



# Havering

LONDON BOROUGH

## REGULATORY SERVICES COMMITTEE AGENDA

**7.30 pm**

**Thursday  
16 July 2015**

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

Members 11: Quorum 4

**COUNCILLORS:**

**Conservative  
(5)**

Robby Misir (Chairman)  
Melvin Wallace (Vice-  
Chair)  
Ray Best  
Philippa Crowder  
Steven Kelly

**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:  
Richard Cursons 01708 432430  
richard.cursons@onesource.co.uk**

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

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

Reporting means:-

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

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

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

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

## **AGENDA ITEMS**

### **1 CHAIRMAN'S ANNOUNCEMENTS**

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

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

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

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

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

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

### **2 APOLOGIES FOR ABSENCE AND ANNOUNCEMENT OF SUBSTITUTE MEMBERS**

(if any) - receive.

### **3 DISCLOSURE OF PECUNIARY INTERESTS**

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

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

### **4 MINUTES (Pages 1 - 20)**

To approve as a correct record the minutes of the meetings of the Committee held on 4 June, 18 June and 25 June 2015 and to authorise the Chairman to sign them.

### **5 PLANNING APPLICATIONS - SEE INDEX AND REPORTS (Pages 21 - 32)**

- 6 **P1611.14 - 137-151 MONTGOMERY CRESCENT (LAND R/O), ROMFORD** (Pages 33 - 52)
- 7 **P0340.15 - DIANA PRINCESS OF WALES HOUSE, 37 COLERIDGE ROAD, HAROLD HILL** (Pages 53 - 70)
- 8 **P0469.15 - 151-153 NORTH STREET, ROMFORD** (Pages 71 - 88)
- 9 **P0683.15 - CENTRAL PARK, PETERSFIELD AVENUE, HAROLD HILL** (Pages 89 - 96)
- 10 **P1136.12 - 1A HILLVIEW AVENUE, HORNCHURCH** (Pages 97 - 110)

**11 URGENT BUSINESS**

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

**Andrew Beesley  
Committee Administration  
Manager**

**MINUTES OF A MEETING OF THE  
REGULATORY SERVICES COMMITTEE  
Havering Town Hall, Main Road, Romford  
4 June 2015 (7.30 - 8.45 pm)**

**Present:**

**COUNCILLORS:** 11

**Conservative Group** Robby Misir (in the Chair) Philippa Crowder,  
+John Crowder, +Jason Frost and Ray Best

**Residents' Group** Stephanie Nunn and Reg Whitney

**East Havering  
Residents' Group** Linda Hawthorn and +Linda Van den Hende

**UKIP Group** Phil Martin

**Independent Residents  
Group** Graham Williamson

Apologies were received for the absence of Councillors Steven Kelly, Melvin Wallace and Alex Donald.

+Substitute members: Councillor Jason Frost (for Steven Kelly), Councillor John Crowder (for Melvin Wallace) and Councillor Linda Van den Hende (for Alex Donald).

Councillors Joshua Chapman and Frederick Thompson were also present for part of the meeting.

15 members of the public were present.

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

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

## 269 **MINUTES**

The minutes of the meeting held on 14 May 2015 were agreed as a correct record and signed by the Chairman.

270 **P0441.15 - 154 BALGORES LANE, ROMFORD**

The proposal before Members was for the change of use of a shop (which was currently empty) from Use Class A2 (Financial and Professional Services) to Use Class A3 (Restaurant). An extraction system with an external exhaust flue was proposed to be located in the rear part of the unit.

Members noted that the application had been called in by Councillors Frederick Thompson and Joshua Chapman.

Councillor Thompson had called in the application for the following reasons

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

Councillor Chapman had called in the application for the following reasons.

Directly above the property and all along the top floor of the building, there were residential flats - there would be a significant loss of residential amenity for all of the current residents if the change of use was permitted. Firstly, there was the problem of noise (a restaurant would have late night custom causing elevated noise-levels in a residential area; secondly, there was 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). The change of use would also cause a major parking issue. There were not sufficient parking spaces to serve a restaurant at the location. However, there were no restrictions in Carlton Road after 10am, so this would be the obvious parking choice for customers of the restaurant and would cause significant parking issues in the already pressured Carlton Road. Furthermore, the noise from the restaurant would be carried to Carlton Road as customers returned to their vehicles. There were no restaurants in the section of flats/offices so it would not seem appropriate to change this. There was a kebab takeaway nearby in a different ward which did not have any flats above, and a restaurant further up the road, but nothing in that section, and therefore it is not deemed appropriate to include a restaurant in the residential zone.

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 there were no food outlets currently in the parade and that nearby residents had concerns regarding the emanation of food smells.

The applicant's representative commented that the proposal would bring an empty shop unit back into use and would bring economic benefits to the area. The representative also commented that there was sufficient parking in the nearby area and that the control of sound and smells was conditioned within the officer's report.

With its agreement Councillors Frederick Thompson and Joshua Chapman addressed the Committee.

Councillor Thompson commented that there was insufficient parking in the area and the noise and smells would be unfair on the residents living nearby.

Councillor Chapman commented that the officer's report demonstrated a lack of understanding of the site. The parade had a good blend of businesses but did not have any units selling food. The proposed use would be out of place in the parade and would have an adverse effect on the residential amenity of neighbouring occupiers because of the noise and smells that associated with such businesses. Councillor Chapman also commented on the lack of parking provision in the area.

During a brief debate Members discussed the parking provision in the locality and the possible effect noise and smells would have on the nearby residents.

The report recommended that planning permission be granted however following a motion to refuse the granting of planning permission which was carried by 8 votes to 2 with 1 abstention it was **RESOLVED** that the granting of planning permission be refused on the grounds of insufficient car parking and the impact upon highway safety and amenity as a result of unacceptable overspill on to the surrounding roads.

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

Councillors Misir, Frost, J. Crowder, P. Crowder, Nunn, Whitney, Martin and Williamson voted for the resolution to refuse the granting of planning permission.

Councillor Hawthorn and Van den Hende voted against the resolution to refuse the granting of planning permission.

Councillor Best abstained from voting.

271 **P0391.15 - 83 BALGORES LANE, ROMFORD**

The proposal before Members was for the change of use of a shop (which was 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 was proposed to be located in the rear part of the unit.

Members noted that the application had been called in by Councillor Frederick Thompson on the grounds that the proposal would make the entire parade of three shops into takeaways, thus impoverishing the retail variety, and leading to more stopping traffic causing obstruction close to a double bend with poor sight-lines for motorists.

With its agreement Councillor Frederick Thompson addressed the Committee.

Councillor Thompson commented that the proposed recommendation for approval was illogical, contrary to policy and would be to the detriment of the vitality of the retail parade. Councillor Thompson also commented on the lack of parking provision in the area.

During a brief debate Members discussed the parking provision in the area and the possible impact on motorists stopping on the double bend in the road.

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 with 1 abstention.

Councillors Misir, Hawthorn, Van den Hende, Nunn, Whitney, Martin and Williamson voted for the resolution to grant planning permission.

Councillors J. Crowder, P. Crowder, and Frost voted against the resolution to grant planning permission.

Councillor Best abstained from voting.

272 **P0298.15 - 265 CHASE CROSS ROAD, ROMFORD**

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

Members noted that the application had been called in by Councillor Best on the grounds that the resubmission had 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 demonstrated how within close proximity of the site ample off street car parking was available. Understood the planning principles of the application were acceptable and that it was only the highways issues that lead to the application being refused previously.



During a brief debate Members discussed the parking provision at the site and in the surrounding roads. Members also considered the planning history of the site and a previous refusal of planning permission.

The report recommended that planning permission be refused however following a motion to grant permission it was **RESOLVED** that planning permission be granted subject to those conditions attached to the original planning permission P1383.10. The grounds for approval were that sufficient car parking was available on-street in accordance with standards.

- 273 **P0273.15 - 22 LAMSON ROAD, RAINHAM - 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.**

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

- 274 **P0277.15 - 177 SHEPHERDS HILL, HAROLD WOOD - SINGLE STOREY REAR EXTENSION**

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

- 275 **P0317.15 - BRICKFIELD COTTAGE, BROXHILL ROAD, HAVERING-ATTE-BOWER - SINGLE STOREY REAR EXTENSION**

The Committee considered the report and following a brief debate during which a member raised concerns over encroachment into the Green Belt.

It was **RESOLVED** that planning permission be granted subject to the conditions as set out in the report and to include an informative that no further planning permissions to be granted given the location within the Green Belt.

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

Councillors Hawthorn and Van den Hende abstained from voting.

276 **P0386.15 - BOWER PARK SCHOOL, HAVERING ROAD, ROMFORD - SINGLE STOREY EXTENSION TO REPLACE AN EXISTING ENTRANCE CANOPY**

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

277 **P0474.15 - 1-1A CHASE CROSS ROAD, ROMFORD**

The report before Members sought planning permission for an extension of the first floor to form two 1 bedroom flats and an extension and sub-division of the ground floor for A1 and A3 uses including new shop fronts.

The report was 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.

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

During a brief debate Members discussed the potential benefits the proposal would bring to the site including its design and the condition of the site as it presently stood.

Members also discussed the lack of parking provision and it was felt that due to the town centre location of the proposal it would be almost impossible to provide additional parking associated with the proposal.

Following a motion to approve the granting of planning permission which was lost by 5 votes to 6 it was **RESOLVED** that the granting of planning permission be refused as per officers recommendation in the report.

The vote for the resolution to refuse the granting of planning permission was carried by 6 votes to 5.

Councillors Nunn, Whitney, Hawthorn, Van den Hende, Martin and Williamson voted for the resolution to refuse the granting of planning permission.

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

- 278 **P0355.15 - 78-80 STRAIGHT ROAD, HAROLD HILL, 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**

The Committee considered the report, noting that the proposed development qualified for a Mayoral CIL contribution of £15,060, and without debate **RESOLVED** that the proposal was unacceptable as it stood 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 should include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the legal agreement prior to the completion of the agreement irrespective of whether the agreement was completed.
- 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 as set out in the report.

- 279 **REVISION TO COMMITTEE RESOLUTIONS TO GRANT PLANNING PERMISSIONS SUBJECT TO S106 PLANNING OBLIGATION REQUIRING INFRASTRUCTURE CONTRIBUTION.**

The Committee considered the report and without debate **RESOLVED** that for each of the planning applications listed in the appendix to the 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.

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**Chairman**

**MINUTES OF A MEETING OF THE  
REGULATORY SERVICES COMMITTEE  
Havering Town Hall, Main Road, Romford  
18 June 2015 (7.30 - 8.40 pm)**

**Present:**

**COUNCILLORS:** 11

**Conservative Group** Robby Misir (in the Chair) Melvin Wallace (Vice-Chair),  
Ray Best, Steven Kelly and +Frederick Thompson

**Residents' Group** Stephanie Nunn and Reg Whitney

**East Havering  
Residents' Group** Alex Donald and Linda Hawthorn

**UKIP Group** Phil Martin

**Independent Residents  
Group** Graham Williamson

An apology for absence was received from Councillor Philippa Crowder.

+Substitute members: Councillor Frederick Thompson (for Philippa Crowder).

Councillors John Crowder and Philip Hyde were also present for parts of the meeting.

25 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.

**280 P0382.15 - BRIAR ROAD SHOP SITE, ROMFORD**

The report before Members proposed the demolition of the existing buildings and the re-development of the site to create forty six affordable residential units and two commercial units, with new access roads, associated planting, landscaping, servicing and car parking.

The development would comprise of thirty six flats and two commercial units in a three-storey block to the south of the site and a terrace row of ten houses to the north.

With its agreement Councillor Philip Hyde addressed the Committee.

Councillor Hyde commented that the proposal was saturating the Harold Hill area with more housing and eroding the clean, safe and green initiatives that were the Council's corporate objectives. Councillor Hyde also commented that the increased density of housing in the Harold Hill area was leading to parking and noise issues which were in some instances causing neighbour disputes.

Councillor Hyde also commented that additional healthcare provision was needed in the area due to the cumulative impact of all the recent housing development that had and was taking place. Councillor Hyde commented that the Clinical Commissioning Group (CCG) had approached the Council regarding exploring the possibility of expanding the healthcare provisions in the Harold Hill area. Negotiations were on-going but were not expected to concluded in the short term.

During the debate Members received clarification of the numbers of new occupiers the scheme would attract to the area and also raised concerns regarding the lack of additional healthcare provision.

Members also debated the current condition of the site which had suffered from poor building standards, empty retail units and was in a general state of disrepair.

Members also noted that there were two GP surgeries situated in Straight Road which were approximately 400 yards from the proposed development site.

Members were also advised that it had been the Council that had initially approached the CCG regarding additional healthcare provision in the area. Members noted, from other Members involved in the borough's healthcare scrutiny, that the Health Service was not looking to increase the number of GPs in the area.

Members agreed that consideration of the proposal was clearly a judgement call as to whether the benefits of the proposal outweighed the loss of green and open spaces.

The report recommended that planning permission be granted, however following a motion to defer consideration of the report which was carried by 6 votes to 5 it was **RESOLVED** that consideration of the item be deferred to allow officers to clarify the current position on the potential inclusion of a GP surgery in the scheme.

The vote for the resolution to defer the consideration of the item was carried by 6 votes to 5.

Councillors Hawthorn, Donald, Nunn, Whitney, Martin and Williamson voted for the resolution to defer consideration of the item.

Councillors Misir, Kelly, Wallace, Thompson and best voted against the resolution to defer consideration of the item.

