



Havering

LONDON BOROUGH

REGULATORY SERVICES COMMITTEE AGENDA

7.30 pm

**Thursday
4 June 2015**

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

Members 11: Quorum 4

COUNCILLORS:

**Conservative
(5)**

Robby Misir (Chairman)
Philippa Crowder
Steven Kelly
Melvin Wallace (Vice-
Chairman)
Michael White

**Residents'
(2)**

Stephanie Nunn
Reg Whitney

**East Havering
Residents'(2)**

Alex Donald
Linda Hawthorn

**UKIP
(1)**

Phil Martin

**Independent
Residents
(1)**

Graham Williamson

**For information about the meeting please contact:
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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 - 12)

To approve as a correct record the minutes of the meeting of the Committee held on 14 May 2015 and to authorise the Chairman to sign them.

5 PLANNING APPLICATIONS - SEE INDEX AND REPORTS (Pages 13 - 54)

6 P0355.15 - 78-80 STRAIGHT ROAD, HAROLD HILL, ROMFORD (Pages 55 - 74)

7 REVISION TO COMMITTEE RESOLUTIONS TO GRANT PLANNING PERMISSIONS SUBJECT TO S106 PLANNING OBLIGATION REQUIRING INFRASTRUCTURE CONTRIBUTION. (Pages 75 - 82)

8 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
14 May 2015 (7.30pm - 10.55 pm)**

Present:

COUNCILLORS: 10

Conservative Group Steven Kelly (in the Chair) +Joshua Chapman,
+Frederick Thompson and +Melvin Wallace

Residents' Group Stephanie Nunn and Reg Whitney

**East Havering
Residents' Group** Linda Hawthorn and Ron Ower

UKIP Group Phil Martin

**Independent Residents
Group** Graham Williamson

Apologies were received for the absence of Councillors Robby Misir, Ray Best and Philippa Crowder.

+Substitute members: Councillor Melvin Wallace (for Robby Misir), Councillor Frederick Thompson (for Ray Best) and Councillor Joshua Chapman (for Philippa Crowder).

Councillors Gillian Ford, Jody Ganly, Julie Wilkes and David Durant were also present for parts of the meeting.

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

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

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

254 **MINUTES**

The minutes of the meetings held on 2 April and 23 April 2015 were agreed as correct records and signed by the Chairman.

255 **P0235.15 - 1B SUNNYSIDE GARDENS, UPMINSTER**

The report before Members proposed a change of use of the existing single storey office building (A2 use) to a drinking establishment (A4 use). It was proposed to operate as a 'micro pub' which was a small free-house selling mainly traditional beer and ciders.

There would be no electronic music, television or hot food preparation. The proposed opening would be 11:00 hours to 23:00 hours and the bar would employ two full time and three part time staff. No external seating or parking was proposed.

The application had been called in by Councillors Ron Ower and Linda Van den Hende for the following reasons:

- Inappropriate use in the area which was primarily residential;
- There were flats immediately adjacent to the site;
- Parking in Sunnyside Gardens was already difficult. The exit from the petrol station opposite the site was already hindered by parked cars and there was a need to keep the adjacent access to an undertakers clear;
- Noise from drinkers and smokers standing outside;
- Most customers would use cars rather than walk to the premises;
- An increase in traffic using Sunnyside Gardens.

Members were advised that an e-petition had been received, objecting to the proposal, that had one hundred and five signatories.

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 application site had a history of previous planning refusals and the current proposal did not fit in with the Local Development Framework. The objector also commented that there were inaccuracies contained within the application, the main one being the wrong address, which had subsequently been amended but could have caused confusion. The objector also commented on the impact the proposal would have on the local amenity which would be harmed by additional noise, parking problems and anti-social behaviour.

In response the applicant's representative commented that the application site was of single storey and therefore would not have any impact on residents living above and that the location was of a town centre nature as opposed to a residential one. The applicant's representative also commented that there had been local support for the proposal from both residents and businesses and that there would only be space for one car to park on the premises as access was needed to the rest of the site for deliveries.

During the debate members discussed the possible impact on the amenity of the residents in Sunnyside Gardens and the possibility of displaced parking in the area.

Members also discussed the fact that the proposal was a new venture in the location and therefore it was being imposed on neighbours who currently enjoyed a semi-residential amenity.

Members also discussed the other drinking establishments in Upminster which were both located in the main shopping area and questioned whether the proposed application was out of keeping with the current streetscene.

The report recommended that planning permission be granted however, following a motion to refuse the granting of planning permission which was carried by 9 votes to 0 with 1 abstention it was **RESOLVED** that the granting of planning permission be refused for the following reasons;

By reason of its location which was close to residential properties noise and disturbance arising from the use of the premises and associated pedestrian and vehicular activity in Sunnyside Gardens the proposal would materially harm residential amenity.

Inadequate on-site parking would create levels of on-street parking and vehicular movements materially harmful to residential amenity and highway safety due to its proximity to the junction of Sunnyside gardens and St Mary's Lane.

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

Councillor Martin abstained from voting.

256 **P0082.15 - 23 DORIAN ROAD, HORNCHURCH**

The application before Members sought planning permission for an outbuilding at the rear of the garden to be used as a playroom/gym and for the storage of tools.

Members noted that the application had been called in by Councillor Jody Ganly on the grounds that the scale of the outbuilding was too large for a playroom/gym with concerns raised also due to the excessive amount of concrete that had been laid within the garden area.

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 size of the outbuilding gave concern to neighbouring residents as it appeared excessive for a

playroom/gym. The objector also commented that the applicant proposed to park two large vans on the premises which would be very close to the boundary with number twenty five Dorian Road.

In response the applicant's representative commented that the outbuilding was to be used as a playroom/gym and also for the storage of the applicant's tools overnight.

With its agreement Councillor Jody Ganly addressed the Committee.

Councillor Ganly commented that she was speaking on behalf of the residents of Dorian Road and Guardian Close who had expressed concerns regarding the size and bulk of the proposed outbuilding. Councillor Ganly also commented on the proposed outbuildings size, possible detracting from the streetscene, possible commercial use and also advised that the proposal should be incidental to the dwelling.

During the debate Members discussed the size and bulk of the outbuilding and received clarification from officers regarding Permitted Development rights and the need for planning permission in this instance.

Members also received clarification as to whether the proposal could be conditioned to restrict its use to residential only as there were concerns that the building could in future be used for commercial purposes.

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

The size and bulk of the development created an intrusive feature, harmful to the rear garden scene and visual amenity.

The building size was likely to lead to use and associated external activities not normally associated with a domestic rear garden setting and creating uncharacteristically excessive levels of noise and disturbance harmful to the amenity.

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

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

Councillor Kelly abstained from voting.

257 **P0096.15 - 143 NORTH STREET (REAR OF), ROMFORD**

The planning application before Members proposed the demolition of the site's existing buildings and the erection of forty flats based in two flat-roofed blocks.

The application had been called in to Committee by Councillor Steven Kelly on the basis that the proposal was a major development of forty flats and should not be decided under delegated powers; that the reason for refusal was access and as this was a site with heavy industrial usage residential usage would be less; and that this was a poor area in need of development.

During a brief debate members discussed the access/egress arrangements to the site and raised concerns over the narrowness of the access road and the visibility afforded to drivers when exiting the access road.

Members commented that the area was in need of tidying up and agreed that the proposal was of a modest nature and would improve the amenity of the area.

The report recommended that planning permission be refused however, following a motion to grant planning permission it was **RESOLVED** to delegate to the Head of Regulatory Services to negotiate with the applicant a solution to achieve:- satisfactory entrance and egress visibility; a section 106 contribution for infrastructure impact; and a review mechanism for affordable housing and if these were satisfactorily resolved and the 106 completed, the Head of Regulatory Services to then grant planning permission subject to conditions to be decided by the Head of Regulatory Services. In the event of the Head of Regulatory Services being unable to satisfactorily secure the above then the application to come back to the Committee for determination.

258 **P0267.15 - 23 TEMPEST WAY, RAINHAM**

The application before Members sought planning permission for a part single storey, part two storey rear extension and the subsequent subdivision of the dwelling house to two, one bedroom self-contained units with private amenity space to the rear.

The application had been called in by Councillor Julie Wilkes on the grounds of;

- Conversion to maisonettes would be out of character and would result in a greater noise disturbance
- Two storey rear extension would spoil the open view of the rear gardens and impact on privacy
- Inadequate provision of parking
- Overdevelopment

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

The objector commented that the proposal would affect the natural light afforded to the neighbouring property and was out of character with the streetscene. The objector also commented that there would be a loss of amenity to neighbouring properties and additional noise created from splitting the property in to two dwellings.

In response the applicant commented that the proposal was recommended for approval by officers and that the proposed dwelling was not out of keeping with the streetscene. The applicant also commented that the possibility of additional noise form the dwelling was just an assumption and that there would be no reduction in the amount of light afforded to adjacent properties.

With its agreement Councillor Julie Wilkes addressed the Committee.

Councillor Wilkes commented that the proposal was out of character with the streetscene and was also an overdevelopment of the site. Councillor Wilkes also commented that the gardens attached to the properties were not large and that the proposal would shorten the garden of the application site by some distance and would affect the amenity and be detrimental to the neighbouring properties.

During the debate members discussed the fenestration arrangements for the proposed dwelling and were advised that there were no flank windows to the property.

Members also received clarification from officers regarding the proposed layout of the dwelling which was shown as having one bedroom and one study per property as opposed to two bedrooms per property which had been previously applied for in an earlier application.

Members also discussed the parking provision proposed for the dwelling. The report recommended that planning permission be approved however, following a motion to refuse the granting of planning permission it was **RESOLVED** that planning permission be refused for the following reasons;

Inadequate amenity space for future occupants.

By reason of the particularly limited depth of adjoining rear gardens to the South of the site, the extension would by reason of its bulk and position appear overbearing and harmful to amenity.

Failure to provide a section 106 agreement to secure contribution for infrastructure impact.

259 **P0283.15 - UPMINSTER RFC, HALL LANE UPMINSTER**

The application before Members concerned the erection of 6 thirteen metre lighting columns to illuminate a rugby pitch and training area within Upminster Hall Park for both matches and training. The lighting columns would replace existing mobile lighting units.

Members noted that the application had been called in by Councillor Gillian Ford on the grounds of the potential impact on a large number of residential properties.

With its agreement Councillor Gillian Ford addressed the Committee.

Councillor Ford commented that local residents had expressed concerns over light spill from the floodlight columns and also that the floodlights would detract from the open nature of the park.

During a brief debate members discussed the hours of operation of the floodlights and the distances from neighbouring properties.

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

260 **P0106.15 - 151 AVON ROAD, UPMINSTER**

The application before Members sought full planning permission for a new A1 single storey shop kiosk style unit on vacant land adjoining 151 Avon Road.

The application had been called in by Councillor Gillian Ford on the grounds that the application was totally out of keeping with the street scene. There was no requirement for such a venue in the area and the impact on a busy road junction.

With its agreement Councillor Gillian Ford addressed the Committee.

Councillor Ford commented that there had been previous applications on the site which had all been refused by the Committee and subsequently by the Planning Inspectorate. Councillor Ford also commented that the proposal was out of keeping with the streetscene and impacted heavily on the openness of the road junction between Avon Road and Front Lane.

During a brief debate Members discussed the loss of amenity to the area, loss of trees and the loss of sightline at the road junction.

The report recommended that planning permission be approved however, following a motion to refuse the granting of planning permission which was carried by 8 votes to 2 it was **RESOLVED** that planning permission be refused for the following reasons;

The single storey addition by reason of its scale and design was a weak visual addition to the main building, the discordant relationship would also harm the visual amenity/streetscene. The proposal would result in loss of an existing open area which by reason of its setting for the main 3 storey parade, would result in a cramped impact harmful to the junction and character of the streetscene.

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

Councillors Kelly and Thompson voted against the resolution to refuse the granting of planning permission.

261 **P0245.15 - 2 SPRINGFIELD GARDENS, UPMINSTER**

The application before Members sought retrospective planning permission for an outbuilding to be used as a playroom/gym/sauna/shower/wc room and office.

Members noted that the application had been called in by Councillor Linda Hawthorn who wished the proposal to be discussed by the Committee in case the granting of planning permission set a precedent.

During a brief debate Members discussed the size of the proposed outbuilding and whether granting planning permission would set a precedent.

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

The vote for the resolution to grant planning permission was carried by 8 votes to 2.

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

262 **P1578.14 - THE PADDOCKS, MOOR HALL FARM, AVELEY**

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

The application site comprised around seven hectares of open grassland located within the borough of Thurrock, along with land located within Havering, which would be used to provide vehicular access to the land in Thurrock, where the main development activities would be undertaken. The access through the land in Havering would be taken from New Road,

through the Ingrebourne Links Golf Course (under construction), and through the eastern perimeter of the golf course into Thurrock.

Consideration of the item was deferred by Members at the 5 March 2015 meeting for further information to be provided. The applicant had provided the additional information as requested.

With its agreement Councillor David Durant addressed the Committee.

Councillor Durant commented there were several live and pending applications in the area that were not yet implemented and that there were concerns regarding the cumulative impact of vehicular journeys being proposed by the various applications. Councillor Durant also commented on the dirty condition of the roads surrounding the application sites which were still not being cleaned to an acceptable level. Councillor Durant also commented that although the golf course would eventually be an asset to the borough it was time to perhaps reconsider whether any more landfill sites be allowed in the south of the borough.

During a brief debate members discussed the applicant's response which had seemed slightly dismissive of the Committee's concerns regarding the condition of the roads in the area.

The report recommended that planning permission be granted however, following a motion to refuse the granting of permission which was carried by 8 votes to 2 it was **RESOLVED** that the granting of planning permission be refused on the grounds;

The use would generate an increase in lorry movements materially harmful to the highway safety conditions on the A1306.

Councillors Kelly and Thompson voted against the resolution to refuse the granting of planning permission.

263 **P1637.14 - LITTLE GERPINS 2 (FISHERS), BERWICK POND ROAD, RAINHAM**

The report before Members sought planning permission for engineering earthworks to remediate damaged land. The scheme would be using imported inert soils, including temporary treatment, improved access, internal roads, ancillary plant and buildings and overnight security to provide a managed woodland area with recreational and amenity after use.

With its agreement Councillor David Durant addressed the Committee.

