



# Havering

LONDON BOROUGH

## REGULATORY SERVICES COMMITTEE AGENDA

**7.30 pm**

**Thursday  
23 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.

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.

Would members of the public also note that they are not allowed to communicate with or pass messages to Councillors during the meeting.

### **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 - 14)**

To approve as a correct record the minutes of the meeting of the Committee held on 12 March 2015 and to authorise the Chairman to sign them.

### **5 PLANNING APPLICATIONS - SEE INDEX AND REPORTS (Pages 15 - 56)**

**6 P0049.15 - MOSS LANE NURSERY, MOSS LANE, ROMFORD** (Pages 57 - 76)

**7 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  
12 March 2015 (7.30pm - 11.15 pm)**

**Present:**

**COUNCILLORS:** 11

**Conservative Group** Robby Misir (in the Chair) Ray Best (Vice-Chair),  
Philippa Crowder, Steven Kelly and +Robert Benham

**Residents' Group** Reg Whitney and +June Alexander

**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 Michael White and Stephanie Nunn.

+Substitute members: Councillor Robert Benham (for Michael White) and Councillor June Alexander (for Stephanie Nunn).

Councillors Dilip Patel, Roger Ramsey, Brian Eagling, Linda Van den Hende, John Glanville and Lawrence Webb 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.

## 219 **DISCLOSURE OF PECUNIARY INTERESTS**

Councillor Ron Ower declared a personal interest in application P1638.14. Councillor Ower advised that he was a personal friend of the application site owner.

Councillor Ower took no part in the vote on the proposal having left the room prior to members discussing the proposed application.

220 **P1653.14 - HAROLD HILL LEARNING VILLAGE**

The application before Members was for a reserved matters application. Outline planning permission for the Harold Hill Learning Village was granted in December 2009, with a condition that details of the development, to be developed in phases, be submitted within 5 years. Only one phase had been completed and the present application sought to extend the time for reserved matters applications to be submitted.

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

The objector commented that the application was now out of date and failed to recognise the changes that had taken place in the area. The objector also commented that the open space/playing field was essential to the character of Pyrgo School which would be remaining on the site.

In response the applicant's representative commented that the Council had recognised the changes that had taken place on the site but now needed to progress with the implementation of the rest of the learning village.

With its agreement Councillor Lawrence Webb addressed the Committee.

Councillor Webb commented that the proposal had been a good plan when originally considered but there had been substantial changes since then, the most significant being that Pyrgo School was now an academy and therefore not under the control of the Council.

During a brief debate members discussed the benefits of the proposal and that the application was in outline and that the details would come back to Committee in the form of reserved matters. Therefore detailed reserved matters for each stage would still need to be submitted in the future.

There was an amendment to the reports with the addition of Condition 38 which required the completion of a planning agreement and the deleting of paragraph "c)" of the Recommendation heads of terms. The wording of Condition 38 was as follows:-

Condition 38:

38. Planning Obligation Relating to College - The further education college (shown as Havering College and associated parking on Plan Number P8002) hereby approved shall not be commenced until those with an interest in the relevant part of the application site have entered into an agreement under S106 of the Town and Country Planning Act 1990 (as amended) to secure the following:

- That subject to securing the necessary legal interest in that part of the land to enable the implementation of that part of the

development comprising the further education college within 3 years of the occupation of the further education college, the developer (Havering College or any successor in title to the Quarles Land) shall vacate and demolish all buildings on the Quarles Land and remove all resulting materials including footings of all buildings slabs structures and plant on the Quarles Land and cap services and further immediately following removal of all of the said resulting materials from the Quarles Land the Developer shall cover the Quarles Land with top soil sufficient to promote natural vegetation and sow the Quarles Land with grass seed in the first planting season following removal of material resulting from the demolition if all buildings slabs structures and plant from the Quarles Land.

- That the developer pay the Council's reasonable legal costs associated with the legal agreement prior to completion of the agreement.

Reason: The proposed further education college was inappropriate development in the Green Belt. The very special circumstances put forward were particular to Havering College as the controlling owner of the Quarles campus and therefore no other institute should occupy the new building until the Quarles Campus had been vacated and the site cleared.

It was **RESOLVED** that the proposal was unacceptable as it stood, but would be acceptable subject to:

- a) no direction to the contrary from the Mayor for London,
- b) no call-in following referral of the application to the Secretary of State as a departure from the development plan,

That subject to the foregoing the Head of Regulatory Services be authorised to enter into a legal agreement and upon completion of that agreement, grant planning permission subject to the conditions as set out in the report and to include the following amendments

- Additional Condition 38 to require Havering College to enter into a legal agreement.
- Delegation to Head of Regulatory Services to agree wording of Conditions 14 and 15 in consultation with GLA.
- Delegation to Head of Regulatory Services to negotiate with TfL over any possible bus service contribution.

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

Councillors Martin and Williamson voted against the resolution to extend the time limit for reserved matters applications.

221 **P1638.14 - 311-313 COLLIER ROW LANE, ROMFORD**

The report before Members detailed an application for the permission for the variation of conditions 2 and 20 of P0393.12 to enable the ground floor commercial unit to be used for either Class A3 or mixed class A3/A5 purposes between the hours of 08.00 and 23.00 on any day including on Bank and Public Holidays.

Members were advised that a late letter of representation had been received objecting to the proposal on the grounds of noise and parking. A letter had also been received from the local MP objecting to the proposal.

Members noted that the application had been called in by Councillor Dilip Patel on the grounds of the adverse effect on the area and increased noise and disturbance.

With its agreement Councillor Dilip Patel addressed the Committee.

Councillor Patel commented that there were existing parking problems in the area and that extending the opening hours would only exacerbate the problem and create more noise and disturbance to neighbouring properties.

During a brief debate Members discussed the significance of the Planning Inspector's previous refusal to extend the trading hours condition.

It was **RESOLVED** that planning permission be refused as per the reasons contained within the report.

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

Councillor Martin voted against the resolution to refuse the granting of planning permission.

Councillor Best abstained from voting.

*As discussed previously in these minutes Councillor Ron Ower declared a personal interest in application P1638.14. Councillor Ower advised that he was a personal friend of the application site owner.*

*Councillor Ower took no part in the vote on the proposal having left the room prior to members discussing the proposed application.*

222 **P0098.15 - 1 ETHELBURGA ROAD, ROMFORD**

The application before Members was for the conversion of a care home into a House of Multiple Occupancy. The proposal would retain the 9 bedrooms, all with en-suite shower rooms. The existing common areas would be



converted to facilities such as utility/laundry room, kitchen, lounge/diner which would all be shared.

Members noted that the application had been called in by Councillor Brian Eagling on the grounds of inadequate parking.

With its agreement Councillor Brian Eagling addressed the Committee.

Councillor Eagling commented that the property had been sold because the facilities had become unsuitable for use. Councillor Eagling also commented that if the property was converted then the multiple occupancy would lead to an impact on amenity as the amenity space was totally inadequate. Councillor Eagling concluded by commenting on the lack of refuse storage facilities referred to within the report.

During the debate Members discussed the lack of amenity provision for prospective residents and the effect on the amenity of neighbouring properties with particular reference to the lack of parking facilities. Members paid particular reference to planning policies DC5 and DC33.

The report recommended that planning permission be granted however, following a motion to refuse the granting of planning permission which was carried by 10 votes to 1, it was **RESOLVED** that planning permission be refused for the following reasons:

- Intensity of use proposed would adversely impact on neighbouring residential amenity from noise, comings and goings including noise and disturbance from use of rear garden.
- Intensity of use proposed would result in increased demand for on-street parking to the detriment of amenity of nearby residents and road safety.
- The proposed development had insufficient amenity space for the intensity of the use proposed.

The vote for the resolution to refuse the granting of planning permission was carried by 10 votes to 1.

Councillor Kelly voted against the resolution to refuse the granting of planning permission.

223 **P0972.14 - 16 & 18 PROSPECT ROAD HORNBURCH 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. Members also sought clarification on the impact and application of the the Human Rights Act 1998 and Articles 1 and 8 of the European Convention of Human Rights on the rights of those affected by the proposed development.

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

Councillor Ramsey requested the application be called in to the Committee, on the grounds of its impact on neighbours and the streetscene.

Councillor Wise requested the application be called in to Committee, as the previous proposal had issues regarding overcrowding and insufficient pedestrian access to the site via the access road and this required a more detailed review.

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

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 proposed development would have a severe negative impact on the quiet and peaceful environment of Prospect Road. The objector also commented that whilst understanding that everyone had human rights there seemed to be little consideration being given to the human rights of the elderly neighbours living either side of the development site who would be subjected to the impact of months of excessive noise, disturbance and stress.

In response the applicant's representative commented that the restriction on construction hours would lead to a delay in completing the project and would extend the noise and disturbance on neighbouring properties. The representative also commented that the application was recommended for approval by officers and had only previously been refused by the Planning Inspectorate due to the lack of a financial agreement being in place.

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

Councillor Ramsey commented that the Planning Inspector had not addressed the human rights issues connected with the application as he had dismissed the appeal on other grounds. Councillor Ramsey also commented on the proposal which allowed for the "cutting in half" of the two bungalows and the effect this would have on the elderly residents.

Councillor Glanville agreed with Councillors Ramsey's comments and also commented that both of the residents were elderly with one in particular suffering from ill health.

During the debate members discussed the possibility of the proposal being rejected which in turn could lead to an appeal to the Planning Inspectorate and the possibility of the Council facing costs if the inspectorate found in favour of the applicant.

Members also discussed the applicant's apparent negative response to the changing of the hours of construction condition which would have gone some way to alleviating some of the inconvenience suffered by the elderly neighbours.

The Legal Adviser to the Committee advised that human rights legislation was a qualified or limited right and not an absolute or unqualified right. The legal advisor referred to and cited paragraphs 8.7.4 – 8.7.6 of the report.

The report recommended that planning permission be approved 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:

- The proposal would result in the demolition of 2 x halves of semi-detached properties where the occupiers of the remaining halves were single housebound vulnerable elderly people with medical conditions. Given the particular characteristics of the occupiers of the retained halves in this case, there were significant concerns that the demolition stage of the proposal would cause unacceptable levels of stress to those occupiers through noise, dust, vibration, mental anguish, uncertainty and loss of quiet enjoyment of their home. Whether conditions or other legislation could adequately address the concerns had been carefully considered, but in this case it was considered that the particular vulnerability of the existing occupiers meant that the concerns could not be overcome. The proposal would seriously impinge upon the Human Rights of the occupiers of the adjoining properties and was therefore considered unacceptable.

224 **P0104.15 - 57 BROOKDALE AVENUE, UPMINSTER**

The application before Members sought an alteration to a previously approved scheme for two new dwelling houses to the rear of 57 Brookdale Avenue. The previous application proposed two adjoining properties, however consent was now sought to create a separation distance between the two dwelling houses making them detached.

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

The objector commented that the proposal would lead to noise and light pollution and had inadequate parking.

During a brief debate Members discussed the possibility of acoustic fencing alongside No 51 Brookdale Avenue to help dissipate noise.

The Committee noted that the proposed development qualified for a Mayoral CIL contribution of £3,040 and **RESOLVED** that the proposal was unacceptable as it stood but would be acceptable subject to the applicant entering into a Legal Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended), to secure the following:

- A financial contribution of £12,000 to be used towards infrastructure costs in accordance with the draft 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.

## 225 **P1220.14 - OLD WINDMILL HALL, ST MARY'S LANE, UPMINSTER**

The application before Members was for the redevelopment of the site previously in community use for twenty two older person flats, landscaping and car parking.

The application had been called in by Councillor Linda Van den Hende on the grounds of over development, bulk at the location, insufficient parking, and effect on the streetscene and impact on Upminster Park.

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

The objector commented that the proposal would create an adverse impact on the three listed buildings situated in close proximity to the development

site. The objector also commented that the proposal would have a detrimental impact on the amenity of Upminster Park and only provided sixteen car parking spaces for twenty two flats.

In response the applicant's representative commented that the comments by English Heritage had been somewhat surprising as there was a varied streetscene in the area. The representative also commented that it was believed that the design was the correct one but alterations to the appearance could be discussed further as there were a number of options available.

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

Councillor Van den Hende commented that the proposal was a large development for the area and that the parking provided was inadequate. Councillor Van den Hende also commented that proposal was of a bulky nature, out of keeping with the streetscene and an overdevelopment of the site.

During the debate Members discussed the bulk of the design and the inadequate parking provision.

Members also discussed the benefits of the proposal noting that it was a national company that specialised in older persons accommodation that was proposing the development and that there was some flexibility in the final design.

Members received clarification of the distance between the proposed development and properties in Gridiron Place that could have been subject to overlooking.

Following a motion to refuse the granting of planning permission which was lost by 3 votes to 5 with 3 abstentions.

The Committee noted that the proposed development qualified for a Mayoral CIL contribution of £54,800 and **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:

- The financial contribution of £312,000 to be paid prior to the commencement of the development, to be used towards the provision of affordable housing within in Havering in accordance with Policies CP2 and DC6 of the LDF Core Strategy and Development Control Policies Development Plan Document.
- A financial contribution of £132,000 to be paid prior to the commencement of the development, to be used towards infrastructure costs in accordance with the Policy DC72 of the LDF

Core Strategy and Development Control Policies Development Plan Document and the Planning Obligations Supplementary Planning Document.

- All contribution sums should 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 was completed.
- The Developer/Owner to pay 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 with a minor correction to Condition 21 by replacing reference to section 273 of the Town and Country planning act 1990 with section 257.

The vote for the resolution to grant planning permission was carried by 5 votes to 3 with 3 abstentions.

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

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

Councillors Alexander, Martin and Williamson abstained from voting.

**226 P1655.14 - SULLENS FARM, SUNNINGS LANE, UPMINSTER**

The report before Members was for an application for the conversion of existing brick barns to create three new apartments, demolition of modern barns, to allow construction of six new houses, removal of external caravan storage use and hard surfaced yard and replacement with landscaped parking.

The application together with the associated application for listed building consent (L0016.14) had been called-in by Councillor Ron Ower on the grounds of the closeness of the site to the Green Belt, the additional traffic that would be generated and the planning history of the site.

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 proposal would attract extra traffic to the site, result in a loss of privacy for neighbouring properties and also disregarded the openness of the Green Belt.

In response the applicant's representative commented that the proposal would reduce the volume of buildings in the Green Belt. The representative also commented that the reduction in the Green Belt footprint had been agreed in conjunction with planning officers and that the site would be managed by a management company.

During a brief debate Members discussed the impact the proposed development would have on the openness of the Green belt and its impact on the amenity of neighbouring properties.