- 281 **P1455.14 - 110 LOWER BEDFORDS ROAD, ROMFORD - SINGLE STOREY SIDE EXTENSION AND FRONT PORCH, INSTALLATION OF A LANTERN ABOVE THE MAIN ROOF AND ABOVE THE SINGLE STOREY REAR EXTENSION, ALTERATIONS TO THE EXISTING FRONT DORMER**

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

- 282 **P0345.15 - WINDY RIDGE, ORANGE TREE HILL, HAVERING- ATTE-BOWER - REPLACEMENT DWELLING SEVEN BEDROOM DWELLING TO A SIX BEDROOM DWELLING**

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

- 283 **P0483.15 - COOPERS COMPANY AND COBORN SCHOOL, ST MARY'S LANE, UPMINSTER**

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

- 284 **P0572.15 - 58 HEATH DRIVE, ROMFORD - PROPOSED SINGLE STOREY OUTBUILDING**

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

- 285 **P2246.07 - ANGEL WAY RETAIL PARK -APPLICATION UNDER SECTION 106BA OF THE 1990 TOWN AND COUNTRY PLANNING ACT (AS AMENDED BY THE GROWTH AND INFRASTRUCTURE ACT) REVIEW OF THE PROVISION OF AFFORDABLE HOUSING**

The Committee considered the report and without debate **RESOLVED** that the Head of Regulatory Services be authorised to negotiate and agree a Deed of Variation under section 106BA of the Town and Country Planning Act 1990 (as amended by the Growth and Infrastructure Act), to vary the legal agreement completed on 19 November 2009 in respect of planning

permission P2246.07, to change the provision of affordable housing within the scheme and authority be given for the Council to enter into the agreed Deed of Variation.

The variation of the affordable housing provision would be as follows:

- 8.86% affordable housing amounting to 31 units and 86 habitable rooms comprising 16 no. Shared Ownership units (1 No. studio, 3 No. one bedroom and 12 No. 2 bedroom) and 15 No. Affordable Rented units (3 No. one bedroom, 11 No. two bedroom and 1 No. three bedroom) to be provided within the first phase of the development.

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

Save for the variation to the level of provision of Affordable Housing set out above and any necessary consequential amendments to the legal agreement dated 19 November 2009 all recital, terms, covenants and obligations in the said agreement shall remain unchanged.

The planning obligations recommended in the report had been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the obligations were 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 reasonable related in scale and kind to the development.

**286 P0592.15 - SULLENS FARM, UPMINSTER**

Consideration of this item was deferred at officer's request to enable an objector and the applicant the opportunity to speak and to enable a ward Councillor the opportunity to explain their call-in.

**287 L0003.15 - SULLENS FARM, UPMINSTER**

Consideration of this item was deferred at officer's request to enable an objector and the applicant the opportunity to speak and to enable a ward Councillor the opportunity to explain their call-in.

**288 PLANNING OBLIGATIONS/LEGAL AGREEMENTS**



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

The report also updated the position on legal agreements and planning obligations agreed by this Committee during the period 2000-2015.

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

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

The report accompanied a schedule of appeals and a schedule of appeal decisions, received between 14 February 2015 and 29 May 2015.

The report detailed that 46 new appeals had been received since the last meeting of the Monitoring Committee in March 2015.

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

290 **SCHEDULE OF ENFORCEMENT NOTICES**

The Committee considered and noted the schedules detailing information regarding enforcement notices updated since the meeting held in March 2015.

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

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

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

291 **PROSECUTIONS UPDATE**

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

The Committee **NOTED** the report.

292 **EXCLUSION OF THE PUBLIC**

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

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

The report before the Committee compiled a schedule listing, by Ward, all the complaints received by the Planning Control Service over alleged planning contraventions for the period from 14 February 2015 and 29 May 2015.

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

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**Chairman**

**MINUTES OF A MEETING OF THE  
REGULATORY SERVICES COMMITTEE  
Havering Town Hall, Main Road, Romford  
25 June 2015 (7.30 - 8.45 pm)**

**Present:**

**COUNCILLORS:** 11

**Conservative Group** Robby Misir (in the Chair) Melvin Wallace (Vice-Chair), Ray Best, Steven Kelly and +Michael White

**Residents' Group** Reg Whitney and +Jody Ganly

**East Havering Residents' Group** Linda Hawthorn and +Darren Wise

**UKIP Group** Phil Martin

**Independent Residents Group** Graham Williamson

Apologies were received for the absence of Councillors Philippa Crowder, Alex Donald and Stephanie Nunn.

+Substitute members: Councillor Michael White (for Philippa Crowder), Councillor Darren Wise (for Alex Donald), and Councillor Jody Ganly (for Stephanie Nunn).

Councillor Ron Ower was also present for the meeting.

30 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.

**294 P0592.15 - SULLENS FARM, SUNNINGS LANE, UPMINSTER**

The report before Members sought planning permission for the conversion of existing brick barns to create three new apartments, demolition of modern barns, to allow construction of five new houses, removal of external caravan storage use, a hard surfaced yard and replacement with landscaping.

The application site lay in the Green Belt and included a Grade II listed building and associated outbuildings. The application followed the refusal of similar proposals on the grounds of the adverse impacts on the Green Belt,

on the amenities of adjoining residential occupiers and on the setting of the listed building. The proposals had been further reduced in scale by removing one property and increasing the buffer with adjoining properties. This reduced the scale of the development and its associated impacts.

Members noted that the application together with the associated application for listed building consent had been called-in by Councillor Ron Ower on the grounds of the planning history of the site and Green Belt issues.

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

The objector commented that the proposal would attract extra traffic to the site, result in a loss of privacy for neighbouring properties and also disregard the openness of the Green Belt. The objector also commented that the proposed development was not in keeping with the area.

In reply the applicant's representative commented that the comments raised at the previous meeting had been listened to and along with a reduction in the units now proposed there had also been the inclusion of additional landscaping and the car parking area had been reduced. The representative also commented that the changes benefitted all the neighbouring properties and that the proposed dwellings would be of the same scaling as the existing barns whilst also additionally tidying up an untidy commercial site.

With its agreement Councillor Ron Ower addressed the Committee.

Councillor Ower commented that there appeared to be very little change from the previous application. Councillor Ower also commented that the site was a fundamental part of the Green Belt and that allowing planning permission could be setting a dangerous precedent.

During a brief debate Members discussed the changes that had been made to the application and agreed that the changes were minor and that no special circumstances existed for development on Green Belt land.

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 on the grounds of:

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

295 **L0003.15 - SULLENS FARM, SUNNINGS LANE, UPMINSTER**

Following consideration of application P0592.15 where planning permission had been refused by the Committee it was considered premature to grant listed building consent when no suitable planning permission was in place.

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

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

296 **P1754.14 - THE POMPADOURS, EDENHALL ROAD, ROMFORD**

The application before Members was for the redevelopment of the site to create 25 units, comprising 11 houses, 7 maisonettes and 7 flats. The site was currently occupied by a public house, including car park, beer garden and rear amenity areas. The public house included first floor residential accommodation.

Members noted that email submissions had been received from Councillors Julie Wilkes and Philip Hyde detailing their concerns regarding the proposed development and the lack of local services e.g GPs and school places.

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

The objector commented that the proposal would lead to additional traffic using an already busy junction on Hilldene Avenue. The objector also commented that there would be insufficient parking for residents and visitors of the development and that there would be a loss of sunlight for residents of neighbouring properties.

In reply the applicant's representative commented that the public house would be closing by the end of the year and that the plans submitted were mindful of the existing building materials and had maintained a traditional feel to the proposed development. The representative also commented that there would be new trees planted and the creation of a courtyard area plus parking for 42 cars and the provision of cycle storage.

During a brief debate Members discussed the density of the development and the lack of amenity provided.

Member's consensus was that if the proposal had been for houses and not a flatted development then it would have been more befitting to the surrounding neighbourhood.

Members also discussed the lack of affordable housing and what was seen as an excessive overdevelopment of the site which in turn would lead to overlooking of the small gardens.

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

- Excessively dense and cramped development creating an excessively tall and bulky built form harmful to the streetscene and out of character with surroundings.
- Cramped overdevelopment in which internal arrangement failed to provide rear garden environment of sufficient form and quality to meet future residents' needs.
- Interlocking within the scheme harmful to future residents' amenity.
- Failure to provide contributions to mitigate impact on infrastructure needs, affordable housing and CO<sub>2</sub> off-setting.

297 **P1356.14 - LAND AT 215-227 ST MARY'S LANE, UPMINSTER - ERECTION OF EIGHT NEW DWELLINGS**

The Committee considered the report, noting that the proposed development qualified for a Mayoral CIL contribution of £17,480 and that the infrastructure contribution was to be amended to read £48,000, and without debate **RESOLVED** that the proposal was unacceptable as it stood 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 £48,000 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 as set out in the report and to include an additional condition requiring submission,

approval, implementation and maintenance of a scheme to control tandem parking allocation.

298 **P0634.15 - 65 LAMBS LANE SOUTH, RAINHAM - ALTERATION OF AN EXISTING RESIDENTIAL PROPERTY AT 65 LAMBS LANE SOUTH ALONG WITH THE CONSTRUCTION OF TWO NEW SELF CONTAINED BUNGALOWS TO THE REAR OF THE SITE**

The Committee considered the report, noting that the proposed development qualified for a Mayoral CIL contribution of £7,460, and without debate **RESOLVED** that the proposal was unacceptable as it stood but would be acceptable subject to the applicant entering into a Deed of Variation under Section 106A of the Town and Country Planning Act 1990 (as amended) to vary the Unilateral Undertaking completed on 3 July 2014 (the original agreement) in respect of planning permission P0400.14 by varying the definition of Proposed Development in Recital D, Planning Application and Planning Permission in Clause 1 of the original agreement which shall mean either Proposed Development planning permission P0400.14 as originally granted or planning permission P0634.15.

Save for the variation set out above and necessary consequential amendments the Unilateral Undertaking dated 3rd July 2014 and all recitals, terms, covenants and obligations in the said Unilateral Undertaking dated 3 July 2014 will remain unchanged, a summary of which is set out below:

- A financial contribution of £12,000 towards the infrastructure costs arising from the development would be required to fulfil the requirements of the Planning Obligations SPD.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the Legal Agreement prior to the completion of the agreement irrespective of whether the agreement is completed.
- Payment of the appropriate planning obligations monitoring fee prior to the completion of the agreement.

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

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**Chairman**



## Regulatory Services Committee

16 July 2015

<b>Application No.</b>	<b>Ward</b>	<b>Address</b>
P0584.15	Cranham	Oglethorpe School, Ashvale Gardens, Upminster, RM14 3NB
P0616.15	South Hornchurch	Frog Island, Rainham, RM13 9YH

## OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 16th July 2015

APPLICATION NO. P0584.15

WARD: Cranham

Date Received: 28th April 2015

Expiry Date: 20th July 2015

ADDRESS: Oglethorpe County Junior and Infant School  
Ashvale Gardens  
Upminster

PROPOSAL: Proposed single storey flat roof extension

DRAWING NO(S):

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

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### SITE DESCRIPTION

The application site is Oglethorpe County Junior School, which is situated on the southern side of Ashvale Gardens 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. Ground levels vary across the site.

### DESCRIPTION OF PROPOSAL

Permission is sought for an infill extension to the southern side of the existing school building for use as an additional classroom. This will comprise of a single storey extension measuring 7.3m in depth and 10.6m in width - approximately 77.38m<sup>2</sup> gross internal area.

The proposed addition will have a flat roof which will measure approximately 3.0m in height.

### RELEVANT HISTORY

P0991.02 - Proposed alteration to include new staffroom and office  
Apprv with cons 04-11-2002

P0900.01 - Single storey front and rear extensions to provide ancillary office space.  
Apprv with cons 07-08-2001

### 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 21 neighbouring properties. One letters was received which raised concerns over the increase in staff/pupils and the impact that this would have on the highway.

Environmental Health - No Objection, one condition recommended in respect of hours of construction.

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
DC61 -	Urban Design

### 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. Furthermore, the applicant is the London Borough of Havering and an objection to the application has been received.

## **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.

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 will improve the educational facilities at the school and therefore accords in principle 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 that the addition of another classroom, by way of a single storey infill extension of the scale proposed would be proportionate and would not detract from the openness of the Green Belt. It is contained within the envelope of existing development and would not project beyond existing building lines.

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

The proposed addition is located on the southern side of the main school building, and as such is not easily visible from any aspect. The south of the site is not developed at all, neighbouring dwellings are to the west and forward of the schools principal elevation. The proposed building is infilling an existing recess and so would be well screened by existing development.

### **IMPACT ON AMENITY**

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

The addition of a single classroom is not considered to create additional levels of noise and activity that would have a materially greater impact on neighbouring amenity than the current situation.

### **HIGHWAY / PARKING**

The proposal will not result in any loss of parking from the site.

The addition of one classroom is not considered to materially affect the existing parking situation at the school and 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(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. SC62 (Hours of construction)**

No construction works or deliveries into the site shall take place other than between the hours of 08:00 to 18:00 on Monday to Friday and 08:00 to 13:00 on Saturdays unless agreed in writing with the Local Planning Authority. No construction works or deliveries shall take place on Sundays, Bank or Public Holidays unless otherwise agreed in writing by the Local Planning Authority.

Reason:-

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

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## 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 - 16th July 2015

**APPLICATION NO.** P0616.15  
**WARD:** South Hornchurch **Date Received:** 1st May 2015  
**Expiry Date:** 31st July 2015

**ADDRESS:** Frog Island  
Rainham

**PROPOSAL:** Application for the change of use of the land to provide 'flexible' commercial use as a haulage yard with associated workshop, ancillary office space, plant and materials storage and parking for up to 50no. HGV's along with the creation of yard spaces for flexible B1/B2/B8 use on the land at Frog Lane, Rainham

**DRAWING NO(S):**

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

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### **SITE DESCRIPTION**

The site lies adjacent to the River Thames at the end of Frog Lane which runs north to south from Creek Way along the western boundary of the Fairview Industrial Estate. The site currently comprises an open surface area that amounts to 1.58 hectares. Immediately adjoining to the east is the Flogas liquid petroleum gas bottling depot and to the west is the Ford's car storage compound. The Fairview industrial site comprises mainly large warehouse and industrial units. The site previously formed part of the Ford car storage area.

### **DESCRIPTION OF PROPOSAL**

To develop the site for three separate commercial units. The larger unit which is closest to the River Thames is about 0.8 hectares would be developed as a haulage depot. The proposed depot would provide parking for up to 50 hgv's, a materials storage area, single storey offices and a maintenance workshop. The site would provide a base for the applicant's haulage contracts which would mainly be within 20 miles of the site. The offices comprise a portable building of dimensions 18.7 metres by 12.4 metres which would sit on a brick plinth. The workshop would measure 13 metres by 19 metres and be 5.8 metres high. Parking would also be provided for staff, including lorry drivers. Some plant and machinery would also be stored within the compound.