Councillor Durant commented that the planned route involved lorries using Berwick Pond Road which was unsuitable for vehicles of this nature. Councillor Durant also commented that the applicant had been refused

permission by Thurrock County Council to use their roads and was now seeking permission from Havering.

During a brief debate Members discussed the number of lorry movements using the site.

Officers also clarified that Council's Highways officers had not raised any objections to the proposal.

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

The vote for the resolution to grant planning permission was carried by 7 votes to 3.

Councillors Whitney, Martin and Williamson voted against the resolution to grant planning permission.

264 **P0390.15 - 22 EASTERN ROAD (BLACKBURN HOUSE), ROMFORD - PROPOSED CHANGE OF USE FROM B1 SOLICITORS OFFICE TO D1 CLINICAL RESEARCH CENTRE.**

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

265 **P0049.15 - MOSS LANE NURSERY, MOSS LANE, ROMFORD - A MIXED DEVELOPMENT OF RESIDENTIAL HOUSING COMPRISING THREE 2 BEDROOM HOMES, TWO 3 BEDROOM HOMES AND TWO 4 BEDROOM HOMES**

The Committee considered the report noting that the proposed development qualified for a Mayoral CIL contribution of £2,680 and **RESOLVED** to Delegate to the Head of Regulatory Services to grant planning permission subject to the determination of whether to seek a contribution for infrastructure projects and the quantum of any such contribution.

266 **APPLICATION FOR THE STOPPING UP OF AND DIVERSION OF PUBLIC FOOTPATH 198 ADJACENT TO ST MARY'S LANE UPMINSTER**

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, consultation for, advertising of, and any inquiry costs associated with and the confirmation of the Stopping Up Order should the application be considered by the Secretary of State:-

The Council makes a Stopping Up Order under the provisions of s.257 Town and Country Planning Act (as amended) in respect of the section of Public Footpath 198 to be stopped up shown by continuous black bold line on the attached Plan as the land was required to enable development to be carried out for which the Council has granted the Planning Permission and the diversion of a new section of Footpath 198 is shown by a dashed bold black line on the plan.

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

In the event that relevant objections were raised and are not withdrawn following an opportunity to negotiate the matter may be referred to the Secretary of State for their determination unless the application is withdrawn.

The proposed stopping up and diversion relates respectively to a section of Public Footpath 198 shown by continuous bold black line on the plan and an area of diverted footpath shown by a dashed bold black line on the plan. The proposed stopping up and diversion are required to facilitate the implementation of development pursuant to the Planning Permission (reference P1220.14).

267 **APPLICATION FOR THE STOPPING UP OF HIGHWAY LAND AT ONGAR WAY GARAGES, RAINHAM**

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

The Council makes a Stopping Up Order under the provisions of s.247 Town and Country Planning Act (as amended) in respect of the area of adopted highway shown zebra hatched on the 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 can proceed to confirm the Order.

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

268 **SUSPENSION OF STANDING ORDERS**

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

Chairman

Regulatory Services Committee

4 June 2015

Application No.	Ward	Address
P0273.15	Rainham and Wennington	22 Lamson Road, Rainham, RM13 9YY
P0277.15	Harold Wood	177 Shepherds Hill, Harold Wood, RM3 0NR
P0298.15	Havering Park	265 Chase Cross Road, Romford, RM5 3XS
P0317.15	Havering Park	Brickfield Cottage, Broxhill Road, Havering-atte-Bower, RM4 1QJ
P0386.15	Havering Park	Bower Park School, Havering Road, RM1 4YY
P0391.15	Squirrels Heath	83 Balgores Lane, Romford, RM2 6BP
P0441.15	Romford Town	154 Balgores Lane, Romford, RM2 6BP
P0474.15	Havering Park	1-1a Chase Cross Road, Collier Row, RM5 2ND

OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 4th June 2015

APPLICATION NO.	P0273.15	
WARD:	Rainham & Wennington	Date Received: 13th March 2015 Expiry Date: 12th June 2015
ADDRESS:	22 Lamson Road Rainham	
PROPOSAL:	Construction of a Single Storey Extension Between Warehouse Units 1 & 2 and Formation of Reinforced Concrete Ramp. Construction of a Single Storey Extension of Canopy to Warehouse Unit 3 and Formation of Reinforced Concrete Ramp.	
DRAWING NO(S):	001 A Site Location Plan 002 A Existing Block Plan 003 A Existing Plans, Elevations and Section A-A Unit 1 004 A Existing Plans, Elevations and Section A-A Unit 2 004 A Proposed Plan, Elevations, Section A-A, B-B Unit 3 020 A Proposed Block Plan 021 A Proposed Plan Unit 1 and 2 022 A Proposed Elevations and Sections A-A, B-B, C-C Unit 1 and 2 005 A Existing Plans, Elevations and Section A-A Unit 3	
RECOMMENDATION	It is recommended that planning permission be GRANTED subject to the condition(s) given at the end of the report	

SITE DESCRIPTION

The application site is an irregular shaped area of land located on the eastern side of Rainham Creek measuring approximately 2 hectares in area. The site includes three buildings along with hardstanding areas for the parking and manoeuvring of vehicles. The site is in industrial use (B1(c) (Light Industrial) and B2(General Industrial)).

The site is bounded to the south west and south east by neighbouring sites being used for industrial, warehousing, and waste purposes. The site's north western boundary lies adjacent to Rainham Creek, which is a Site of Nature Conservation Importance, whilst its north eastern boundary abuts the public highway. Access to the site is from Lamson Road, off Ferry Lane North.

The site is located on land designated as a Strategic Industrial Location in the LDF and is located in the London Riverside Business Improvement District. The site is located within Flood Zones 2 and 3a, as defined by Havering's Strategic Flood Risk Assessment. The Inner Thames Marshes Site of Special Scientific Interest (SSSI) is located to the south east. The site is also located on land designated as a Channel Tunnel safeguarding area.

DESCRIPTION OF PROPOSAL

The proposal involves:

·the demolition of existing canopy which covers an area of hardstanding between two warehouses and the erection of a single storey extension in its place, the warehouse would have a width of 21 metres and a

depth of 52 metres;

·the extension of an existing canopy to the front of a third warehouse;

·the formation of two reinforced concrete ramps to serve the new extension and the third warehouse.

RELEVANT HISTORY

The previous planning decisions of most relevance to this application are as follows:

P0592.13 - Change of Use from Class B8 to B1(c) (light industrial) and B2 (general industrial) - Approved.

P0259.12 - Change of use from warehouse to solid recovered fuel processing facility - Refused for the following reasons:

P0559.96 - Single storey extension of canopy between two warehouses - Approved.

P0016.92 - Erection of warehouse - Approved.

CONSULTATIONS / REPRESENTATIONS

Consultation letters were sent to neighbouring properties, a site notice was displayed and an advertisement published in a local newspaper. No responses have been received.

London Fire Brigade Water - No objection.

London Fire Brigade Emergency Planning - No objection. Made reference to access requirements set out in the Building Regulations.

Environment Agency - No objection.

London Borough of Havering Environmental Health - No objection.

London Borough of Havering Highways - No objection.

RELEVANT POLICIES

National Planning Policy Framework

LONDON PLAN

Policy 5.3 - Sustainable Design and Construction

Policy 6.1 - Strategic transport approach

Policy 6.3 - Assessing Effect on Transport Capacity

Policy 7.4 - Local Character

Policy 8.3 - Community Infrastructure Levy

LDF

DC9 - Strategic Industrial Locations
DC32 - The Road Network
DC61 - Urban Design

MAYORAL CIL IMPLICATIONS

The proposed development will create 1,161 square metres of additional internal floorspace. At a rate of £20 per square metre this would give rise to a Mayoral CIL charge of $1,160 \times £20 = £23,200$.

STAFF COMMENTS

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

PRINCIPLE OF DEVELOPMENT

This planning application proposes the erection of a building over an area of hardstanding between two existing buildings, the extension of a canopy over the entrance to a third building and the construction of new concrete ramps to serve the new building and a revised loading area under the extended canopy.

The site is located within a Strategic Industrial Location wherein Policy DC9 of the LDF states that B1 and B2 uses will be granted planning permission.

A condition is recommended to prevent the buildings being used for waste processing purposes in future. Some waste-related activities are considered to be B2 uses but the use of the premises for these purposes would undermine the objectives of the Joint Waste DPD.

Subject to the afore mentioned condition, the proposal is considered to be acceptable in principle.

DESIGN / IMPACT ON STREET / GARDEN SCENE

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

The proposed new building is utilitarian nature being a metal frame structure covered with insulated metal composite panels. The building would have a dual pitched roof the height of which would be no greater than the height of the existing buildings between which it would be located. The roof would incorporate industrial rooflights to provide natural daylight. Access for loading and unloading would be provided by pressed metal shutter doors while smaller doors for personnel are provided on either side of the loading door and each accessed by stairs.

The proposed extension to the canopy of the third unit would involve an increase to the width of the existing canopy so that all three loading bay doors in the northern flank of the building would be sheltered from the elements rather than just the two of them which are sheltered by the existing canopy. The width of the enlarged canopy would be 17.4 metres and the materials used for the extension to the canopy would match those used in the existing canopy.

The proposed ramps would facilitate vehicular access to the loading bay doors and are designed to achieve

a gradient of 1 in 10. The ramps would be located on an area which is already hard landscaped.

The proposed development would not result in any changes which would be easily visible from the road and it is considered that the proposals are in any case appropriate to this industrial location. A condition is recommended requiring the submission of details relating to waste/recycling storage. Subject to the aforementioned condition, in terms of its visual impact, it is considered that the proposal would not result in any significant harm to the character of the area and that it would be in accordance with Policy DC61 of the LDF.

IMPACT ON AMENITY

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

The site is located in an industrial area and has established use rights for B2 purposes. The nearest residential properties are located at Creekside, approximately 70m to the north of the site, and around 100m to the north of the application buildings. The occupiers of these properties were consulted about the proposal but no representations have been received. These properties are separated from the site by Rainham Creek, including an area of dense vegetation. The proposal, which will result in the enclosure of existing operations, is likely to result in a reduction in the potential for such operations to cause any loss of amenity.

It is considered that the proposal would not result in any significant adverse impacts on the amenities of neighbouring occupiers and that the proposal would be in accordance with Policy DC61 of the LDF.

HIGHWAY / PARKING

Policy DC32 of the LDF states that new development that would have an adverse impact on the functioning of the road hierarchy will not be allowed. It is considered that the proposal would not result in any material difference to the functioning of the highway network, over and above the existing situation. The Council's Highway officers have raised no objections to the proposal.

OTHER ISSUES

There would be no increase in the area of the site which is hard surfaced/built on and the Environment Agency has raised no objections to the proposal.

KEY ISSUES / CONCLUSIONS

The proposal is considered to be acceptable having had regard to Policies DC9, DC32 and DC61 of the LDF and all other material considerations and it is recommended that planning permission be granted.

RECOMMENDATION

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

1. SC4 (Time limit) 3yrs

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

Reason:-

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

2. SC32 (Accordance with plans)

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

Reason:-

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

3. SC10 (Matching materials)

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

Reason:-

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

4. Waste Processing

No waste processing or recycling activities shall take place at the site at any time, and no waste material shall be imported to the site.

Reason:-

In the interests of residential amenity and in accordance with the objectives of the East London Joint Waste Development Plan Document.

5. Refuse

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

Reason:-

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

INFORMATIVES

1. Approval - No negotiation required

Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: 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.

OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 4th June 2015

APPLICATION NO. P0277.15
WARD: Harold Wood Date Received: 3rd March 2015
Expiry Date: 30th June 2015
ADDRESS: 177 Shepherds Hill
Harold Wood
PROPOSAL: Single storey rear extension
DRAWING NO(S): 013/15
012/15
RECOMMENDATION It is recommended that **planning permission be GRANTED** subject to the condition(s) given at the end of the report

SITE DESCRIPTION

A semi-detached property with a hipped roof and finished in a painted render with a two storey side and rear extension which projects well to the rear of the property on its northern flank. Although the address is Shepherds Hill, the site is located at the end of an unmade road on the western side of Ivy Lodge Lane and forms part of the Metropolitan Green Belt.

The area is characterised by similar type properties.

DESCRIPTION OF PROPOSAL

The proposal is for a single storey rear extension measuring 3.05m in depth, 6.10m in width with a pitch roof eaves height of 2.50m and ridge height of 3.60m.

Three roof-lights will be included within the roof slope.

RELEVANT HISTORY

- P0428.08 - 1st floor side/rear extension
Apprv with cons 28-04-2008
- P2305.07 - Two storey 1st floor side/rear extension, single storey rear extension.
Withdrawn 21-01-2008
- P0995.95 - Ground floor side extension with rear canopy
Apprv with cons 27-10-1995
- P0585.95 - Ground floor side extension
Apprv with cons 14-07-1995

CONSULTATIONS / REPRESENTATIONS

Notification letters were sent to 3 neighbouring properties with no representations received

RELEVANT POLICIES

LDF

CP14 -	Green Belt
CP17 -	Design
DC33 -	Car Parking
DC45 -	Appropriate Development in the Green Belt
DC61 -	Urban Design
SPD4 -	Residential Extensions & Alterations SPD

OTHER

LONDON PLAN - 7.16 -	Green Belt
LONDON PLAN - 7.4 -	Local character
LONDON PLAN - 7.6 -	Architecture
NPPF -	National Planning Policy Framework

MAYORAL CIL IMPLICATIONS

N/A

STAFF COMMENTS

The material considerations for this application include the principle of new development within the Green Belt and whether the proposal is proportionate and appropriate so as to not cause any undue harm to the character and openness of the Green Belt.

Other considerations include, the impact on the streetscene, the impact on the residential amenity of the neighbouring occupiers and the implications for parking and highway safety.

GREEN BELT IMPLICATIONS

The NPPF attaches great weight to Green Belts in preventing urban sprawl by keeping land permanently open. As such it sets out five purposes of the Green Belt, including to check the unrestricted sprawl of large built up areas and to safeguard the countryside from encroachment.

As with previous Green Belt policy, the NPPF advises that inappropriate development is by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

The NPPF also sets out forms of development that are deemed to be appropriate within the Green Belt and states that construction of new buildings should be regarded as inappropriate development. A given exception to this is the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

Policy DC45 accepts the principle of extensions and alterations to dwellings within the Green Belt, provided that the cubic capacity of the resultant building is not more than 50% greater than that of the original dwelling.