The report recommended that planning permission be granted however following a motion to refuse the granting of planning permission which was supported unanimously it was **RESOLVED** that planning permission be refused on the grounds that

- Noise disturbance given the proximity to adjoining residential property.
- Scale and bulk of the proposed buildings detracting from the openness of heritage assets and the Green Belt.
- Absence of any mechanism to secure planning obligations.

227 **L0016.14 - SULLENS FARM, SUNNINGS LANE, UPMINSTER**

Following consideration of application P1655.14 where planning permission had been refused by the Committee it was considered premature to grant listed building consent when no suitable planning permission was in place.

The report recommended that listed building consent be granted however following refusal of planning permission for the development for which listed building consent was sought it was **RESOLVED** that listed building consent be refused on the grounds that

It would be premature and unsupportable to grant listed building consent for a development for which planning permission was refused.

228 **P0101.15 - LAND TO THE REAR OF TESCO EXPRESS, OAKLANDS AVENUE, ROMFORD - VARIATION TO CONDITION 2 OF P0813.14 (APPEAL REFERENCE APP/B5480/A/14/2223922) TO CATER FOR ALTERATIONS TO EXTERNAL OPENINGS, INCLUDING CHANGES TO DORMER WINDOWS AND INSERTION OF AN ADDITIONAL FLANK WINDOW**

The Committee considered the report noting that the proposed development qualified for a Mayoral CIL contribution of £13,540 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 16 September 2014 in respect of planning permission P0813.14 to change the definition of Proposed Development to include either planning permission P0813.14 or planning permission P0101.15.

The Developer and/or Owner to bear the Council legal costs in respect of the preparation of the legal agreement Deed of Variation irrespective of whether or not the matter was completed.

Save for the variation to the definition of Proposed Development set out above and any necessary consequential amendments to the legal agreement dated 16 September 2014 all recitals, terms, covenants and obligations in the said agreement shall remain unchanged.

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.

229 **APPLICATION FOR THE STOPPING UP OF HIGHWAY LAND AT DELDERFIELD HOUSE, PORTNOI CLOSE, COLLIER ROW RM1 4DH**

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 made 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 plan as the land was required to enable development for which the Council had granted the Planning Permission.

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

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

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



230 **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.

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**Chairman**

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## Regulatory Services Committee

23 April 2015

<b>Application No.</b>	<b>Ward</b>	<b>Address</b>
P0146.15	Emerson Park	2 Walden Way, Hornchurch
P0261.15	Upminster	Lodge Cottage, The Chase, Upminster
P1120.14	Romford Town	The Brewery Shopping Centre, Romford,
P1160.14	Emerson Park	11 Parkstone Avenue, Hornchurch

## OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 23RD APRIL 2015

**APPLICATION NO:** P0146.15

**WARD :** Emerson Park

**Date Received:** 4th February 2015

**Expiry Date:** 1st April 2015

**ADDRESS:** 2 Walden Way  
Hornchurch

**PROPOSAL:** Demolish existing detached house and garage/store, then erect new detached house with integral garage plus new front wall & gates.  
Revised Plan received 09/03/2015

**DRAWING NO(S):** WW:2:JAWS:1  
WW:2:JAWS:2  
Proposed Site Plan (Scale 1:200)  
WW:2:JAWS:4  
WW:2:JAWS:3

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

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### **CALL-IN**

The application has been called-in to committee by Councillor Ron Ower on the grounds of the size of the proposed dwelling and by Councillor Roger Ramsey on the grounds of the impact on the adjoining property.

### **SITE DESCRIPTION**

The application relates to the property at 2 Walden Way, Hornchurch. This is a detached bungalow comprising an unusual V-shaped footprint, set back from Walden Way with a parking area to the front and spacious garden to the rear. The dwelling is located adjacent to the junction with Wykenham Avenue within a predominantly residential area. The surrounding properties are characterised by a mixture of two storey detached and semi-detached houses and bungalows in a variety of different designs.

### **DESCRIPTION OF PROPOSAL**

The application is seeking planning permission for demolition of the existing detached bungalow and garage/store and the erection of a new detached house with integral garage plus the erection of a new front wall and gates.

The proposed dwelling would incorporate a hipped crown roof design with a ridge height of 8.7 metres. The proposed house would have a width of approximately 16 metres and a depth of 17 metres and would be set in from the boundaries on either side by 1 metre. The front elevation would have a symmetrical appearance and would feature a central pitched roof glazed section and an additional single storey garage to the southern side elevation wrapping around towards the rear to incorporate a separate study. At the rear a partially glazed single storey section with a lantern roof would project out into the garden area.

Internally the house would include an open plan kitchen, living and dining room, study, utility room, wash room and integral garage at ground floor level, three bedrooms and a bathroom and en-suites at first floor level and two bedrooms and a bathroom in a second floor level within the roof space.

The proposed layout would include a garden to the rear with approximately 450 square metres of private amenity space enclosed by 1.8 metre high boundary fencing and patches of hedging.

To the front the proposal would utilise the existing parking area providing off street car parking spaces for in excess of two vehicles, accessed via a slightly reconfigured double driveway entrance arrangement. A replacement 1.9 metre high wall/railing and gates would be constructed along the front boundary with Walden Way.

## RELEVANT HISTORY

P1252.89 - Rear extension - Refuse 1-11-1989

P0142.15 - Planning application to retain play equipment in rear garden  
Awaiting Decision

P0875.98 - Single storey rear extension  
Refuse 16-10-1998

P0569.91 - Single storey rear extension (revised plans received 28/06/91)  
Refuse 06-11-1991

P1152.90 - Single storey rear extension 3  
Refuse 10-12-1990

## CONSULTATIONS/REPRESENTATIONS

Notification letters were sent to 34 properties and representations have been received from 3 separate households. The comments include objections as well as statements in support of the proposed scheme. The applicant has also submitted a supporting petition signed by 34 residents from properties on Walden Way, Butts Green Road and Wykeham Avenue.

The objections can be summarised as follows:

- The proposal will change the orientation of the property within the plot which will irrevocably alter and destroy the sensitive streetscene.
- The new house will be of a greater height, scale and bulk and will be sited much closer to the boundary with no.8 Wykeham Avenue than the current bungalow resulting in overly dominant impact causing overshadowing and loss of light.
- The proposal will cause intrusive and unneighbourly over-development having a direct adverse effect on the amenities of No.8 Wykeham Avenue.
- Loss of outlook and light from living room and bedroom windows at No.8 Wykeham Avenue.
- Loss of views that have been afforded for the past 30 years.
- The site has a relevant planning history of refusals and appeals that should be taken into consideration.
- No.8 Wykeham Avenue is a restricted triangular plot and the height, width, bulk and mass of the proposed house would be unacceptably dominant and visually intrusive to both the streetscene and the neighbouring plot.
- No. 8 Wykeham Avenue would be boxed in between No.6 Wykeham Avenue and 2 Walden Way.
- The design is not in-keeping with the local area and would not be suitable in a prominent junction location.
- The proposal would result in overlooking and loss of privacy to the neighbouring property.

The matters raised above in relation to the height, scale, bulk and appearance of the proposed dwelling are discussed in more detail in the following sections.

In terms of the previous planning history at the site; several planning applications for single storey rear extensions to the bungalow were refused in the late 1980's and early 1990's. Following subsequent appeals, one of the applications was dismissed and one was allowed. In 1998 an appeal against the refusal of planning permission for a single storey rear extension was allowed with the Inspector noting that the previous decisions pre-dated the guidance in the then adopted Unitary Development Plan (UDP) and that that each application has to be treated on its own merits. Whilst the planning history provides some useful context to the previous development, given the amount of time that has now passed the earlier assessments and the decisions do not relate specifically to the current guidance and policies contained in the adopted Core Strategy and Supplementary Planning Documents. As such Staff consider that it is necessary to assess the application in relation to the current adopted guidance and whilst acknowledging the previous planning history, place greater emphasis on assessing the application in relation to the up to date policies.

Dame Angela Watkinson DBE MP - has been contacted by residents who feel that the development from a bungalow to large house will have an impact on their property and also take away light. The streetscene could also be affected.

Gidea Park and District Civic Society - the size and bulk of the building would be wholly inappropriate alongside its neighbours. The height would be very overbearing, particularly on the residents at 8 Wykeham Avenue with its triangular plot. The proposed building would seem to overdevelop the site and loom large close to the flank boundary.

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

London Fire Brigade Water Team - no objection.

Greater London Archaeological Advisory Service (GLAAS)- no objection.

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

Local Highway Authority - requested that a pedestrian visibility splay is included in the proposed gateway.

## **RELEVANT POLICIES**

### LDF

CP1 - Housing Supply

CP17 - Design

DC2 - Housing Mix and Density

DC3 - Housing Design and Layout

DC33 - Car Parking

DC34 - Walking

DC35 - Cycling

DC61 - Urban Design

SPD11 - Planning Obligation SPD

SPD4 - Residential Extensions & Alterations SPD

SPD9 - Residential Design SPD

## OTHER

LONDON PLAN - 3.3 - Increasing housing supply

LONDON PLAN - 3.5 - Quality and design of housing developments

LONDON PLAN - 7.4 - Local character

NPPF - National Planning Policy Framework

## **MAYORAL CIL IMPLICATIONS**

The proposed development will create 1 no. new residential unit with 200 square metres of new gross internal floorspace. Therefore the proposal is liable for Mayoral CIL and will incur a charge of £4,000.00 (subject to indexation) based on the calculation of £20.00 per square metre.

## **STAFF COMMENTS**

The main considerations relate to the principle of the development and the layout of the scheme, the implications for the residential amenity of the neighbouring houses and the future occupants of the dwelling as well as the suitability of the proposed parking and access arrangements.

## **PRINCIPLE OF DEVELOPMENT**

The NPPF and Policy CP1 support the increase in the supply of housing in existing urban areas where development is sustainable.

Under the provisions of the NPPF there is no priority given to a residential plot or garden land as a redevelopable brownfield site. However, 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.

On this basis the proposal is considered to be policy compliant in land use terms and its continued use for domestic residential purposes is therefore acceptable in principle.

## **DENSITY/SITE LAYOUT**

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.

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. The London Plan does not set out minimum space standards for five-bedroom two storey houses, however the proposed 320 square metres of internal floorspace is considered to be generous and above the minimum requirements for day to day living.

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. The majority of the existing rectangular rear garden would be retained and an area of approximately 450 square metres would be provided as private garden amenity space for the replacement dwelling. It is considered that this amount of amenity space would be generous and would provide a proportionate provision for the proposed house.

In terms of its footprint and siting within the plot the proposal demonstrates suitable front and rear amenity space for a 5 bedroom dwelling and can comfortably include provision for off street car parking.

Overall it is considered that the layout of the proposed development is acceptable and would be in accordance with the provisions of Policy DC61.

## **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 dwelling would form a more prominent feature in terms of its visual impact in comparison to the existing bungalow, particularly with regard to views of the proposed frontage directly from Walden Way and Wykeham Avenue. Nevertheless, the proposed house would respect the established front front building line of the existing bungalow and neighbouring houses along Walden Way and it is considered that the overall impact of the increased bulk and massing would be minimised to some degree by the scale and proportion of the adjacent two-storey houses.

The surrounding area is characterised by a variety of dwelling types differing in appearance but predominately two storey detached properties. As such there is no dominant house type, however the design and style of the proposal is considered to generally adhere to the architectural character of the surrounding area. Furthermore, the proposed 2 storey house, positioned between two existing 2 storey houses, would not appear out of character in the street scene.

The roof ridge height of 8.7 metres would be approximately in line with the roof ridge level of the adjacent dwelling at No.4 Walden Way and slightly above the ridge height of the neighbouring two storey house at No.8 Wykeham Avenue. Consequently Officers are of the view that the increased height of the proposed dwelling on the plot would sit relatively comfortably within the streetscene arrangement.

The proposed dwelling would retain the front building line of the existing house but would have a greater depth. To accommodate this the roof would incorporate a crown design in the central section. It is considered that this feature would create a more significant bulk to the proposed dwelling particularly from views from the south looking over the roof line of the house at No.8 Wykeham Avenue. However, examples of similar crown roof designs have been applied at other dwellings within the vicinity, most notably at No.s 14 & 24 Walden Way as well as the more substantial apartment blocks at Emerson House and Bataleur Court on Butts Green Road. It is therefore considered that the acceptability of this roof type has been previously established in this area.

On balance and taking into account the existing residential development within the vicinity, it is not considered that the proposed development would unduly harm the appearance of the streetscene and would serve to maintain the character of the area in accordance with Policy DC61.

## **IMPACT ON AMENITY**

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.

The main consideration in terms of neighbouring residential amenity relates to the impact on privacy, daylight and outlook of the adjacent properties at No.8 Wykeham Avenue and No.4 Walden Way located to the to the south and north of the application site respectively.

In comparison to the existing bungalow the proposed dwelling would project an additional 2 metres at single storey level beyond what is the existing rear building line, 1 metre from the



boundary with No.4 Walden Way. The proposal would involve the demolition of a detached rear outbuilding which currently abuts the boundary with No.4 alongside a similar single storey detached outbuilding associated with the neighbouring house. Given the positioning of the neighbouring outbuilding the majority of the single storey element of the new house would be screened from the occupants of No.4. The two storey rear sections of the proposed dwelling would give the building greater prominence than the existing bungalow, however the projection to the rear is not considered to be excessive in this instance and as such Officers are of the view that overall the scale, height and bulk of the proposed house would not result in an undue impact on the amenity of the occupants of No.4.

The neighbouring house to the south at No.8 Wykeham Avenue is located on a comparatively small triangular shaped plot with the boundaries tapering in towards the rear. This wedge-shaped layout gives the rear garden area at No.8 an inherent sense of being enclosed by the two adjoining properties, namely No.2 Walden Way and No.6 Wykeham Avenue. As a result of the off-set angle of the side boundary, the rear elevation of No.8 Wykeham Avenue is orientated so that the habitable room windows face out directly over the neighbouring application site across the angled boundary fence line. Consequently, the prominence of the new development would be intensified due to this uncommon plot shape arrangement.

Nevertheless, the loss of a view is not a material planning consideration and whilst the proposed dwelling would appear as a more prominent building from rear habitable room windows at No.8 in comparison to the existing views of the bungalow the impact in terms of over-dominance, would as a matter of judgement, be much less severe.

The rear extensions to the existing bungalow follow an angled building line which serves to stagger the rear development away from the boundary with No.8, in effect containing the built development away from the neighbouring house. The footprint of the proposed dwelling broadly adheres to this principle with the bulkier projecting two storey sections of the proposed house positioned on the opposite side of the application site to the boundary with No.8. Views of the two storey sections of the proposal from the rear habitable room windows of No.8 would therefore be at a relatively oblique angle, and the occupants of No.8 would still be afforded a view over the rear garden of the application site and beyond.