The remainder of the application site would be developed as two separate surfaced yards each with a portable office building for flexible commercial use (B1, B2 or B8 industrial uses). These areas amount to 0.3 hectare and 0.26 hectares respectively. If additional buildings are required these would be subject to separate planning applications. New palisade fencing would be erected to subdivide the units. All three units would be accessed from Frog Lane which is a private road via the access onto the public highway at Creek Way. The access road is already surfaced and is over 5 metres wide which is sufficient to allow heavy goods vehicles to pass.

### **RELEVANT HISTORY**

Various permissions for vehicle storage in relation to the adjoining Ford Motors factory.

P1969.05 -Construction of sustainable energy facility comprising the erection of gasification/power

generation plant & associated buildings & plant (withdrawn).

U004.06 - Construction of sustainable energy facility comprising the erection of gasification power generation plant and associated building and plant (approved).

P0558.12 - Construction of sustainable energy facility comprising the erection and operation of a gasification/power generation plant, associated buildings, plant and infrastructure (approved).

## **CONSULTATIONS / REPRESENTATIONS**

London Fire Brigade (Water Team)- no additional fire hydrants required

Thames Water - adequate sewerage capacity and recommends that petrol/oil interceptors are fitted to any drains

Havering Emergency Planning and Lead Local Flood Authority - no objections

London Fire and Emergency Planning Authority - access for fire brigade vehicles acceptable, but should consult water team with regard to water supply.

Public Protection - land contamination and hours of use conditions requested

Streetcare (Highways) - no objections

Transport for London - no objections

Environment Agency - Proposed development acceptable subject to a condition requiring a scheme to dispose of foul and surface water and informative regarding permits required to discharge to the Thames and for works close to the sea wall.

London Riverside BID - no comments

Health and Safety Executive - does not advise, on safety grounds, against the grant of planning permission

Regeneration - no comments

## **RELEVANT POLICIES**

### LDF

CP03 -	Employment
CP15 -	Environmental Management
DC09 -	Strategic Industrial Locations
DC13 -	Access to Employment Opportunities
DC32 -	The Road Network
DC33 -	Car Parking
DC51 -	Water Supply, Drainage and Quality
DC53 -	Contaminated Land
DC61 -	Urban Design

## OTHER

LONDON PLAN - 4.4 - Managing industrial land and premises

LONDON PLAN - 5.13 - Sustainable drainage

LONDON PLAN - 5.21 - Contaminated land

LONDON PLAN - 6.13 - Parking

NPPF - National Planning Policy Framework

## **MAYORAL CIL IMPLICATIONS**

The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable fee is charged at £20 per square metre based upon the net increase in internal floor area; however, in assessing the liability account can only be taken of existing usable floorspace that has been lawfully used for at least six months within the last three years. There is no relevant existing floorspace in this case. The proposed new floorspace amounts to 479 sqm. giving a CIL liability of £9,580.

## **STAFF COMMENTS**

The site lies within the Rainham Employment Area where a range of business uses are acceptable in accordance with LDF Policy DC9. Whilst primarily allocated for B class uses, the use of land for haulage use outside of those areas prioritised for advance manufacturing, such as the Beam Reach Business Park, is considered acceptable in principle. Employment sites are allocated under Policy CP3 to meet the needs of business within the borough and to provide local employment. The Fairview Industrial Estate which adjoins the application site already caters for a wide range of commercial uses, including logistics and haulage as do sites off Ferry Lane. The Rainham Employment Area is intended to provide for the needs of all industrial businesses by offering a choice in the size of premises.

The NPPF prioritises building a strong and competitive economy and is committed to securing sustainable economic growth. The planning system should assist in achieving sustainable development by, amongst other things helping to create jobs and prosperity and meeting the needs of business. The development of this site for haulage and B Class uses would help to meet the objectives of the NPPF by securing an employment use in a location that would have little adverse impact on the local environment.

In this case the proposals would help to support at least 70 jobs, although most of these would be lorry drivers and as the firm would be relocating would not necessarily be new local jobs. The proposed site is brownfield land and is located away from any residential areas and has good connections to the A13 and the primary road network.

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

Given the site's location remote from public areas and close to existing commercial premises there would be no significant impact arising from the proposed buildings or from the open uses. The proposed use would be compatible with the surrounding area and would have no adverse visual impact.

## **IMPACT ON AMENITY**

Given the site's location within an industrial area remote from residential areas there would be no material adverse impact on residential amenity. There would also be no material adverse impact on adjoining



occupiers which are all commercial uses.

## **HIGHWAY / PARKING**

There is adequate parking space proposed to meet the requirements of the proposed uses of the site. The access with the public highway is acceptable and there have been no objections from the highway authority in respect of traffic flow, including those to and from the A13 trunk road.

## **OTHER ISSUES**

The site adjoins the Flogas depot which is classified as a hazardous installation. The Health and Safety Executive has been consulted and given the nature of the proposed uses does not advise against the grant of planning permission.

## **LAND CONTAMINATION**

The application site forms part of an area that has been landfilled in the past. A Phase 1 Desktop Study has been undertaken by the applicant which identifies a low risk from ground contaminants to future occupiers, a moderate risk to potable water pipes in the made ground and a high risk from ground gas (landfill gas) and the potential for this to accumulate within buildings. The report recommends a remediation strategy is developed for the site. An appropriate condition is recommended to address this.

## **KEY ISSUES / CONCLUSIONS**

The application site lies within a designated employment area where the development of land for haulage and B-class uses is acceptable in principle. The site is remote from residential areas and has good road connections to the primary network. The development would not have any material adverse impact on the area or on the environment generally. Subject to conditions the proposals are considered acceptable and would be in accordance with the sustainability objectives of the NPPF. The grant of planning permission is recommended accordingly.

## **RECOMMENDATION**

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

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

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

Reason:-

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

### **2. Materials (details no samples)**

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

Reason:-

Insufficient information has been supplied with the application to judge the appropriateness of the materials to be used. Submission of a written specification 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.

**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. SC45A (Removal of permitted development rights) EDIT DETAIL**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, Article 3, Schedule 2, Part 7 (or any order revoking and re-enacting that Order with or without modification), no development shall take place under Classes H, I, J or k unless permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

Reason:-

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

**5. SC11 (Landscaping) (Pre Commencement Condition)**

No works shall take place in relation to any of the development hereby approved until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping. 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.

**6. SC55 (Surface water drainage/flood plain) (Pre Commencement)**

No works shall take place or change of use commenced in relation to any of the development hereby approved until a scheme to dispose of foul and surface water, to include oil and petrol and foul water drainage shall be provided in accordance with the approved details.

Reason:-

The applicant proposes to utilise a cess pit for foul drainage which poses a risk of pollution to controlled waters. Insufficient information has been submitted with the application to show how this risk will be mitigated. The submission of a scheme prior to commencement will ensure that the measures to be employed are technically sound and that the development accords with the Development Control Policies Development Plan Document Policies DC49 and DC61.

**7. SC68 (Environment Agency gas migration) (Pre Commencement)**

No works shall take place in relation to any of the development hereby approved until a landfill gas risk assessment has been submitted to and approved in writing by the Local Planning Authority. Where a risk from migrating gas is identified, appropriate works to mitigate the effects of gas shall be incorporated into the development in accordance with detailed plans submitted to and approved by the Local Planning Authority prior to the commencement of the development.

Reason:-

Insufficient information has been supplied with the application to judge the risk arising from landfill gas. Submission of an assessment prior to commencement will protect people on or close to the site

from the risks associated with migrating landfill gas, and will ensure that the development accords with Development Control Policies Development Plan Document Policies DC54 and DC61.

**8. SC82 (External lighting) (Pre Commencement)**

No building shall be occupied or use commenced until external lighting is provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The lighting shall be provided and operated in strict accordance with the approved scheme.

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.

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

The proposal is liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be £9580 (this figure may go up or down, 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. Non Standard Informative 1**

The foul drainage disposal method and discharge of surface water to the Thames associated with this development may require an Environmental Permit under the Environmental Permitted Regulations 2010, from the Environment Agency, unless an exemption applies. The applicant is advised to contact the Environment Agency on 08708 506506 for further advice and to discuss the issues likely to be raised. A permit may not necessarily be granted. Additional guidance is available on the Environment Agency's website. Environment Permitting Guidance [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk).

**4. Non Standard Informative 2**

Under the terms of the Water Resources Act 1991 and the Thames Drainage Byelaw, prior written consent of the Environment Agency is required for any proposed works or structures, in, under, over or within 16 metres of the top of the of the bank/foreshore of the River Thames. This will include any works on site within 16 metres and the new surface water outfall. The applicants Flood Defence Consent application must be accompanied by a detailed method statement which demonstrates that the proposed works will not have a detrimental impact on the flood defence and that the outfall will be installed securely.

Please note in order to gain Flood Defence Consent the applicant must demonstrate that:

- ∫ The surface water outfall will have tidal flap valve plus a further two additional lines of defence;
- ∫ Not prevent future raising of the flood defences as stated in the Thames Estuary 2100 plan

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**REGULATORY  
SERVICES  
COMMITTEE**

**REPORT**

16 July 2015

**Subject Heading:**

P1611.14 – Land rear of 137-151 Montgomery Crescent - Erection of 3 attached chalet bungalows (received 21/11/14 and revisions received on 13/05/15 and 30/06/15).

**Ward:**

Gooshays

**Report Author and contact details:**

Helen Oakerbee  
Planning Manager  
[helen.oakerbee@havering.gov.uk](mailto:helen.oakerbee@havering.gov.uk)  
01708 433100

**Policy context:**

Local Development Framework  
The London Plan  
National Planning Policy Framework

**Financial summary:**

None

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

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

**SUMMARY**

The application seeks full planning permission for the erection of 3 no. chalet bungalows. Staff conclude the proposal to be acceptable.

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

**RECOMMENDATIONS**

That it be noted that proposed development is liable for the Mayors Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable fee is based on 471m<sup>2</sup> new gross internal floor space. The proposal would therefore give rise to the requirement of £9,420 Mayoral CIL payment (subject to indexation).

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

- A financial contribution of £18,000 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 a legal agreement to secure the above and upon completion of that agreement, grant planning permission subject to the conditions set out below:

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

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

2. Parking Standards: Before the building(s) hereby permitted is first occupied, provision shall be made within the site as per details shown on drawing No. 374-MC-02 Rev. M in accordance with current standards adopted by the Local Planning Authority, thereafter such provision shall be made permanently available for use, unless otherwise agreed in writing with the Local Planning Authority.

**Reason:** To ensure that car parking accommodation is made permanently available to the standards adopted by the Local Planning Authority in the interest of highway safety.

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

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

4. **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.

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

**Reason:** Insufficient information has been supplied with the application 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.

6. 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.

7. Permitted Development rights: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 1, Classes A, B, C, D and E, no extensions, roof extensions, roof alterations or any detached building erected shall take place unless permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

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

8. 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.

9. Wheel washing: Before the development hereby permitted is first commenced, vehicle cleansing facilities to prevent mud being deposited onto the public highway during construction works shall be provided on site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be retained thereafter and used at relevant entrances to the site throughout the duration of construction works. If mud or other debris originating from the site is deposited in the public highway, all on-site operations shall cease until it has been removed.



The submission will provide;

- a) A plan showing where vehicles will be parked within the site to be inspected for mud and debris and cleaned if required. The plan should show where construction traffic will access and exit the site from the public highway.
- b) A description of how the parking area will be surfaced, drained and cleaned to prevent mud, debris and muddy water being tracked onto the public highway;
- c) A description of how vehicles will be checked before leaving the site - this applies to the vehicle wheels, the underside of vehicles, mud flaps and wheel arches.
- d) A description of how vehicles will be cleaned.
- e) A description of how dirty/ muddy water be dealt with after being washing off the vehicles.
- f) A description of any contingency plan to be used in the event of a break-down of the wheel washing arrangements.

**Reason:** 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.

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

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

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

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

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

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

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

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

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

**Reason:** Insufficient information has been supplied with the application in relation to the proposed construction methodology. Submission of details

prior to commencement will ensure that the method of construction protects residential amenity. It will also ensure that the development accords the Development Control Policies Development Plan Document Policy DC61.

14. Secure by Design: No works shall take place in relation to any of the development hereby approved until a full and detailed application for the Secured by Design award scheme is submitted to the Local Planning Authority, setting out how the principles and practices of the Secured by Design Scheme are to be incorporated. Once approved in writing by the Local Planning Authority in consultation with the Metropolitan Police Designing Out Crime Officers, the development shall be carried out in accordance with the agreed details.

**Reason:** 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.

15. External lighting: No building shall be occupied or use commenced until external lighting is provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The lighting shall be provided and operated in strict accordance with the approved scheme.

**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.

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

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

17. Contamination Part 1: Prior to the commencement of any works pursuant to this permission the developer shall submit for the written approval of the Local Planning Authority;

a) A Phase I (Desktop Study) Report documenting the history of the site, its surrounding area and the likelihood of contaminant/s, their type and extent incorporating a Site Conceptual Model.

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

c) A Phase III (Remediation Strategy) Report if the Phase II Report confirms the presence of a significant pollutant linkage requiring remediation. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to all receptors must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works, site management procedures and procedure for dealing with previously unidentified any contamination. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation

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

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

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

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

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

19. Sprinkler System: Prior to the first occupation of the development hereby permitted, provision shall be made for the installation of a domestic sprinkler system to each of the dwellings on Plot 1 and Plot 2. Thereafter this provision shall be retained permanently unless otherwise agreed in writing by the Local Planning Authority.

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

## **INFORMATIVES**

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

2. Planning Obligations

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

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

3. The applicant is advised that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted, considered and agreed. Any proposals which involve building over the public highway as managed by the London Borough of Havering, will require a licence and the applicant must contact StreetCare, Traffic and Engineering on 01708 433750 to commence the Submission / Licence Approval process.
4. The developer, their representatives and contractors are advised that planning permission does not discharge the requirements under the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works) required during the construction of the development.
5. The applicant is advised that if construction materials are proposed to be kept on the highway during construction works then they will need to apply for a license from the Council.

6. With regards to surface water drainage it is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.
7. In 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.
8. The proposal is liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be £9,420 (this figure may go up or down, 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.
9. Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: In accordance with para 186-187 of the National Planning Policy Framework 2012, improvements required to make the proposal acceptable were negotiated with the agent via email on 13/05/15. The revisions involved the creation of a terrace rather than detached chalet bungalows. The amendments were subsequently submitted on 13/05/15.

