating crime prevention measures into new developments.
5. 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.
6. The proposal is liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be £6,400 (subject to indexation). Further details with regard to CIL are available from the Council's website.
7. 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.
8. The planning obligations recommended in this report have been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the obligations are considered to have satisfied the following criteria:-
 - (a) Necessary to make the development acceptable in planning terms;
 - (b) Directly related to the development; and

- (c) Fairly and reasonably related in scale and kind to the development.

REPORT DETAIL

1. Site Description

- 1.1 The application site comprises a 0.1 hectare plot of land on which is a detached two storey building facing southwest onto Albert Road. The site is currently used for the sale and repair of commercial vehicles.
- 1.2 To the north of the site is the rear of a two storey terrace of houses which face onto Victoria Road; to the south is an access road running east west from Albert Road and beyond that is the flank of a terrace of two storey houses which face west onto Albert Road; to the east is a St John's Ambulance Station served by the access road mentioned above and to the west is Albert Road across which is another terrace of two storey houses facing east towards the application site. The Victoria Public house is located some 20 metres to the northwest of the site on the corner of Albert Road and Victoria Road.

2. Description of Proposal

- 2.1 The application seeks planning permission for the demolition of the existing commercial building and the construction of five dwellings with off street car parking, landscaping and private amenity space. The dwellings would face southwest onto Albert Road and comprise a single detached 2 storey (plus loft space) four bedroom house in the northern part of the site and a terrace of four 2 storey (plus loft space) four bedroom houses to the south of it. The roofs of the proposed houses are pitched with gable ends and rear facing dormer windows. Garden space for the detached house is provided to the northern side of it, while the gardens of the terrace houses are located to the rear of the terrace.
- 2.2 Each of the houses would have a width of 5.5 metres, a depth of 9.4 metres, a height of 5.2 metres to the eaves and a height of 8.3 metres to the ridge of the roof.
- 2.3 Two off street car parking spaces are provided per dwelling.

3. Relevant History

- 3.1 P1243.14 - Demolition of existing building and construction of 6 new dwellings with off-street car parking, landscaping and private amenity space. Permission was refused for this proposal on 30 October 2014 because of

inadequate provision of private amenity space, poor design, proximity to neighbouring properties leading to an unacceptable loss of amenity and lack of planning obligation to mitigate infrastructure costs.

3.2 P1651.05 - Retention of enclosure to existing car wash area (refused 28-10-2005)

3.3 P1625.99 - Retention of car/van hire including portacabin office. Additional to existing business (refused 14-01-2000).

4. Consultations/Representations

4.1 30 letters were sent notifying neighbouring occupiers of the application. One letter of objection has been received from the occupier of a house in the terrace on Victoria Road to the north of the application site. The objections raised relate to:

- Loss of amenity to residents of 126 Victoria Road due to the size and siting of the proposal having an overbearing and dominant effect and causing loss of light and privacy. These issues are explored in detail in the report below;
- The proposal is only possible because a neighbour has agreed to sell land and without this the scheme would not be viable [officer note: it is understood that this objection relates to the rear garden of a property on Victoria Road, it is considered that sufficient depth remains to the garden of this property (more than 11 metres) to adequately cater for the amenity requirements of its residents. Issues relating to site assembly such as whether the proposal would be viable with or without tranches of land are not material to the consideration of the application];
- Loss of on-street parking on Albert Road causing an increase in inconsiderate parking; conflict between pedestrians using the footpath and residents parking their cars. This issue is explored in detail in the report below];
- Loss of water pressure to neighbouring properties [officer note: water supply is the responsibility of Essex and Suffolk Water who have been consulted and raised no objections, water pressure is covered by the Guaranteed Service Standards Regulations 2008 and is not a material planning consideration].

Reference was made to other planning decisions in the area [officer note: every planning application must be considered on its own individual merits].

The correspondent has also requested that should permission be granted, consideration should be made of boundary treatment, hours of construction work and access to the site for construction traffic.

4.2 Essex and Suffolk Water - no objection.

- 4.3 Thames Water – no objection, recommended informatives relating to waste water, surface water drainage and water are included in any approval notice (see informatives above).
- 4.4 Local Highway Authority - no objection to the proposals. Recommend conditions regarding alterations to the public highway, wheel washing and various informatives (see conditions and informatives above).
- 4.5 Environmental Health - no objection subject to the imposition of conditions relating to land contamination/remediation and sound insulation (see conditions above).

5. Relevant Policies

5.1 Local Development Framework:

Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP17 (Design), DC2 (Housing Mix and Density), DC3 (Housing Design and Layout), DC33 (Car Parking), DC53 (Contaminated land), 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 to be relevant together with the Design for Living Supplementary Planning Document, the Residential Extensions and Alterations SPD and the Planning Obligations Supplementary Planning Document.

5.2 London Plan:

Policies 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 6.13 (parking), 7.1 (building London's neighbourhoods and communities), 7.13 (safety, security and resilience to emergency), 7.4 (local character), 8.2 (Planning obligations) and 8.3 (Community infrastructure levy) are relevant.