In addition, the proposed house would be sited approximately 1 metre from the boundary fence line, with the single storey garage and study elements of the building located in this more sensitive area. The proposed development would also maintain a distance of 7.7 metres at an oblique angle between the bulkier two storey elements of the new dwelling and the rear windows at No.8 Wykeham Avenue. As a result staff are of the view that despite the unusual boundary positioning and orientation of No.8, the proposed house would not result in an overtly detrimental impact on the occupants of the neighbouring house at No.8 by way of over-dominance or loss of outlook.

In terms of overshadowing and loss of daylight; the proposed dwelling would be located to the north of No.8 Wykeham Avenue and as such would not directly affect light into to the rear of the property. Any overshadowing would be as a consequence of the existing arrangements in relation to the positioning of No.8 and the side elevation of the neighbouring dwelling No.6 Wykeham Avenue and tall conifer hedgerow along its southern boundary.

It is recognised that the scale and bulk of the new house would be greater than the bungalow that presently occupies the site and that the proposal would be more visually prominent for the occupants of No.8 in particular. However, on balance and taking into consideration the overall harm to the neighbouring occupants' amenity, staff are of the view that the impact in terms of loss of outlook would not be significant enough to warrant refusal.

The proposed flank elevations would include several secondary windows at ground and first floor level. All of these windows can be conditioned to be obscure glazed to mitigate any potential privacy and overlooking issues in relation to the neighbouring houses on either side of the application site in the event that members agree with the recommendation.

## **HIGHWAY/PARKING**

Policy DC33 seeks to ensure all new developments make adequate provision for car parking. In this instance the application site is located within Public Transport Accessibility Level (PTAL) Zone 2, where a high standard of 1.5-2 parking spaces are required per dwelling.

The scheme can demonstrate off street car parking provision for in excess of 2no. vehicles to the front of the proposed dwelling using the existing vehicular access arrangements from Walden Way.

The Local Highway Authority have raised no objection to the proposed car parking arrangements, but have requested that a pedestrian visibility splay is installed at the gateway entrances, which will be secured through the inclusion of a relevant condition.

There are no details included in the proposal indicating the location for the secure storage of bicycles or for the discrete storage of refuse, although it is noted that full details of these arrangements can be reasonably obtained through the inclusion of relevant conditions.

## **SECTION 106**

The proposed development would replace an existing dwelling with one dwelling. As such under the provisions of Policy DC72 of the LDF and the Planning Obligations SPD there is no requirement for a payment to be made in respect of the infrastructure costs arising from the development.

## **KEY ISSUES/CONCLUSIONS**

Having regard to all relevant factors and material planning considerations it is considered that the the proposal is acceptable.

With regard to the siting, scale and location staff are of the view that the proposed dwelling would not be disproportionate or have a harmful impact on the character of the street scene or result in a loss of amenity to neighbouring occupiers in accordance with the provisions of policy DC61 and the Residential Extensions and Alterations SPD. However, it is acknowledged that there are some fine judgements involved and that Members could give more weight to certain factors and reach an alternative conclusion.

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

## **RECOMMENDATION**

It is recommended that **planning permission be GRANTED** subject to the 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. 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. External Materials**

No works shall take place in relation to any of the development hereby approved until samples of all materials to be used in the external construction of the building(s) are submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed with the approved materials.

Reason:-

Insufficient information has been supplied with the application to judge the appropriateness of the materials to be used. Submission of samples prior to commencement will ensure that the appearance of the proposed development will harmonise with the character of the surrounding area and comply with Policy DC61 of the Development Control Policies Development Plan Document.

**4. Hours of 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.

**5. Permitted Development Rights**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions, roof extensions or roof alterations shall take place and no outbuildings or other means of enclosures shall be erected within the rear garden areas of the dwellings shall take place unless permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

Reason:-

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

**6. Flank Windows**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no window or other opening (other than those shown on the approved plans), shall be formed in the flank wall(s) of the building(s) hereby permitted, unless specific permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

Reason:-

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

**7. Obscure Glazing**

The proposed windows in both side elevations of the dwelling (as indicated on drawing no. WW:2:JAWS:4), shall be permanently glazed with obscure glass 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.

**8. Refuse and recycling**

No building shall be occupied or use commenced until refuse and recycling facilities are provided in accordance with details which shall previously have been submitted to and approved in writing by the Local Planning Authority. The refuse and recycling facilities shall be permanently retained thereafter.

Reason:-

Insufficient information has been supplied with the application to judge how refuse and recycling will be managed on site. Submission of this detail prior to occupation in the case of new building works or prior to the use commencing in the case of changes of use will protect the amenity of occupiers of the development and also the locality generally and ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

**9. Car parking spaces**

Before the building hereby permitted is first occupied, provision shall be made within the site for 2no. car parking spaces 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.

**10. Cycle Storage**

No building shall be occupied or use commenced until cycle storage is provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The cycle storage shall be permanently retained thereafter.

Reason:-

Insufficient information has been supplied with the application to demonstrate what facilities will be available for cycle parking. Submission of this detail prior to occupation in the case of new building works or prior to the use commencing in the case of changes of use is in the interests of providing a wide range of facilities for non-motor car residents and sustainability.

**11. Visibility splay**

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

Reason:-

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

**12. Landscaping**

No works shall take place in relation to any of the development hereby approved 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:-

Insufficient information has been supplied with the application to judge the appropriateness of the hard and soft landscaping proposed. Submission of a scheme prior to commencement will ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61. It will also ensure accordance with Section 197 of the Town and Country Planning Act 1990.

**13. Construction Methodology (Pre Commencement)**

No works shall take place in relation to any of the development hereby approved until a Construction Method Statement to control the adverse impact of the development on the amenity of the public and nearby occupiers is submitted to and approved in writing

by the Local Planning Authority. 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:-

Insufficient information has been supplied with the application in relation to the proposed construction methodology. Submission of details prior to commencement will ensure that the method of construction protects residential amenity. It will also ensure that the development accords the Development Control Policies Development Plan Document Policy DC61.

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## INFORMATIVES

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

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

### 2 **Approval and CIL (enter amount)**

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 £4,000.00 (subject to indexation). CIL is payable within 60 days of commencement of development. A Liability Notice will be sent to the applicant (or anyone else who has assumed liability) shortly and you are required to notify the Council of the commencement of the development before works begin. Further details with regard to CIL are available from the Council's website.

### 3 **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.

### 4 **Thames Water informative**

With regards to surface water drainage it is the responsibility of the developer to make

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

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## OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 23RD APRIL 2015

**APPLICATION NO:** P0261.15

**WARD :** Upminster

**Date Received:** 27th February 2015

**Expiry Date:** 24th April 2015

**ADDRESS:** Lodge Cottage  
The Chase  
Upminster

**PROPOSAL:** Revised application for one dwelling incorporating demolition of existing outbuildings and hardstandings

**DRAWING NO(S):** 13.2125/E101 Rev B  
13.2125/P202 Rev B  
13.2125/P203 Rev A  
13.2125/P204 Rev A  
13.2125/M001  
13.2125/E102  
13.2125/P201 Rev C  
13.2125/M002 Rev A  
13.2125/P205 Rev A

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

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### **CALL-IN**

The application has been called-in to committee by Councillor Lawrence Webb on the grounds that that such a dwelling is needed within the borough and would not be detrimental to the area as it will sit amongst similar properties. Whilst there have been a multitude of flats built in the borough, very few large family homes are being built. The result of which is that as people wish to move up the property ladder they are often forced to move out of the borough.

### **SITE DESCRIPTION**

The application relates to land at Lodge Cottage, The Chase, Upminster. This is a rectangular strip of garden land to the south of the main house Lodge Cottage and forms part of the domestic curtilage of the property. The site is bounded by the relatively new residential development at the former Ruskins site to the south and west and by the narrow access road The Chase to the east. The site is located within the northern section of the Cranham Conservation Area and in the Metropolitan Green Belt. The surrounding area is characterised by spacious low density residential development set alongside rural fringe agricultural land.

### **DESCRIPTION OF PROPOSAL**

The application is seeking planning permission for the erection of 1no. two storey detached dwelling with four bedrooms including living accommodation in the roof space.

This application follows the refusal of planning application P0902.14 in August 2014 for the erection of 1 no. detached dwelling. The refusal reasons related to inappropriate development in the Green Belt, the bulk and size of the proposed dwellings resulting in a visually intrusive form of development detrimental to the open character of the Green Belt, as well as harmful to the character of the Cranham Conservation Area.

As with the previous scheme the existing plot will be subdivided creating a new vehicular access



onto The Chase to serve the new house. As part of the proposal the existing driveway access for the donor house off St. Mary's Lane would be relocated closer to the rear of Lodge Cottage, with the driveway, hardstanding and garden area reconfigured.

The proposed house would be positioned in a similar arrangement to the previously refused scheme with the new dwelling facing towards The Chase and situated to the south of the site approximately 7 metres from the boundary with Magnolia House and some 5 metres from the boundary of the donor property Lodge Cottage to the north. The proposed dwelling would have a footprint of around 108 square metres measuring 14 metres in width and 10.7 metres in depth. The dwelling will incorporate a traditional appearance with a hipped roof design and a ridge height of approximately 9 metres. The front roof elevation would include 2no. pitched roof dormers.

Aside from the removal of a two storey front projecting section, the proposed dwelling would be of a similar height, depth, width and general design and appearance to the proposal refused under application P0902.14.

Internally the house will consist of a lounge, family room, kitchen/ dining room and hall at ground floor level with 3no. bedrooms, a study, a bathroom and en-suite at first floor level and an additional bedroom in the roof space.

The plot will be laid out with approximately 700 square metres of private garden at the side and rear and with a spacious garden, parking area and driveway to the front providing off-street car parking spaces for in excess of two vehicles.

It should be noted that another earlier planning application P0617.12 was refused at the site in July 2012 for the erection of 2 no. detached dwellings in a similar backland garden development. Reasons for refusal related to inappropriate development in the Green Belt, the bulk and size of the proposed dwellings resulting in a visually intrusive form of development detrimental to the open character of the Green Belt, as well as harmful to the character of the Cranham Conservation Area. The subsequent appeal was dismissed by the Planning Inspectorate citing reasons of inappropriate development in the Green Belt, harm to the character and appearance of the openness of the Green Belt and Conservation Area with no demonstrable very special circumstances.

## **RELEVANT HISTORY**

- |   |  |            |
|---|--|------------|
| P0902.14 - 1no. detached dwelling   |  |            |
| Refuse  |  | 18-08-2014 |
| P0617.12 - Erection of 2 no. detached dwellings with associates parking within curtilage of Lodge Cottage |  |            |
| Refuse  |  | 18-07-2012 |
| P1904.07 - Outline application for 3 No. dwellings  |  |            |
| Refuse  |  | 15-01-2008 |
| P1146.00 - Demolition of existing structure and rebuilding a new garage with dormer windows               |  |            |
| Apprv with cons   |  | 05-01-2001 |

## **CONSULTATIONS/REPRESENTATIONS**

Notification letters were sent to 18 properties and a site notice was displayed. 1 letter of objection has been received as a result of the consultation and the comments can be

summarised as follows:

- Approximately 6 months ago the applicant removed most of the trees along the southern boundary of the site. If natural screening was planted to replace what was there before to create an element of privacy between the two properties the objection to the proposal would no longer stand.

In response to the matters raised above, Staff have not sought to explore the possibility of replanting the trees along the southern boundary, due to the wider concerns in relation to the principle of the proposed development and the impact on the openness of the Green Belt.

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

Essex and Suffolk Water - no objection.

London Fire and Emergency Planning Authority - no objection.

Environmental Health - no objection, recommended conditions relating to land contamination are included in any decision notice.

Local Highway Authority - no objection.

## **RELEVANT POLICIES**

### LDF

CP1 - Housing Supply  
CP14 - Green Belt  
CP17 - Design  
CP18 - Heritage  
DC2 - Housing Mix and Density  
DC3 - Housing Design and Layout  
DC33 - Car Parking  
DC45 - Appropriate Development in the Green Belt  
DC61 - Urban Design  
DC68 - Conservation Areas  
SPD11 - Planning Obligation SPD  
SPD2 - Heritage SPD  
SPD9 - Residential Design SPD

### OTHER

LONDON PLAN - 3.3 - Increasing housing supply  
LONDON PLAN - 3.8 - Housing choice  
LONDON PLAN - 7.16 - Green Belt  
LONDON PLAN - 7.8 - Heritage assets and archaeology  
LONDON PLAN - 8.3 - Community infrastructure Levy  
NPPF - National Planning Policy Framework

## **MAYORAL CIL IMPLICATIONS**

The proposed development will create 1 no. new residential unit with 199.83 square metres of new gross internal floorspace. Therefore the proposal is liable for Mayoral CIL and will incur a charge of £3996.6 based on the calculation of £20.00 per square metre, subject to indexation.

## **STAFF COMMENTS**

The main considerations relate to the the principle of development, its impact on the Metropolitan Green Belt as well as the Cranham Conservation Area, the implications for the residential amenity of future occupants and of the neighbouring houses and the suitability of the proposed parking and access arrangements.

## **PRINCIPLE OF DEVELOPMENT**

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.

The proposed development does not fall within the categories of development which are allowed in the Green Belt and is therefore considered to be inappropriate development. Inappropriate development can only be justified where the in principle inappropriateness, together with any other harm, is clearly outweighed by very special circumstances. Prior to determining whether any such circumstances exist, an assessment of whether any other harm arises is given below.

## **GREEN BELT IMPLICATIONS**

Policy Dc45 of the LDF provides that permission for new buildings will only be given for specified forms of development. The proposal is not for any of the forms of development specified as being acceptable in principle. The proposal is therefore contrary to the provisions of Policy DC45 of the LDF.

The NPPF attaches great weight to Green Belts in preventing urban sprawl by keeping land permanently open. Policy DC45 states that planning permission for development in the Green Belt will only be granted if it is for purposes including agriculture and forestry, outdoor recreation, nature conservation, cemeteries and minerals extraction.

The application site is formed of a relatively flat and open area of lawned garden and as such the proposed new detached dwelling would form a prominent and dominant feature in terms of its visual appearance within this setting. In contrast to the previously refused schemes, much of the relatively mature trees around the boundaries, which afforded a degree of screening have now been removed resulting in an even more open site - especially in terms of views from St. Mary's Lane and The Chase.

Even with the slightly reduced bulk and massing in comparison to the house refused under application P0902.14 (achieved through the deletion of the two storey front section), the proposed dwelling would still be of such a height and width that it would be clearly visible within the surrounding streetscenes and would result in harm to the openness of the site and the Green Belt. As with the previously refused scheme the proposed house would therefore inevitably result in a visually intrusive form of development, which is detrimental to the open character of the Green Belt.