<b>REPORT DETAIL</b>
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1. **Site Description**

- 1.1 The application site is an empty piece of land which is located to the rear of No's 137 to 151 Montgomery Crescent. The site is surrounded by residential dwellings. The ground level drops down from Montgomery Crescent and Bridgewater Road towards the subject site. The site has an overall area of approximately 1581m<sup>2</sup>.

- 1.2 Development in the vicinity is characterised by 2-storey residential terraced dwellings. There is no characteristic built form and dwellings are constructed from a mix of bricks and render.

## **2. Description of Proposal**

- 2.1 The application seeks permission for the erection of a terrace of 3 no. 4-bed chalet bungalows with associated parking and amenity.
- 2.2 The dwellings would measure 7.45m in width and 13.3m in depth. They would each have a chalet style roof and would measure 3.2m to the eaves and 6.9m to the top of its ridge. The dwellings would be centrally located towards the southeastern part of the site and will be set 3.8m off the northeastern and 2.3m off the southwestern (closest) boundary.
- 2.3 One dormer window is proposed to the rear of each dwelling measuring 5.9m in width, 4.5m in depth and 2.6m to the top of the flat roof.
- 2.4 On ground floor level would be a living/dining room, kitchen, utility room, w.c, en-suite and 2 no. bedrooms. In the loft space would be 2 no. bedrooms and 2 no. en-suite bathrooms. Windows and doors would generally be arranged to the front (northwest) and rear (southeast) with flank wall windows at ground floor to the northeastern elevations.
- 2.5 The proposal would retain the existing access to the site measuring approximately 3.2m in width.
- 2.6 There would be a bin collection point along the access road, approximately 33m from the front of the proposed dwelling and 25m from the edge of the highway.
- 2.7 Parking provision for 6 vehicles would be provided on a hardstanding along the northeastern boundary of the site.
- 2.8 The dwelling would have a northwest-southeast orientation with garden spaces towards the rear (southwest) and wrapping around to the sides, measuring approximately 116m<sup>2</sup>, 86m<sup>2</sup> and 153m<sup>2</sup> respectively.

## **3. History**

- 3.1 P0858.13 - The erection of 2 no. 2 bed chalet bungalows with associated parking - Approved

## **4. Consultation/Representations**

- 4.1 Notification letters were sent to 37 neighbouring properties and 8 letters of objection were received raising the following concerns:

- No place for building materials and construction vehicles on the street;

- Emergency vehicles will be blocked by construction vehicles and materials;
- More air pollution as a result of the development;
- Loss of sunlight to rear garden;
- Development is too close to the neighbouring boundary;
- Gable ended roof would increase the impact in terms of loss of light;
- Fire engines will not be able to access the site;
- Lorries will cause damage to neighbouring properties
- Overlooking back gardens of neighbouring properties

4.2 Environmental Health has requested a contamination condition in the event of an approval.

4.3 Highways has raised an objection to the proposal as the refuse collection point is in excess of 25 metres, access road less than 3m and no turning head which is unlikely to be suitable for fire fighting and servicing and it appears that no pedestrian visibility splay is provided.

4.4 The London Fire and Emergency Planning Authority has suggested the provision of domestic sprinklers in each dwelling given the narrow access arrangements.

## **5. Relevant Policies**

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

5.2 Policies 3.3 (Increasing Housing Supply), 3.4 (Optimising Housing Potential), 3.5 (Quality and Design of Housing Developments), 3.8 (Housing Choice), 6.9 (Cycling), 6.10 (Walking), 6.13 (Parking), 7.1 (Building London's Neighbourhoods and Communities), 7.2 (Inclusive Design), 7.3 (Designing out Crime), 7.4 (Local Character), 7.5 (Public Realm), 7.6 (Architecture) and 8.2 (Planning Obligation) of the London Plan (2011).

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

## **6. Staff comments**

6.1 This proposal is put before the Committee owing to the application comprising more than 2 dwellings. The main issues to be considered by Members in this case are the principle of development, the site layout and



amenity space, design/street scene issues, amenity implications, and parking and highways issues.

6.2 The current scheme differs from the previous scheme as the current proposal is for a terrace of 3 chalet bungalows set at right angles to the flank boundaries of the site as opposed to the previous scheme which was for 2 chalet bungalows set at an angle within the site. The current scheme also shows a slight increase in footprint to the bungalows and the omission of the front dormers. The increase in dwellings has also resulted in a reduction in the amount of amenity space provided to each chalet bungalow. The current proposal shows a closer relationship to the flank boundaries and a revised layout to the parking provision.

### 6.3 *Principle of Development*

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

### 6.4 *Site Layout / Amenity Space*

6.4.1 Policy 3.5 of the London Plan states that Local Development Frameworks should incorporate minimum space standards. The Mayor has set these at 100m<sup>2</sup> for a 4-bed 5-person dwelling. The proposal has a minimum internal floor space for each unit of 1150m<sup>2</sup> which is in line with the recommended guidance and considered acceptable.

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

6.4.3 Amenity space would mainly be provided with garden spaces towards the rear (southeast) and wrapping around to the sides, measuring approximately 116m<sup>2</sup>, 86m<sup>2</sup> and 153m<sup>2</sup> respectively. The site currently has screen fencing around its boundaries however, fencing can be required by means of a planning condition to those boundaries that do not have appropriate fencing.

6.4.4 Amenity provision in the locality is generally arranged towards the rear of dwellings. Staff consider the amenity space to be sufficient and would not detract from the surrounding area. Staff are of the opinion that the garden

areas would be large enough to be practical for day to day use and with the provision of fencing, would be screened from general public views and access, providing private and usable garden areas. As a result, it is considered that the proposed amenity areas of the new dwelling would comply with the requirements of the Residential Design SPD and is acceptable in this instance.

6.4.5 The residential density range for this site is 30 - 50 units per hectare. The proposal would result in a density of approximately 19 units per hectare. Although the density range is below the recommended range it is considered acceptable given the nature and siting of the development.

6.4.6 In terms of the general site layout, the proposed detached dwellings would have sufficient spacing towards the front with generous amenity areas towards the rear, and therefore are not considered to appear as an overdevelopment of the site. The proposal would be towards the rear gardens of the surrounding properties and with sufficient spacing between buildings, is not considered to appear as a cramped form of development. The layout of the site is therefore considered acceptable.

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

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

6.5.2 The proposal would not form part of the Montgomery Crescent street scene. The development is proposed towards the rear of garden areas of the surrounding properties and would therefore only be visible within the rear garden environment.

6.5.3. The characteristic built form in the immediate surrounding area is mainly two storey terraced dwellings built from a mix of bricks and render.

6.5.4 In terms of its design and visual appearance, Staff are of the opinion that the development of the proposed detached dwellings in this location would have an acceptable appearance with no harmful impact to the character and appearance of the surrounding area. In light of sufficient separation distances between the proposed dwelling and neighbouring properties, Staff are of the opinion that the proposal would not appear as a cramped form of development and overall would have an acceptable design and appearance, compliant with the aims and objectives of Policy DC61 of the Local Development Framework.

## 6.6 *Impact on Amenity*

- 6.6.1 Policy DC61 considers that new developments should not materially reduce the degree of privacy enjoyed by the occupants of adjoining properties or have an unreasonably adverse effect on sunlight and daylight to adjoining properties.
- 6.6.2 Neighbouring properties to the west and south are separated from the proposed dwelling by approximately 14.4m and 24m respectively at the nearest point. Staff consider the separation distances to be acceptable and would not result in an unacceptable harmful impact in terms of overlooking. Also no windows are proposed at first floor to the flank elevation. The windows situated at ground floor will be located behind fencing. The rooflights to the front elevation of the main roof slope are set above 1.7m and would therefore not result in overlooking. The rooflights in the flank roofslopes of the front projections would not result in overlooking given their orientation.
- 6.5.3 The nearest dwellings towards the east and north are situated approximately 7.5m and 9.5m away respectively. The proposed development would not result in any impact on amenity in terms of overlooking to these properties as there are no windows at first floor proposed to the flank elevation. The rooflights to the front elevation of the main roof slope are set above 1.7m and would therefore not result in overlooking. The rooflights in the flank roofslopes of the front projections would not result in overlooking given their orientation.
- 6.5.4 Concerns have been raised from neighbours to the northeast objecting to the loss of light to their rear gardens. Staff acknowledge that there will be an impact in terms of loss of light to these properties given the difference in orientation of the current proposal to the previous approval and the proposed position of the chalet bungalows approximately 0.8m closer to the northeastern boundary at its closest point. However, the proposal is not considered to result in an unacceptable impact in term of loss of light given that the biggest impact would be predominantly during the late afternoon for most of the year (as per the diagrams submitted by an objector). Staff therefore considers the potential impact in terms of loss of light to be acceptable on balance, however members may wish attach different weight to the impact on neighbouring amenity of the properties situated to the northeast.
- 6.5.4 In terms of vehicular activity and the proposed parking arrangement, Staff are of the opinion that 3 x 4-bed bungalows would not give rise to an unacceptable level of vehicular activity.
- 6.5.5 In terms of general noise and disturbance, it is not considered that the addition of 3 no. family dwellings would give rise to any undue levels of noise and disturbance to the surrounding neighbouring properties within what is a predominantly residential area.

6.5.6 It should however be noted that although Staff consider the proposal to be acceptable in its current form, given the size of the proposed bungalow development in relation to the resultant limited plot space, any additions, extensions or alterations to the dwelling may result in harm to the character of the surrounding area and neighbouring amenity. In light of this, Staff are of the opinion that all Permitted Development Rights for the proposed development should be removed in order to safeguard the appearance of the rear garden environment and amenities of neighbouring occupiers.

6.5.7 It is therefore considered that the layout, siting and design of the proposed development would be acceptable with no material harmful impact on the amenities of neighbouring properties. The development is therefore considered to comply with the aims and objectives of Policies CP17 and DC61 of the LDF Development Control Policies DPD in respect of its impact on neighbouring amenity.

## 6.6 *Highways / Parking Issues*

6.6.1 Highways have raised the following concerns:

- refuse collection point is in excess of 25 metres
- access road less than 3m and no turning head which is unlikely to be suitable for fire fighting and servicing purposes
- no pedestrian visibility splay is provided.

6.6.2 The applicant has made a revision to the drawings to include a turning head in order to allow servicing. Although the refuse collection point indicated on the proposed plans is in excess of 25m, Staff are satisfied that there is sufficient room along the access way to relocate the collection point closer to Montgomery Crescent. A suitable condition will be attached the event of an approval to request revised details of refuse collection point. Staff do not consider concerns raised regarding the width of the access road and visibility splays to be sufficient to justify refusal given that these aspects are the same as that which was previously approved by members under P0858.13.

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

6.7.1 The proposed development is liable for the Mayors Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable fee is based on 471m<sup>2</sup> new gross internal floor space. The proposal would therefore give rise to the requirement of £9,420 Mayoral CIL payment (subject to indexation).

## 6.8 *Planning Obligations*

6.8.1 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.

- 6.8.2 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.
- 6.8.3 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.
- 6.8.4 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.
- 6.8.5 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.
- 6.8.6 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.
- 6.8.7 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.

## 6.9 Other Issues

6.9.2 Although the distance from the dwellings to the bin collection point of 33m is not ideal, Staff do not consider it sufficient reason to refuse the application as future buyers/occupiers would be aware of the situation and make the choice regarding the acceptability of the refuse storage distance from the proposed dwellings. Members may however attach different weight to the refuse arrangements and consider these to be unacceptable.

6.9.3 Neighbouring objections relating to the damage to fencing and properties during construction would be a civil matter between the developer and the neighbouring occupiers. Objection relating to fire engines unable to access the site would be addressed by requesting the provision of domestic sprinklers to each dwelling by condition in the event of an approval. Objection relating to the storage of building materials and the parking of construction vehicles would be dealt with under the construction methodology condition in the event of an approval.

## 7. Conclusion

7.1 Overall, Staff are of the opinion that the proposal would not detract from the character of the surrounding area or neighbouring properties. It is considered that the proposal presents an acceptable degree of spacing between buildings and is not considered to appear as unacceptably dominant or visually intrusive as seen from neighbour's rear gardens. On balance, Staff also consider any potential impact on neighbouring amenity and the refuse arrangements to be acceptable. Overall, Staff consider the development to comply with Policy DC61 and the provisions of the LDF Development Plan Document. Approval is recommended accordingly.

## IMPLICATIONS AND RISKS

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

Financial contributions are required through a legal agreement.

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

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

### **Human Resource Implications:**

None

### **Equalities and Social Inclusion Implications:**

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

**BACKGROUND PAPERS**

1. Application forms and plans received on 21/11/14 and revisions were received on 13/05/15 and 30/06/15.

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# REGULATORY SERVICES COMMITTEE

16 July 2015

# REPORT

**Subject Heading:**

P0340.15 Former Diana Princess of Wales Hostel, 8 Coleridge Road, Harold Hill, Romford

Demolition of existing hostel and associated facilities. To be replaced by 5no. houses in a terrace and one detached bungalow with associated parking, amenity space and landscaping. (Received 28-03-2015)

**Ward:**

Heaton

**Report Author and contact details:**

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

**Policy context:**

Local Development Framework  
Development Control Policies  
Development Plan Document

National Planning Policy Framework  
National Planning Practice Guidance

London Plan

**Financial summary:**

Not applicable

**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 application is for the redevelopment of this site that formerly provided accommodation for the homeless. This is a Council scheme and it is proposed to develop six new dwellings following demolition of the existing buildings. The intention is that all the dwellings would be affordable for shared-ownership. The site lies within the urban area where redevelopment for residential use would be acceptable in principle. The development would also help to meet the Borough's needs for affordable housing. The proposal is considered acceptable in all material respects, including design and layout, impact on neighbouring amenity, environmental impact and parking and highway issues. The proposal would give rise to a demand for school places and a contribution of £6,000 per dwelling is deemed necessary to make the development acceptable. As the application is made by the Council this would need to be secured by a unilateral undertaking rather than legal agreement. Subject to the prior completion of such an undertaking it is recommended that planning permission is granted.