DESIGN / IMPACT ON STREET / GARDEN SCENE

It is evident that the original dwelling has been extended. A rear extension was added to the dwelling in 1995 measuring 8.6m in length and 2.4m in width at the front widening to 3.95 with a total volume of some 75 cubic metres. The side extensions amounted to a volume of some 65 cubic metres. The original house has a total volume of approximately 278 cubic metres with the total extensions amounting to approximately

140 cubic metres.

The previous extensions already equate to a 50% increase to the original dwelling. In light of this it is evident that further development would exceed the increase allowed and therefore would not comply with the aims and objectives of Green Belt Policy DC45 as set out above.

The proposed single storey rear extension would add a further 27.54 cubic metres resulting in an accumulative total of 167 cubic metres of all additional development. This equates to approximately a 60% increase in volume to the original dwelling which exceeds the maximum volume increase deemed acceptable under DC45.

On the other hand, when considering the potential harm and the more recent advice contained in the NPPF it is relevant to consider whether the proposal would appear disproportionate to the original, rather than relying on a % increase as a benchmark. In this respect the the proposal will sit alongside the two storey side extension which projects 6m beyond the original main wall of the house with a depth of just over 3 metres. The depth proposed is therefore within the depth set out in policy guidance as being acceptable for a semi detached property.

When viewed from the rear garden area, the proposed extension fits comfortably alongside the existing two storey rear extension and sits well back from the rear edge of this side development. The design relates well to the existing dwelling and appears proportionate in scale.

The garden areas are fairly substantial with open fields and mature trees lying to the north.

The proposal will not be visible within the streetscene therefore no issues are raised in this respect.

On balance, the proposal appears unobtrusive and is considered to cause no visual harm within the rear garden environment and to be acceptable under the terms of the NPPF.

IMPACT ON AMENITY

The property is flanked by open fields directly to the north and in this respect there are no neighbouring properties affected.

The proposal is well within policy guidance with regard to depth and height and is also located to the north of the attached neighbour which further mitigates any impact arising. Accordingly, no adverse material issues are raised regarding any potential impact on the attached neighbouring property, no.175.

The proposal is considered to cause little or no harm on the surrounding neighbouring properties.

HIGHWAY / PARKING

Parking arrangements remain the same therefore no issues arise.

KEY ISSUES / CONCLUSIONS

The proposal is considered to be in accordance with, or acceptable as an exception to, the above mentioned policies and guidance and approval is recommended.

RECOMMENDATION

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

1. SC4 (Time limit) 3yrs

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

Reason:-

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

2. SC10 (Matching materials)

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

Reason:-

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

3. SC32 (Accordance with plans)

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

Reason:-

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

4. SC46 (Standard flank window condition)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order), no window or other opening (other than those shown on the submitted and approved plan,) shall be formed in the flank wall(s) of the building(s) hereby permitted, unless specific permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

Reason:-

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

INFORMATIVES

1. Approval - No negotiation required

Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: 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. Standard Green Belt Informative

The application property is within the Metropolitan Green Belt where there are restrictions over development. In view of those extensions which have already taken place and/or been granted

permission, it should not be assumed that further extensions will be agreed.

OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 4th June 2015

APPLICATION NO. P0298.15
WARD: Havering Park Date Received: 5th March 2015
Expiry Date: 30th April 2015
ADDRESS: 265 Chase Cross Road
Romford
PROPOSAL: Retrospective change of use of storage area at the rear of the cafe to an additional seating area in conjunction with the cafe (A3).
DRAWING NO(S): PL(BL)001
PL(PR)001A
PL(EX)001
RECOMMENDATION It is recommended that **planning permission be REFUSED** for the reason(s) given at the end of the report

CALL-IN

The application has been called-in by Councillor Ray Best on the grounds that the resubmission has attempted to overcome the areas of concern by providing two car parking spaces to the front of the unit (as per the original approval) and demonstrates how within close proximity of the site ample off street car parking is available. Understands the planning principles of the application were acceptable and that it was only the highways issues that lead to the application being refused previously.

SITE DESCRIPTION

The application relates to the Olive Tree Cafe at 265 Chase Cross Road, Romford. The premises forms one part of a pair of single storey commercial units that were granted planning permission in 2010, with the adjoining premises an A1 use and a storage area to the rear. The property lies immediately adjacent to a row of four shops classified as the Chase Cross Road Minor Local Centre. The surrounding area is characterised by a mixture of commercial and residential uses.

DESCRIPTION OF PROPOSAL

The application is seeking planning permission retrospectively for the change of use of the storage area (B8) to the rear of the cafe to additional cafe seating floorspace (A3) as part of the existing cafe use. The unauthorised change of use was completed in June 2014.

This application follows the refusal of application P1469.14 in December 2014 which also sought to regularise planning permission retrospectively for the change of use of the rear storage area to cafe floorspace. The application was refused on the grounds that the cafe floorspace expansion would further exacerbate parking issues on Chase Cross Road, relating to obstructive and inappropriate parking by patrons of the existing A3 cafe use, resulting in a localised harmful impact on traffic flow and highway safety.

A new internal doorway has been installed at the rear of the cafe leading through to the former storage space, creating an additional 28 square metres of cafe floorspace and a customer toilet cubicle. An additional storage area has been created to the rear of the cafe kitchen, with the external rear access door onto the side access road retained.

According to the details submitted with the application the cafe employs 2 full time members of staff and 8 part-time members of staff and currently opens between the hours of 07:00 to 16:00 on Monday to Saturday and 09:00 to 16:00 on Sunday and Bank Holidays.

RELEVANT HISTORY

- P1469.14 - Retention of Existing A3 Cafe and change of use from B8 to A3 of vacant storage unit at the rear of the cafe to be used as an additional sitting area.
Refuse 17-12-2014
- Q0218.10 - Discharge of Conditions 2, 7 and 9 of planning application P1383.10.
DOC Discharge FULL 25-01-2011
- P1383.10 - Proposed two single storey commercial units, (A1/A3) with proposed installation of extract flue.
Apprv with cons 05-11-2010
- P1165.08 - Two single storey retail units
Apprv with cons 13-08-2008
- P2315.05 - Construction of two storey building comprising two ground floor shop units with two bedroom maisonette above.
Refuse 14-02-2006
- T0097.05 - received application for work to horse chestnut tree adjacent to property 265 Chase Cross Rd covered by tree preservation order 32/04
Approve no cons 15-12-2005

CONSULTATIONS / REPRESENTATIONS

Notification letters were sent to 24 properties and no representations have been received.

Environmental Health - no comments.

Local Highway Authority - object to the proposal on the grounds of insufficient off street car parking provision and the impact on local traffic flow and highway safety.

RELEVANT POLICIES

LDF

- DC16 - Core and Fringe Frontages in District and Local Centres
- DC23 - Food, Drink and the Evening Economy
- DC32 - The Road Network
- DC33 - Car Parking
- DC34 - Walking
- DC35 - Cycling
- DC55 - Noise
- DC61 - Urban Design

- NPPF - National Planning Policy Framework

MAYORAL CIL IMPLICATIONS

There are no Mayoral CIL implications relating to the proposal as the application concerns a change of use

without the creation of net additional gross internal floorspace.

STAFF COMMENTS

The main considerations relate to the principle of the change of use within the Minor Local Centre, the impact on the surrounding residential amenity and the implications for highway safety and parking.

PRINCIPLE OF DEVELOPMENT

The site forms part of the Chase Cross Road Minor Local Centre. Policy DC16 states that planning permission for uses appropriate to a shopping area, including A3, in the borough's Minor Local Centres will be granted at ground floor level.

In accordance with Policy DC16 the change of use has retained the building's active frontage and maintained an impression of visual and functional continuity, thus enhancing and aiding the vitality of the Minor Local Centre.

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

DESIGN / IMPACT ON STREET / GARDEN SCENE

The application does not involve any external works to the existing cafe frontage or fascia.

It is therefore considered that the proposed development would safeguard the character and appearance of the parade and surrounding area.

IMPACT ON AMENITY

The change of use would relate to an internal storage area to the rear of the existing commercial units and as such the location of the extended floorspace does not unduly impact on the residential amenity of the surrounding occupants by way of excessive noise, disturbance or odours.

The existing permitted opening hours for the cafe are 07:00 and 16:00 Monday to Saturdays and between the hours of 09:00 to 16:00 on Sundays and not at all on Bank or Public holidays and are considered to be acceptable for the Minor Local Centre location.

The additional floorspace has effectively doubled the amount of internal seating space and as such an increased capacity for customers. However, given the overall size of the cafe including the unauthorised additional floorspace the scale of the cafe operations are relatively limited in terms of the potential to generate undue noise and disturbance. As such any residents living near to the commercial units in this part of Chase Cross Road can reasonably expect to experience an element of noise and disturbance from customers entering and leaving the premises and passers by than residents living in a purely residential area.

In the interests of consistency with the previous planning permission (P1383.10) for the A3 use it would be considered necessary to include a condition restricting the operating hours of the cafe, were the application to be recommended for approval.

The new section of the restaurant is served by the existing restaurant kitchen. As such suitable extract and

ventilation systems have been installed as part of the previous arrangements and are being utilised.

On balance it is not considered that the change of use of the rear storage area to accommodate an extension to the adjacent cafe results in any undue impact in terms of the amenity of the neighbouring residents.

HIGHWAY / PARKING

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

Planning permission for the existing cafe use was granted under planning application P1383.10 which incorporated 4no. parking spaces on the site forecourt, shared with the adjoining unit (which also formed part of the application). The applicant did not implement the parking spaces and the forecourt of No.265 has since been used as an additional seating area for the cafe.

This current application adds 45 square metres of floor space to the original 40 square metres of cafe floorspace with 2no. parking spaces provided on the forecourt. The Public Transport Accessibility Level (PTAL) for the site is 2, which is classified as 'poor' and it is therefore likely that a significant proportion of customers will arrive by motor vehicle. The accompanying Design and Access Statement suggests that 65/70% of patrons walk to the site, but no evidence at all is provided to independently support this supposition. Consequently, the Local Highway Authority disagree that the site is in a sustainable location as suggested in the Design and Access Statement as the PTAL score takes into account local transport choices.

The Council's maximum parking standard for A3 use outside of Romford is 1 space per 10 square metres and so with a total of 85 square metres, this would indicate a maximum standard of 8no. parking spaces in accordance with Policy DC33. When PTAL is used as an indicator of likely motor vehicle use, a high PTAL score would suggest low or no parking provision is required and a low PTAL score would suggest a high level of parking is required. A PTAL of 2 is low and therefore Staff consider 2no. parking spaces to be inadequate in this instance.

The Council has had to install parking restrictions locally to this site, partly to manage obstructive and inappropriate parking by patrons of the existing A3 cafe use and Highways have raised concern that a further expansion increases the potential for such behaviour to intensify beyond the current area of restriction. Chase Cross Road is a busy local distributor and there is a concern that this would have a localised adverse impact on traffic flow and highway safety. As such the change of use is considered to be contrary to the provisions of policies DC32 and DC33.

KEY ISSUES / CONCLUSIONS

In principle the change of use to provide additional cafe floorspace is considered to be compatible with the Chase Cross Road Minor Local Centre. However, on balance, the Local Highway Authority are concerned about the localised impact on traffic flow and highway safety due to obstructive and inappropriate parking by patrons of the existing A3 use. As such there are concerns that the further expansion increases the potential for such behaviour to intensify beyond the current area of restriction.

Consequently the change of use is considered to be contrary to the provisions of policy DC32 and it is recommended that planning permission be refused.

RECOMMENDATION

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

1. Refusal non standard Condition

The change of use and cafe floorspace expansion would further exacerbate parking issues on Chase Cross Road, relating to obstructive and inappropriate parking by patrons of the existing A3 cafe use, resulting in a localised harmful impact on traffic flow and highway safety. The application is therefore contrary to the provisions of Policies DC32 and DC33 of the LDF Core Strategy and Development Control Policies DPD.

INFORMATIVES

1. Refusal - No negotiation ENTER DETAILS

Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: Consideration was given to seeking amendments, but given conflict with adopted planning policy, notification of intended refusal and the reason(s) for it was given to Daniel Brandon of KMDS Designs by telephone on 27 April 2015.

OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 4th June 2015

APPLICATION NO. P0317.15
WARD: Havering Park Date Received: 11th March 2015
Expiry Date: 6th May 2015
ADDRESS: Brickfield Cottage
Broxhill Road
Havering-atte-Bower
Romford
PROPOSAL: Single Storey Rear Extension.
DRAWING NO(S): 1270/03
1270/01 Rev B
RECOMMENDATION It is recommended that **planning permission be GRANTED** subject to the condition(s) given at the end of the report

SITE DESCRIPTION

The application site is a two storey detached dwelling situated on Broxhill Road, Havering-atte-Bower. The site is located in Metropolitan Green Belt.

Ground levels in Broxhill Road fall from north west to south east.

DESCRIPTION OF PROPOSAL

The application seeks planning permission for erection of a single storey rear extension.

The proposed extension would measure 1.80 metres deep on one flank and 1.17m on the opposing side as it will project off of an existing two storey side extension on one flank. The width of the proposed extension would be 6.4 metres with a height of 2.8 metres with a flat roof.

RELEVANT HISTORY

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

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

P0523.92 - Two storey side extension - Refused.

D0063.15 - Proposed single storey rear extension
Awaiting Decision

D0256.14 - Single Storey Rear Extension
PP is required 29-01-2015

P0602.14 - Demolition of single storey rear extension and erection of a single storey rear extension
Refuse 22-08-2014

P1516.99 - Development of existing sites to provide two detached dwellings houses with shared access
Refuse 20-01-2000

P0523.92 - Two storey side extension
Refuse 02-06-1992

P0188.91 - Two storey side addition single storey rear and detached garage

CONSULTATIONS / REPRESENTATIONS

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

Highway Authority - No objection.

RELEVANT POLICIES

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

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

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

MAYORAL CIL IMPLICATIONS

The application is not liable for Mayoral CIL.

STAFF COMMENTS

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

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

PRINCIPLE OF DEVELOPMENT

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

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

GREEN BELT IMPLICATIONS

The original dwelling had a volume of approximately 234 cubic metres. The two storey side extension (approved under application L/HAV/2487/73) had a volume of approximately 180m³. The rear dormer has a volume of 4.3m³. The rear extension/sun lounge has a volume of 43m³.

The proposed single storey rear extension has a volume of approximately 33.5m³.