5.3 National Planning Policy Framework:

Sections 6 (Delivering a wide choice of high quality homes) and 7 (Requiring good design) of the National Planning Policy Framework are relevant.

6. Staff Comments

- 6.1 The main considerations relate to the principle of the development, the impact on the character and appearance of the street scene, the implications for the residential amenity of the future occupants and of nearby houses and the suitability of the proposed parking arrangements.

Principle of Development

- 6.2 The provision of additional housing is consistent with the NPPF and Policy CP1 as the application site is within a sustainable location in an established urban area.
- 6.3 In terms of the Local Plan the site lies outside the Metropolitan Green Belt, Employment Areas, Commercial Areas, Romford Town Centre and District and local Centres and is within a predominantly residential area.
- 6.4 On this basis the proposal is considered to be policy compliant in land use terms and its use for domestic residential purposes is therefore regarded as being acceptable in principle.

Density/ Layout

- 6.5 Policy DC2 of the LDF provides guidance in relation to the density of residential developments. The application site has an area of 0.0965 hectares and is located within Public Transport Accessibility Level zone 5-6. The proposal is for five dwellings and this equates to a density of 52 dwellings per hectare which is within the range 50-110 dwellings per hectare anticipated by Policy DC2 for this suburban location.
- 6.6 Policy 3.5 of the London Plan advises that housing developments should be of the highest quality internally, externally and in relation to their context and to the wider environment. To this end Policy 3.5 requires that new residential development conforms to minimum internal space standards.
- 6.7 For a three storey four bedroom house designed for five people the standard is set at 106 square metres of gross internal floor area, the proposed houses all exceed these standards and are considered to be an acceptable size.
- 6.8 The Council's Design for Living SPD 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.
- 6.9 The proposal provides 215 square metres of garden space to the side of the detached house for residents of that property and more than 75 square metres to the rear of each of the terrace houses. It is considered that the proposed garden areas are acceptable in terms of area and would provide future occupiers with a useable external space for day to day activities such as outdoor dining, clothes drying and relaxation. It is considered that the layout of the amenity space would be acceptable and overcome the previous reason for refusal in relation to planning application P1243.14.

Design/Impact on Street/Garden Scene

- 6.10 Policy DC61 states that new properties should respond to distinctive local building forms and patterns of development and respect the scale, massing and height of adjoining properties. It is considered that the height and scale of the proposed buildings are compatible with the prevailing scale and character of development within the locality and that the external design and appearance of the dwellings would integrate satisfactorily with the streetscene.
- 6.11 The proposed dwellings would utilise a mixture of materials including facing brickwork and render, UPVC windows and concrete roof tiles. The proposed materials are considered to be acceptable. Details of the specific materials to be used would be secured by condition should planning permission be granted.

Impact on Amenity

- 6.12 The Residential Design SPD states that new development should be sited and designed such that there is no detriment to existing residential amenity through overlooking and/or privacy loss and dominance or overshadowing. Policy DC61 reinforces these requirements by stating that planning permission will not be granted where the proposal results in unacceptable overshadowing, loss of sunlight/ daylight, overlooking or loss of privacy to existing properties.
- 6.13 To the north of the application site is the rear of a terrace of houses which face onto Victoria Road. The side garden of the proposed detached house would be about the rear of the gardens of these properties and the garden boundary would be 7.5 metres from the rear wall of the nearest property on Victoria Road. This proximity is not unusual in a suburban environment and it is considered that with appropriate boundary treatment there would not be any material loss of privacy to the rear of properties on Victoria Road from the use of the new garden or unacceptable lack of privacy to the garden of the proposed detached house from the existing terrace or its gardens.
- 6.14 The flank of the proposed detached house would be more than 10 metres from the bottom of the gardens of the houses on Victoria Road and 18 metres from the rear of the houses. It is considered that this separation is sufficient to adequately mitigate any loss of sunlight/daylight or outlook that might be caused by the new development and overcomes the reason for refusal set out in relation to application P1243.14 where the flank of the proposed house was less than 5 metres from the boundary and less than 13 metres from the rear of the terrace.
- 6.15 There are no windows in the first floor flank of the proposed detached house and therefore no issues of overlooking of the rear of the terrace of houses to the north from this elevation. While the back of the detached house is only 4.3 metres from the garden of one of the houses in the terrace, it is not considered that there would be a significant loss of privacy to the residents of that property given that the depth of the garden of that property is 24 metres and the part overlooked involves the 6 metres of garden furthest from the house. It should be noted that the previous application for the site -

P1243.14 - involved overlooking of this garden space from a similar distance from two of the proposed houses along a length of more than 11 metres and this was considered to be unacceptable. The current scheme is considered to bring this relationship with the neighbouring property to within acceptable limits, although it is acknowledged that this is a matter of judgement for Members.