It is acknowledged that the proposal would involve the demolition of a single storey outbuilding adjacent to Lodge Cottage as well as two smaller outbuildings in the south east corner of the site adjacent to the boundary with The Chase in an attempt to offset the amount of built development within the immediate vicinity. Nevertheless, it is considered that this measure would do little to mitigate the overall harm that would result by reason of the additional bulk and massing of the proposed detached house and its degree of visual prominence.

The proposed development would also materially intensify the overall usage of the site and result in further urban sprawl within the Green Belt. The new dwelling and associated hardstanding areas would replace the previously open land (albeit in garden use) and would be contrary to the aims of the NPPF. It is considered that the provision of a new dwellings with associated hardstanding would have a significant additional impact on the openness of the Green Belt, and would materially intensify activity on the site such as to prejudice the LDF's wider Green Belt aspirations.

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

Given the nature of the proposed development, it is considered that the proposal would constitute inappropriate development in the Green Belt.

In the supporting statement the following points have been raised as very special circumstances to justify this development within the Green Belt:

- There has been a significant change in the character of the area and the proposed site is now able to be developed as the setting and surroundings have been materially changed following the recent construction of 3no. substantial dwellings and associated parking on the adjacent site under planning permission P1401.11. This has opened up an envelope of development at the north of The Chase.
- The size of the development will be no greater in comparison to the adjacent dwellings.
- The application site is in a sustainable location and would provide a high quality family home close to a plethora of services and amenities, including public transport and local schools.

In response to the above it should be noted that the development of 3no. dwellings on the adjacent land was granted planning permission due to the demonstration of very special circumstances which related specifically to the application site and on balance justified the development. This development existed when the previous application was refused last year and was not judged to constitute the very special circumstances necessary to outweigh the harm arising from the proposed development.

Part of the case made for very special circumstances involved the removal of a commercial building and associated hardstanding which resulted in the reduction in volume of development and hardstanding at the site and the gain of a large area of landscaped Green Belt land.

The current application involves a gain in overall footprint and volume of development at the site. The special circumstances put forward do not outweigh concerns or justify the unacceptable impact on the openness of the Green Belt. As a result it is not considered that very special circumstances can be demonstrated in this instance and the proposal is therefore contrary to the provisions of the NPPF.

## **CONSERVATION AREA**

Lodge Cottage is a two storey, Victorian property which is situated on the corner of St Mary's Lane and The Chase and is included within the Cranham Conservation Area. It is considered that the property makes a positive contribution to the character and appearance of the

conservation area, although plain walling and palisade fencing along the northern boundary have diminished this to some extent.

Cranham Conservation Area was one of the first designated within Havering in 1968, and is unique in the borough, as a collection of historic buildings centring on The Chase, which retains its isolation in relation to the surrounding suburban development. The relationship of open landscape with an agricultural character, with the historic buildings and mature trees was a key characteristic of the area which was specified within the designation report. It could be considered that the 18th and 19th century buildings on The Chase are akin to a hamlet within open farmland.

The previous proposal under P1401.11 was considered unacceptable in principle, as the subdivision of a plot of this size would result in a dense cluster of properties located at the junction of St Mary's Lane and The Chase. This was considered to be out of keeping with the nature and character of the Conservation Area. The reduction in the number of proposed dwellings from two to one has addressed this issue to a certain degree. However, it is still considered that the proposal will result in an element of backland infilling resulting in a higher density of dwellings within the setting and a greater clustering of development around this section of the Conservation Area.

Whilst it is acknowledged that the new properties have been built at the adjacent former Ruskins site to the west and south, the proposed development will significantly reduce a currently open and spacious area which provides a sense of spaciousness around the detached buildings and contributes positively to the special character of the Conservation Area. Consequently it is considered that the scale of the proposed dwelling would be overly dominant within this setting and unsympathetic to the character and appearance of the Conservation Area.

The basis of approval for the former Ruskin's site scheme was for the enhancement of the conservation area as previously there was a large metal clad industrial building placed centrally on the site. This was considered to detract from the Conservation Area as it was a visually intrusive element within the landscape, with no architectural merit. As such, the three, high quality detached buildings in spacious plots were considered a positive enhancement to the area, as the industrial building had been removed, and a large proportion of the site was returned to meadow land, restoring the agricultural character of the area to the majority of the site.

However, the current application proposes an additional detached property within the curtilage of an existing house. The intensification of the plot is considered anomalous whereby the open, rural character will be diminished and the proposed urban grain would be altered in this part of the conservation area from the characteristic detached dwelling in substantial plots with mature planting and trees, to a grain that is more comparable with the suburban development which borders the conservation area.

The additional house is also considered to detract from the setting of the Lodge Cottage as a heritage asset, and therefore would not preserve or enhance the character of the existing property within the conservation area.

As such it is considered that the proposed development would fail to preserve or enhance the character and appearance of the Cranham Conservation Area and would be contrary to Policy DC68 and the Heritage SPD.

## **DENSITY/SITE LAYOUT**

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.

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. The minimum space standards for four-bedroom three storey houses (in this instance taking into account the additional bedroom in the roofspace) is set 106 square metres and 113 square metres respectively depending on the number of occupants. Nevertheless, the proposed dwelling would provide approximately 200 square metres of internal floorspace which is considered to be more than generous in terms of the minimum requirements for day to day living.

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. In accordance with this requirement an area of approximately 700 square metres will be provided to the rear of the proposed dwelling offering a very generous provision of private garden space.

In terms of its footprint and siting within the plot the proposal demonstrates suitable front and rear amenity space for a four-bedroom dwelling and can comfortably include provision for off street car parking.

## **IMPACT ON AMENITY**

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.

The main consideration in terms of residential amenity relates to the impact on privacy, daylight and outlook to the occupants of Magnolia House, The Chase and Woodside House, St Mary's Lane, located to the south and west of the development site respectively. Consideration should also be given to the impact on the residential amenity of the donor property at Lodge Cottage to the north.

The proposed dwelling will be located some 7 metres from the boundary with Magnolia House, maintaining a distance of approximately 13 metres between the dwellings. In terms of the impact on Woodside House to the west, the distance would be even greater with approximately 35 metres of spacing between the rear elevation of the proposed dwelling and the side elevation of Woodside House. The relationship between the proposed dwelling and neighbouring houses is considered to be acceptable in terms of residential amenity as sufficient distances would be maintained to limit overlooking and/or privacy loss and dominance or overshadowing.

Given the orientation and positioning of the existing property at Lodge Cottage, views from windows to the front and rear would not directly overlook the proposed development site and it is not considered that the proposed house would unduly impact on the outlook and privacy of the donor dwelling.

## **HIGHWAY/PARKING**

Policy DC2 requires residential development in this location to have a high provision 2-1.5 spaces per dwelling. The proposal can easily demonstrate provision for 2no. off street car parking spaces within an area to the front of the proposed dwelling.

A new vehicle access onto The Chase and a driveway will be created to the east of the site. As part of the proposal the existing driveway access for the donor house off St. Mary's Lane would be relocated closer to the rear of Lodge Cottage, with the driveway, hardstanding and garden area reconfigured.

The Highway Authority has raised no objection and the proposal is considered acceptable in terms of parking and impact on the highway.

There are no details included in the proposal indicating the location for the secure storage of bicycles or household refuse, although it is noted that these facilities could be reasonably secured through the inclusion of conditions.

## **SECTION 106**

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".

The proposal is liable to a contribution of £6,000 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.

As the scheme is recommended for refusal, the lack of ability to secure this contribution is given as a separate refusal reason.

## **KEY ISSUES/CONCLUSIONS**

The application proposes inappropriate development in the Green Belt, which it is considered would also be detrimental to the open character of the Green Belt, as well as harmful to the character of the Cranham Conservation Area. The applicant has not demonstrated very special circumstances to overcome the harm by reason of inappropriateness and any other harm, as required by the guidance contained in the NPPF.

The development is considered to be contrary to the NPPF and the provisions of Policies CP14, DC45, DC61, and DC68 of the LDF. Therefore it is recommended that planning permission is refused.

## RECOMMENDATION

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

**1. REFGB (Standard Green Belt reason for refusal)**

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 development is inappropriate in principle in the Green Belt and no very special circumstances have been submitted in this case to outweigh the harm caused by reason of inappropriateness and visual harm to the character and openness of the Green Belt. The proposal is therefore contrary to Policy DC45 of the LDF Core Strategy and Development Control Policies Development Plan Document, as well as the National Planning Policy Framework.

**2. Refusal non standard Condition**

The proposed development, by reason of the bulk and size of the proposed dwelling, would result in a visually intrusive form of development, which is detrimental to the open character of the Green Belt at this point, as well as harmful to the character of the Cranham Conservation Area. The proposal is therefore contrary to Policies DC45 and DC68 of the LDF Core Strategy and Development Control Policies Development Plan Document, as well as the provisions of the National Planning Policy Framework.

**3. Refusal non standard condition**

In the absence of a mechanism to secure a planning obligation towards the infrastructure costs of new development the proposal is contrary to the provisions of the Havering Planning Obligations Supplementary Planning Document.

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**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.

**2 Refusal and CIL (enter amount)**

The proposal, if granted planning permission on appeal, would be liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be £3996.60. Further details with regard to CIL are available from the Council's website.

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## OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 23rd April 2015

APPLICATION NO. P1120.14  
WARD: Romford Town  
Date Received: 21st August 2014  
Expiry Date: 16th October 2014

ADDRESS: The Brewery Shopping Centre  
Romford

PROPOSAL: Demolition of existing retail pavilion, Erection of two-storey drive-through restaurant (688sqm) in use classes A3 and A5, Erection of a stand-alone, single storey commercial building to provide 107sqm in Use Class A1 and/or A2 and/or A3, Erection of welfare building for use by bus drivers (33sqm), Erection of a stand-alone refuse and recycling storage building (15sqm) and rearrangement and reprovision of bus interchange.

DRAWING NO(S): 050\_04\_revK - Site Plan Proposed  
050\_11\_McDonalds\_revB GF Plan  
050\_12\_McDonalds\_revA FF Plan  
050\_13\_McDonalds Roof Plan  
050\_14\_McDonalds Sections  
050\_15\_McDonalds Elevations  
050\_16\_McDonalds Elevations  
050\_05\_Retail unit\_revB GF Plan Retail unit  
050\_06\_Retail unit roof plan  
050\_07\_Retial unit Sections  
050\_08\_Retail unit elevations  
050\_23\_BusDrive revD GF & Roof Plan  
050\_21\_\_Refuse Sections  
050\_25\_Bus dirver's facility revB Section  
050\_24\_Bus drivers' facility\_revC Elevations  
050\_20\_\_Refuse Elevations  
050\_19-Refus\_revA GF & Roof Plan

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

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### CALL-IN

The application has been called-in by Councillor Frederick Thompson for the following reasons:

- \*Additional traffic and noise due to 24 hour opening would impact on Waterloo Road residents, especially from unnecessarily loud music;
- \*Additional littering in bus area at night;
- \*Light pollution from illuminated signs;
- \*Extra congestion during daylight hours on roundabout blocking A118.
- \*Delivery vehicles may also lead to queues due to difficulties in accessing site.
- \*Could encourage dangerous traffic movements connected with bus egress.

### SITE DESCRIPTION

The application site lies on the western edge of the Brewery development adjacent to Waterloo Road. It comprises an existing single storey building that accommodates an A1 unit formerly occupied by Carphone

Warehouse and a bus drivers welfare facility and a bus interchange for the Brewery development. To the north of the site is the Sainsbury petrol station and to the south is the main exit for the Brewery onto Waterloo Road. Access to both the bus facility and retail unit is currently from the roundabout at the north east end of the Brewery site adjacent to the High Street. To the east of the site is the main ground level car parking for the Brewery. The site area is 0.41 hectares.

To the west of the site beyond Waterloo Road are several blocks of flats and a car sales/dealership use on the roundabout. There is a boundary fence and an established tree screen along the edge of Waterloo Road between the highway and the flats.

## **DESCRIPTION OF PROPOSAL**

The proposed development comprises:

- \* Demolition of the existing retail unit and drivers' welfare facility;
- \* Construction of two storey restaurant/takeaway with drive-through facility;
- \* Construction of new bus drivers' welfare building;
- \* Construction of new single storey unit for flexible A1, A2 or A3 use;
- \* Reconfiguration of bus stop layout, including new access from Waterloo Road.

The new two-storey restaurant would be occupied by McDonalds and comprise a mix of A3 and A5 use. The restaurant would have a gross internal floor area of 635sqm and accommodate up to 155 diners. There would be a dedicated service bay for the building. The building would include storage, food preparation and welfare areas. The new restaurant would replace the existing unit within the Brewery centre, currently above Sainsburys. It is proposed that the restaurant, including 'drive-thru' would be open on a 24 hour basis. There would be external seating areas for the restaurant.

A flexible permission is being sought for the single storey unit for A1 (Retail), A2 (Professional Services) or A3 (Restaurant) use. The unit would have a gross internal area of 96sqm. Opening for a restaurant use would be 07:00 to 00:00.

The bus driver facility would be a stand alone single storey building with toilet and kitchen facilities. It would have a gross internal area of 26sqm. The design and internal layout has been agreed with Transport for London which operates the bus interchange. There would also be a stand-alone refuse and recycling building.

The bus interchange would be reconfigured with a new access directly from Waterloo Road and with the exit as existing. The interchange would incorporate passenger shelters, timetables and space for a maintenance vehicle. The new access would necessitate the removal of a number of existing trees and part of the existing wall. Access to the 'drive-thru' would be via the existing internal roadway from the main entrance roundabout. Drivers collecting food would then exit onto the traffic light controlled exit onto Waterloo Road or into the main parking area.

## **RELEVANT HISTORY**

P0283.12 - The erection of a retail pavilion building for use within Classes A1, A2 or A3 - approved 30-04-2012

P0196.09 - The erection of 3 no. retail pavilion buildings for uses within Classes A1, A2 or A3 - Unit 1 and unit 3 to include external seating area - approved 03-09-2009

P0428.14 - Erection of a stand-alone commercial building to provide two separate units comprising 116m<sup>2</sup> (GIA) in Use Class A1 and/or A2 and/or A3; and 163m<sup>2</sup> (GIA) in Use Class A1 and/or A2 and/or A3

- Apprv with cons 20-05-2014
- P0924.07 - Erection of three retail pavilions for use within classes A1, A2 and A3  
Apprv with cons 05-07-2007
- P1177.00 - Construction of bus terminus and petrol filling station. (Reserved matters application pursuant to Outline application ref:P1207.97)  
Apprv with cons 28-03-2001
- P1694.99 - Construction of retail development (Class A1), food and drink units (Class A3) and commercial development (Class B1), together with access and service areas, plus variation of conditions Nos. 1 and 43 of planning permission P1207.97  
Apprv with cons 16-03-2000
- P1099.99 - Construction of hypermarket & retail development (Class A1), multiplex cinema development, other leisure uses (Class D2), food & drink units (Class A3), commercial development (Class B1), & community facilities, together with car parking, landscaping & access. (Reserved matters application pursuant to Outline application ref:P1207.97)  
Apprv with cons 17-10-1999

## CONSULTATIONS / REPRESENTATIONS

194 neighbours were notified of the application. Eight representations have been received seven from residents that live and work within the Borough and one who lives close to the site. The following issues area raised:

- \* A 'drive-thru' would increase air pollution in the area where Nitrous Oxide levels are already high. Havering is an Air Quality Management Area due to existing high pollution levels arising mainly from road traffic;
- \* Noise levels from idling engines would be unacceptable to nearby residents;
- \* Trees would be removed further impacting on air quality;
- \* Would increase traffic congestion which would impact on buses using the site;
- \* Nearby residents did not receive notification letters;
- \* Not need for a further McDonalds;
- \* Customers would park in local streets to consume food as Brewery car park is pay and display;
- \* Litter issues;
- \* Would set a precedent for further 'drive-thrus' in Romford;
- \* Existing passing trade from customers using the existing McDonalds which is within the main shopping centre would be lost - linked trips less likely;
- \* Too much new development being squeezed onto the Brewery site.