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

The volume of the proposed single storey rear extension would result in an increase in cubic capacity of the existing dwelling by approximately 14% (or a volume of 33.5m³). Therefore, the combined volume of the existing development at Brickfield Cottage in conjunction with the proposed single storey rear extension equates to approximately 111%, over and above the original dwelling.

The proposed single storey rear extension is however considered to be acceptable in view of its modest depth and siting within the envelope of the existing building. Consequently there is judged to be no material impact on the openness of the Green Belt. The overall proportions of the proposed extension are relatively modest and only slightly deeper than what is existing.

The proposed extension would occupy a similar siting to the existing extension and as such, would not adversely affect the open nature and character of the Green Belt. Furthermore the proposed single storey rear extension complies with the guidance offered by the Residential Extensions and Alterations SPD.

Overall, it is Staff's view that the proposed development, despite a further increase in cubic capacity in excess of 50%, would not appear disproportionate in relation to the existing dwelling and therefore would be in accordance with Chapter 9 of the NPPF.

The proposal has been altered from that previously refused under planning application reference P0602.14 to replace the crown roof with a flat roof. This represents a reduction in height of around 0.5m compared to the previous scheme and is judged to create a structure that is less bulky visually than previously proposed.

DESIGN / IMPACT ON STREET / GARDEN SCENE

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

IMPACT ON AMENITY

It is considered that the proposal would not result in a loss of amenity to neighbouring properties, primarily due to siting and detached nature of the host dwelling.

Staff consider that no adverse impact on neighbour amenity would occur as a result of the proposed development. Existing boundary treatment in respect of the timber fence to the south and landscaping would help to screen the proposed extension from view, thus mitigating any potential visual impact.

It is considered that the proposal would not add to the overlooking that presently exists. A condition has been placed to ensure that the roof area of the proposed extension shall not be used as a balcony, roof garden or similar amenity area to further safeguard neighbouring amenity.

HIGHWAY / PARKING

It is considered that the proposal would not create any parking or highway issues.

KEY ISSUES / CONCLUSIONS

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

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

RECOMMENDATION

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

1. SC4 (Time limit) 3yrs

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

Reason:-

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

2. SC32 (Accordance with plans)

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

Reason:-

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

3. SC10 (Matching materials)

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

Reason:-

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

4. SC48 (Balcony condition)

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

Reason:-

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

INFORMATIVES

1. Approval - No negotiation required

Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: 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.

OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 4th June 2015

APPLICATION NO. P0386.15
WARD: Havering Park Date Received: 19th March 2015
Expiry Date: 14th May 2015
ADDRESS: Bower Park School
Havering Road
Romford
PROPOSAL: Single storey extension to replace existing entrance canopy.
DRAWING NO(S): 42471 101
42471 102
42471 203
42471 201
42471 202
42471 200
RECOMMENDATION It is recommended that **planning permission be GRANTED** subject to the condition(s) given at the end of the report

SITE DESCRIPTION

The application site is Bower Park School, which is sited on the eastern side of Havering Road within the Metropolitan Green Belt. The school has already been the subject of several historic planning applications.

The application site is set well away from the highway and as such is far removed from residential properties. The site is also screened for the most part by trees. Staff note that site levels fluctuate.

DESCRIPTION OF PROPOSAL

Permission is sought for the replacement of an existing entrance canopy at Bower Park School with a more substantial entrance. This will comprise of a single storey extension measuring 4.8m in depth and 4.6m at its greatest width - approximately 14.75m² gross internal area.

The proposed addition will benefit from a flat roof which will measure approximately 2.5m in height.

RELEVANT HISTORY

- P0457.13 - Retention of gymnasium
Apprv with cons 02-08-2013
- P0612.08 - Temporary gymnasium building
Lapsed application 20-12-2011

CONSULTATIONS / REPRESENTATIONS

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

Notification letters were sent to 61 neighbouring properties. No letters of representation have been received.

Environmental Health - No Objection

Highway Authority - No Objection

RELEVANT POLICIES

LDF

CP17 -	Design
DC26 -	Location of Community Facilities
DC27 -	Provision of Community Facilities
DC28 -	Dual Use of School Facilities
DC29 -	Educational Premises
DC32 -	The Road Network
DC33 -	Car Parking
DC45 -	Appropriate Development in the Green Belt
DC48 -	Flood Risk
DC51 -	Water Supply, Drainage and Quality
DC57 -	River Restoration
DC59 -	Biodiversity in New Developments
DC60 -	Trees and Woodlands
DC61 -	Urban Design
DC63 -	Delivering Safer Places

OTHER

LONDON PLAN - 3.18 -	Education facilities
LONDON PLAN - 7.16 -	Green Belt
NPPF -	National Planning Policy Framework

MAYORAL CIL IMPLICATIONS

Not applicable.

STAFF COMMENTS

The issues in this case are the principle of the development, the impact on the open character of the Green Belt, the impact of the development in the street scene, impact on the amenities of nearby residential occupiers and highways/parking.

The subject application is brought to the Regulatory Services Committee as it is for a school related development located within the Green Belt which would represent a departure from adopted policy.

PRINCIPLE OF DEVELOPMENT

The application site lies in the Metropolitan Green Belt. Schools are not within the list of appropriate uses for the Green Belt. Nonetheless the National Planning Policy Framework (NPPF) indicates that where extensions are proposed to existing buildings/uses, providing they are not disproportionate additions, they are acceptable as an exception to national policy.

Policy DC45, in line with the previous National Guidance contained in PPG2, indicates that extension of buildings other than dwellings or buildings that are associated with acceptable Green Belt uses, is inappropriate development. Nonetheless the NPPF adopted by Central Government in March 2012, in this respect supersedes the Council's LDF dating from 2008 and is a material planning consideration. As such, and as above, the NPPF accepts extensions to any existing building in the Green Belt which are not disproportionate to the original as an exception to the general policy which does not normally allow inappropriate development in the Green Belt.

Furthermore, LDF Policy DC29 states that educational premises should be of a suitable quality to meet the needs of residents. Staff are of the view that the use of the proposed single storey extension contained herein, is ancillary to the existing established use as a School and will lead to improvements and is therefore in accordance with Policy DC29.

GREEN BELT IMPLICATIONS

As indicated above, the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate development in the Green Belt. An exception to this is the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

To this end, staff consider the addition of an enclosed porch area of the scale proposed would be proportionate and that it would not detract from the openness of the Green Belt.

DESIGN / IMPACT ON STREET / GARDEN SCENE

The proposed addition is located centrally and would not be easily visible from the street. Furthermore the proposal would be screened for the most part by the existing building form of the school and as such staff therefore consider that there would be no adverse impact on visual amenity.

The proposal relates suitably to the existing layout of the School and the design would integrate acceptably with the host building and existing additions/alterations by reason primarily of its marginal scale and bulk.

IMPACT ON AMENITY

There are no implications related to neighbouring amenity due to the siting and scale of the proposal.

HIGHWAY / PARKING

The proposal will not result in any loss of vehicular parking.

Furthermore no objections were raised by the Highway Authority.

KEY ISSUES / CONCLUSIONS

Having regard to all relevant factors and material planning considerations staff are of the view that this proposal for a single storey infill extension would be acceptable.

Staff consider that the proposal would accord with Policy DC29 in relation to providing a quality school environment and would accord with the general principles for the development in the Green Belt laid out in the NPPF. It is therefore recommended that planning permission be granted.

RECOMMENDATION

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

1. SC4 (Time limit) 3yrs

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

Reason:-

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

2. SC10 (Matching materials)

All new external finishes shall be carried out in materials to match those of the existing building, namely brickwork, plain roof tiles and aluminium double glazed windows and doors, to the satisfaction of the Local Planning Authority.

Reason:-

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

3. SC32 (Accordance with plans)

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

Reason:-

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

4. SC62 (Hours of construction)

Construction and associated activities at the development, audible beyond the boundary of the site should not be carried out other than between the hours of 0800 - 1800hrs Monday to Fridays and 0800 - 1300hrs on Saturdays and at no other times including Sundays and Public/Bank Holidays, unless otherwise agreed with the Environmental Health Officer.

Reason:-

To minimise the impact of the development on the surrounding area in the interests of amenity.

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.

OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 4th June 2015

APPLICATION NO. P0391.15
WARD: Squirrels Heath **Date Received:** 13th April 2015
Expiry Date: 8th June 2015

ADDRESS: 83 Balgores Lane
Romford

PROPOSAL: Change of Use from A2 Alarms shop to A5 Traditional Pizza take-away

DRAWING NO(S): 0386.14.03 Proposed Details
0386.14.01 Existing Floor Plan and Elevation
0386.14.02 Proposed Floor Plan and Elevations
0386.14.04 Location and Site Plans
0386.14.00 Location and Site Plans

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

CALL-IN

The case has been called in by Councillor Frederick Thompson on the basis that the proposal would make the entire parade of three shops into takeaways, thus impoverishing the retail variety, and cause more stopping traffic causing obstruction close to a double bend with poor sight-lines for motorists

SITE DESCRIPTION

The application site comprises the central unit of a row of 3 adjacent single storey shop units facing west onto Balgores Lane. The shops on either side of the application premises are in use as hot food takeaways. The site is a few metres south of the intersection between Balgores Lane and Crossways where Balgores Lane curves to the west. Gidea Park Railway Station is 100 metres to the southeast. To the north of the 3 shops and running from Balgores Lane along the flank of the northernmost shop is Station Square which is a short lane linking to the station car park, on the other side of Station Square is a 2/3 storey office building which faces onto the junction of Balgores Lane with Crossways; to the south of the shops is the cutting of the mainline railway; to the west, on the other side of Balgores Lane, is a parade of shops - 142-168 Balgores Lane and to the east is a gated parking area to the side of Orchard Court which is a 2/3 storey office building.

The site lies within the Balgores Lane Major Local Centre and the Gidea Park Conservation Area.

DESCRIPTION OF PROPOSAL

The proposal is for the change of use of the shop (which is currently empty) from Use Class A2 (Financial and Professional Services) to Use Class A5 (Hot food takeaway). An extraction system with a short external exhaust flue is proposed to be located in the rear part of the unit. The takeaway is proposed to be open 7 days a week from 0800 to 2300.

RELEVANT HISTORY

No planning history.

CONSULTATIONS / REPRESENTATIONS

Occupiers of 14 neighbouring properties were notified of the application, a site notice was displayed and the application was published in the local press. Three communications objecting to the proposal have been received from neighbouring occupiers and the Gidea Park and District Civic Society as a result of this publicity. Objections are that:

- there is already a parking problem in the close vicinity;
- the proposal will encourage dangerous parking and lead to congestion;
- the proposal will lead to an increase in noise, advertising boards and litter in the vicinity.

Local Highways Authority - no objections.

Environmental Health - recommend a condition is imposed restricting the level of noise emitted by new plant/machinery.

RELEVANT POLICIES

London Plan

2.15 - Town Centres

4.7 - Retail and town centre development

6.13 - Parking

Local Development Framework

DC16 - Core and Fringe Frontages in District and Local Centres

DC23 - Food, Drink and the Evening Economy

DC33 - Car Parking

DC36 - Servicing

DC61 - Urban Design

MAYORAL CIL IMPLICATIONS

None.

STAFF COMMENTS

The main issues are the principle of development, the impact upon residential amenity and the highways/parking/servicing arrangements.

PRINCIPLE OF DEVELOPMENT

The premises are located within the Balgores Lane Major Local Centre which does not have a defined core or fringe area, with parts of the centre located on either side of the railway bridge. Policy DC16 indicates that outside of retail cores within the Major Local Centres that planning permission for non-retail uses will be granted at ground level provided that the use has an active frontage; is open during shopping hours and would not cause significant harm to the character, function and viability and vitality of the centre.

The unit is located centrally in a stand alone row of three properties, on the north east side of Balgores Lane

adjacent to the railway cutting and bridge. As such it is detached from the main terraces of retail units on the south western side of Balgores Lane on both sides of the bridge and those on the corner of Station Road and Balgores Lane. The unit would have both an active frontage and would be open during shopping hours so the key consideration is whether it would cause any significant harm as outlined above. Given that both other units in the terrace are already in A3 or A5 use, that the unit is currently vacant and that it is somewhat detached from the rest of the centre it is not considered that any demonstrable harm along the lines outlined by DC16 would be caused and the principle of the use proposed is therefore considered to be acceptable.

DESIGN / IMPACT ON STREET / GARDEN SCENE

There are no external alterations to the front elevation of the building and the existing shop front. Accordingly, the proposal would not have an adverse impact upon the street scene.

IMPACT ON AMENITY

The premises would be open during the hours of 0800 to 23.00 from Monday to Sunday 7 days a week.

The nearest residential properties are located above the shops and offices in the Local Centre and it is not considered that there would be a material detrimental impact on the amenity of these homes which should, for reason of their location, expect some degree of noise from the functioning of the local centre. Anti-social behaviour is more appropriately controlled by the relevant legislation.

The fume extract system which vents to the rear of the building. It is set well away from residential properties and a condition is proposed to limit the sound output from its use. It is not considered that the extract system will cause any material loss of amenity to neighbouring occupiers.

HIGHWAY / PARKING

The Local Highway Authority has no objection to the proposed change of use. Balgores Lane and the local area are controlled with parking restrictions which operate between 8am and 6.30pm Monday to Saturday and, during this time, there are extensive on-street paid-and-display parking bays in the area as well as the Balgores Square car park. Outside these restriction times, there is far less risk of parking creating serious traffic congestion. There is no difference in the parking requirements set out in Annex 5 of the Local Development Framework between the two uses, and no additional parking is required by policy.

Objections on the grounds that the proposal would lead to dangerous parking is speculative and not a valid reason for refusing planning permission. Such behaviour is, in any case, controlled by road traffic legislation.

It is not considered that there are any implications relating to servicing, which is from Station Square, or refuse storage which is in eurobins to the side of the shops on Station Square.

KEY ISSUES / CONCLUSIONS

The proposal is for the change of use of an existing shop unit previously in A2 use to A5 hot food takeaway. It is considered that the proposal is acceptable in principle and would not cause a loss to local amenity or have a detrimental impact on the local highways. As a result it is recommended that planning permission is granted.

RECOMMENDATION

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

1. SC4 (Time limit) 3yrs

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

Reason:-

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

2. SC32 (Accordance with plans)

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

Reason:-

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

3. Noise from plant

Before the premises start trading a scheme for any new plant or machinery shall be submitted to the local planning authority to achieve the following standard. Noise levels expressed as the equivalent continuous sound level Leq(1 hour) when calculated at the boundary with the nearest noise sensitive premises shall not exceed LA90 - 10db and the installed machinery shall not exceed these noise levels.