- 6.16 To the south the nearest property is 5 Albert Road. This flank of this end of terrace property is parallel to, and more than 12 metres away from the south flank of the proposed terrace. Because of this orientation and separation and the fact that there are no windows in the flank of the proposed terrace there are no amenity issues.
- 6.17 It is not considered that the proposed dwellings would result in a loss of amenity to the St John Ambulance Brigade building to the east given the front to rear separation of 21 metres and the non-residential use of the building.
- 6.18 To the west at a distance of 25 metres across Albert Road is a terrace of houses. The separation between the front of the proposed and existing terraces is normal in this suburban setting and considered to be acceptable.
- 6.19 On balance, it is considered that the proposed development would not harm the amenities of neighbouring properties and would provide acceptable living conditions for the future occupants. The proposal complies with Policy DC61 and the intentions of the NPPF.

Parking and Highway Issues

- 6.20 The site is within the Romford Public Transport Accessibility Level (PTAL) zone 5-6, is well served by public transport and is within walking distance of Romford railway station.
- 6.21 Government and regional guidance encourages a relaxation in parking standards in town centre locations, particularly where there is good access to public transport, and the proposed development provides 10 car parking spaces – two to the front of each of the houses. Policy DC2 (Housing Mix and Density) of the LDF advises a maximum of 1.5 to 1 spaces in this location and so there is an overprovision of 2.5 spaces for the scheme.
- 6.22 The Local Highway Authority has raised no objection to the proposal and advises that the proposed car parking and access arrangements are considered to be satisfactory.
- 6.23 The kerb along the front of the site has previously been lowered to allow vehicular access to the forecourt of the commercial premises and parking along this frontage is currently controlled by a single yellow line. The area around the site is a resident permit holder Controlled Parking Zone. It is not considered that the loss of the highway to the front of the site for on-street parking would not have a significant impact on the day to day availability of

on-street parking in the area given the high PTAL of the location and the fact that parking in the area is controlled from 8:30am-6:30pm from Monday to Saturday.

- 6.24 An objection has been raised by an occupant of a neighbouring property that the proposal would exacerbate issues with parking congestion and inconsiderate parking caused by people attending musical events at the Victoria Public House opposite and that the car parking provided would conflict with pedestrians.
- 6.25 With regard to parking issues resulting from music nights at the public house: short term increases in parking demand in the immediate vicinity of drinking establishments holding special events is not unusual, and the planning system is not the proper mechanism to use to control anti-social behaviour such as inconsiderate parking. It is not considered that the loss of the short area of highway in front of the site to on-street public parking would have a material impact on on-street parking.
- 6.26 The parking spaces have a depth of 5 metres and a width of 2.6 metres which is sufficient space to park a car without it overhanging the footway and it is not considered that the parking provided would conflict with pedestrians.
- 6.27 Should planning permission be granted it is proposed that conditions are imposed to require the provision of secure storage for bicycles and an enclosed refuse store for each of the houses.

Community Infrastructure Levy and Developer Contributions

- 6.28 The proposed development will create 5 no new residential units with 570 square metres of internal floorspace. The existing building which will be demolished has a gross floor area of 250 square metres. The total new floor area is 570-250 square metres = 320 square metres. Therefore the proposal, which is liable for Mayoral CIL, will incur a charge of £6,400.00 based on the calculation of £20.00 per square metre.
- 6.29 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that, "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". Section 70 of the Town and Country Planning Act 1990 sets out the general considerations for Local Planning Authorities in determining planning applications and Section 70(2) requires that, "in dealing with such an application the authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations". Paragraph 2 of the National Planning Policy Framework (NPPF) reiterates this: "Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise".

6.30 The proposal is liable to a contribution of £30,000 in accordance with adopted Policy DC72 of the Development Plan and the adopted Planning Obligations SPD. These policies are up to date and accord with Paragraph 12 of the NPPF and the proposal should therefore be determined in accordance with these policies unless material considerations indicate otherwise. Staff have had regard to the Planning Policy Guidance (PPG) relating to the application of a residential unit threshold for infrastructure tariff which advises that no contribution be sought for developments of 10 residential units or less and which is a material consideration however officers consider that greater weight should be accorded to up to date Development Plan Policy and the supporting Planning Obligations SPD. Staff consider that the guidance in the PPG does not immediately supersede current adopted policy as set out in the existing development plan and adopted supplementary planning guidance and that greater weight should be given to adopted policy within the development plan.

7. Conclusion

7.1 The principle of the proposal complies with local and regional policies, the siting, scale and location of the proposal would not be disproportionate or have a harmful impact on the character of the street scene or rear garden setting nor would it result in a material loss of amenity to neighbouring occupiers. The proposal is considered to comply with policy and it is therefore recommended that planning permission be granted subject to conditions and the applicant entering into a legal agreement to secure the infrastructure contribution.

IMPLICATIONS AND RISKS

Financial implications and risks:

Financial contributions will be sought through the legal agreement.

Legal implications and risks:

Legal resources will be needed to draft the legal agreement.

Human Resources implications and risks:

None.

Equalities implications and risks:

The Council's planning policies are implemented with regard to equality and diversity.

BACKGROUND PAPERS

Application form, drawings and supporting statements received on 2 February 2015.