In addition the applicant has undertaken pre-application publicity on the proposals which resulted in six responses. No significant objections were raised.

Public Protection - Odour nuisance from food preparation is highly likely, but no objections are raised subject to conditions to address odour control, construction and demolition works hours and noise controls of extraction equipment and land contamination condition. There would be some impact on air quality condition but not sufficient to materially increase existing pollution levels.

Streetcare - no objections following layout revisions.

Thames Water - recommends that fat traps are installed. No objections regarding sewerage infrastructure.

Environment Agency - The site is within Flood Zone 1 and under one hectare and is therefore subject to

standing advice. Surface water run-off should be managed in accordance with the London Plan.

Essex and Suffolk Water - no objections

Metropolitan Police - Designing Out Crime Officer - The creation of a new restaurant would be likely to extend westwards the area of Romford that has to have a significant police presence during busy evening and night time periods. This would put an additional strain on police resources and a condition limiting opening, other than the 'drive-thru', to 23:00 recommended. Further conditions recommended to cover fencing, lighting, CCTV and cycle storage.

London Fire Brigade - Satisfied with the proposals. Recommends that sprinkler systems are installed.

## **RELEVANT POLICIES**

### LDF

CP15 -	Environmental Management
CP4 -	Town Centres
DC15 -	Retail and Service Development
DC33 -	Car Parking
DC48 -	Flood Risk
DC55 -	Noise
DC61 -	Urban Design
DC63 -	Delivering Safer Places
ROM10 -	Retail Core
ROM12 -	The Brewery
SPD8 -	Protection of Trees During Development 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 - 6.5 -	Funding Crossrail and other strategically important transport
LONDON PLAN - 7.3 -	Designing out crime
LONDON PLAN - 8.3 -	Community infrastructure Levy
NPPF -	National Planning Policy Framework

## **MAYORAL CIL IMPLICATIONS**

The application site lies within an area where both CIL and the Crossrail planning obligation would apply. The chargeable rate for retail development (A1) for the Crossrail obligation is £16 per sqm of gross internal floorspace. The charge under CIL is £20 per sqm. The guidance in the 'Use of planning obligations in the funding of Crossrail, and the Mayoral Community Infrastructure Levy SPG' is that where the amount payable in the planning obligations policy is equal to or less than the CIL payment, then only the CIL is payable. In this case the CIL payment would be higher especially as there may not be any retail use, so only this figure is payable. The net amount of new floorspace would be 385sqm giving a CIL liability of £7,700.

## **STAFF COMMENTS**

The principle of developing further units outside of the main shopping centre of the Brewery was established when planning permission was granted for five units on appeal in 2005, although these were proposed close to the main retail area. Planning permission was subsequently granted for three units in 2007 and 2009 and for a single unit in 2014. Three of these units have been constructed, but unlike the current application are close to the main shopping centre. The current application site is well removed from the main shopping area, being on the west side of the main ground level car park. Policy ROM9 of the Romford Area Action Plan seeks to promote and enhance Romford as a metropolitan centre by the intensification of uses within the existing parts of the town centre, including the Brewery. Policy ROM12 recognises the opportunities for the redevelopment/intensification of retail and other uses of the Brewery site.

The National planning policy Framework (NPPF) supports the principle of promoting town centres to support their viability and vitality and to provide customer choice. The proposed development would accord with this guidance and LDF policies ROM9 and ROM12 and can be considered acceptable in principle.

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

The proposed restaurant/takeaway building would be larger than the existing building but would be of a similar design and materials to the pavilion buildings erected on the edge of the main shopping centre on the other side of the car park. This building would be clad with metal sheeting natural stone panels and timber panels, similar to the existing Costa Coffee building. There would also be significant glazed areas. The building would have a flat roof of a similar height to the canopy of the adjoining petrol filling station. The two other buildings would be single storey with metal and timber panelling. The retail unit would also have significant glazed areas. All three of the buildings proposed are based on similar design principles and palette of materials. The external surfaces would also be subject to some corporate branding.

### **IMPACT ON AMENITY**

The nearest residential properties to the site are the flats on the west side of Waterloo Road and residents on the upper floors would have some views of the site, notwithstanding the substantial tree screen along Waterloo Road. There are also flats on the north side of the Brewery development that are further away. In visual terms there would not be a significant impact as the new buildings would replace existing ones and be seen as part of the wider Brewery development. There main potential impacts would be from noise and pollution particularly during the night and early morning as a result of the 24-hour opening of the the McDonalds. During this period the remainder of the Brewery would not be open and there would be much less traffic on Waterloo Road.

A noise assessment has been submitted with the application which demonstrates that the predicted traffic flows during the sensitive night-time period would not have a significant noise impact. The predicted noise levels from plant within the building and from customer's cars at the facade of the nearest flats would be below background levels and not have a significant adverse impact as a result. Noise from customers leaving the restaurant would again not be significant at the nearest residential properties. The main noise impact would be as a result of the 'drive-thru' facility arising from the queueing traffic and the peaks would be on Fridays and Saturdays. Between 01:00 and 06:00 the predicted hourly forecast would peak at 27 cars between 01:00 and 2:00, being less than 16 an hour between 02:00 and 06:00. Staff consider that at this level of usage there would be no significant impact on residential amenity.

As a comparison the other two McDonalds with restaurant and 'drive thru' in Havering are at Straight Road and Bryant Avenue. The former is open 6:30 to 23:30 and the latter for 24 hours, seven days a week, but only on a temporary basis to 27th August 2015 so that the impact on residential properties nearby can be

monitored. However, the 'drive-thru' element can operate 24 hours on Fridays and Saturdays and the restaurant to 04:00 under earlier permissions. Both these restaurants are much closer to residential properties than the current proposals.

The ring road in Romford has high levels of airborne pollution as a result of vehicular traffic and is particularly marked in Waterloo Road where there are high buildings on either side. The area around the application site is generally more open and pollutants are more likely to more readily disperse. However, the existing wall and planting does have some beneficial effect in limiting emissions from the bus interchange. The introduction of additional traffic and the removal of existing barriers has the potential to increase the amount of vehicles related pollution in the locality. There would be the potential for a greater impact at night when background levels would be low given reduced traffic flows on Waterloo Road. There would be some car trips during the day that would be linked with visits to other parts of the Brewery and not result in any increase. The existing McDonalds in the Brewery would close and existing customers are likely to use the new restaurant. The greatest impact is likely to arise from the 'drive-thru' which is anticipated to account for about 60% of the trade. However, the overall increase and its impact on air quality is not considered to be significant.

The removal of the existing wall screening the bus interchange would have some limited impact on air quality, but given the current maximum of six buses per hour during the day and none late at night or early morning the impact would again not be significant. Overall whilst the development would have some adverse impact on air quality in the area the increase is not judged to be significant given the very high levels already experienced.

#### **HIGHWAY / PARKING**

The proposal does not involve the loss of any existing parking within the Brewery site and there is adequate parking for customers of the two new units within the main car park. Drive-thru customers would normally not require any on site parking. The revised layout would not materially affect existing circulation routes and there are no objections from the highway authority (Streetcare).

#### **OTHER ISSUES**

The proposal is for 24 hour opening of both the restaurant and 'drive-thru' and this raises issues of community safety. The new units are within part of the Brewery development where there is little nighttime activity apart from the cinema which shuts at 02:00 Wednesday - Sunday and the bowling venue which shuts at 11:30 weekdays and Sunday and 00:00 on Saturdays. Other units close much earlier, including restaurants which are generally shut by 23:00. The Metropolitan Police Designing Out Crime Officer considers that there are community safety issues and recommends that the restaurant is closed by 23:00, although there are no objections to the 'drive-thru' being open 24 hours. The existing McDonalds in South Street is open until 04:00 on Fridays and Saturdays. The site is relatively remote from the main nighttime activities in Romford especially in South Street where there is a McDonalds already. This is likely to continue to attract much of the night-time business for those going to pubs and clubs in the centre given the opening until 04:00. In these circumstances staff consider as a matter of judgment that 24 hour opening would be acceptable. However, should members consider that extended opening would be likely to result in anti-social behaviour then shorter hours could be imposed via condition.

#### **KEY ISSUES / CONCLUSIONS**

The proposal for the redevelopment of the site is considered acceptable in principle in accordance with

policies ROM9 and ROM12 of the Local Development Framework and the guidance in the NPPF. The main consideration is whether the intensification of the use of this part of the Brewery development over a 24 hour period would have a material impact on residential amenity and on the visual amenities of the site. The new buildings follow similar design principles to other recent development within the Brewery car park area and are considered acceptable. Whilst there would be an increase in noise levels during the nighttime period this would fall within acceptable limits and would not materially impact on residential amenity. With regard to air quality whilst there would be some impact overall it would not be significant enough to justify an objection. Overall the proposed development is judged to be acceptable 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. 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. SC11 (Landscaping) (Pre Commencement Condition)

No works shall take place in relation to any of the development hereby approved 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:-

Insufficient information has been supplied with the application to judge the appropriateness of the hard and soft landscaping proposed. Submission of a scheme prior to commencement will ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61. It will also ensure accord with Section 197 of the Town and Country Planning Act 1990.

### 4. SC65 (Contaminated land condition No. 2) (Pre Commencement)

Prior to the commencement of any works pursuant to this permission the developer shall submit for the written approval of the Local Planning Authority:

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

assessment of risk to identified receptors.

b) A Phase III (Risk Management Strategy) Report if the Phase II Report confirms the presence of a significant pollutant linkage requiring remediation. The report will comprise two parts:

Part A - Remediation Scheme which will be fully implemented before 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.

C) If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals, then revised contamination proposals shall be submitted to the LPA; and

d) If during development work, site contaminants are found in areas previously expected to be clean, then their remediation shall be carried out in line with the agreed contamination proposals.

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

Reason:-

Insufficient information has been supplied with the application to judge the risk arising from contamination. Submission of an assessment prior to commencement will ensure the safety of the occupants of the development hereby permitted and the public generally. It will also ensure that the development accords with Development Control Policies Development Plan Document Policies DC54 and DC61.

#### 5. **SC62 (Hours of construction)**

No building works, including 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, or construction related deliveries into the site shall take place other than between the hours of 08:00 to 18:00 on Monday to Friday and 08:00 to 13:00 hours on Saturdays. No construction works or construction related deliveries shall take place on Sundays, Bank or Public Holidays.

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

#### 6. **SC57 (Wheel washing) (Pre Commencement)**

No works shall take place in relation to any of the development hereby approved until wheel scrubbing/wash down facilities to prevent mud being deposited onto the public highway during construction works is provided on site in accordance with details previously 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.

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:-

Insufficient information has been supplied with the application in relation to wheel washing facilities. Submission of details prior to commencement will ensure that the facilities provided 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. It will also ensure that the development accords with the Development Control Policies Development Plan Document Policies DC32 and DC61.

#### **7. SC63 (Construction Methodology) (Pre Commencement)**

No works shall take place in relation to any of the development hereby approved until a Construction Method Statement to control the adverse impact of the development on the amenity of the public and nearby occupiers is submitted to and approved in writing by the Local Planning Authority. 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:-

Insufficient information has been supplied with the application in relation to the proposed construction methodology. Submission of details prior to commencement will ensure that the method of construction protects residential amenity. It will also ensure that the development accords the Development Control Policies Development Plan Document Policy DC61.

#### **8. SC59 (Cycle Storage)**

No building shall be occupied or use commenced until cycle stands have been provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The cycle stands shall be permanently retained thereafter.

Reason:-

Insufficient information has been supplied with the application to demonstrate what facilities will be available for cycle parking. Submission of this detail prior to occupation in the case of new building works or prior to the use commencing in the case of changes of use is in the interests of providing a wide range of facilities for non-motor car residents and sustainability.

#### **9. External seating/play areas**

No external seating or play areas relating to the A3 use of either of the units shall be provided other than in accordance with details that have previously been submitted to and agreed in writing with the local planning authority. The areas shall be defined by barriers in accordance with details that shall form part of the submitted details. The areas shall be set out in accordance with the approved details.

Reason:-

In the interests of pedestrian safety and amenity and in accordance with Policy DC61 of the Core

**10. SC13B (Boundary treatment) (Pre Commencement)**

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

Reason:

Insufficient information has been supplied with the application in relation to the proposed boundary treatment to protect the visual amenities of the development and the amenities of customers using the external seating areas. Submission of details prior to commencement will ensure that the development accords with Policies DC61 and DC63 of the LDF Development Control Policies Development Plan Document.

**11. Materials (details no samples)**

No works shall take place in relation to any of the building(s) hereby approved, until written specification of external walls and roof materials to be used in the construction of the building(s) is submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed with the approved materials.

Reason:-

Insufficient information has been supplied with the application in relation to materials to protect the visual amenities of the area. Submission of details prior to the development will ensure that the appearance of the proposed development will harmonise with the character of the surrounding area and comply with Policy DC61 of the Core Strategy and Development Control Policies Development Plan Document.

**12. Plant noise & vibration**

The development hereby permitted shall not be occupied for an A3 use until a scheme to control the transmission of noise and vibration from any mechanical ventilation, refrigeration or other equipment to be installed within the unit has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details prior to the commencement of the A3 use.

Reason:-

Insufficient information has been supplied with the application in relation to noise and vibration generated within the units. Submission of details prior to development will ensure that the amenities of adjoining and nearby occupiers are protected in accordance with Policies DC55 and DC61 of the Core Strategy and Development Control Policies Development Plan Document.

**13. Noise limits**

The development hereby permitted shall not be occupied for an A3 use or an A3 use commenced until a scheme for new plant or machinery to be installed in the units has been submitted to and approved in writing by the Local Planning Authority to achieve the following noise 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. Plant and machinery shall be maintained thereafter in accordance with the approved scheme.