**RECOMMENDATIONS**

1. That the Committee notes that the development proposed may be liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable fee would be £12,780 subject to indexation. This is based on the creation of 639m<sup>2</sup> of new gross internal floor space.
2. That the proposal is unacceptable as it stands but would be acceptable subject to the completion of a unilateral undertaking under Section 106 of the Town and Country Planning Act 1990 (as amended), to secure the following:
  - A financial contribution of £36,000 to be paid prior to the commencement of the development, to be used for educational purposes in accordance with the Policy DC72 of the LDF Core Strategy and Development Control Policies Development Plan Document.
  - All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of

completion of the Section 106 agreement to the date of receipt by the Council.

That the Head of Regulatory Services be authorised to grant planning permission upon the completion of the unilateral undertaking 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 until the car/vehicle parking areas shown on approved drawing 84462/ 110 Rev A have been completed, and thereafter, the areas shall be kept free of obstruction and permanently made available for the parking of vehicles associated with the development and shall not be used for any other purpose.

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

4. *Materials* - The development hereby permitted shall not be commenced until samples of all materials to be used in the external construction of the buildings has 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.

5. *Landscaping* - No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping, which shall include indications of all existing trees and shrubs on

the site, and details of any to be retained, together with measures for the protection in the course of development. All planting, seeding or turfing comprised within the scheme shall be carried out in the first planting season following completion of the development and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local Planning Authority.

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

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

Reason: 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.

7. *Cycle storage* - Prior to first occupation of the development hereby permitted cycle storage of a type and in a location previously submitted to and agreed in writing by the Local Planning Authority shall be provided and permanently retained thereafter.

Reason: In the interests of providing a wide range of facilities for non-motor car residents, in the interests of sustainability and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC36.

8. *Boundary treatment* - The development hereby permitted shall not be commenced until details of proposed boundary treatment have been submitted to and approved in writing by the Local Planning Authority. The approved boundary treatment shall be installed prior to occupation of that phase of the development and retained thereafter in accordance with the approved plans.

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

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

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

Reason: Insufficient information has been supplied with the application to judge whether the proposals meet Secured by Design standards. Submission of a full and detailed application prior to commencement is in the interest of creating safer, sustainable communities and to reflect guidance in Policies CP17 and DC63 of the Core Strategy and Development Control Policies Development Plan Document and the NPPF.

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

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

11. *Vehicle Cleansing* – Before the development hereby permitted is first commenced, vehicle cleansing facilities to prevent mud being deposited onto the public highway during construction works shall be provided on site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be retained thereafter within the site and used at relevant entrances to the site throughout the duration of construction works. If mud or other debris originating from the site is deposited in the public highway, all on-site operations shall cease until it has been removed. The submission will provide;

a) A plan showing where vehicles will be parked within the site to be inspected for mud and debris and cleaned if required. The plan should show where construction traffic will access and exit the site from the public highway.

b) A description of how the parking area will be surfaced, drained and cleaned to prevent mud, debris and muddy water being tracked onto the public highway;

c) A description of how vehicles will be checked before leaving the site – this applies to the vehicle wheels, the underside of vehicles, mud flaps and wheel arches.

- d) A description of how vehicles will be cleaned.
- e) A description of how dirty/ muddy water be dealt with after being washing off the vehicles.
- f) A description of any contingency plan to be used in the event of a breakdown of the wheel washing arrangements.

Reason: Insufficient information has been supplied with the application in relation to vehicle washing facilities. Submission of details prior to commencement will ensure that the facilities provided prevent materials from the site being deposited on the adjoining public highway, in the interests of highway safety and the amenity of the surrounding area. It will also ensure that the development accords with the Development Control Policies Development Plan Document Policies DC32 and DC61.

12. *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 vehicle washing facilities. Submission of details prior to commencement will ensure that the facilities provided prevent materials from the site being deposited on the adjoining public highway, in the interests of highway safety and the amenity of the surrounding area. It will also ensure that the development accords with the Development Control Policies Development Plan Document Policies DC32 and DC61.

13. *Pedestrian Visibility Splay* - The proposals should provide a 2.1 by 2.1 metre pedestrian visibility splay on either side of each of the proposed access points

or crossovers to the dwellings, set back to the boundary of the public footway. There should be no obstruction or object higher than 0.6 metres within the visibility splay.

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

14. *Renewable energy* – A renewable energy system for the development shall be installed in accordance with details previously submitted to and agreed in writing by the Local Planning Authority and shall be made operational prior to the residential occupation of the development. Thereafter, it shall be permanently retained.

Reason: Insufficient information has been supplied with the application in relation to renewable energy to meet the requirements of Policy 5.2 of the London Plan. The submission of details prior to commencement is necessary to ensure that the proposals would meet the terms of this policy and in the interests of energy efficiency and sustainability in accordance with Policy DC50 of the LDF Development Control Policies Development Plan Document.

15. *Removal of permitted development rights* - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 Article 3, Schedule 2, Part 1 (or any order revoking and re-enacting that Order with or without modification), no development shall take place under Classes A, B, C or E, unless permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

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

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

Reason: The submission of details prior to commencement will protect highway safety and ensure that all legislative provisions are followed to ensure good design and public safety in accordance with policies CP10, CP17, and DC61 of the Core Strategy and Development Control Policies DPD.

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

Reason: Insufficient information has been supplied with the application in relation to ground levels and the local planning authority wishes to ensure that the development is acceptable and does not have any unexpected impact on

existing residential amenity in accordance with Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.

18. *Noise insulation* - The new dwellings hereby permitted shall be so constructed as to provide sound insulation of 45 DnT,w + Ctr dB (minimum value) against airborne noise.

To prevent noise nuisance to adjoining properties in accordance with policies DC55 and DC61 of the LDF Core Strategy and Development Control Policies DPD.

19. *Footway improvement* – The extension to the existing footway on the western side of Tennyson Road to improve access to the shopping parade at 39-45 Tennyson Road shall be provided prior to the occupation of the dwellings hereby permitted. The footway shall be at least 1.8 metres in width and end opposite the footway of the shopping parade. Appropriate dropped kerbs and tactile paving shall be provided. The detailed design and layout of the footway shall be agreed in writing with the local planning authority prior to construction.

Reason: Insufficient details have been submitted with the application in relation to these works and agreement of the details and implementation of the approved scheme is required in advance of first occupation of any of the dwelling to comply with policies CP10, CP17, DC61 and DC34 of the LDF Core Strategy and Development Control Policies DPD.

20. *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.

#### Informatives

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



2. *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.
3. *Changes to the public highway* - The granting of planning permission does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted considered and agreed. If a new or amended access is required (whether temporary or permanent), there may be a requirement for the diversion or protection of third party utility plant and it is recommended that early involvement with the relevant statutory undertaker takes place. Any proposals which involve building over the public highway as managed by the London Borough of Havering, will require a licence and the applicant must contact StreetCare, Traffic & Engineering on 01708 433750 to commence the relevant approval process. Unauthorised work on the highway is an offence.
4. *Highway legislation* - The granting of planning permission does not discharge the requirements of the New Roads and Street Works Act 1991 or the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works of any nature) required during the construction of the development.
5. *Temporary use of the highway* - If any construction materials are proposed to be kept on the highway during construction works then they will need to apply for a license from the Council. If the developer requires scaffolding, hoarding or mobile cranes to be used on the highway, a licence is required and Streetcare should be contacted on 01708 434343 to make the necessary arrangements.

## REPORT DETAIL

1. Site Description
  - 1.1 The application site is triangular in shape and has frontages to Tennyson Road, Coleridge Road and the access road to 53-59 Heaton Avenue which also provides service access to the Tennyson Road minor local shopping centre. The immediate area is residential with a mixture of bungalows, two-storey terraced and semi-detached properties and flats, including some above the shops. The site area is 0.16 hectares.
  - 1.2 The structures on site comprise the main hostel building which is two storey and set back from the main highway frontage of Tennyson Avenue. There are

two other smaller single storey out-buildings, one to the front and the other to the rear. The site has landscaped frontages, including several well-established trees along the Coleridge Road frontage. There is a car parking area adjacent to the shops and other areas of hardstanding. To the front is a grassed area including a children's play area with play equipment.

## 2. Description of Proposal

- 2.1 This is a full application for the redevelopment of the site following the demolition of the existing buildings. The development proposed is for six new dwellings comprising a single terrace of five 2-storey dwellings fronting onto Tennyson Road and a detached bungalow fronting Coleridge Road. The terrace would comprise 3-bed five person houses and the bungalow would be a 2-bed four person to accommodate a wheel chair user. All the properties would be affordable for rent.
- 2.2 There would be a total of 12 off-street parking spaces, including three visitor spaces. The parking spaces would be to the front of the properties, except unit 5 closest to the shops which would have parking to the side. Each of the dwellings would have rear garden areas. The dwellings would be constructed in brick under gable ended tiled roofs. The gable ends of each dwelling in the terrace would face onto Tennyson Road giving a 'saw-tooth' appearance.
- 2.3 All of the dwellings would be constructed to lifetime homes standards and to Code for Sustainable Homes Level 4. The bungalow would be constructed to accommodate a wheel chair user. The scheme overall has been designed to meet Secured by Design matters, but would be subject to certification following detailed design.

## 3. Relevant History

- 3.1 None

## 4. Consultations and Representations

- 4.1 Neighbour notification letters sent to 88 local addresses. One representation has been received raising the following issues:
- Concern about how new properties would be numbered given past issues;
  - Potential parking problems as there are currently parking spaces on the highway which could be affected;
- 4.2 Thames Water has no objections.
- 4.3 Streetcare (Highways): no objections subject to modifications to achieve the necessary pedestrian visibility splays. The proposed bin stores should be set back to achieve this. The proposed footway extension to the shops in Tennyson Road should wrap further around the corner to minimise the crossing distance. Conditions requested to secure these improvements and wheel cleaning.

- 4.4 London Fire Brigade (Water) is happy for the development to go ahead.
- 4.5 London Fire and Emergency Planning Authority is satisfied with the proposals.
- 4.6 Public Protection (Environmental Health) requests a noise insulation condition.
- 4.7 Metropolitan Police Designing out Crime Officer has no objections subject to condition regarding submission of Secured by Design award details.
- 4.8 Essex and Suffolk Water has no objections.

5. Relevant Policies

- 5.1 Policies CP1 (Housing Supply); CP2 (Sustainable Communities); CP9 (Reducing the need to travel); CP10 (Sustainable Transport); CP15 ((Environmental management; CP17 (Design); DC2 (Housing Mix and Density); DC3 (Housing Design and Layout); DC7 (Lifetime Homes and Mobility Housing); DC32 (The Road Network); DC33 (Car Parking); DC34 (Walking); DC35 (Cycling); DC36 (Servicing); DC40 (Waste Recycling); DC48 (Flood Risk); DC49 (Sustainable Design and Construction); DC50 (Renewable Energy); DC51 (Water Supply, Drainage and Quality); DC52 (Air Quality); DC53 (Contaminated Land); DC55 (Noise); 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).
- 5.2 In addition the Planning Obligations SPD (Technical Report 1 – Assessment of Infrastructure Costs), Residential Design Supplementary Planning Document (SPD), Designing Safer Places SPD and Sustainable Design and Construction SPD.
- 5.3 Policies 3.3 (increasing housing supply), 3.4 (optimising housing potential); 3.5 (quality and design of housing developments), 3.6 (children’s play facilities), 3.8 (housing choice), 3.9 (mixed and balanced communities), 3.10 (definition of affordable housing), 3.11 (affordable housing targets), 3.12 (negotiating affordable housing), 3.13 (affordable housing thresholds), 5.2 (minimising carbon dioxide emissions), 5.3 (sustainable design and construction), 5.7 (renewable energy), 5.12 (flood risk management), 5.13 (sustainable drainage), 5.16 (waste self-sufficiency), 5.21 (contaminated land), 6.1 (strategic transport approach), 6.3 (assessing effect on transport capacity), 6.9 (cycling), 6.10 (walking), 6.13 (parking), 7.3 (designing out crime), 7.4 (local character), 7.6 (architecture), 7.14 (improving air quality), 7.15 (reducing noise and enhancing soundscapes)and 8.2 (planning obligations) of the London Plan.
- 5.3 The provisions of the National Planning Policy Framework and the National Planning Policy Guidance are also material considerations.

6. Staff comments

## Principle of the development

- 6.1 The property which was purpose built by the Council as a hostel for the homeless, has been replaced by upgraded accommodation elsewhere in the Borough and is now surplus to requirements. The buildings and other facilities, which remain on site have been unused since 2012. Whilst not specifically referred to under LDF Policy CP8 (Community Needs) the hostel could be considered a community facility. The policy seeks to retain or re-provide community facilities where a need exists. Policy DC27 has similar requirements. More modern facilities for the homeless that meet current standards have been provided at Will Perrin Court and Abercrombie House. As there is provision elsewhere that meets the Borough's needs the terms of these policies have been met.
- 6.2 LDF Policy CP1 prioritises the redevelopment of brownfield and non-designated sites within the urban area for housing to help meet housing need. The policy also requires that such sites are used efficiently. On this basis Staff consider that the proposed redevelopment for affordable housing would be acceptable in principle.

## Density and Layout

- 6.3 The site has a PTAL value of 2 and in accordance with Policy DC2 the site is classified as 'rest of borough'; outside of a defined PTAL area. A density range of 30-50 dwellings per hectare is indicated as appropriate. The application site has an area of 0.16 hectare and proposes 6 new dwellings. This equates to a development density of 37.5 units or 144 habitable rooms per hectare, which is within the range specified in Policy DC2. However, density is only one measure of acceptability and there are other relevant considerations. These include the need to make efficient use of the site taking account of site constraints and the site layout and its impact on the character and appearance of the area. It is also necessary to provide an acceptable level of accommodation for future occupiers.
- 6.4 In this regard all of the proposed dwellings would meet the minimum size standards set out in London Plan policy 3.5 and Table 3.3 and provide private and usable amenity space in accordance with the Residential Design SPD. Whilst the layout of the amenity areas would be compact there would be no significant overlooking issues. Each dwelling would have at least one off-street parking space and parking on adjoining roads is currently unrestricted.