Reason:-

To prevent noise nuisance to adjoining/adjacent properties and to comply with Policy DC61 of the Development Control Policies Development Plan Document

4. Hours of opening

The premises shall not be used for the purposes hereby permitted other than between the hours of 08:00 to 23:00 without the prior consent in writing of the Local Planning Authority.

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

INFORMATIVES

1. Approval - No negotiation required

Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.

2. Fee Informative

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

OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 4th June 2015

APPLICATION NO. P0441.15
WARD: Romford Town Date Received: 30th March 2015
Expiry Date: 25th May 2015
ADDRESS: 154 Balgores Lane
Romford
PROPOSAL: Change of Use of existing vacant Financial & Professional Services unit (A2) to a restaurant (A3) and installation of rear external extract duct.
DRAWING NO(S): PL-5354_01 Location Plan
PL-5354_02 Existing Floor Plans
PL-5354_03 Existing Elevations
PL-5354_08 Proposed Street Scene
PL-5354_05 Proposed Elevations
PL-5354_06 Proposed Site Plan
PL-5354_07 Existing Street Scene
PL-5354_04 Proposed Floor Plans
RECOMMENDATION It is recommended that **planning permission be GRANTED** subject to the condition(s) given at the end of the report

CALL-IN

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

There is insufficient street parking in the vicinity with the possibility of patrons of an evening parking obstructively in Carlton Road and on the bend. Cars picking up from the kebab shop opposite in the evening already cause traffic congestion and increased danger at this location. The flats over the proposed restaurant are likely to be disturbed by noise emanating from the restaurant including putting out refuse and bottle bin noise. The site has rather poor access for refuse disposal.

The case has also been called in by Councillor Joshua Chapman for the following reasons:

Directly above this property and all along the top floor of the building, there are residential flats - there will be a significant loss of residential amenity for all of the current residents if this change of use is permitted. Firstly, there is the problem of noise (a restaurant will have late night custom causing elevated noise-levels in a residential area; secondly, there is the problem of the smell of the food (a big problem considering the close proximity to the flats directly above and the properties at the end of Carlton Road). This change of use will also cause a major parking issue. There are not sufficient parking spaces to serve a restaurant here. However, there are no restrictions in Carlton Road after 10am, so this will be the obvious parking choice for customers of the restaurant and will cause significant parking issues in the already pressured Carlton Road. Furthermore, the noise from the restaurant will be carried to Carlton Road as customers return to their vehicles. There are no restaurants in this section of flats/offices so it would not seem appropriate to change this now. There is a kebab takeaway nearby in a different ward which does not have any flats above, and a restaurant further up the road, but nothing in this section, so I don't think it is appropriate to include a restaurant in this residential zone.

SITE DESCRIPTION

The application site comprises a shop unit in a building with a parade of shops on the ground floor with further accommodation on the first floor and in the roof space. In common with the unit to the south the first and second floor are integral to the unit and used as office space. The first and second floor accommodation above the adjacent shop unit to the north has a separate front door and is in use as residential accommodation.

The shop is a few metres south of the intersection between Balgores Lane and Crossways where Balgores Lane curves to the west. Gidea Park Railway Station is 120 metres to the southeast. To the north of the shop is 152 Balgores Lane which is in use as a beauty salon; to the south is 154 Balgores Lane which is in use as the offices; to the east, on the other side of Balgores Lane, is a short parade of 3 shops - 81 to 85 Balgores Lane and to the west is the shop's service yard and beyond this the rear gardens of properties which face north onto Carlton Road.

The site lies within the Balgores Lane Major Local Centre and the Gidea Park Special Character Area.

DESCRIPTION OF PROPOSAL

The proposal is for the change of use of the shop (which is currently empty) from Use Class A2 (Financial and Professional Services) to Use Class A3 (Restaurant). An extraction system with an external exhaust flue is proposed to be located in the rear part of the unit. The restaurant is proposed to be open 0700 to 1800 Monday to Saturday and 0800 to 1600 on Sundays and Bank Holidays.

RELEVANT HISTORY

No relevant planning history.

CONSULTATIONS / REPRESENTATIONS

Occupiers of 36 neighbouring properties were notified of the application. Three communications objecting to the proposal have been received from neighbouring occupiers as a result of this publicity.

Objections are that:

- the extract fan will discharge odours to the detriment of occupiers of neighbouring properties;
- the proposal will cause an increase in noise, litter and advertisement boards;
- the proposal will encourage dangerous parking and lead to congestion.

Local Highways Authority - Balgores Lane and the local area is controlled with parking restrictions which operate between 8am and 6.30pm, Monday to Saturday and during this time, there are extensive on-street paid-and-display parking bays in the area as well as the Balgores Square car park. Out of those restriction times, there is far less risk of parking creating serious traffic congestion. On that basis, we have no objection.

Environmental Health - recommend a condition is imposed restricting the level of noise emitted by new plant/machinery.

RELEVANT POLICIES

London Plan

2.15 - Town Centres
4.7 - Retail and town centre development
6.13 - Parking

Local Development Framework

DC16 - Core and Fringe Frontages in District and Local Centres
DC23 - Food, Drink and the Evening Economy
DC33 - Car Parking
DC36 - Servicing
DC61 - Urban Design

MAYORAL CIL IMPLICATIONS

None.

STAFF COMMENTS

The main issues are the principle of development, the impact upon residential amenity and the highways/parking/servicing arrangements.

PRINCIPLE OF DEVELOPMENT

The application site is designated as being within a Major Local Centre. Policy DC16 sets criteria for changes of use within the Major Local Centres that seek to protect the retail viability of the shopping centre. It provides that planning permission for service uses (within Classes A1-A5) will be granted where:

- the use provides a service appropriate to a shopping area
- it will not result in a grouping of 3 or more adjoining A2-A5 uses
- the proportion of non-retail uses in the relevant frontage exceeds 33%.

The proposed use as a restaurant is within use class A3 and is appropriate in principle in a shopping area. The shop already has the benefit of planning permission for an A2 use and no loss of retail would result. Therefore the proposal does not conflict with the second and third criteria and no loss of retail viability within the shopping centre is judged to result.

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

It is considered that the proposal to be acceptable in principle in land use terms. The existing use is A2, no loss of retail would therefore result.

DESIGN / IMPACT ON STREET / GARDEN SCENE

There are no external alterations to the front elevation of the building and the existing shop front. Therefore, the proposal would not have an adverse impact upon the street scene. The proposal includes an extract flue to the rear elevation. This would not be visible from the street and although it would be visible from the rear of residential properties to the west which face north onto Carlton Road, the nearest of these is some 35 metres away and it is not considered that there would be any material loss of visual amenity.

IMPACT ON AMENITY

The premises would be open during the hours of 0700 to 1800 Monday to Saturday and 0800 to 1600 on Sundays and Bank Holidays.

The objection relating to an unacceptable increase in noise and litter and advertising boards from the use was made by an occupier of a property on Woodfield Drive some 450 metres from the application site. The objection is speculative in nature as it relates to what might happen and a refusal on these grounds would not be justified. Anti-social behaviour is more appropriately controlled by the relevant legislation.

The nearest residential property is located above the adjacent shop unit to the north. It is not considered that the use of the restaurant would cause a material detrimental impact to the amenity of occupiers of this flat who should, for reason of the property's location, expect some degree of noise from the functioning of the local centre. Because the refuse storage is to the immediate rear of the building at the far end of a part single, part two storey rear addition, and is screened by a 2 metre boundary wall immediately to the north, it is considered that any sounds generated from the use of the bins will be deflected to the south and west away from the building and therefore away from residential units above the parade. It is not considered that there would be an unacceptable level of noise to properties in the local centre and no such objections has been received from any of the properties.

The fume extract system which vents to the rear of the building is set well away from residential properties and a condition is proposed to limit the odour and sound output from its use. It is not considered that the extract system will cause any material loss of amenity to neighbouring occupiers. Conditions can be imposed to ensure that the system is adequate for purpose.

HIGHWAY / PARKING

The Local Highway Authority has no objection to the proposed change of use. Balgores Lane and the local area are controlled with parking restrictions which operate between 8am and 6.30pm Monday to Saturday and, during this time, there are extensive on-street paid-and-display parking bays in the area as well as the Balgores Square car park.

Apart from one hour between 0700 and 0800 on weekdays and Saturdays and between 0800 and 1600 on Sundays the premises will not be open outside the hours when parking is controlled. Outside these restriction times, there is far less risk of parking creating serious traffic congestion. The existing parking for 4 cars to the rear of the property is to be retained and complies with policy requirements. Objections on the grounds that the proposal would lead to dangerous parking is speculative and not a valid reason for refusing planning permission. Such behaviour is, in any case, controlled by separate road traffic legislation.

OTHER ISSUES

WASTE DISPOSAL

In common with other commercial properties in the parade the shop has a yard to the rear served by a vehicular access from Balgores Lane. Waste storage is shown on the submitted plans as being to the immediate rear of the unit and it is not considered that there would be any issues with servicing this area. Details of refuse storage arrangements and be required and controlled by condition.

KEY ISSUES / CONCLUSIONS

The proposal is for the change of use of an existing shop unit previously in A2 use to A3 restaurant. It is considered that the proposal is acceptable in principle and would not cause a loss to local amenity or have a detrimental impact on the local highways. As a result it is recommended that planning permission is granted.

RECOMMENDATION

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

1. SC4 (Time limit) 3yrs

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

Reason:-

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

2. SC32 (Accordance with plans)

The development hereby permitted shall not be carried out otherwise than in complete accord 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. Hours of Opening

The premises shall not be used for the purposes hereby permitted other than between the hours of 0700 to 1800 Monday to Saturday and 0800 to 1600 on Sundays and Bank Holidays without the prior consent in writing of the Local Planning Authority.

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

4. SC49 (Waste disposal A3 uses) (Pre Commencement Condition)

No building shall be occupied or use commenced until details of a waste management scheme is submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the method and location of refuse and recycling storage, including provision for all refuse to be properly contained within the approved facility, together with arrangements for refuse disposal. The scheme shall be implemented on site, in accordance with the approved details, prior to the first occupation or commencement of the use hereby approved and retained permanently thereafter.

Reason:-

Insufficient information has been supplied with the application to judge how waste 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 nearby premises, and ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

5. SC50 (Extract ventilation for A3 uses) (Pre Commencement)

Before the use commences suitable equipment to remove and/or disperse odours and odorous material should be fitted to the extract ventilation system in accordance with a scheme to be designed and certified by a competent engineer and after installation a certificate to be lodged with the Planning Authority. Thereafter, the equipment shall be properly maintained and operated within design specifications during normal working hours.

Reason:-

Insufficient information has been supplied with the application to judge the technical specifications of the extract ventilation system. Submission of this detail prior to commencement of the use will protect the amenity of occupiers of nearby premises and ensure that the development accords with Development Control Policies Development Plan Document Policy DC61.

6. SC51 (Noise & vibration of A3 uses)(Pre Commencement)

No building shall be occupied or use commenced until a suitable mechanical ventilation system is installed in accordance with a scheme to control the transmission of noise and vibration which has been previously submitted to and approved in writing by the Local Planning Authority. Thereafter, the equipment shall be properly maintained and operated in accordance with the scheme during normal working hours.

Reason:-

Insufficient information has been supplied with the application to judge the technical specifications of the mechanical ventilation system. 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 protect the amenity of occupiers of nearby premises, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

INFORMATIVES

1. Approval - No negotiation required

Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.

2. Fee Informative

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

OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 4th June 2015

APPLICATION NO. P0474.15
WARD: Havering Park **Date Received:** 10th April 2015
Expiry Date: 5th June 2015

ADDRESS: 1-1a Chase Cross Road
Collier Row
Romford

PROPOSAL: Extension of first floor to form 2no. one-bed flats and extension and sub-division of ground floor for A1 and A3 use including new shop fronts.

DRAWING NO(S):

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

CALL-IN

This application has been called-in by Councillor John Crowder on the grounds that the proposals would not only improve appearance of the site, but would also provide much needed residential accommodation. Given the size of development parking is not considered to be an issue.

SITE DESCRIPTION

The application site comprises a part single storey and part two storey building that lies at the roundabout junction of Clockhouse Lane and Chase Cross Road. The application property is part of a terrace of four that are finished in an art deco style with white render and facing brickwork. The main frontage of the terrace is onto Chase Cross Road, but there is also rear access from Clockhouse Lane. No.1 is the single storey part of the building which is set behind the Chase Cross Road frontage and is currently in retail (A1) use. No.1a is the two storey section which has a vacant A3 (restaurant) use on the ground floor and an office and storage area on the first floor. The building lies within a fringe area of the Collier Row Minor District Centre.

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

The adjoining properties in the terrace are also within the Centre and have A5 (takeaway) and A3 uses on the ground floor with flats above. The District Centre extends further along Collier Row Road to include the former 'Buddies' Driving School site. Beyond that property the area is predominantly residential.

DESCRIPTION OF PROPOSAL

This is the resubmission of a proposal refused by the committee in February 2015 due to the lack of on-site parking for the residential part of the scheme.

It is proposed to extend the shop frontage of no.1a on Chase Cross Road by about 1.2 metres and remove internal walls and storage areas to increase the floor space which would be split between the restaurant and retail uses. There would be new glazed frontages to both units. The existing first floor office space would be extended over most of the area of the existing ground floor to form two one-bed flats with balconies facing out onto the street. Some of the existing single storey elements would be demolished to facilitate the

redevelopment. The enlarged building would have a flat roof similar to the existing. The appearance of the front elevation at first floor level would remain broadly unchanged.

Access to the flats would be from Clockhouse Lane. Part of the existing rear yard would be retained to provide access for deliveries to the ground floor units and to provide bin and cycle storage for the flats.

RELEVANT HISTORY

P0401.03 - Reconstruction of ground floor annex plus first floor extension -approved.

P0001.08 - Change of use of 1st floor to residential, first floor and single storey side/rear extensions and new shopfront -approved.

P0727.11 - Alterations and extension to form 2 no. 1 bed flats and increase retail area to ground floor - approved.

P1635.14 - Extension of first floor to form 2no. one-bed flats and extension and sub-division of ground floor for A1 and A3 use including new shop fronts - refused.