Reason:-

Insufficient information has been supplied with the application in relation to noise generated within the units. Submission of details prior to development will ensure that nuisance to adjoining properties is controlled in accordance with Policies DC55 and DC61 of the Core Strategy and Development Control Policies Development Plan Document.

**14. Odour control**

Before any A3 use commences an extraction ventilation system to remove and/or disperse odours and odorous material within those units intended for A3 purposes shall be installed in accordance with a scheme that has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details to ensure that the unit is effectively sealed to prevent the passage of odours through the structure of the building to the adjoining premises. Thereafter, the equipment shall be maintained and operated in accordance with the approved scheme.

Reason:-

Insufficient information has been supplied with the application in relation to control odour generated within the units. Submission of details prior to development will ensure that the amenity of occupiers of nearby premises are protected and in order that the development accords with Policies DC61 and SC52 of the Core Strategy and Development Control Policies DPD.

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

No building shall be occupied or use commenced until refuse and recycling facilities are provided in accordance with details which shall previously have been submitted to and approved in writing by the Local Planning Authority. The refuse and recycling facilities shall be permanently retained thereafter.

Reason:-

Insufficient information has been supplied with the application to judge how refuse and recycling will be managed on site. Submission of this detail prior to occupation in the case of new building works or prior to the use commencing in the case of changes of use will protect the amenity of occupiers of the development and also the locality generally and ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

**16. Safety barriers**

Prior to the first use of any external seating or play area a protective barrier shall be erected between the area and the site internal access road in accordance with details that have been submitted to and agreed in writing by the local planning authority. The barrier shall be erected in accordance with the approved details and permanently retained thereafter.

Reason: In the interests of pedestrian and customer safety and in accordance with Policies DC34 and DC61 of the Core Strategy and Development Control Policies Development Control Document.

**17. 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 the development and retained thereafter.

Reason:-

Insufficient information has been supplied with the application in relation to lighting of the development. Submission of details prior to development will ensure that the interests of highway safety and local amenity are adequately protected. Also in order that the development accords with Policies DC32 and DC61 of the LDF Development Control Policies Development Plan Document.

**18. Highway works**

All necessary agreements, notices or licences to enable the proposed alterations to the Public Highway as part of the required by the development shall be entered into prior to the commencement of development.

Reason:-

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

**19. Road Safety Audit**

Prior to the commencement of any works to construct the bus interchange and the access from Waterloo Road, the works shall be subject to a Stage 2 Road Safety Audit as defined in HD 19/03 of the Design Manual for Road and Bridges and the reasonable recommendations of the audit incorporated into the scheme.

Reason:-

Insufficient information has been supplied with the application in relation to highway safety. Submission of details prior to development will ensure that the interests of good design and highway safety are met in accordance with policies CP10, CP17, and DC61 of the Core Strategy and

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## INFORMATIVES

### 1. Approval following revision

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

### 2. Thames Water Informative 1

Thames Water has advised that for any A3 use an appropriate fat trap should be installed. In line with best practice for the disposal of Fats, Oils and Grease, the collection of waste oil by a contractor, particularly to recycle for the production of bio diesel, is recommended. Failure to implement these recommendations may result in this and other properties suffering blocked drains, sewage flooding and pollution to local watercourses.

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

### 3. Highway Informative 2

Changes to the public highway - The Highway Authority require the Planning Authority to advise the applicant that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted considered and agreed. If a new or amended access is required (whether temporary or permanent), there may be a requirement for the diversion or protection of third party utility plant and it is recommended that early involvement with the relevant statutory undertaker takes place. 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 relevant approval process. Unauthorised work on the highway is an offence.

4. Highway legislation - The granting of planning permission does not discharge the requirements of the New Roads and Street Works Act 1991 or the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works of any nature) required during the construction of the development.

5. 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.

### 4. Approval and CIL (enter amount)

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 £7,700 (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.

## OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 23rd April 2015

**APPLICATION NO.** P1160.14  
**WARD:** Emerson Park **Date Received:** 3rd November 2014  
**Expiry Date:** 29th December 2014

**ADDRESS:** 11 Parkstone Avenue  
Hornchurch

**PROPOSAL:** Demolish existing detached house and replace with new house and new wall to the front.

**DRAWING NO(S):** PL-01  
PL-02  
PL-03  
PL-04  
PL-05  
PL-06  
PL-07  
PL-08  
PL-09

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

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### **CALL-IN**

This application has been called in to the Committee by Councillor Kelly on the grounds that the applicant has altered substantially the original rejected plan with the height being reduced considerably and the overall footprint being moved back from the neighbouring plots/road. This application is now one of judgment and the Committee is the best arena for this to be determined.

### **SITE DESCRIPTION**

The application site is located on the northern side of Parkstone Avenue on the western side of the junction with Rockchase Gardens and is in Sector 6 of the Emerson Park Policy Area. The site contains a two storey detached property with an integral double garage. The ground is relatively flat. There is a low brick wall with chain links surrounding on the western, eastern and southern boundaries demarcating the front garden of the application site. There is a brick wall, the flank wall of a neighbouring outbuilding, a 1.8m high timber paling fence and a hedge on the western boundary of the site. There is a 1.8m high timber paling fence and conifers on the northern boundary of the site. There is a 1.8m high timber paling fence and a hedge on the eastern boundary of the site. There is space for a minimum of four cars on hardstanding and a double garage.

### **DESCRIPTION OF PROPOSAL**

The application involves the demolition of the existing detached dwelling and the redevelopment of the plot with a replacement detached five bedroom house and a boundary wall to the front.

The dwelling features an integral double garage and would be set in between 2 and 4.4 metres from the western boundary and between 3.8 and 7.4 metres from the eastern boundary with Rockchase Gardens. The dwelling is of mock Georgian design and features living accommodation in the roof space with two front dormer windows and three dormer windows on the rear elevation. There is a first floor balcony on the front

and rear facades of the dwelling.

The proposed dwelling would have an overall width of 24.8m and a depth of 20.4m at its widest point and a height of 10.5m to the ridge of the roof.

The proposed front boundary wall would be brick with wrought iron railings and would have a height of 2 metres.

### **RELEVANT HISTORY**

- P0283.14 - Demolish existing detached house and erection of new house with swimming pool enclosure to the rear and boundary walls/gates.  
Withdrawn 17-06-2014
- P1495.12 - Demolish existing house and create a new six bedroom house with detached swimming pool complex and boundary walls/ gates  
Refuse 04-03-2013
- P0132.12 - Demolition of existing dwelling and construction of a replacement detached dwelling, garden outbuilding and boundary walls/gates  
Withdrawn 17-05-2012
- P0288.12 - Demolish existing detached property and replace with new detached house including new games room to the rear and new front wall.  
Withdrawn - Invalid 26-03-2012
- P0287.12 - Demolish existing detached dwelling and replace with new dwelling including rear gymnasium building and front wall.  
Withdrawn - Invalid 26-03-2012

### **CONSULTATIONS / REPRESENTATIONS**

Notifications were sent to 16 neighbouring occupiers. Two letters of representation were received with detailed concerns that have been summarised as follows:

- The west side elevation is too high and too near the neighbouring property
- concerns regarding the right to light and privacy to the neighbouring properties
- The two metre separation distance should be exceeded in this case
- The proposed dwelling would almost fill the full width of the plot to a full height of two storeys with accommodation in the roof.

The proposed dwelling would be significantly higher than the existing house and higher than the houses on either side.

- The combined width and height of the proposed dwelling would be considerable larger than the existing dwelling and the dwellings in the immediately adjoining area
- The scale and size of the proposed house would be out of character with the surrounding area
- concerns regarding trees on site.
- impact on the character and appearance of the area
- The conservatory construction is very large, high and and close to the boundary and neighbouring garden.

The Highways Authority has objected to the application because of the lack of visibility splays at the vehicle accesses. However, it is noted that this could be secured through a condition. In the event of planning permission being granted the Highways Authority also recommended a condition being attached relating to vehicle cleansing and informatives relating to changes to the public highway, highway legislation and temporary use of the public highway.

The London Fire Brigade has not raised any objections to the proposal.

English Heritage have advised that in view of the limited groundworks involved in the scheme, there is no need for archaeological intervention.

Public Protection has recommended refusal on noise grounds unless a condition is attached requiring a demolition method statement and construction management plan.

## **RELEVANT POLICIES**

### LDF

CP17 -	Design
CP2 -	Sustainable Communities
DC3 -	Housing Design and Layout
DC61 -	Urban Design
DC7 -	Lifetime Homes and Mobility Housing
SPD5 -	Emerson Park Policy Area SPD
SPD9 -	Residential Design SPD

### OTHER

LONDON PLAN - 3.5 -	Quality and design of housing developments
LONDON PLAN - 3.8 -	Housing choice
LONDON PLAN - 6.13 -	Parking
LONDON PLAN - 6.9 -	Cycling
LONDON PLAN - 7.4 -	Local character
LONDON PLAN - 7.6 -	Architecture
NPPF -	National Planning Policy Framework

## **MAYORAL CIL IMPLICATIONS**

The CIL payment is applicable as the proposal is for a replacement dwelling. The gross internal floor area of the existing dwelling is 300 square metres and this can be deducted from the gross internal floor area of the replacement dwelling. A total of 765 square metres of new floor space is proposed for the replacement dwelling. On this basis, the CIL liability equals 465 x £20 per sq.m = £9,300 (subject to indexation).

## **STAFF COMMENTS**

The main issues in this case are considered to be the principle of the development, the impact of the proposal on the character and appearance of the street scene and the area in general and the amenities of the adjoining residential occupiers and any highway and parking issues.

Planning permission was refused in 2012 for a replacement six bedroom dwelling with detached swimming pool complex and boundary walls/gates (P1495.12). The decision was subject to appeal which was subsequently dismissed.

The application was refused for the following reasons:

- The height, scale, bulk and mass of the replacement dwelling and its position close to the eastern boundary of the site, would appear incongruous, dominant and visually intrusive in the streetscene harmful

to the open and spacious character and appearance of the surrounding area contrary to the Emerson Park Policy Area SPD and Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.

- The proposed boundary treatment by reason of its length, height and design, including a combination of a brick wall, wrought iron railings and timber gates, would appear incongruous, dominant and visually intrusive in the streetscene harmful to the character of the surrounding area and the street scene contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.

- The detached swimming pool building would, by reason of its excessive height, proportions, siting and proximity to the eastern boundary of the site, appear overbearing, dominant and visually intrusive in the streetscene, particularly when viewed from Rockchase Gardens, harmful to the open and spacious character and appearance of the surrounding area contrary to the Emerson Park Policy Area SPD and Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.

The remainder of this report considers whether the current proposal addresses these reasons for refusal.

### **PRINCIPLE OF DEVELOPMENT**

The site lies outside the Metropolitan Green Belt, Employment Areas, Commercial Areas, Romford Town Centre and District and Local Centres and is, therefore, appropriate for residential development in accordance with Policy DC2 of the LDF Development Control Policies DPD. A detached dwelling currently occupies the site and the principle of residential development is therefore considered acceptable in land-use terms.

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

The application would comprise the demolition of the existing dwelling on the site. While the dwelling appears to be in a structurally sound condition, it is not of any particular architectural or historic merit and no in principle objection is therefore raised to its demolition.

The Emerson Park Policy Area Supplementary Planning Document, along with Policy DC69, sets out a number of detailed and general policy criteria to apply to all forms of residential development. Generally all new development should retain and contribute to soft landscaping, development should be compatible with local massing, spacing and architectural character, and development should be consistent with surrounding plot sizes.

A detached two and a half storey dwelling within Sector 6 of the Emerson Park Policy Area is generally supported by the Supplementary Planning Document, providing new dwellings and the resultant space between buildings is appropriate and with regard to the extent that architectural character, massing and existing landscaping are retained.

New dwellings are required to be of detached, single family, large and architecturally varied dwellings and provide a minimum plot width of 23m. In addition, new dwellings within Sector 6 of Emerson Park are required to maintain a gap of a minimum of 1m from an adjoining common party boundary at ground floor and 2m at first floor. However, these are minimum distances and in the majority of cases, these gaps are expected to be exceeded. The dwelling would be set in between 2 and 4.4 metres from the western boundary and between 3.8 and 7.4 metres from the eastern boundary, which is acceptable.

Consideration has been given to the scale and bulk of the proposed dwelling in relation to neighbouring



properties. When reviewing the merits of this application, consideration has been given as to whether the proposed dwelling would appear disproportionately large in relation to neighbouring properties. It is considered that the prevailing character of neighbouring properties in the immediate vicinity of the site in Parkstone Avenue is generally characterised by single and two storey detached dwellings, with accommodation contained largely on the ground and first floor.

The revised scheme now being considered has been reduced in width by approximately 2.5metres but has increased in depth by between 1.8m and 6m from the previous scheme (P1495.12). The height of the proposed property has been reduced from 12.1m to 10.4m.

It remains officers view that the size of the neighbouring dwellings appear to be relatively modest in comparison with the proposed replacement dwelling. It is considered that the replacement dwelling would appear significantly bulkier and closer to the eastern boundary than the existing dwelling.

It is considered that the height of the roof of the proposed replacement dwelling no longer appears excessively high and out of proportion in relation to its overall size and it would not appear visually intrusive in the streetscene.

However, despite the reduction in the width of the property officers remain of the view that the scale, bulk and mass of the replacement dwelling and its position close to the eastern boundary of the site, would appear incongruous, dominant and visually intrusive in the streetscene and would be harmful to the open and spacious character and appearance of the surrounding area contrary to the Emerson Park Policy Area SPD and Policy DC61.

The boundary wall and gates would be widely visible from the public highway and consideration must be given to the impact of the development upon the character and quality of the street scene. The proposed boundary wall and gates have been revised from the previous refused application (P1495.12). The boundary wall now comprises of a brick wall 0.86metres in height with wrought iron railings above and brick columns 2.9metres apart and two timber gates. Officers consider that the revised design offers greater visual permeability and is less dominant and visually intrusive. On balance it is considered that the boundary wall would not result in a material adverse impact on the streetscene and character of the surrounding area.

The current application does not propose an outbuilding for a swimming pool as proposed under the previous application (P1495.12). Consequently the reason for refusal relating to this element of the previous scheme has been addressed.

#### **IMPACT ON AMENITY**

It is considered that the replacement dwelling would not result in a significant loss of amenity to No. 17 Parkstone Avenue, as there would be a separation distance of approximately 19.4 metres between the flank wall of this neighbouring property and the eastern flank wall of the replacement dwelling, as they are located on opposite sides of Rockchase Gardens. In addition, there are some established trees and shrubs located on the grass verge of Rockchase Gardens, which provide some screening and would help to mitigate the impact of the proposal.