## Design and visual impact

- 6.5 The design of the terrace with gable ends facing the highway is not typical of the area where most of the bungalows in Coleridge Road and the houses in Tennyson road have hipped roofs. However, the site is separated from other housing by adjoining roads and a different style of building is judged to be appropriate for the site as it would complement the existing residential character of the area where there is a variety of architectural styles. The site marks a transition between the two storey development to the south and west

and the higher flatted development of the north. As such the orientation of the new dwellings would not appear out of character or adversely affect the appearance of the area or appear out of place in the streetscene. The design differences would provide greater visual variety and the terrace would read as a separate visual element. The design of the buildings allows for an efficient use of the site. The terrace would have a street frontage with off-road parking similar to other properties in Tennyson Road. The bungalow would be in keeping with the predominant style of dwellings in Coleridge Road.

- 6.6 Materials proposed are principally to be a light coloured brick under a pitched plain tiled roof. The appearance of the buildings would respect the varied residential character of the area which has a mix of styles and building materials. The site is in a prominent location with three road frontage. Staff consider that the development would have an acceptable visual impact in its own right, especially as it would be replacing a larger single building. The design would have a positive impact on the character and appearance of the area. Detail of materials are given in the application but it is considered that the submission of samples for approval should be required by condition

#### Impact on amenity

- 6.7 Whilst the site lies within a residential area it is a corner plot and only shares a boundary with one residential property. The only adjoining property is No. 10 Coleridge Road which adjoins to the north west. None of the new dwellings would face onto the site with only rear amenity areas adjoining the common boundary. Of the rear gardens to the proposed terrace, only two would abut the adjoining property and the length of the gardens means that there would be no material overlooking of the rear garden. Overall Staff consider that there would be no material adverse impact on the amenities of nearby residents and the proposals would comply with LDF Policy DC61.
- 6.8 Within the development the relationship between residential units is generally acceptable. There are some tight relationships, where the flank wall of proposed dwellings abuts the rear boundary of other dwelling plots. Parts of the amenity area of the bungalow would be subject to some overlooking, however, most of the garden is shielded from any views by the building itself. Whilst the siting of a single storey flank wall directly on the rear boundary of proposed dwellings is not ideal, some revisions were made at the pre-application stage to minimise these. In view of these factors staff consider, as a matter of judgement, that the proposed dwellings would still enjoy a reasonable level of amenity, such that the proposals do not give rise to materially unacceptable living conditions such as amount to a material objection to the proposal.

#### Parking and highways Issues

- 6.9 The proposal provides a total of 12 parking spaces, including three visitor spaces which equates to 1.5 spaces per dwelling. This meets the LDF parking requirements of 2-1.5 spaces per dwelling and would also fall within the maximum standards set out in Table 6.2 and Policy 6.13 of the London Plan.

The proposals also make provision for cycle parking, which would be secured by condition. Overall the vehicle and cycle parking is considered acceptable and in accordance with the relevant development plan policies.

- 6.10 There is currently parking for the former hostel along the access road to the rear of the Tennyson Road shops. The three visitor bays would be provided in this area. The existing bays are sometimes occupied by users of the shops and this is likely to continue. However, they would also be available for visitors. The two parking spaces for unit five would also take access from the service road but these would be allocated to the property. There are no objections to this arrangement from the highway authority. The proposed footpath extension would become part of the public highway.

#### Affordable Housing

- 6.11 In terms of affordable housing the aim is to achieve 50% across the borough in accordance with Policy DC6. In this case all of the units would be affordable units for rent and would help to achieve this objective. The application is being made by the Council's housing service and all of the units would be retained as affordable units. Whilst the proposal is below the normal threshold of 10 units the new units would make an important contribution to achieving the target. The proposals would meet the objectives of LDF Policies CP2 and DC6 and Policy 3.11 of the London Plan.

#### Infrastructure impact of the development

- 6.12 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.
- 6.13 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.
- 6.14 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.
- 6.15 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.

- 6.16 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.
- 6.17 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.
- 6.18 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.
- 6.17 The proposed new dwellings would result in an additional local infrastructure demand such that a financial contribution is needed in accordance with policy DC72. There would be a net addition of 6 units and a charge of £36,000 is considered necessary to make the development acceptable in accordance with the policy. However, as the Council is both land owner and applicant this would need to be secured by way of a unilateral undertaking rather than a planning agreement.

#### Other Issues

- 6.18 The application site includes a number of trees, mainly along the Coleridge Road frontage and an arboricultural assessment has been undertaken. The most significant trees comprise a group including maple, silver birch and apple. The trees are considered to make a positive contribution to the streetscene. Other trees are present on the site which have a lesser landscape value. Most of the trees along the site boundary are proposed to be retained and will be protected during the development. Some would have crown reductions in order

to minimise the impact on the development. Staff consider that these proposals are acceptable as this would help maintain the landscape setting of the site.

- 6.19 The ground conditions of the site have been investigated and the submitted report concludes that the ground conditions pose no risk to future occupiers and that remediation is not required.
- 6.20 Given the scale of the development there is no requirement for a sustainable drainage system (SuDS) to be included in the scheme.

## 7. Mayor's Community Infrastructure Levy

- 7.1 The proposed development may be liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. However, affordable housing may qualify for relief if the proposals meet certain exemption criteria. These would be assessed post planning decision prior to the commencement of the development.
- 7.2 The applicable fee is charged at £20 per square metre based on an internal gross floor area of 639 square metres less the area of existing buildings in lawful use for at least 6 months in the last three years. As this has not been the case none of the existing floorspace can be deducted. However, there are exemptions for affordable housing which needs to be sought prior to commencement of development. In this case the maximum CIL contribution would be of £12,780 subject to indexation.

## 8 Conclusions

- 8.1 The proposed residential development on the site is considered acceptable in principle. The design, scale and layout of the proposed development is considered to be in keeping with the character and amenity of the locality and to provide an acceptable quality living environment for future occupants. There is judged to be no material harm to neighbouring residential amenity arising from the proposals and the application makes acceptable provision for landscaping and sustainability. The proposal is considered to be acceptable in respect of parking and highways issues.
- 8.2 The proposal is for six affordable social rented units which would help to meet the Borough wide target of 50% of all new dwellings. This provision is considered acceptable in terms of the aims of LDF and London Plan policies. As this is a Council proposal and is below the normal threshold of 10 units the delivery of affordable housing does not need to be addressed through a S106 obligation or by planning condition.
- 8.3 There would also need to be a contribution to meet education costs associated with the development in accordance with LDF Policy DC72 and the Technical Appendices to the Planning Obligations SPD and Policy 8.2 of the London Plan. Again as this is a Council application on Council land the contribution would be secured by condition rather than through a S106 obligation.



8.4 The proposal is, therefore judged to be acceptable, subject to the conditions set out in this report and it is recommended that planning permission is granted accordingly.

## IMPLICATIONS AND RISKS

**Financial implications and risks:** None

**Legal implications and risks:** The planning merits of the application are considered separately to the Council's interests as landowner and applicant

**Human Resources implications and risks:** None

**Equalities implications and risks:** The Council's planning policies are implemented with regard to equality and diversity. The development includes a mix of unit types, including a unit that provides for wheelchair use, and units which are designed to Lifetime Homes standards. The residential development is exclusively for affordable housing, thus contributing to the provision of mixed and balanced communities and the Borough's housing needs.

## BACKGROUND PAPERS

1. Planning application form and plans received 28-03-2015

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# REGULATORY SERVICES COMMITTEE

16 July 2015

# REPORT

**Subject Heading:**

P0469.15: 151-153 North Street, Romford

Demolition of an existing warehouse and the construction of a part two/part three storey building consisting of 2 No. x 1 bedroom units and 5 No. x 2 bedroom dwellings (Application Received 10 April 2015).

**Ward**

Brooklands

**Report Author and contact details:**

Helen Oakerbee  
Planning Control Manager  
[Helen.oakerbee@havering.gov.uk](mailto:Helen.oakerbee@havering.gov.uk)  
01708 432800

**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 proposal is for the demolition of an existing two storey commercial building and the construction of a part 2/part 3 storey building to provide 5 two bedroom flats and 2 one bedroom flats. The building has a flat roof with the three storey component facing onto an access road and buildings of Riverside Close to the south and the two storey part facing towards Riverside Close to the west. No parking is proposed for the development and vehicular and pedestrian access is from a new spur from the access road which currently serves Riverside Close.

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

## RECOMMENDATIONS

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 £7,340, subject to indexation. This is based on the creation of 367 square metres of new gross internal floor space (the demolition of the commercial building results in the loss of 197 square metres and the new build a gain of 564 square metres -  $(564 - 197 = 367 \text{ square metres} \times £20 = £7,340)$ ).
2. That the proposal is unacceptable as it stands but would be acceptable subject to the applicant entering into a Section 106 Legal Agreement under the Town and Country Planning Act 1990 (as amended), to secure the following:
  - A financial contribution of £42,000 to be used for education purposes.
  - A financial contribution of £7,500 towards a review of parking controls on Riverside Close.
  - An agreement to prevent future residents of the scheme from applying for parking permits.
  - All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 Agreement to the date of receipt by the Council.

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

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

1. Time Limit

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

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

2. In Accordance with Plans

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

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

3. Contaminated Land

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 I (Desktop Study) Report documenting the history of this site, its surrounding area and the likelihood of contaminant/s, their type and extent incorporating a Site Conceptual Model.

b) A Phase II (Site Investigation) Report if the Phase I Report confirms the possibility of a significant risk to any sensitive receptors. This is an intrusive site investigation including factors such as chemical testing, quantitative risk

assessment and a description of the site ground conditions. An updated Site Conceptual Model should be included showing all the potential pollutant linkages and an assessment of risk to identified receptors.

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

Part A - Remediation Scheme which will be fully implemented before it is first occupied. Any variation to the scheme shall be agreed in writing to the Local Planning Authority in advance of works being undertaken. The Remediation Scheme is to include consideration and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Planning Authority for written approval.

Part B - Following completion of the remediation works a 'Validation Report' must be submitted demonstrating that the works have been carried out satisfactorily and remediation targets have been achieved.

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

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

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

Reason:

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.

#### 4. Materials

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

Reason:

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

#### 5. Landscaping

The scheme of hard landscaping shown on approved drawing 1308/04 shall be completed before the development is occupied. All planting and seeding comprised within the scheme shall be carried out in the first planting season following completion of the hard landscaping 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:

To ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61 and Section 197 of the Town and Country Planning Act 1990.

#### 6. Boundary Treatment

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

Reason:

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.

#### 7. Wheel Washing

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

originating from the site is deposited in the public highway, all on-site operations shall cease until it has been removed.

The submission will provide;

- a) A plan showing where vehicles will be parked within the site to be inspected for mud and debris and cleaned if required. The plan should show where construction traffic will access and exit the site from the public highway.
- b) A description of how the parking area will be surfaced, drained and cleaned to prevent mud, debris and muddy water being tracked onto the public highway;
- c) A description of how vehicles will be checked before leaving the site - this applies to the vehicle wheels, the underside of vehicles, mud flaps and wheel arches.
- d) A description of how vehicles will be cleaned.
- e) A description of how dirty/ muddy water be dealt with after being washing off the vehicles.
- f) A description of any contingency plan to be used in the event of a break-down of the wheel washing arrangements.

Reason:

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.

## 8. Construction Methodology

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

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



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

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

Reason:

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

#### 9. Refuse and Recycling

The refuse store shown on approved drawing 1308/03 shall be provided prior to occupation and shall be permanently retained thereafter.

Reason:

To protect the amenity of occupiers of the development and also of the locality generally and to ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

#### 10. Cycle Storage

The building shall not be occupied until secure storage for 12 cycles is provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The cycle storage shall be permanently retained thereafter.

Reason:

The submitted proposals for cycle parking show an insufficient provision of spaces. Submission of a revised scheme for cycle parking prior to occupation is in the interests of providing a wide range of facilities for non-motor car residents and sustainability.

#### 11. Hours of Construction

All building operations in connection with the construction of external walls, roof, and foundations; site excavation or other external site works; works involving the use of plant or machinery; the erection of scaffolding; the delivery of materials; the

removal of materials and spoil from the site, and the playing of amplified music shall only take place between the hours of 8.00am and 6.00pm Monday to Friday, and between 8.00am and 1.00pm on Saturdays and not at all on Sundays and Bank Holidays/Public Holidays.

Reason:

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

## 12. Noise Insulation

The buildings shall be constructed so as to provide sound insulation of 45 DnT, w + Ctr dB (minimum value) against airborne noise and 62LnT, w dB (maximum values) against impact noise.

Reason:

To prevent noise nuisance to adjoining properties in accordance with Policy DC55 of the Development Control Policies Development Plan Document.

## 13. Flank Windows

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. Secure 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](mailto:DOCOMailbox.NE@met.police.uk) or 0208 217 3813 . They are able to provide qualified advice on incorporating crime prevention measures into new developments.

2. Discharge fee - A fee is required when submitting details pursuant to the discharge of conditions. In order to comply with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which came into force from 22.11.2012, a fee of £97 per request or £28 where the related permission was for extending or altering a dwellinghouse, is needed.
3. Drainage - With regards to surface water drainage it is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.
4. Changes to the Highway - The Applicant is advised that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted, considered and agreed. Any proposals which involve building over the public highway as managed by the London Borough of Havering, will require a licence and the applicant must contact StreetCare, Traffic & Engineering on 01708 433750 to commence the Submission/ Licence Approval process.

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

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

5. 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.
6. The planning obligations recommended in this report have been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the obligations are considered to have satisfied the following criteria:-

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

## REPORT DETAIL

### **1. Site Description**

- 1.1 The application site is located to the rear of 151-153 North Street which is a two storey building facing east onto North Street and providing a dwelling and a retail unit. Number 151 provides the residential accommodation and behind it is an enclosed garden with a depth of 4.5 metres. To the rear of the building is a 30 metre deep yard housing several stacked shipping containers and a two storey warehouse building at its westernmost end. Vehicular access to the yard is from an access road leading from North Street and running alongside the north flank of no 153. The yard is enclosed by a 2.5 metre palisade fence within a 1.8 metre close boarded timber fence topped by a trellis.
- 1.2 The surrounding area has a mixed character but closest to the application site principally comprises residential accommodation of two storey semi-detached dwellings and three storey flats. To the west and to the south is Riverside Close which is a part 3/part 4 storey development of flatted accommodation; to the east beyond 151 and 153 North Street is North Street itself; to the north is 155 North Street which is a two storey semi-detached property in use by a computer repair business. The road providing vehicular and pedestrian access to Riverside Close is immediately to the south running alongside the southern flank of no 151 and the yard's perimeter fence.
- 1.3 The application site has a hard surfaced frontage providing seven off street parking bays for North Street Carpets and Beds.