P0294.05 - Retrospective application for change of use to Class A3 - sale of hot food and drink
Apprv with cons 04-04-2005

P0401.03 - Reconstruction of ground floor annex plus first floor extension
Apprv with cons 17-04-2003

CONSULTATIONS / REPRESENTATIONS

Neighbours have been notified of the application but no representations have been received.

London Fire Brigade - no objections

Streetcare (Highways)- no objections if S106 agreement entered into to prevent future occupants securing resident parking permits

Thames Water - no objections

Public Protection - no objections subject to noise insulation and attenuation conditions

Essex and Suffolk Water - no objections

RELEVANT POLICIES

LDF

CP01 -	Housing Supply
CP02 -	Sustainable Communities
CP17 -	Design
DC02 -	Housing Mix and Density
DC03 -	Housing Design and Layout
DC07 -	Lifetime Homes and Mobility Housing
DC16 -	Core and Fringe Frontages in District and Local Centres
DC33 -	Car Parking

DC49 -	Sustainable Design and Construction
DC61 -	Urban Design
DC62 -	Access
DC72 -	Planning Obligations

OTHER

LONDON PLAN - 3.3 -	Increasing housing supply
LONDON PLAN - 3.4 -	Optimising housing potential
LONDON PLAN - 3.5 -	Quality and design of housing developments
LONDON PLAN - 6.13 -	Parking
NPPF -	National Planning Policy Framework

MAYORAL CIL IMPLICATIONS

The proposal would be liable for Mayoral CIL based upon the net increase in the gross internal floorspace. The floorspace of existing buildings can be taken into account if lawfully used for at least six months over the last three years. In this case the floorspace that has been in lawful use amounts to 159 square meters and the total new build would amount to 229 square metres. As a consequence there would be a net increase in floorspace of 70 square metres giving rise to a CIL liability of £1,400 at £20 per square metre.

STAFF COMMENTS

The main issues for consideration are the principle of the development, its impact on the character and appearance of the street scene, impact on neighbouring amenity and parking and highway issues. Planning permission has previously been refused for the same development on the grounds of inadequate on-site car parking for the residential element and lack of a planning obligation to secure an infrastructure contribution.

PRINCIPLE OF DEVELOPMENT

The site is located in the fringe area of Collier Row Minor District Centre. The ground floor already has an A1 and A3 use and the proposed extensions/modifications to provide additional floor space would be acceptable in principle. LDF Policy DC16 allows A1 retail uses throughout the primary shopping area and non-retail uses in fringe areas are acceptable at ground floor level. Policy CP1 accepts the principle of mixed-use developments in town centres and DC4 accepts the conversion of existing buildings to residential. The NPPF also encourages residential development in town centres at appropriate sites. In principle the development would accord with NPPF, London Plan and LDF policies.

Planning permission was granted in 2008 and 2011 for a similar development at the site, but was refused in 2015. The 2008 application was for the extension of the first floor to provide a two-bed flat and alterations to the shop front. The 2011 application was similar to that currently proposed (and that refused in 2015) with two one-bed flats within a larger extension to the first floor compared to the 2008 proposal and enlarged ground floor accommodation for retail use. The main difference is that no restaurant use was proposed. Permission was granted in 2008 and 2011 without any parking provision or specific delivery arrangements. However, when considering the most recent application, members judged that some form of on-site parking would be necessary to make the residential element acceptable. As the site has no access from the highway it would not be possible to make any provision and occupiers would need to park in adjoining residential streets to the detriment of existing residents.

DENSITY / SITE LAYOUT

The proposed one-bed flats would meet the minimum space standards set out in Policy 3.5 and Table 3.3 of the London Plan. The proposed density would also be within the range set out in London Plan Policy 3.4 and Table 3.2 but above that in LDF policy DC2. However, these figures only provide a guide to appropriate densities and as only two flats are proposed which are above existing retail, a higher density is considered acceptable.

The Residential Design SPD recommends that every home should have access to amenity space that is both private and usable. For flatted development this can include balconies. The SPD states that balconies should be incorporated into all flatted developments and should as a minimum be 1.5 metres in depth and 5 square metres in overall size to allow adequate space for a table and chairs. Both of the proposed balconies would have a depth and area which complies with policy. The balconies would be sufficiently screened from each other to provide a sufficient degree of privacy and amenity for future occupiers.

In terms of layout Policy DC4 states that subdivided or converted residential units should have a safe secure access from the street and decent outlook and aspect. An entrance is proposed from Clockhouse Lane which would provide safe and secure access. The balconies would have an outlook over the street which would provide a less than ideal outlook. However, it is not unusual to have balconies overlooking the street in town centres and given the site's configuration there are no alternative options for amenity space. The balconies would be large enough to provide for some 'landscaping' in terms of pot plants and views over the street could be screened to provide addition privacy. The site's size and configuration would not allow for any other landscaping. On balance staff consider that the proposed amenity space provision would be acceptable.

DESIGN / IMPACT ON STREET / GARDEN SCENE

At ground floor level there would only be minor changes in the layout through the extension of the existing frontage of the former restaurant unit, a new entrance lobby to serve the flats from Clockhouse Lane and changes to the retail frontage. These proposals would enhance the streetscene and appearance of the area as part of the minor district centre.

In terms of the first floor extension there would be no change to the elevation above the restaurant but the building would be extended around the building onto Clockhouse Lane. The extension would be in a similar style to the existing frontage in Chase Cross Road and would bring about an overall improvement in the appearance of the building thereby enhancing the streetscene.

IMPACT ON AMENITY

The proposed ground floor alterations would not result in any significantly greater impact on neighbouring properties. Those on the ground floor are either takeaways or restaurants and whilst there are some flats at first floor level the proposals would not significantly intensify the existing authorised uses. Future occupiers of the proposed new first floor flats could experience some disturbance from the ground floor uses, mainly as a result of noise. Sound insulation would be dealt with through the Building Regulations and future occupiers would be aware of the site's location within a shopping centre where a higher level of activity would normally be expected, including the evening, compared with a residential area. As there is no on-site parking associated with the ground floor uses there would be no significant impact from evening uses due to vehicle movements or from deliveries. Overall the impact on amenity is considered to be acceptable.

HIGHWAY / PARKING

LDF Policy DC36 seeks to ensure that new town centre developments make adequate provision for servicing. There are no off-road facilities for deliveries to the ground floor units as there are pedestrian barriers along the highway frontage to both Clockhouse Lane and Chase Cross Road. Both of the units would be serviced from Clockhouse Lane and there is expected to be little change from the existing situation. Given the size of the units the number of deliveries is not expected to be significant and would not change from the current position. The Highway Authority has confirmed that this would be acceptable.

With regard to parking for the flats the site has a PTAL of 3 and LDF Policy DC2 would normally require 1.5-1 spaces per unit. However, the London Plan would accept less than one space per unit and the 2008 and 2011 permissions were granted without any parking. Parking cannot be accommodated within the site and there is currently unrestricted on-street parking in the locality. Whilst expressing concerns about the lack of provision the Highway Authority considers that should the applicant enter into a planning agreement restricting future occupiers applying for parking permits then there would be no objection. Whilst such an agreement was recommended for the earlier application the lack of such an agreement did not form one of the reasons for refusal. There are currently no resident parking schemes in the vicinity of the site. In view of the lack of on-site parking the development is, therefore, considered unacceptable as this would lead to parking in neighbouring streets to the detriment of existing residents.

There have been no material changes to the proposal from that previously refused under application reference P1635.14 and the proposed recommendation to refuse on highway grounds is consistent with this previous decision.

SECTION 106

Infrastructure Impact of Development

Regulation 122 of the Community Infrastructure Levy Regulations 2010 (CIL Regs) states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:

- (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.

Policy DC72 of the Council's LDF states that in order to comply with the principles as set out in several of the Policies in the Plan, contributions may be sought and secured through a Planning Obligation. Policy 8.2 of the Further Alterations to the London Plan states that development proposals should address strategic as well as local priorities in planning obligations.

In 2013, the Council adopted its Planning Obligations Supplementary Planning Document which sought to apply a tariff style contribution to all development that resulted in additional residential dwellings, with the contributions being pooled for use on identified infrastructure.

There has been a recent change to the effect of the CIL Regs in that from 6th April 2015, Regulation 123 of the CIL Regs states that no more than 5 obligations can be used to fund particular infrastructure projects or infrastructure types. As such, the SPD, in terms of pooling contributions, is now out of date, although the underlying evidence base is still relevant and up to date for the purposes of calculating the revised S106 contributions.

The evidence background to the SPD, contained in the technical appendices is still considered relevant. The evidence clearly show the impact of new residential development upon infrastructure - at 2013, this was that each additional dwelling in the Borough has a need for at least £20,444 of infrastructure. Therefore, it is considered that the impact on infrastructure as a result of the proposed development would be significant and without suitable mitigation would be contrary to Policy DC72 of the LDF and Policy 8.2 of the London Plan.

Furthermore, evidence clearly shows a shortage of school places in most parts of the Borough - (London Borough of Havering Draft Commissioning Plan for Education Provision 2015/16-2019/20). The Commissioning report shows need for secondary places and post-16 places which due to their nature would serve all parts of the Borough. The Commissioning report identifies that there is no spare capacity to accommodate demand for primary and early years school places generated by new development. The cost of mitigating new development in respect to all education provision is £8,672 (2013 figure from Technical Appendix to SPD). On that basis, it is necessary to continue to require contributions to mitigate the impact of additional dwellings in the Borough, unless the development is within an area of the Borough where there is a surplus of school places. Previously, in accordance with the SPD, a contribution of £6000 per dwelling was sought. It is considered that this is reasonable when compared to the need arising as a result of the development.

It would therefore be necessary to require a contribution to be used for educational purposes. Separate monitoring of contributions would take place to ensure that no more than 5 contributions are pooled for individual projects. It is considered that a contribution equating to £6000 per dwelling for educational purposes would be appropriate. The proposal would, therefore, be liable for a contribution of £12,000 in accordance with Policy DC72. In the absence of a planning obligation securing this contribution the proposal would not accord with the policy.

KEY ISSUES / CONCLUSIONS

The site lies with a Minor District Centre where the proposed development is considered acceptable in principle. Planning permission for similar development has previously been permitted, but not implemented. The design and appearance of the extended first floor would be in keeping with the existing frontage onto Chase Cross Road and maintain the character and appearance of that part of the shopping centre. The proposed changes to the existing ground floor retail unit along Clockhouse Lane would bring about significant improvements to the character and appearance of the area which currently has a run-down appearance. The development is considered acceptable in terms of impact on adjoining properties and the residential development would provide an acceptable level of accommodation for future occupants. However, the site does not have access to the highway and consequently cannot provide any off-street parking. In line with the previous decision this lack of parking is judged likely to lead to parking in residential streets nearby to the detriment of residential amenity of existing occupants. The development is, therefore, considered to be unacceptable for this reason and refusal is recommended.

In addition the proposals would have an impact on the infrastructure of the area and a financial contribution of £12,000 would be necessary to offset this impact. In the absence of a planning obligation to secure such payment this amounts to a further reason for refusal.

RECOMMENDATION

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

1. REFUSAL - Non Standard

The proposed development would fail to provide any on-site car parking for the residential element of the scheme which is likely to result in unacceptable overspill of vehicles associated with occupiers and visitors onto the adjoining roads to the detriment of residential amenity contrary to Policies DC2, DC33 and DC61 of the LDF Core Strategy and Development Control Policies DPD.

2. Reason for Refusal - Planning Obligation

In the absence of a planning obligation to secure contributions towards the demand for school places arising from the development, the proposal fails to satisfactorily mitigate the infrastructure impact of the development, contrary to the provisions of Policy DC72 of the Core Strategy and Development Control Policies DPD and Policy 8.2 of the London Plan.

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.

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 £1,400. Further details with regard to CIL are available from the Council's website.

REGULATORY SERVICES COMMITTEE

4 June 2015

REPORT

Subject Heading:

P0355.15 78-80 Straight Road, Romford
Demolition of existing buildings and structures and redevelopment of site for three-storey building comprising ground floor retail unit and 9 no. 1, 2 and 3-bed apartments over two storeys above, together with ancillary car parking, cycle storage and commercial and landscaped areas. Variation of condition 2 (approved plans) and condition 22 (opening hours) of P1087.14

Ward:

Heaton

Report Author and contact details:

Helen Oakerbee
Planning Manager
helen.oakerbee@havering.gov.uk
01708 432800

Policy context:

Local Development Framework
The London Plan
National Planning Policy Framework

Financial summary:

Not relevant

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

Havering will be clean and its environment will be cared for	[x]
People will be safe, in their homes and in the community	[x]
Residents will be proud to live in Havering	[x]

SUMMARY

The is an application under S73 of the Town and Country Planning Act 1990 for a new planning permission for the development granted under P1087.14, but with two different conditions. The variations concern revised opening hours and revised internal layout to create two retail units. The proposal redevelopment of the site has already been agreed in principle and the proposed changes, whilst minor, are considered to be material. The proposed changes to the conditions are considered acceptable and approval is recommended accordingly, subject to the prior completion of a S106 planning obligation.

RECOMMENDATIONS

1. That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable fee would be £15060 subject to indexation. This is based on the creation of 1042m² of new gross internal floor space (net increase of 753m²).
2. That the proposal is unacceptable as it stands but would be acceptable subject to the applicant entering into a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended), to secure the following:
 - A financial contribution of £54,000 to be used for educational purposes.
 - 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 the planning obligation to secure the above contribution and upon completion of that obligation, grant planning permission subject to the conditions set out below.

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

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

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

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

3. *Car parking* - No dwelling unit shall be occupied or the retail unit opened for trading until the car/vehicle parking area shown on the approved plans has been completed, and thereafter, the area shall be kept free of obstruction and available for the parking of vehicles associated with the development

Reason: To ensure that there are adequate parking facilities to serve the development in the interests of highway safety and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC33.

4. *Disabled parking* - No building shall be occupied or use commenced until the disabled parking spaces shown on the approved plans have been completed, and thereafter, the area shall be kept free of obstruction and available for the parking of vehicles belonging to disabled people associated with the development.

Reason: To ensure that there is adequate on-site disabled parking facilities for the disabled in accordance with Development Control Policies Development Plan Document Policy DC33.

5. *Loading* - The retail floorspace shall not be occupied or the retail use commenced until the facilities for loading, unloading, circulation and manoeuvring have been completed in accordance with the approved plans.

Thereafter, these areas shall be kept free of obstruction and available for these uses.