Following an internal inspection, it is noted that No. 9 Parkstone Avenue has two ground floor windows on its eastern flank. The first window (nearest the front of the dwelling) serves a shower room and is clear

glazed. The second window serves a kitchen and is a secondary light source to an open plan kitchen and dining room, which has two other windows on the rear façade of the dwelling and a door (which faces west). No. 9 Parkstone Avenue has three first floor windows on its eastern flank. The first window (nearest the front of the dwelling) serves a bedroom and is a primary light source. The second window serves an en-suite, which is obscure glazed. The third window serves a bedroom and is a primary light source. (It was noted that there is no door between the en-suite and this bedroom).

It is considered that the replacement dwelling would not result in a significant loss of amenity to No. 9 Parkstone Avenue, as it does not impede a 45 degree notional line taken from the window cill of the habitable room windows on its eastern flank. In addition, the replacement dwelling would not impede a rule of thumb notional line taken from this neighbouring property, created by a 2m set in and permissible depth of the first floor rear extension at 3m. Also, No. 9 Parkstone Avenue does not feature any habitable room windows at ground floor level, which are primary light sources. There would be a separation distance of between approximately 5.5 and 8.2 metres between the eastern flank of No. 9 Parkstone Avenue and the western flank of the proposed replacement dwelling.

It is considered that the proposal would not result in any undue overlooking or loss of privacy to No. 9 Parkstone Avenue. Conditions could be placed in respect of boundary treatments in respect of overlooking from the ground floor flank windows of the replacement dwelling. In addition, consideration has been given to the fact that the replacement dwelling would be sited a minimum of 2m from the western boundary of the site. It is noted that there are four first floor windows on the western flank of the dwelling, two of which serve bedrooms and the others serve bathrooms. The bedroom windows are secondary light sources and all four windows can be obscure glazed by condition if minded to grant planning permission.

It is Staff's view that the first floor balcony on the rear of the dwelling would not result in an unacceptable degree of overlooking of No. 9 Parkstone Avenue, it would be located towards the centre of the dwelling. In addition, the depth of the central balcony is relatively limited at 1.5 metres. It is considered that the balcony on the rear elevation to the east would not create any additional overlooking or loss of privacy over and above existing conditions as it is relatively well separated from neighbouring properties.

It is considered that dwellings opposite the site would not be adversely affected by the proposal, given the separation distance between them.

It is considered that the proposal would not result in a significant loss of amenity to dwellings to the rear of the site, as there would be a separation distance of approximately 36 metres between the rear façade of the replacement dwelling and the northern boundary of the site.

## **HIGHWAY / PARKING**

The proposed dwelling features an integral double garage and there would be space to park vehicles on hardstanding to the front. The Highways Authority has objected to the application because of the lack of visibility splays at the vehicle accesses. However, it is noted that this could be secured through a condition.

## **TREES**

There are no tree preservation orders on the site. The willow tree in the rear garden and the tree in the front garden are shown as being retained on the proposed site plan. A landscaping scheme could be secured by condition if minded to grant planning permission.

## KEY ISSUES / CONCLUSIONS

It is considered that the, scale, bulk and mass of the replacement dwelling and its position close to the eastern boundary of the site, would appear incongruous, dominant and visually intrusive in the streetscene harmful to the open and spacious character and appearance of the surrounding area contrary to the Emerson Park Policy Area SPD and Policy DC61. Accordingly, it is recommended that planning permission be refused.

## RECOMMENDATION

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

### 1. Reason for refusal

The scale, bulk and mass of the replacement dwelling and its position close to the eastern boundary of the site, would appear incongruous, dominant and visually intrusive in the streetscene harmful to the open and spacious character and appearance of the surrounding area contrary to the Emerson Park Policy Area SPD and Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.

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## INFORMATIVES

### 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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# REGULATORY SERVICES COMMITTEE

23 April 2015

# REPORT

**Subject Heading:**

P0049.15 – Moss Lane Nursery, Moss Lane, Romford - A mixed development of residential housing comprising 3 No 2 bed homes, 2 No 3 bed homes and 2 No 4 bed homes (received 22/01/15, revision received on 02/03/15)

**Ward:**

Romford Town

**Report Author and contact details:**

Suzanne Terry  
Interim Planning Manager  
[suzanne.terry@havering.gov.uk](mailto:suzanne.terry@havering.gov.uk)  
01708 433100

**Policy context:**

Local Development Framework  
The London Plan  
National Planning Policy Framework

**Financial summary:**

None

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

<b>SUMMARY</b>
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This planning application relates to the demolition of an existing bungalow and the construction of residential housing comprising 3 no. 2 bed homes, 2 no. 3 bed homes and 2 no. 4 bed homes.

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

## RECOMMENDATIONS

That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable fee is based on an internal gross floor area of 134m<sup>2</sup> (328m<sup>2</sup> minus existing floor area of 194m<sup>2</sup>) and amounts to £2,680 (subject to indexation).

That, subject to an update to be given to Members regarding the effect of Regulation 123 of the Community Infrastructure Levy Regulations 2010, in particular whether there is still a basis to justify seeking a planning obligation, and that if no such update with appropriate justification is available that the matter be deferred for consideration by members at a future meeting of the Regulatory Services Committee, 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 £42,000 to be used towards infrastructure costs in accordance with Policy DC72 of the LDF Core Strategy and Development Control Policies Development Plan 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 pay the Council's reasonable legal costs in association with the preparation of a legal agreement, prior to completion of the agreement, irrespective of whether the legal agreement is completed.
- The Developer/Owner to pay the appropriate planning obligation/s monitoring fee prior to completion of the agreement.

That 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 set out below:

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

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

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

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

3. Parking standards: Before the building(s) hereby permitted is first occupied, provision shall be made for 16 no. off-street car parking spaces (inclusive of 2 garage spaces to units 1 and 2) within the site as shown on drawing No. 05/2013/07a and thereafter this provision shall be made permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

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

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

**Reason:** Insufficient information has been supplied with the application to judge the appropriateness of the materials to be used. Submission of samples prior to commencement will ensure that the appearance of the proposed development will harmonise with the character of the surrounding area and comply with Policy DC61 of the Development Control Policies Development Plan Document.

5. Landscaping: No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping, which shall include indications of all existing trees and shrubs on the site, and details of any to be retained, together with measures for the protection in the course of development. All planting, seeding or turving comprised within the scheme, which shall include an additional tree in front of 167 Brentwood Road, 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:** Insufficient information has been supplied with the application to judge the appropriateness of the hard and soft landscaping proposed. Submission of a scheme prior to commencement will ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61. It will also ensure accordance with Section 197 of the Town and Country Planning Act 1990.

6. Standard flank wall condition: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no window or other opening (other than those shown on the submitted and approved plans,) shall be formed in the flank wall(s) of the building(s) hereby permitted, unless specific permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

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

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

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

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

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

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



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

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

**Reason:** Insufficient information has been supplied with the application in relation to the proposed construction methodology. Submission of details prior to commencement will ensure that the method of construction protects residential amenity. It will also ensure that the development accords the Development Control Policies Development Plan Document Policy DC61.

- 10. Vehicle access: The necessary agreement, notice or licence to enable the proposed alterations to the Public Highway shall be entered into prior to the commencement of development. This shall include the removal of all redundant vehicle crossings and the provision of dropped-kerb style vehicle crossings serving each parking area.

**Reason:** It is essential to ensure that all permissions are in place before commencing on site. This is to ensure the interests of the travelling public are maintained and to comply with policies of the Core Strategy and Development Control Policies, namely CP10, CP17 and DC61.

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

**Reason:** Insufficient information has been supplied with the application to judge whether the proposals meet Secured by Design standards. Submission of a full and detailed application prior to commencement is in the interest of creating safer, sustainable communities and to reflect

guidance in Policies CP17 and DC63 of the Core Strategy and Development Control Policies Development Plan Document and the NPPF.

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

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

13. Permitted Development rights: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 Article 3, Schedule 2, Part 1, Classes A, B, C, D and E which amends the Town and Country Planning (General Permitted Development) (England) Order 2015 (“the 1995 Order”) (or any order revoking and re-enacting that Order with or without modification) no extensions, roof extensions, roof alterations or outbuildings to the detached dwelling shall take place unless permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority

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

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

**Reason:** Insufficient information has been supplied with the application to judge the appropriateness of any boundary treatment. Submission of this detail prior to occupation in the case of new building works or prior to the use commencing in the case of changes of use will protect the visual amenities of the development, prevent undue overlooking of adjoining property and ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

15. 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 on

the application site thereafter and used at relevant entrances to the site throughout the duration of construction works.

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:** Insufficient information has been supplied with the application in relation to vehicle washing facilities. Submission of details prior to commencement will ensure that the facilities provided 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. It will also ensure that the development accords with the Development Control Policies Development Plan Document Policies DC32 and DC61.

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

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

17. Car Parking Management: Prior to the occupation of the first dwelling of the proposed development a car parking management scheme shall be submitted to and approved in writing by the Local Planning Authority. The car parking management scheme shall include details of:

- a) Measures to control access to parking on the site;
- b) Measures to enforce parking controls.
- c) Allocation of parking spaces.

The car parking control measures approved under this condition will be retained and managed thereafter in accordance with the car parking management scheme unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To prevent unauthorised parking on the site in the interests of highway safety and to ensure that car parking accommodation is made permanently available for residents, visitors and disabled users in accordance with Development Control Policies DPD Policy DC33.

## INFORMATIVES

### 1. Fee Informative:

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

### 2. Planning Obligations

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

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

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

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

5. The applicant is advised that if construction materials are proposed to be kept on the highway during construction works then they will need to apply for a license from the Council.
6. With regards to surface water drainage it is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.
7. In aiming to satisfy condition 11 the applicant should seek the advice of the Police Designing Out Crime Officers (DOCOs). The services of the Police DOCOs are available free of charge and can be contacted via docomailbox.ne@met.police.uk or 0208 217 3813. It is the policy of the local planning authority to consult with the DOCOs in the discharging of community safety condition(s).
8. Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: Improvements required to make the proposal acceptable were negotiated and submitted, in accordance with para 186-187 of the National Planning Policy Framework 2012.

### **Mayoral CIL**

That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable fee is based on an internal gross floor area of 134m<sup>2</sup> (328m<sup>2</sup> minus existing floor area of 194m<sup>2</sup>) and amounts to £2,680 (subject to indexation).

## **REPORT DETAIL**

### **1. Site Description**

- 1.1 The application site comprises of a plot of land in Moss Lane, which includes a single storey 'L' shaped bungalow in the north eastern corner. There are some outbuildings adjacent to the north western boundary of the site. There are various changes in ground levels across the site. The highest ground level appears to be in the north eastern corner of the site where the dwelling is located. Ground levels slope downhill from north west to south east as well as north east to south west.

- 1.2 There is Kingdom Hall of Jehovah's Witnesses and associated hardstanding area to the rear, which abuts the south western boundary of the application site. Moss Lane abuts the north western boundary of the site. There are two storey detached, semi-detached and terraced properties in the vicinity of the site. There is a Tree Preservation Order on the site - TPO 12-89.

## **2. Description of Proposal**

- 2.1 The application seeks planning permission for a mixed development of residential housing comprising 3 no. 2 bed homes, 2 no. 3 bed homes and 2 no. 4 bed homes.
- 2.2 The two detached properties would have a combined width of 18.4 metres, a maximum depth of 11 metres and a height of 8.1 metres with gabled roofs.
- 2.3 The five terraced properties would have a combined width of 28.3 metres, a depth of 7.1 metres and a height of between 8.1 and 8.3 metres with gabled roofs.
- 2.4. The access road to the site would be located adjacent to No. 167 Brentwood Road and would serve units 1-6. Unit 7 would be accessed from Moss Lane. There are a total of 16 off street car parking spaces.
- 2.3 Cycle and refuse storage will be provided to the rear of the property.

## **3. History**

- 3.1 P0725.14 - A mixed development of residential housing comprising 3No 2 bed homes, 2No 3 bed homes and 2No 4 bed homes - Refused
- 3.2 P2363.07 - Residential housing comprising 4No. 1 bed flats, 5No. 2 bed houses and 4No.3 bed houses - Refused and Dismissed on Appeal
- 3.3 P2315.04 - Proposed domestic apartments (resubmission of P1549.04) – Approved
- 3.4 P1549.04 - Proposed Domestic Apartments - Outline - Withdrawn

## **4. Consultation/Representations**

- 4.1 Notification letters were sent to 48 neighbouring properties and 5 letters of objections was received raising the following concerns:
- Parking issues
  - Loss of privacy, overlooking neighbouring garden
  - Site is unsuitable for development due to its back garden location with no direct access to a road.

- Proposed access is unsuitable and dangerous
- Traffic congestion
- Not enough parking spaces
- Increased risk of crime
- Increase in noise
- The application does not appear to have changed from the one that was recently refused planning permission

4.2 The Council's Environmental Health Service requested a sound insulation condition.

4.3 The Highway Authority has raised no objection to the proposal however requested conditions for visibility splays, vehicle access and vehicle cleansing in the event of an approval.

4.4 The London Fire and Emergency Planning Authority have raised no objection to the proposal.

## **5. Relevant Policies**

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

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

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

## **6. Staff comments**

6.1 This proposal is put before the Committee as the development is for more than two dwellings. The main issues to be considered by Members in this case are the principle of development, amenity space, design/street scene issues, amenity implications, and parking and highways issues.

### *6.2 Background*

6.2.1 A previous application for the same amount of units was refused permission under P0725.14 for the following reasons:

- The proposed layout of the development would be inadequate resulting in substandard accommodation for future residents through failure to adhere to designing out crime principles contrary to Policies CP17, DC61 and DC63 of the LDF Core Strategy and Development Control Policies DPD and London Plan Policy 3.5.

- Unit 7 adjacent to the north western boundary of the application site, would by reason of its gabled roof, height, scale, bulk, mass and siting, be an un-neighbourly development and appear overbearing, dominant and visually intrusive in the rear garden environment harmful to the amenity of adjacent occupiers, particularly No.'s 40 and 42 Milton Road, contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.

- Units 3-7 would, due to their gabled roofs, height, scale, bulk, mass, siting and proximity to the north eastern boundary, be an un-neighbourly development and appear overbearing, dominant and visually intrusive in the rear garden environment and would also result in undue overlooking and loss of privacy to neighbouring occupiers, particularly No.'s 183 and 185 Brentwood Road contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.

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

- The layout of the site would, by reason of the siting and narrow width of the access road, combined with the poor visibility emerging onto Brentwood Road, be harmful to pedestrian and highway safety contrary to Policies DC32, DC34, DC35 and DC62 of the LDF Core Strategy and Development Control Policies DPD.