### **2. Description of Proposal**

- 2.1 This planning application proposes the demolition of the warehouse to the rear of the site and the erection in its place of a part 2/part 3 storey building to provide 5 two bedroom flats and 2 one bedroom flats. The building has a flat roof with the three storey component facing onto the access road to Riverside Close to the south and the two storey part facing towards Riverside Close to the west.
- 2.2 The proposal includes a refuse store and a cycle store for 9 bicycles which would be located to the rear of 153 North Street. No parking is proposed for the development and vehicular and pedestrian access is from a new spur from the access road which currently serves Riverside Close. The spur

passes under the first/second floor of the new building and ends in a yard with the bin and cycle stores to the east and the entrance to the building to the west.

### **3. History**

- 3.1 There is extensive history for No.s 151 and 153, the most relevant of which is listed as follows:

P0113.12 Two and three storey extensions & alterations to convert existing warehouse into 5X1 bed and 2x2 bed self-contained flats. Application withdrawn 10/3/2015.

No. 153 North Street -

P2082.07 - Demolish existing carpet store, internal alterations and two storey rear extension - Withdrawn.

P1772.10 Change of use from retail to residential to create proposed 1 bed maisonette - Approved.

No. 151 North Street -

P0180.02 - Conversion of ground floor at No. 151 to showroom, conversion of first floor of No. 151 and 153 to form two residential flats and single storey rear extension - Approved.

P0445.04 - New shop front and conversion of No. 151 from showroom, creation of 2 no. flats at first floor - Approved.

P1053.10 Change of use from retail to residential to create a 1 bedroom maisonette and external alterations Refused.

### **4. Consultation/Representations**

Notification letters were sent to 98 neighbouring properties. No objections have been received.

Comments have been received from the following consultees:

London Fire Brigade - No objection.

Environment Agency - No objections.

London Borough of Havering Local Lead Flood Officer - Would like to see SUDS techniques applied to the site, for example a green roof and permeable paving.

Environmental Health - No objections raised; conditions recommended relating to the control of noise and contaminated land.

Highways - No objections raised; request a S106 agreement to prevent future residents of the scheme from applying for parking permits and to provide a £7,500 financial contribution towards a review of parking controls on Riverside Close; request conditions relating to alterations to the highway, vehicle cleaning during construction; request informatives relating to changes to the public highway.

## **5. Relevant Policy**

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

CP1 - Housing Supply  
DC2 - Housing Mix and Density  
DC3 - Housing Design and Layout  
DC6 - Affordable Housing  
DC27 - Provision of Community Facilities  
DC32 - The Road Network  
DC33 - Car Parking  
DC34 - Walking  
DC35 - Cycling  
DC61 - Urban Design  
DC63 - Delivering Safer Places  
DC70 - Archaeology and Ancient Monuments  
DC72 - Planning Obligations  
Residential Design SPD  
Planning Obligations SPD (Technical Appendices)

The following London Plan policies apply:

Policy 6.13 - Parking  
Supplementary Planning Guidance Housing

The following national planning guidance is also of relevance:

The National Planning Policy Framework ("the NPPF")

## **6. Staff Comments**

- 6.1 The main issues are considered to be the principle of development, the impact upon the character and appearance of the street scene, the quality of the accommodation provided and impact upon neighbouring occupiers.

## **7. Principle of Development**

- 7.1 Policy CP1 of the LDF states that outside town centres and the Green Belt, priority will be made on all non-specifically designated land for housing. The application proposes the erection of new housing on unallocated land. The proposal is considered to be acceptable in principle.

## **8. Design/Impact on Street/Garden Scene**

- 8.1 Policy DC2 of the LDF stipulates the appropriate residential densities in given areas of the Borough. Policy DC61 states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area. The SPD contains guidance in relation to the design of residential development.
- 8.2 The Council has adopted policy, which seeks to guide a higher density of development to those parts of the Borough having good access to public transport. In this instance the application site is ranked as being within a high Public Transport Accessibility Level Zone (PTAL 5). The recommended density range in an "urban" location with a PTAL rating of 5 would be between 165 and 275 dwellings per hectare where flats are proposed. The density of the proposed development would be approximately 173 units per hectare, and this is considered acceptable.
- 8.3 The London Plan Supplementary Planning Guidance Housing sets out the minimum internal space standards and amenity space standards for new residential development. The submitted details indicate that the proposed units would be in accordance with these requirements with amenity space is provided in the form of enclosed balconies. Outlook from and natural lighting of the proposed living accommodation is considered to be acceptable.
- 8.4 The proposal has been designed to blend in with the existing residential development at Riverside Close and it is considered that the design is a good match and subject to appropriate materials being used the building will integrate well. The proposal would result in a visual improvement to the site insofar as it would result in the replacement of development that has a run-down, industrial appearance.
- 8.5 Conditions could be imposed requiring the submission of details relating to the proposed use of building materials, boundary treatment, and landscaping works, for the approval of the local planning authority, to ensure that the development would have an acceptable visual impact.
- 8.6 Given the nature of the proposal, including its appearance, height, bulk, and massing in relation to the street scene, it is considered that the proposal would not result in any significant adverse impacts on the character of the area, and that it would be in accordance with Policy DC61 of the LDF.

## **9. Impact on Amenity**

- 9.1 There are a number of residential properties located in close proximity to the proposed development. These are in the new build development of Riverside Close and the residential unit at 151 North Street.
- 9.2 At 151 North Street a ground floor dining room window and first floor bedroom window face towards the flank of the three storey component of the proposed building and would be some 8 metres from it, however the ground floor windows of this property are already overshadowed and the outlook restricted by the high fencing around the garden and by the stack of shipping containers in the yard immediately behind the garden which site photographs reveal have been there for several years.
- 9.3 To the south of the site across the access road to Riverside Close three living room windows on 3 storeys of Brant Court face towards the 3 storey component of the proposed building at a distance of some 7 metres but are not overlooked by any windows. Similarly, to the west of the site living room windows on the first and second floor of Calder Court are positioned at right angles to the 2 storey component and are some 3.75 metres from its flank, but are not overlooked.
- 9.4 While there will inevitably be some loss of light and outlook to the properties described above it is not considered that this would result in an unacceptable level of natural lighting and outlook to these properties especially given the urban environment in which they are located where a degree of shading and obstruction of view is to be expected from neighbouring buildings. A Daylight and Sunlight assessment accompanying the application confirms that any reduction in natural lighting to the rooms concerned will be small and it is considered that the proposal would not result in any material adverse impact on the amenity of neighbouring occupiers.
- 9.5 It is considered that in terms of amenity the proposal complies with Policy DC61 of the LDF and the guidance contained in the Residential Design SPD.

## **10. Highway/Parking**

- 10.1 The site has a moderate to high PTAL Level of 5 and the provision of no parking is considered to be acceptable. The Council's Highways officers have requested a S106 agreement to prevent future residents of the scheme from applying for parking permits and to provide a £7,500 financial contribution towards a review of parking controls on Riverside Close.
- 10.2 A dedicated cycle store is proposed with space for 9 cycles. Changes to the London Plan in March 2015 have increased the quantum of cycle storage required for residential developments and storage for 12 cycles is required for this proposal (one space for each of the one bedroom flats and



two for the others). A condition is proposed to secure the provision of adequate cycle storage.

## **11. Other Issues**

- 11.1 The Council's Local Lead Flood Officer has indicated that SUDS techniques should be applied to the site and has given the examples of a green roof and permeable paving. Should planning permission be granted it is proposed that a suitably worded landscaping condition should include a requirement for permeable paving.
- 11.2 The Council's Environmental Health officers have recommended the use of conditions in relation to noise and contaminated land. It is recommended that these be imposed should planning consent be granted.

## **12. Infrastructure Impact of Development**

- 12.1 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.
- 12.2 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.
- 12.3 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.
- 12.4 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.
- 12.5 The evidence background to the SPD, contained in the technical appendices is still considered relevant. The evidence clearly shows 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.

- 12.6 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.
- 12.7 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.
- 12.8 In addition to the above, in order to mitigate identified parking issues, the agreement should prevent future residents of the scheme from applying for parking permits and secure a £7,500 financial contribution towards a review of parking controls on Riverside Close

### **13. Mayoral Community Infrastructure Levy (CIL)**

- 13.1 The proposal would involve the demolition of light industrial buildings with a gross internal floorspace of 197 square metres and the creation of 564 square metres of residential floorspace. This is an increase of 367 square metres which would attract a CIL payment of £20 per square metre. This would give rise to a Mayoral CIL contribution of  $£20 \times 367 = £7,340$ .

### **14. Conclusion**

- 14.1 The site is brownfield land and its redevelopment for housing is considered to be acceptable under LDF Policies CP1 and the guidance in the NPPF. The design, scale and layout of the proposed development is in keeping with the character and appearance of the locality and would provide a suitably high quality living environment. There is judged to be no material harm to neighbouring residential amenity and the proposal is considered to be acceptable in respect of parking and highways issues.
- 14.2 There would also be contributions to mitigate parking issues and to meet education costs associated with the development in accordance with Policy

DC72. These contributions would be secured through a S106 Planning obligation. The proposal is therefore judged to be acceptable, subject to the prior completion of the obligation and conditions, and it is recommended that planning permission is granted accordingly.

## IMPLICATIONS AND RISKS

**Financial Implications and risks:** None

**Legal Implications and risks:** Legal resources will be required to prepare and complete the legal agreement.

There is a risk that the weight accorded to the Development Plan Policy and Supplementary Planning Document on Planning Obligations may be challenged at appeal or through judicial challenge.

**Human Resource Implications:** None

**Equalities and Social Inclusion Implications:** The Council's planning policies are implemented with regard to equality and diversity.

## BACKGROUND PAPERS

1. Application and supporting details and plans received on 10-04-2015

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# REGULATORY SERVICES COMMITTEE

16 July 2015

# REPORT

**Subject Heading:**

P0683.15 To install floodlights to the skatepark, BMX track and multi-Use games area.

Central Park, Petersfield Avenue, Harold Hill, Romford

**Ward**

Gooshays

**Report Author and contact details:**

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

**Policy context:**

Local Development Framework  
Development Control Policies  
Development Plan Document

National Planning Policy Framework  
National Planning Practice Guidance

London Plan

**Financial Summary**

Not applicable

**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**

This application is reported to the Committee as it is a Council application and a third party objection has been received.

The application concerns the erection of 12no. 8 metre high lighting columns to illuminate the skate park, BMX track and Multi-use Games Area (MUGA) at Central Park, Harold Hill. There would be four columns for each facility. The visual impact of the columns is considered acceptable within the context of a public park that includes leisure facilities. The submitted light spillage calculations demonstrate that the impact on residential areas and on the public highway would be acceptable. However, the light spillage into the Paine’s Brook wildlife corridor would be excessive and directional lighting needs to be installed to reduce this impact. A suitably worded condition is proposed. The visual impact of the proposed columns is also judged to be acceptable. The grant of planning permission is recommended accordingly, subject to conditions.

**RECOMMENDATIONS**

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

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

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

2. *Hours of use* - The floodlights hereby permitted shall not be illuminated between the hours 22:00 hours or after the park has closed in the evening, whichever is the earlier and 15:30 the following day. The lights shall be fitted with a time switch so that the lights are not illuminated between these times.

Reason: In order to minimise the impact of the development on surrounding areas in accordance with policies DC56, DC 58 and DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.

3. *Accordance with plans* - The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans, particulars and specifications, including the luminaire details set out in the design and access statement.

Reason: In the interests of residential and visual amenity in accordance with policies DC56 and DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.

4. *Lighting levels* – The development hereby permitted shall not commence until a lighting scheme has been submitted to and approved in writing by the local planning authority. The lighting scheme shall include details that demonstrate that the light spillage beyond the surfaced path between the skate park and Paine’s Brook would not exceed a Lux level of 2 and that the upward light ratio would not exceed 2.5%. The lighting shall be installed in accordance with the approved details and thereafter retained for the life of the development.

Reason: Insufficient information has been submitted with the application to demonstrate that the Paine’s Brook wildlife corridor would not be adversely affected by light spillage or that the amount of upward obstructive light would not be excessive. The submission and approval of a lighting scheme that sets out these details prior to erection is necessary to prevent excessive light spillage into the Paine’s Brook corridor and into the sky in accordance with policies DC56, DC58 and DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.

5. *Materials/colour* - The lighting columns hereby approved shall be finished in a colour or in materials in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority.

Reason: Insufficient information has been submitted with the application on the proposed finishes or materials of the lighting columns. The submission and approval of these details is necessary to minimise the visual impact on the area in accordance with Policy DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.

Informatives:

1. Statement Required by Article 35 (2) of the Town and Country Planning (Development Management) 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.

## REPORT DETAIL

### 1. Site Description

1.1 The application site forms a part of Central Park, Harold Hill close to the boundary of the park with Dagnam Park Drive and Paine's Brook. The site comprises:

- (a) a multi-use games area (MUGA) which is a hard surfaced court surrounded by a 4metre high mesh fence;
- (b) A skate park which is a surfaced area with dips and jumps;
- (c) A BMX track which is an unsurfaced dirt track with a series of humps.

The sports facilities lie within a gated compound surrounded by metal railings.

1.2 To the west of the site on the other side of Paine's Brook is the 'My Place' community centre and the Harold Hill Leisure Centre. Within the leisure complex are several open floodlit games courts. The corridor of Paine's Brook is well vegetated and includes a number of mature trees.

1.3 The north of the site on the other side of Dagnam Park Drive is the Brookside Primary School and residential properties, the nearest of which is about 50 metres away.

### 2. Description of Proposal

2.1 The application seeks permission for the erection of 12no. 8 metre high lighting columns which would support 2no. downlighting luminaries on each column. There would be four columns for each of the sports areas. It is proposed to use the lights up to the park closing times of 22:00 hours Monday to Saturdays and to 21:00 hours on Sundays and Bank and Public Holidays. The facility would be staffed and users would need to pay a charge.

### 3. History

3.1 None relevant

### 4. Consultation/Representations

4.1 42 neighbours were notified of the application and one response has been received raising the following matters:

- Would encourage the use of the facilities after dark;
- The extension to the hours of use could result in additional crime and drug dealing which is already a problem;



- Nuisance arising from users leaving the facility at night and congregating outside of 'My Place'.