Reason: To ensure that there are adequate servicing facilities within the site in the interests of highway safety in accordance with Development Control Policies Development Plan Document Policy DC36.

6. *Deliveries* - No deliveries to or collections from the site shall be made other than between the following times: 07:00 hours to 21:00 hours Monday to Saturday and 08:00 hours to 21:00 hours on Sundays, Bank or Public Holidays.

Reason: To protect the amenities of nearby residential properties in accordance with Policy DC61 of the Development Control Policies Development Plan Document.

7. *Open storage* - No goods or materials shall be stored on the site in the open without the prior consent in writing of the Local Planning Authority.

Reason: In the interests of visual amenity, and that the development accords with Development Control Policies Development Plan Document Policy DC61

8. *Materials* - The development hereby permitted shall not be commenced until samples of all materials to be used in the external construction of the buildings and hard landscaped areas have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed with the approved materials.

Reason: 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.

9. *Refuse and recycling* - Prior to the first occupation of the development or the commencement of the use 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: 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.

10. *Cycle storage* - No building shall be occupied or use commenced until cycle storage for both the residential units and retail store is provided, of a type and in a location previously submitted to and agreed 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 in accordance with Policy DC36 of the LDF Development Control Policies Development Plan Document.

11. *Secured by Design* - The development hereby permitted shall not be commenced until details of the measures to be incorporated into the development demonstrating how the principles and practices of the Secured by Design scheme have been included have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, and shall not be occupied or used until written confirmation of compliance with the agreed details has been submitted to and approved in writing by the LPA.

Reason: 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. *External and internal lighting* - The development hereby permitted shall not be commenced until a scheme for the lighting of external areas of the development, has been submitted to and approved in writing by the local planning authority. The scheme of lighting shall include details of the extent of illumination together with precise details of the height, location and design of the lights. The approved scheme shall then be implemented in strict accordance with the agreed details prior to the first occupation of that phase of the development and retained thereafter.

Reason: Insufficient information has been supplied with the application to judge the impact arising from any external lighting required in connection with the building or use. 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 residential amenity and ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

13. *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 8:00 hours and 18:00 hours Monday to Friday, and between 08.00 hours and 13.00 hours 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.

14. *Wheel washing* - 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 breakdown 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.

15. *Construction methodology* - The development hereby permitted shall not be commenced until a scheme has been submitted to and approved in writing by the local planning authority making provision for a Construction Method Statement to control the adverse impact of the development on that phase on the amenity of the public and nearby occupiers. The Construction Method statement shall include details of:

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

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

Reason: 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.

16. *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.

17. *Boundary Treatment* – No part of the building shall be occupied until screen fencing is provided along the site boundaries in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The fencing shall be permanently retained and maintained thereafter.

Reason: Insufficient information has been supplied with the application to judge the appropriateness of any boundary treatment. Submission of this detail prior to commencement 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.

18. *Vehicle access* - All necessary agreements, notices or licences to enable the proposed alterations to the Public Highway shall be entered into prior to the commencement of development.

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

19. *Lifetime Homes* - The development hereby permitted shall not commence until a Lifetime Homes methodology statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall demonstrate how the development will achieve Lifetime Home standards. The development shall be carried out in accordance with the approved details and thereafter maintained as such.

Reason: Insufficient information has been supplied with the application to demonstrate how lifetime homes standards would be achieved. The submission of details prior to commencement of buildings works will ensure that the amenities of future residents and visitors are protected and that the residential development meets the needs of all potential occupiers in accordance with policy DC7 of the Havering LDF Core Strategy and Development Control Policies Development Plan Document and policy 3.8 of the London Plan.

20. *Green Roof* - 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 for the provision and

maintenance of the 'green roof' shown on the approved drawings. The green roof shall be implemented and maintained in accordance with the approved details.

Reason: Insufficient information has been supplied with the application of the proposals to create a green roof. The submission of details prior commencement will ensure the green roof will enhance the visual amenities of the area and the carbon footprint of the development in accordance with Policies DC61 and DC49 of the Development Control Policies Development Plan Document.

21. *Land Contamination* - No works shall take place in relation to any of the development hereby approved (except works required to secure compliance with this condition) until the following contaminated land reports (as applicable) are submitted to and approved in writing by the local planning authority.

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

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.

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.

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.

22. *Opening hours* - The retail stores shall not be open to customers outside of the following times: 07:00 hours to 23:00.

Reason: To protect the amenities of nearby residents in accordance with Development Control Policies Development Plan Document Policies DC61.

23. *GPDO restriction* - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), there shall be no provision of retail floorspace in excess of that shown on drawing 2013-176_B01/202 Rev B without the express permission of the local planning authority, neither shall there be any subdivision of the retail sales area beyond that shown on drawing 2013-176_B01/202 Rev B, nor the provision of ancillary or subsidiary retail units within that sales floor.

Reason: The application has been assessed on the basis of a single convenience retail unit and any changes could materially affect the impact of the development on the area.

24. *GPDO restriction* - Notwithstanding the provisions of Article 3, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development under Part 7 Classes A, B, C or E shall be erected or carried out except in accordance with plans showing the siting and design of such enlargement or extension which shall previously have been submitted to and approved in writing by the local planning authority.

Reason: To protect the amenities and character of the area in accordance with Development Control Policies Development Plan Document Policy DC61.

25. *GPDO restriction* - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) Order 2015 (as amended) the ground floor use hereby permitted shall be A1 only and shall be used for no other purpose(s) whatsoever including any other use as set out in Schedule 2, Part 3 of the Order.

Reason: To restrict the use of the premises to one compatible with the surrounding area and to enable the Local Planning Authority to exercise control over any future use not forming part of this application, and that the

development accords with the Development Control Policies Development Plan Document Policy DC61.

26. *Plant and machinery* - No building shall be occupied or use commenced until a scheme for plant and machinery to be installed within and on the roof of the new building, including any acoustic fencing is submitted to and agreed 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 of the nearest noise sensitive premises shall not exceed LA90-10db. Plant and machinery shall be maintained thereafter in accordance with the approved scheme.

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

Informatives

1. DMO Statement - Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.
2. Mayoral CIL - The proposal is liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be £15,060 (subject to indexation). CIL is payable within 60 days of commencement of development. A Liability Notice will be sent to the applicant (or anyone else who has assumed liability) shortly and you are required to notify the Council of the commencement of the development before works begin. Further details with regard to CIL are available from the Council's website.
3. Planning obligation - The planning obligations recommended in this report have been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the obligations are considered to have satisfied the following criteria:-
 - (a) Necessary to make the development acceptable in planning terms;
 - (b) Directly related to the development; and
 - (c) Fairly and reasonably related in scale and kind to the development.
4. 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 432563 to make the necessary arrangements. Further details are available on the Council website.

5. Highway alterations – The Highway Authority advises that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted, considered and agreed. The necessary agreement, notice or licence to enable alterations to the public highway (including temporary works) must be entered into prior to the commencement of the works concerned. In order to obtain a licence for the works the applicant should contact Streetcare, Traffic & Engineering on 01708 433750 to commence the submission/licence approval process.
6. Secured by Design - In promoting the delivery of safer, stronger, sustainable places the Local Planning Authority fully supports the adoption of the principles and practices of the Secured by Design Award Scheme and Designing against Crime. Your attention is drawn to the free professional service provided by the Metropolitan Police Designing Out Crime Officers for North East London, whose can be contacted via DOCOMailbox.NE@met.police.uk or 0208 217 3813 . They are able to provide qualified advice on incorporating crime prevention measures into new developments.

REPORT DETAIL

1. **Site Description**

- 1.1 The site which amounts to about 0.165 hectare lies on the east side of Straight Road at its junction with Farringdon Avenue in Harold Hill. The site was previously occupied by a car wash facility, car sales and a taxi business, but all buildings and structures have now been removed.
- 1.2 To the east of the site is a terrace of two storey dwellings in Appledore Close with an area of green space between the rear boundary and Farringdon Avenue. To the south and west of the site there are also two storey dwellings. The property immediately to the south is separated from the site by a public footway that leads from Straight Road to Appledore Close.
- 1.3 About 80 metres to the south is the Masefield Crescent Minor Local Centre where there are a number of small shops and takeaways, including a news agent, off-licence and pharmacy. Opposite the site on the north side of Farringdon Avenue is a discount store.
- 1.4 The scale of residential development in the locality is mainly two-storey, but there are some three-storey developments in the vicinity, including the Masefield Crescent local centre where these is two floors of flats above the retail units.

2. Description of Proposal

- 2.1 This is an application under S73 of the Town and Country Planning Act 1990 that seeks a new planning permission for the development permitted under P1087.14 with different conditions. The variations sought relate to opening hours, the proposed internal layout and additional roof structures. The relevant conditions are nos. 2 and 22.
- 2.2 Condition 2 refers to the plans which have been approved. The variation sought is for a revised ground floor layout and changes to the elevations as a consequence. The changes provide for two retail units, as opposed to one previously, and reconfiguration of cycle and refuse storage facilities. There would also be changes to part of the roof through the relocation of some plant from the ground floor. The overall footprint of the building would be marginally smaller. The residential element would be unchanged.
- 2.3 The Straight Road frontage would be altered to provide for a new glazed shop frontage and entrance for the additional retail unit. This would replace the aluminium grille and brick frontage to the plant room shown on the approved drawings. The existing glazed frontage would be reduced to reflect the smaller convenience store. The plant would be relocated to the roof enclosed by an acoustic screen. The other elevations to the building would remain unchanged. The overall retail floorspace would increase by 30m².
- 2.3 The current opening is between 08:00 and 22:00 and 09:00 to 21:00 on Sundays and Bank and Public Holidays. The condition also restricts opening to 6 hours only on Sundays. The proposed change is for opening between 07:00 and 23:00 seven days a week.

3. Relevant History

P1087.14 - Demolition of existing buildings and structures and redevelopment of site for three-storey building comprising ground floor retail unit and 9 no. 1, 2 and 3-bed apartments over two storeys above, together with ancillary car parking, cycle storage and commercial and landscaped areas – approved with legal agreement.

4. Consultation/Representations

- 4.1 The application has been publicised through site notice and newspaper advert and 61 neighbour letters. There have been five representations raising the following matters:
- Two retail units would increase traffic and noise;
 - Concerns about possible non-A1 food use;
 - Plant on roof would look unsightly;
 - More noise due to extended opening, especially to 23:00;

- Building too high and would reduce light;
- Impact on character and appearance of the area;
- Traffic impact and inadequate parking;
- Overlooking issues from proposed flats.

4.2 Streetcare (Highways) - no objections subject to previous conditions.

4.3 Public Protection – no objections subject to previous conditions.

5. **Relevant Policy**

5.1 Policies CP1 (Housing Supply); CP9 (Reducing the need to travel); CP4 (Town Centres); CP10 (Sustainable Transport); CP15 (Environmental management); CP17 (Design); DC2 (Housing Mix and Density); DC3 (Housing Design and Layout); DC7 (Lifetime Homes and Mobility Housing); DC11 (Non-Designated Sites); DC15 (Locating Retail And Service Development); (DC33 (Car Parking); DC34 (Walking); DC35 (Cycling); DC40 (Waste Recycling); DC49 (Sustainable Design and Construction); DC53 (Contaminated Land); DC61 (Urban Design); DC62 (Access); DC63 (Delivering Safer Places); DC72 (Planning obligations) of the Local Development Framework (LDF) Core Strategy and Development Control Policies Development Plan Document (DPD) are material considerations.

5.2 In addition, the Planning Obligations SPD, Residential Design Supplementary Planning Document (SPD), Designing Safer Places SPD, and Sustainable Design and Construction SPD are also material considerations.

5.3 Policies 2.15 (town Centres); 3.3 (increasing housing supply), 3.4 (optimising housing potential); 3.5 (quality and design of housing developments); 4.7 (Retail and town centre development); 6.13 (Parking); 7.3 (Designing out crime) and 8.2 (planning obligations) of the London Plan.

5.4 The National Planning Policy Framework and the National Planning Practice Guidance.

6. **Staff Comments**

Principle of the development

6.1 The principle of the development of the site for mixed-use has already been accepted through the grant of P1087.14. The issues for consideration are whether the proposed changes to the development and conditions from that previously approved are acceptable and whether any additional conditions should be included.

Condition 2 – approved plans

- 6.2 Legislation allows for the modification of approved plans through a S73 application so long as they are listed in a planning condition. Material changes to plans can be made through this mechanism as long as they are only minor and the development is not substantially different from that which has been given approval. Otherwise a new planning application would be required.
- 6.3 In this case there would no changes to the residential element on the first and second floors. The changes proposed concern the internal layout, the Straight Road elevation and a portion of the green roof which would be used for plant and equipment.
- 6.4 The proposed changes to the Straight Road elevation would entail a reduction in the length of glazed frontage for the main convenience store and additional glazing for the new retails unit. This would replace brick and aluminium louvered panels. It would provide a longer active frontage to the building and improve the overall appearance of the building in the streetscene. Staff consider that the changes would have a positive impact on the character and appearance of the area at ground floor level.
- 6.5 The changes to the rear of the building would again be minor. The bin storage for the flats would be included within the main building envelope such that the overall footprint would be slightly smaller. The parking layout would also be modified to provide for rear servicing of the new shop and an additional parking space. The cycle storage space would also be rearranged, but would remain within the building envelope.
- 6.6 The proposed internal changes to the retail floorspace have arisen because of the reduced space requirements of the intended occupier of the proposed convenience store. The space has been increased by about 10% to provide sufficient space for a new retail unit. Staff consider that this is not substantially different to the development already permitted and that this additional unit would not have a significant additional impact on the nearby Minor Local Centre in Masefield Crescent. There would also be adequate parking for the additional unit. No objections have been raised by the highway authority.
- 6.7 The proposed relocation of some of the plant and equipment would reduce the area of green roof and could increase the amount of noise disturbance. The plant would be screened by acoustic fencing and subject to the agreement of details Staff consider that there would be no significantly greater impact, both visually and on adjacent residential occupiers. These changes are, therefore judged to be acceptable.

Condition 22

- 6.8 The proposed variation seeks blanket opening of 07:00 to 23:00 without any reductions for Bank or Public Holidays or on Sundays. The current approved times are 8:00 to 22:00 on weekdays and Saturdays and 9:00 to 21:00 on Sundays and Bank and Public Holidays. The proposed units

are below the threshold where national restrictions on opening apply on Sundays. The main unit is proposed to be a convenience store and according to the applicant such stores would normally be open between 07:00 and 23:00.