6.2.2 The main differences to the current proposal are as follows: In relation to the first reason for refusal, the developer has addressed previous secure by design concerns related to unit no. 7 by moving the location of the front door so that it is now overlooked and improving the passive surveillance of the parking area. In relation to the second reason for refusal the developer has provided additional drawings (05/2013/09 and 05/2013/07a) to show the proposed building in comparison with the existing mass of the bungalow and indicating 4 new trees on the north eastern boundary which visually falls between plots 1&2 and the rear gardens of the houses in Milton Road. The roof of unit 7 has also been amended from a gable end to a hipped end. In relation to the third reason for refusal the developer has stated that the units 3-7 have their gable roofs arranged so as to minimize mass and bulk when considered from the rear gardens of adjacent properties in Brentwood Road. The separation between the properties is considerable however to further reduce any element of overlooking drawing 05/2013/07a identifies addition of 2 new trees to the



rear boundary of plot 3. This drawing also identifies close boarded fencing to a height of 1.8m to all boundary lines thus eliminating any overlooking at ground floor level. Fenestration has carefully designed to minimize any overlooking. The proposed arrangement of properties is very similar to that found on the corner of Boundary Road and Moss Lane (no's 1-7) some 20m from the site. In relation to reason for refusal 4 the developer has stated that they would be happy to pay the planning obligation fee. In relation to reason for refusal 5 the developer has made revisions to the access arrangements in line with the Highway department's comments. Highways have not raised an objection to the current proposal.

### 6.3 *Principle of Development*

6.3.1 Policy CP1 indicates that outside town centres and the Green Belt, priority will be made on all non-specifically designated land for housing. The proposal is for redevelopment of a derelict site within an existing residential area. The proposal is therefore acceptable in principle and in accordance with Policy CP1 and policy 3.3 of the London Plan which seeks to increase London's housing supply.

6.3.2 Policy 3.8 of the London Plan states that DPD policies should offer a range of housing choices, in terms of the mix of housing sizes and types, taking account of the housing requirements of different groups. Policy 3.5 states that Local Development Frameworks should incorporate minimum space standards. The Mayor has set these at 50m<sup>2</sup> for a 1-bed 2-person flat, 61m<sup>2</sup> for a 2-bed 3-person flat, 74m<sup>2</sup> for a 3-bed 4-person flat and 106m<sup>2</sup> for a 4-bed 5-person three storey house. Apart from the 3- bed-4-person flat which at 73.2m<sup>2</sup> is only marginally below the requirement, the proposed flats and detached house are in line with these minimum guidelines and considered acceptable.

### 6.4 *Site Layout / Amenity Space*

6.4.1 The application site covers an area of approximately 0.1772 hectares and is located within PTAL zone 1-2, where the advised range for residential development in this part of the borough is 30-50 dwellings per hectare. For this proposal of seven dwellings this equates to a density of 39 dwellings per hectare, which is within the range anticipated by Policy DC2 for housing density, although this is only one part of the assessment.

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

- 6.4.3 Staff are of the view that the proposed rear garden areas for the proposed semi-detached and terraced dwellings are acceptable in terms of area and would provide future occupiers with a useable external space for day to day activities such as outdoor dining, clothes drying and relaxation.
- 6.4.4 It is noted that the rear garden of No. 167 Brentwood Road would be reduced in depth to accommodate the access road and one car parking space for the proposed development. Nevertheless, it is considered that the remaining rear garden would provide a usable amenity space for current occupiers of No. 167 Brentwood Road.
- 6.4.5 The Council's Designing Out Crime Officer previously raised concerns regarding Unit 7. In response to these concerns Unit 7 has been 'handed' to reverse the door entrance configuration preventing a hiding point and giving better views over the entrance from other parts of the development. A dawn to dusk light is to be fitted to the outside of the entrance canopy. Fencing has been introduced between Plot 7 and the rest of the units with the addition of a key coded security gate to prevent short cuts through the development. In addition a fence has been provided to the most northerly side of plot 7 with a pedestrian access gate and a fence and gate have also been supplied adjacent to unit 3. These changes have addressed the concerns raised such that a reason for refusal on grounds of security concerns could no longer be sustained.

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

- 6.5.1 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 external design and appearance of the dwellings would integrate satisfactorily with the streetscene. Staff consider that the height and scale of the proposed development is compatible with the prevailing scale and character of development within the locality.
- 6.5.2 The proposed dwellings would utilise a mixture of materials including render, yellow stock brickwork with a red stock brickwork soldier course and red concrete pan tiles with white UPVC windows. Staff are of the view that the proposed materials would be acceptable. A written specification of external walls and roof materials will be secured by condition if minded to grant planning permission.

#### 6.6 *Impact on Amenity*

- 6.6.1 Staff consider that the semi-detached dwellings would not result in a significant loss of amenity to neighbouring dwellings in Boundary Road, as there would be separation distance of approximately 32 metres between the rear facade of terraced properties No.'s 1-7 Boundary Road and the south western flank of unit 1.

- 6.6.2 It is considered that the creation of the access road and the proposed dwellings would not result in a significant loss of amenity to No. 165 Brentwood Road, given its use as a Kingdom Hall of Jehovah's Witnesses with an associated hardstanding parking area to the rear.
- 6.6.3 It is further considered that the semi-detached dwellings Units 1 and 2 would not result in a significant loss of amenity including loss of light and overlooking, to neighbouring dwellings in Milton Road, as there would be a separation distance of between approximately 29 and 33 metres between the rear facades of No.'s 30 to 38 Milton Road and the rear facades of units 1 and 2.
- 6.6.4 It is noted that the rear gardens of No.'s 40 and 42 Milton Road are located at an oblique angle from these dwellings. Also, the rear garden of No. 40 Milton Road tapers in width and is located in close proximity to the north western flank wall of the existing bungalow within the application site, which is single storey and has a hipped roof, which minimises its bulk.
- 6.6.5 Staff consider that the terraced dwellings would not result in a significant loss of amenity including loss of light to No.'s 40 and 42 Milton Road, as there would be a separation distance of between approximately 17 and 18 metres between the rear facades of these neighbouring properties and the north western flank of unit 7. Previous concerns were raised regarding the height and bulk of unit 7 in relation to the properties at No. 40 and 42 Milton Road. The developer has addressed the concerns by changing the roof to the northern elevation from a gable end to a hipped roof thereby reducing the overall bulk when viewed from No. 40 and 42 Milton Road. Although the change is modest, given the degree of separation from the boundary Staff consider the change to have sufficiently addressed the previous reason for refusal.
- 6.6.6 It is noted that the two storey terraced dwellings (units 3-7) have first floor windows on their rear facades, which serve habitable rooms. Previous concerns were raised regarding the overall bulk and mass of this terrace, its close proximity to the eastern boundary and the potential for overlooking the rear gardens of properties along Brentwood Road. The developer has added additional trees to the eastern boundary to the rear of unit 3 in order to address the overlooking concerns raised. Although it is acknowledged that there has not been a major change to the development to address the 3<sup>rd</sup> reason for refusal, Staff are of the opinion that given the long rear gardens of No's 183 and 185 Brentwood Road any overlooking would occur to the part of the rear garden furthest away from the rear of the properties and would not therefore unduly affect the most private area closest to these properties. Any bulk and mass would also be most prevalent when viewed further into the rear garden of these properties with a back to side separation distance of approximately 18m remaining between unit 3 and the property at No. 183 Brentwood Road. Staff consider any visual impact and overlooking concerns to be acceptable however Members may attach different weight to the potential harm to the

residential amenity of these neighbouring properties resulting from this relationship.

- 6.6.7 Staff consider that the semi-detached and terraced dwellings would not result in a significant loss of amenity to the neighbouring properties at No.'s 167-177 Brentwood Road, as the application site is located to the north and there would be a separation distance of between approximately 21 and 30 metres between the nearest units 1, 2 and 3 and the rear facades of No.'s 167-177 Brentwood Road, which would help to mitigate the impact of the proposal.
- 6.6.8 Unit 7 does not feature any flank windows which might otherwise adversely affect the amenity of properties in Milton Road. Unit 3 features a ground floor window and some bi-fold doors and details of boundary fencing and landscaping can be secured by condition if minded to grant planning permission to avoid any undue overlooking or loss of privacy.
- 6.6.9 No. 167 Brentwood Road has various window openings on its south western flank. From front to back, the first window serves a lounge and is a secondary light source with a window on its front facade. There are windows either side of the front door, which serve the hallway. The last window serves a living room and is a secondary light source, with windows and doors on its rear facade, which open out onto a conservatory. The applicant has advised that the front door to No. 167 Brentwood Road will be infilled and relocated on the opposite flank wall of the dwelling.
- 6.6.10 It is considered that the creation of the access road would not result in significant levels of noise and disturbance to No. 167 Brentwood Road and furthermore boundary treatment and landscaping can be designed to help absorb any noise and light spillage resulting from vehicles using the drive.

## 6.7 *Highways / Parking Issues*

- 6.7.1 Policy DC33 seeks to ensure all new developments make adequate provision for car parking. It is noted that units 1 and 2 have garages and there are sixteen car parking spaces in total for the seven dwellings, which although in excess of the Council's guidelines is not objectionable. It is noted that there is only one car parking space to the front of unit 6, which is rather impractical. A condition to require a car parking management plan is suggested to allocate spaces before it becomes an issue of dispute between neighbouring properties.
- 6.7.2 The parking spaces for unit 7 would be accessed from Moss Lane. Access to the remaining units would be from Brentwood Road.
- 6.7.3 Following previous concerns from the Highways Department a further detailed plan was provided showing junction details drawing no. 05/2013/08 and following discussions with the officer drawing 05/2013/10 was also provided displaying compliance with the vehicle to vehicle site visibility splays. The access road was checked for compliance with department of

transport requirements for type 3 and 5 turning heads which enables refuse vehicles to turn and manoeuvre on the site. The results of the checks were that the layout was found to comply with the requirements. The applicant also confirmed that the fence to the western boundary is in their ownership and that two panels could be lowered to provide adequate pedestrian site splays as shown on drawing 05/2013/08. The Highways Department has confirmed that they do not have any objection to the current proposal. Staff consider the changes made to have sufficiently addressed the previous reason for refusal.

6.7.4 Conditions will be attached in the event of an approval for site visibility splays.

6.7.5 A condition will be attached in the event of an approval to provide details of the cycle storage.

## 6.8 *Trees*

6.8.1 There is a Tree Preservation Order on the site - TPO 12-89. The applicant has advised that the proposed road construction will comprise of a geo textile breathable membrane, which will be laid at existing ground level. The proposed new levels will then be achieved utilising single size stone in diminishing sizes which retains the vapour permeability, allows free drainage and enables a solid road construction close to existing root systems. The applicant proposes a British Standard approved vehicle exclusion zone and a root protection zone to protect the health of the trees. It was noted that there is a lot of dead wood in the trees which will need removal for safety purposes by an approved arboricultural contractor. Any works within the root protection zone shall be carried out by hand.

6.8.2 The Council's Tree Officer has visited the site and advised that the two cedars and the walnut at the southern side of the site (T12, 13 and 14) can be retained as the ground on their northern sides needs to be made up. This can be done with porous materials obviating the risk that would ordinarily be caused by the construction of the proposed adjacent roadway. The three trees would only need to have the deadwood removed for their crowns, so there is no need for tree surgery which would cause them any stress during the construction period.

6.8.3 The removal of trees on the northern side of the site along Moss Lane is considered acceptable, because they are relatively small and can be replaced by new trees without long term detriment to the amenity of the local area. The loss of multi stemmed bay trees on the northern side of the site is not resisted as the trees sucker profusely and expand their overall size too quickly for small spaces.

6.8.4 It is suggested that a new tree is planted in the front of the proposed parking spaces at the front of 167 Brentwood Road to offset the loss of vegetation that currently runs the length of the front boundary between the

existing house and the New Kingdom Hall, which can be included within a landscaping condition if minded to grant planning permission.

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

6.8.1 The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable fee is based on an internal gross floor area of 455.5m<sup>2</sup> (724.2m<sup>2</sup> minus existing floor area of area of 134m<sup>2</sup> (328m<sup>2</sup> minus existing floor area of 194m<sup>2</sup>) and amounts to £2,680 (subject to indexation).

### 6.9. *Planning Obligations*

6.9.1 Until 6<sup>th</sup> April 2015, the Council's Planning Obligations Supplementary Planning Document set out that for all additional new dwellings, a contribution of £6000 per dwelling to cover the infrastructure impact would be required and that such payments would be pooled. From 6<sup>th</sup> April, Section 123 of the Community Infrastructure Levy Regulations 2010 states that no more than 5 obligations should be pooled. This change has implications for the status of the SPD and legal advice is currently being sought as to whether and how developments should contribute, given the impact on infrastructure. An update will be given to Members in relation to any S106 requirement for a contribution, which in this case would be £42,000. If no update is available then it is recommended that a decision be deferred to a future meeting.

6.9.2 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".

6.9.3 The basis for seeking a contribution in this case is in accordance with adopted Policy DC72 of the Development Plan This policy is up to date and accords with Paragraph 12 of the NPPF and the proposal should therefore be determined in accordance with this policy 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 that greater weight should be given to adopted policy within the development plan. A legal view is being sought in regard to the status of policy in the light of Section 123 of the Community Infrastructure Levy Regulations 2010 and an update if it is available will; be provided to Members at the meeting.

#### 6.10 *Other Issues*

6.10.1 Policy DC63 requires new development to address safety and security in the design of new development. The proposal is considered acceptable in principle in this respect, subject to the imposition of secure by design conditions.

10.2 A refuse area has been provided to the front of the development along the access road. A condition will be imposed to provide detail of the refuse and recycling arrangements.

### **11. Conclusion**

11.1 Overall, Staff are of the opinion that the amendments to the scheme, although modest, are nonetheless sufficient to overcome the previous reasons for refusal. On this basis it is not considered that the proposal would detract from the character of the surrounding area or neighbouring properties, nor would it appear as unacceptably dominant or visually intrusive. It is considered that the proposal would have an acceptable appearance and that it would not result in any materially harmful impact on neighbouring amenity. Although staff acknowledge that there are some concerns relating to visual impact and potential overlooking to no. 183 Brentwood Road, these are not considered to be of sufficient magnitude to warrant refusal of permission. . Whilst it is acknowledged that there are fine judgements involved and that Members could come to a different conclusion, staff are satisfied that the development to complies with Policy guidance and the provisions of the LDF Development Plan Document. Approval is recommended accordingly, subject to an update on infrastructure contribution to be given to Members.

## **IMPLICATIONS AND RISKS**

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

Financial contributions are required through a legal agreement.

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

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

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 Resource Implications:**

None

**Equalities and Social Inclusion Implications:**

None

**BACKGROUND PAPERS**

1. Application forms and plans received on 22/01/15, revision received on 02/03/15.