- 6.9 There are residential units within the vicinity of the site and the extended opening hours would result in some additional noise and disturbance for local residents. The opening hours of convenience stores elsewhere in Havering does vary, however, there are a number that do open from 07:00 to 23:00. Staff consider that the increase in opening hours would not result in a significant additional adverse impact on existing residents. The proposed new flats would be insulated against additional noise and the entrances to the retail units and customer parking areas are on or close to Straight Road, set away from existing properties. The main activity in the rear parking area closest to properties in Appledore Close would be from residents of the new flats and these activities would be unchanged. On balance Staff consider that, the proposed changes to the opening hours would be acceptable.

Other Conditions

- 6.10 In view of the proposed change to the location of the plant and machinery associated with the retail development a revised wording to condition 26 is recommended.
- 6.11 Since the original condition was imposed revised wording in relation to wheel washing has been adopted and condition 14 has been amended accordingly.
- 6.12 Some reasons for conditions have also been updated in accordance with recent legislation.

Infrastructure Impact of Development

- 6.13 Regulation 122 of the Community Infrastructure Levy Regulations 2010 (CIL Regulations) states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:
- (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.
- 6.14 Policy DC72 of the Council's LDF states that in order to comply with the principles as set out in several of the policies in the Plan, contributions may be sought and secured through a Planning Obligation. Policy 8.2 of the Further Alterations to the London Plan states that development proposals should address strategic as well as local priorities in planning obligations.

- 6.15 In 2013, the Council adopted its Planning Obligations Supplementary Planning Document which sought to apply a tariff style contribution to all development that resulted in additional residential dwellings, with the contributions being pooled for use on identified infrastructure.
- 6.16 There has been a recent change to the effect of the CIL Regulations in that from 6th April 2015, Regulation 123 of the CIL Regulations states that no more than 5 obligations can be used to fund particular infrastructure projects or infrastructure types. As such, the SPD, in terms of pooling contributions, is now out of date, although the underlying evidence base is still relevant and up to date for the purposes of calculating the revised S106 contributions.
- 6.17 The evidence background to the SPD, contained in the technical appendices is still considered relevant. The evidence clearly show the impact of new residential development upon infrastructure – at 2013, this was that each additional dwelling in the Borough has a need for at least £20,444 of infrastructure. Therefore, it is considered that the impact on infrastructure as a result of the proposed development would be significant and without suitable mitigation would be contrary to Policy DC72 of the LDF and Policy 8.2 of the London Plan.
- 6.18 Furthermore, evidence clearly shows a shortage of school places in most parts of the Borough – (London Borough of Havering Draft Commissioning Plan for Education Provision 2015/16-2019/20). The Commissioning report shows need for secondary places and post-16 places which due to their nature would serve all parts of the Borough. The Commissioning report identifies that there is no spare capacity to accommodate demand for primary and early year's school places generated by new development. The cost of mitigating new development in respect to all education provision is £8,672 (2013 figure from Technical Appendix to SPD). On that basis, it is necessary to continue to require contributions to mitigate the impact of additional dwellings in the Borough, unless the development is within an area of the Borough where there is a surplus of school places. Previously, in accordance with the SPD, a contribution of £6000 per dwelling was sought. It is considered that this is reasonable when compared to the need arising as a result of the development.
- 6.19 It would therefore be necessary to require a contribution to be used for educational purposes. Separate monitoring of contributions would take place to ensure that no more than 5 contributions are pooled for individual projects. It is considered that a contribution equating to £6000 per dwelling for educational purposes would be appropriate.
- 6.20 The proposed new dwellings would result in additional local infrastructure demand such that a financial contribution is needed in accordance with Policy DC72. There would be a net addition of nine units and a charge of £54,000 is considered necessary to make the development acceptable in accordance with the policy and which would need to be secured through a S106 Planning Obligation.

7. Mayor’s Community Infrastructure Levy (CIL)

7.1 All new floorspace is liable for Mayoral CIL, but in assessing the liability account is taken of existing usable floorspace that has been lawfully used for at least six months within the last three years. The existing floorspace amounts to 289m² and is in lawful use as shop and residential. The new build following demolition would amount to 1,042m² giving a net increase of 753 m². The CIL rate is £20 per square metre giving a CIL liability of £15,060.

8. Conclusions

8.1 The principle of the redevelopment of the site for mixed retail and residential use has already been agreed through the grant of planning permission under P1087.14. This application is for substantially the same development, but seeks variations to the approved details.

8.2 The proposed revisions to the ground floor layout and the relocation of plant to the roof of the building are judged to be acceptable and would not give rise to significantly greater impacts on the locality. The extension of opening hours is also judged to be acceptable in terms of the impact on residential amenity.

8.3 The proposed changes would, therefore, be in accordance with the relevant development plan policies and subject to the prior completion of a deed of variation of the existing planning obligation as set out in the recommendation, the proposals are considered acceptable and the grant of planning permission is recommended accordingly.

IMPLICATIONS AND RISKS

Financial Implications and risks:

None

Legal Implications and risks:

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

The S106 contribution is lawfully required to mitigate the harm of the development, and comply with the Council’s planning policies. Officers are satisfied that the contribution required is compliant with the statutory tests set out in the CIL Regulations relations to planning obligations.

Human Resource Implications:

None

Equalities and Social Inclusion Implications:

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

BACKGROUND PAPERS

1. Application form and plans received on 11th March 2015.

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**REGULATORY
SERVICES
COMMITTEE**

REPORT

4 JUNE 2015

Subject Heading:

Revision to committee resolutions to grant planning permissions subject to S106 Planning Obligation requiring infrastructure contribution.

Ward

See Appendix

Report Author and contact details:

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Policy context:

Local Development Framework
The London Plan
National Planning Policy Framework

Financial summary:

None

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

Havering will be clean and its environment will be cared for	[X]
People will be safe, in their homes and in the community	[X]
Residents will be proud to live in Havering	[X]

SUMMARY

The Community Infrastructure Levy Regulations 2010 (CIL Regs) state that from 6th April 2015, no more than five obligations secured through S106 planning obligations can be used to fund particular infrastructure projects or types. This

means that the Council's adopted Supplementary Planning Document (SPD), which seeks to pool contributions for use of infrastructure is now out of date in this respect, although the evidence base underlining the SPD is still sound and relevant for calculating future S106 planning obligations. There are a number of planning applications where Committee resolved to grant planning permission subject to a contribution in accordance with the SPD, which have not been completed and planning permission has not been issued because the planning department was waiting for clarification of the legal issues . In these cases, the need for a financial contribution to fund specific infrastructure necessary to mitigate the planning "harm" caused by the development, can still be demonstrated. Therefore, in order to comply with the CIL Regs, it is recommended that the authority to determine the applications, including the type and quantum of any contribution to be secured by a S106 obligation be delegated to the Head of Regulatory Services.

RECOMMENDATIONS

That, for each of the planning applications listed in the appendix to this report, authority to determine the applications, including the type and quantum of any contribution to be secured by S106 obligation be delegated to the Head of Regulatory Services Committee.

REPORT DETAIL

- 1.1 Regulation 122 of the Community Infrastructure Levy Regulations 2010 (CIL Regs) states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:
 - (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.
- 1.2 Policy DC72 of the Council's LDF states that in order to comply with the principles as set out in several of the Policies in the Plan, contributions may be sought and secured through a Planning Obligation. Policy 8.2 of the Further Alterations to the London Plan states that development proposals should address strategic as well as local priorities in planning obligations.
- 1.3 In 2013, the Council adopted its Planning Obligations Supplementary Planning Document which sought to apply a tariff style contribution to all development that resulted in additional residential dwellings, with the contributions being pooled for use on identified infrastructure.

- 1.4 There has been a recent change to the effect of the CIL Regs in that from 6th April 2015, Regulation 123 of the CIL Regs states that no more than 5 obligations can be used to fund particular infrastructure projects or infrastructure types. As such, the SPD, in terms of pooling contributions, is now out of date, although the underlying evidence base is still relevant and up to date for the purposes of calculating the revised S106 contributions. There are a number of planning applications (see appendix) which were reported to this Committee prior to 6th April 2015, with a resolution to grant planning permission subject to the satisfactory completion of an agreement under S106 of the Town and Country Planning Act, but, pending legal advice, the agreements have not been completed. As the amount of the S106 contributions in relation to those applications was based on the tariff approach in the SPD, it is considered that the amount and need or otherwise for contributions needs to be reassessed.
- 1.4 The evidence background to the SPD, contained in the technical appendices is still considered relevant. The evidence clearly show the impact of new residential development upon infrastructure – at 2013, this was that each additional dwelling in the Borough has a need for at least £20,444 of infrastructure. Therefore, it is considered that the impact on infrastructure as a result of the proposed development would be significant and without suitable mitigation would be contrary to Policy DC72 of the LDF and Policy 8.2 of the London Plan.
- 1.5 Furthermore, evidence clearly shows a shortage of school places in most parts of the Borough – (London Borough of Havering Draft Commissioning Plan for Education Provision 2015/16-2019/20). The Commissioning report shows need for secondary places and post-16 places which due to their nature would serve all parts of the Borough. The Commissioning report identifies that there is no spare capacity to accommodate demand for primary and early years school places generated by new development. The cost of mitigating new development in respect to all education provision is £8,672 (2013 figure from Technical Appendix to SPD). On that basis, it is necessary to continue to require contributions to mitigate the impact of additional dwellings in the Borough, unless the development is within an area of the Borough where there is a surplus of school places. Previously, in accordance with the SPD, a contribution of £6000 per dwelling was sought. It is considered that this is reasonable when compared to the need arising as a result of the development.
- 1.6 In conclusion, for those applications where previously the Committee has resolved to grant planning permission subject to a tariff contribution, it would be necessary to continue to require a contribution but rather than previously being pooled for general infrastructure provision, it should be used for educational purposes. Separate monitoring of contributions would take place to ensure that no more than 5 contributions are pooled for individual projects. None of the applications listed in the appendix are within Elm Park or Hacton wards, so it is considered that a contribution equating to £6000 per dwelling for educational purposes would be appropriate.

- 1.7 It is therefore recommended that power to determine the applications, including the type and quantum of any contribution to be secured by S106 obligation be delegated to the Head of Regulatory Services.

IMPLICATIONS AND RISKS

Financial Implications and risks:

The continued ability to seek contributions for new development would help to deliver needed infrastructure, although the monitoring of contributions to ensure that no more than 5 are pooled for any particular infrastructure project would require additional resources.

Legal Implications and risks:

Legal resources are required for the completion of the legal agreement. There is a risk of a successful legal challenge if the method of calculating the S106 contributions is not altered to comply with the three CIL tests as set out in the report.

Human Resource Implications:

None

Equalities and Social Inclusion Implications:

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

BACKGROUND PAPERS

Application forms and plans for applications identified in the appendix.

APPENDIX

**APPLICATIONS NOT DETERMINED, BUT SUBJECT TO COMMITTEE
RESOLUTION TO GRANT PLANNING PERMISSION SUBJECT TO S106
SECURING CONTRIBUTIONS TO INFRASTRUCTURE COSTS**

Application Reference	Address	Ward	Date of Committee	Description of Development	S106 Contribution Sought	Other S106 Requirement
P1195.14	Tara, Southend Arterial Road, Romford	Squirrels Heath	04-12-2014	Demolition of the existing bungalow and construction of 8No flats with parking and landscaping	£42,000	n/a
P1136.12	1A Hillview Avenue, Hornchurch	Emerson Park	09-01-2014	Single storey house – outline	£6000	Reserve part of adjoining site for visibility splay
P1616.14	5 Fitzilian Avenue, Romford	Harold Wood	19-02-2015	Demolish existing rear storage buildings to erect 1 no. Mews House and 1 no. Town House and refurbish shop accommodation into Town House.	£18,000	n/a

Application Reference	Address	Ward	Date of Committee	Description of Development	S106 Contribution Sought	Other S106 Requirement
P1158.14	168 Hornchurch Road, Hornchurch	Hylands	08-01-2015	Demolition of vehicle workshop; construction of four residential apartments in new two storey building; construction of three residential apartments in existing residential and car showroom property; change of use to Class A1 and/or A2 retail use and/or car showroom in the ground floor car showroom together with ancillary development.	£30,000	n/a
P1196.14	1 Junction Road, Romford	Romford Town	04-12-2014	Proposed extension and conversion of existing solicitor's office (B1a) to form 6no. residential flats (C3), consisting of 3no. one-bedroom flats & 3no. two bedroom flats.	£36,000	n/a
P1054.13	Land North of 8 Jackson Close, Hornchurch	Squirrels Heath	29-01-2015	The erection of 6 no. dwellings	£36,000	n/a

Application Reference	Address	Ward	Date of Committee	Description of Development	S106 Contribution Sought	Other S106 Requirement
P1422.14	The Old Forge, Hall Lane, Upminster	Harold Wood	19-02-2015	Demolition of drain clearance and design factory to create 4 no. 3-bedroom dwellings (2 no. semi-detached properties)	£24,000	n/a
P0040.15	168-170 South Street, Romford	Romford Town	02-04-2015	Change of use of first floor retail and office space to 3no. self-contained apartments with additional windows and alterations to South Street elevation.	£18,000	Restriction on ability for occupiers to obtain parking permits.
P1448.14	58-60 Station Road, Upminster	Upminster	02-04-2015	Conversion and ground, first and second floor extensions of the existing building to provide A1 and A2 uses on the ground floor with a cycle store and two bin stores and 5 no. residential units on the upper floors.	£30,000	n/a
P0090.15	1 Albert Road, Romford	Romford Town	02-04-2015	Proposed demolition of existing building and construction of 5 new dwellings with off street car parking, landscaping and private amenity space	£30,000	n/a

Application Reference	Address	Ward	Date of Committee	Description of Development	S106 Contribution Sought	Other S106 Requirement
P0778.12	Garage court to the rear of 411- 419 South End Road, Romford	Elm Park	08-05-2014	Outline permission for the demolition of 15 garages and erection of 5 no. houses.	£30,000	n/a
P1159.13	Land rear of 4-12 Tansy Close, 10-14 Dewsbury Close, 50-82 Dewsbury Road and 1-9 Woodlands House, Harold Hill	Gooshays	09-01-2014	Demolition of existing garages and construction of 5 new dwellings, private amenity space, parking and an access road	£30,000	n/a