4.2 Streetcare has no objections.

4.3 Environment Agency recommends that the lighting levels should not exceed 2 Lux within the Paine's Brook wildlife corridor.

## 5. Relevant Policy

5.1 Policies CP7 (Recreation & Leisure); DC18 (Protection of public open space, recreation, sports and leisure); DC55 (Noise); DC56 (Light); DC58 (Biodiversity and Geodiversity) and DC61 (Urban design) of the Core Strategy and Development Control Policies and the guidance in the National Planning Policy Framework are material considerations.

## 6. Staff Comments

6.1 The NPPF states that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Development Plan Planning Policy DC18 states that the Council will seek the retention and enhancement of all public open space and recreation, sports and leisure facilities that are in private and public ownership.

6.2 The proposed lighting of the facilities would allow their more effective use especially during winter months. The proposal would allow members of the community to participate more in recreational activity and the proposed development is therefore considered to be in accordance with the above intentions of the NPPF and Policy DC18.

6.3 The main issues arising are the impact on the character and appearance of the area from the 12 lighting columns and the potential for light spillage from the site into adjoining areas, in particular the wildlife corridor of Paine's Brook. There would also be the potential for an increase in noise disturbance for nearby residents from any additional usage of the facilities.

### Visual Impact

6.4 The compound lies on the edge of the park and is well screened from views from outside of the park by the vegetation along Paine's Brook and along Dagnam Park Road. The proposed lighting columns would not, therefore, be readily visible from residential areas. From within the park itself the proposed columns would be readily visible, but seen against the backdrop of the vegetation along Paine's Brook. A condition is recommended to enable the colour of the columns to be agreed prior to erection to help minimise any visual impact.

6.5 Staff consider that columns would not appear overly intrusive or out of character within the context of a public park. The park is within the urban area and the floodlighting of sports facilities is not an uncommon feature.

There are floodlights serving the sports pitches to the west adjacent to the swimming pool for example. The layout proposed strikes a balance between the number and height of the columns for the required light coverage.

#### Impact on amenity

- 6.6 The guidance in the NPPF is that planning decisions should seek to limit the impact of light pollution from artificial light on local amenity and on intrinsically dark landscapes. LDF Policy DC56 considers that in order to minimise the intrusion of artificial lighting, planning permission should only be granted for development, including artificial lighting, where it does not have a negative impact on the amenity of residents or public safety. Planning conditions should be used to control impact by setting lighting levels and hours of operation. Policy DC61 seeks to protect the amenities and privacy of existing occupiers from the adverse impacts of new development.
- 6.7 There are two main potential impacts on amenity – light spillage and noise from increased use of the facilities. Details submitted with the application demonstrate that the light spillage would not adversely affect the nearest residential occupiers in Dagnam Park Road and would be in accordance with the guidance provided by the Institution of Lighting Professionals.
- 6.8 The installation of permanent lighting would increase the usage of the facilities and this could adversely affect residential amenity through increased noise during sessions. Whilst permanent lighting would result in increased activities at the site these would be supervised by park staff and would be closed by 22:00 on weekdays and Saturdays and 21:00 on Sundays and Public/Bank holidays. A condition is recommended to control hours and given the distance from the nearest residential properties Staff consider that there would be no material adverse impact arising from the extended usage of the facilities.

#### 7. Other Considerations

- 7.1 The Paine's Brook wildlife corridor (defined in LDF Policy DC58) lies close to the application site, in particular the skate park. The light spillage calculations submitted show significant spillage into the corridor. The Environment Agency has advised that there should be a maximum Lux level of 2 within the corridor. This is similar to the recommendation within the guidance for light intrusion into windows of residential properties. The applicant has advised that it would be possible for the light spillage to be reduced through the use of better directional lighting that keeps light spillage to a minimum. On this basis Staff recommend that a condition is imposed requiring details showing how this would be achieved.
- 7.2 There would be no light spillage onto any of the nearby roads, in particular Dagnam Park Road which is the main route carrying any significant traffic in the vicinity. The road is over 50 metres away from the proposed

columns and there have been no objections from the highway authority on safety grounds.

7.3 As no new floor space would be created by the development it would not be liable for any Mayoral CIL payment.

## 8. Conclusions

8.1 The proposed lighting columns would allow the extended use of existing sports facilities with the park, mainly during the winter months.

8.2 Staff consider that the proposed lighting would not be materially harmful to the character and appearance of the surrounding area and would not be materially harmful to the amenities of nearby residents. There would also be no material impacts on the ecology of the Paine's Brook wildlife corridor from any light spillage subject to a condition on light levels.

8.3 The proposals would accord with the relevant guidance in the NPPF, the guidance issued by the Institution of Lighting Professions and policies DC56, DC58 and DC61 of the Core Strategy and Development Control Policies DPD. The grant of planning permission subject to conditions is recommended accordingly.

## IMPLICATIONS AND RISKS

**Financial Implications and risks:** None

**Legal Implications and risks:** The planning merits of the application are considered separately to the Council's interests as landowner and applicant

**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. Planning application and supporting documents received on 11-05-2015

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# REGULATORY SERVICES COMMITTEE

16 July 2015

# REPORT

**Subject Heading:**

P1136.12 – 1A Hillview Avenue,  
Hornchurch

Single storey house - Outline  
(Application received 24 June 2012)

**Report Author and contact details:**

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Planning Manager (Applications)  
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01708 432 800

**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 application was originally reported to Committee on 3 October 2013, where it was resolved to grant permission subject to the completion of legal agreement.

The application was subsequently re-reported to Committee in order to alter the obligation wording in connection with the provision of visibility splays in January 2014. The Committee resolved to approve the application subject to the completion of a satisfactory Section 106 Agreement inclusive of the revised wording.

The revised wording of the S106 Agreement required the adjoining land owners to be party to the agreement and consent to retain appropriate visibility splays on their land in perpetuity. Subsequent to the resolution of the committee in January 2014, the applicant has been engaged in discussions with the adjoining land owners and has not been able to secure their agreement to the relevant clause of the S106 Agreement. The applicant therefore commissioned a further Transport Statement which has been submitted to the LPA in order to try to justify a removal of the need for visibility splays in their entirety.

Thus, the current application is being re-reported to Committee in order to request a new resolution to refuse the application in the absence of a satisfactory Section 106 Agreement securing visibility splays in perpetuity. As with the previous applications reported to committee, the application seeks outline permission for a single storey 2 bedroom dwelling for details regarding access, layout and scale. Landscaping and appearance would be subject to reserved matters.

## **RECOMMENDATIONS**

That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable charge would be calculated at the submission of reserved matters application.

That the proposal is unacceptable due to the absence of a satisfactory Legal Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended), to secure visibility splays adjacent to the vehicular access to the site in perpetuity and in respect of a £6000 planning obligation to mitigate the impact of development on local school places.

That Staff be authorised to refuse the application for the following reasons:

- 1) The proposed development would, by reason of the unacceptable layout of the existing vehicular access point and the lack of a legal agreement to secure new and acceptable pedestrian visibility splays in perpetuity, result in highway and pedestrian safety being compromised, contrary to Policies

DC2, DC32 and DC33 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document.

- 2) In the absence of a mechanism to secure a planning obligation towards the costs of local school places, the new development the proposal is contrary to Policy DC72 of the LDF Core Strategy and Development Control Policies DPD

## **INFORMATIVES**

- 1) 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 determined following the submission of the subsequent reserved matters application. Further details with regard to CIL are available from the Council's website.

### **REPORT DETAIL**

#### **1. Background**

- 1.1 The application was originally reported to Committee on 3 October 2013, where it was resolved to grant permission subject to the completion of legal agreement.
- 1.2 The application was re-reported to Committee in January 2014 to seek authority to alter the obligation wording to state that the applicant would enter into a legal agreement together with the adjoining land owners to ensure clear unobstructed visibility splays were retained in perpetuity. The original wording of the obligation from the October 2013 resolution required the applicant to purchase land to provide the visibility splays.
- 1.3 The application has been awaiting the completion of the legal Agreement since the resolution to grant planning permission in January 2014. The applicant has failed to secure the agreement of the adjoining land owners for the visibility splays included in the revised obligation and thus is seeking to gain planning permission for the development without such an obligation attached. To support this new approach, a new Transport Statement produced by Rocke Associates has been submitted for assessment.
- 1.4 The original obligation wording stated the following:

*Prior to the first occupation of the proposed dwelling in question, the land to the south-east corner of the adjoining church and the south-west corner of No.1 Hillview Avenue as indicated in the submitted 'Private Access and pedestrian visibility splay plan' and plan number 910/03A, both dated 10*

*September 2013, to be acquired by the applicant. This is to ensure clear and unobstructed pedestrian visibility splays.*

- 1.5 The revised obligation wording stated the following:

*Prior to the first occupation of the proposed dwelling in question, the land to the south-east corner of the adjoining church and the south-west corner of No.1 Hillview Avenue as indicated in the submitted 'Private Access and pedestrian visibility splay plan' and plan number 910/03A, both dated 10 September 2013, shall remain as clear and unobstructed pedestrian visibility splays for the lifetime of the development. No obstruction above 0.6 meters in height shall be placed within these visibility splays.*

- 1.6 It has not been possible for the applicant to satisfy either of these obligations due to the lack of agreement from the adjoining land owners. The current application to Committee therefore proposes that the obligation is removed from the S106 Agreement entirely.

## **2. Description of Proposal**

- 2.1 This outline planning application requests assessment of access, layout and scale and proposes the demolition of the existing workshop and garages on site and the erection of a replacement 2 bedroom bungalow.
- 2.2 The bungalow would measure at its maximum 8.7m deep by 11m wide, set 5.3m from the common boundary with no. 1 Hillview Avenue and 500mm away from the common boundary with the church. The bungalow is proposed approximately 700mm from the rear boundary and railway embankment. Amenity space towards the rear is approximately 80 square metres.
- 2.3 Access to the site is proposed via the existing 25m long driveway adjoining no. 1 Hillview Avenue. The scheme will make provision for 2 No. parking spaces with one space allowing vehicles to manoeuvre and turn around on site.

## **3. Relevant History**

- 3.1 P1159.11 - Demolition of existing buildings and construction of single storey bungalow (Outline) – Refused

Reason for refusal:

- 1) The proposed development would, by reason of the lack of pedestrian visibility splays, result in highway and pedestrian safety being compromised, contrary to Policies DC2, DC32 and DC33 of the Local Development Framework Development Control Document.
- 3.2 This application was subsequently appealed and the appeal was dismissed on issues regarding the visibility splay adjacent to the vehicular access



point. The Inspector commented that the proposal would be beneficial to the appearance of the site following the removal of two larger outbuildings being the garages and the workshop. The current proposal has the same design and layout as this most recently refused application.

3.3 P1602.09 – Single storey house - Refused – Appeal dismissed

Reason for refusal:

- 1) The proposed development would, by reason of the inadequate turning area and lack of pedestrian visibility splays, result in vehicles leaving the site in reverse gear to the detriment of highway and pedestrian safety, contrary to Policies DC2, DC32 and DC33 of the Local Development Framework Development Control Document.

3.4 P1286.08 - Single storey house (Outline) – Refused – Appeal dismissed

Reasons for refusal:

- 1) The proposed development would, by reason of its backland location, layout and scale, result in a cramped form of over-development, appear out of keeping with the prevailing pattern of development of the surrounding area and be detrimental to the visual character of the area in general, as well as creating a poor quality living environment for future occupiers, contrary to Policies CP17 and DC61 of the Local Development Framework Core Strategy and Development Control Policies Submission Development Plan Document respectively, as well as contrary to the provisions of PPG3.
- 2) The proposed development would, by reason of the inadequate access and parking arrangements on site, result in unacceptable overspill onto the adjoining roads and potential highway hazards to the detriment of highway safety and residential amenity and contrary to Policies DC2 and DC33 of the Local Development Framework Development Control Document.

#### **4. Consultations/Representations**

4.1 25 neighbouring occupiers were notified of the proposal by individual letter when the planning application was originally submitted in November 2012.

4.2 One letter of representation was received from an adjoining resident, objecting to the proposal on the following grounds: parking and highway issues, this is addressed below in paragraph 10. They also commented on a nearby Tesco planning application, this is noted, however it is considered it would not form part of a material consideration in determining this particular outline application.

4.3 The adjoining Church commented that they are not against this application but would like to point out that access to the site over church land will not be

accepted by them and that the dwelling and the construction of the dwelling should not impinge on the church or restrict the church and its work. In response to the above comments, the proposed development would not be within their land.

- 4.4 Highway Authority – Comments received that a legal agreement is required to ensure that visibility splays are retained in perpetuity. In the absence of such a legal agreement the application would be unacceptable. Notwithstanding the new transport statement submitted by the applicant, there is no justification for the development to proceed without the visibility splays.
- 4.5 Crime Prevention Design Advisor – No objections subject to a condition that a plan be submitted to comply with a secure by design condition.
- 4.6 London Fire and Emergency Planning authority – The brigade is satisfied with the proposals.
- 4.7 Environmental Health (Pollution) - raise no objection subject to the imposition of a condition requiring the a) A Phase II (Site Investigation) Report AND A Phase III (Risk Management Strategy).

## **5 Relevant Policies**

- 5.1 Policies CP1 (Housing supply), CP17 (Design), DC2 (Housing Mix and Density), DC11 (Non-Designated sites), DC32 (The Road Network), DC33 (Car parking), DC61 (Urban Design), DC63 (Delivering Safer Places), DC69 (Other areas of Special Townscape or Special Character) and DC72 (Planning Obligations) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Documents are material planning considerations. SPD - Designing Safer Places SPD, SPD - Landscaping SPD, SPD - Residential Design SPD and SPD – Planning Obligations. In addition, Policies 3.3 (Increasing Housing Supply), 3.4 (Optimising housing Potential), 3.5 (Quality and Design of Housing Developments), 3.8 (Housing Choice). 6.13 (Parking) and 7.4 (Local character) of the London Plan and Chapters 7 (Requiring good design) and 8 (Promoting healthy communities) of the National Planning Policy Framework are relevant.

## **6. Staff Comments**

- 6.1 The application is presented to Members on the basis that a satisfactory S106 Agreement has not been entered into since the earlier resolution and the applicant now seeks permission for the development without an obligation requiring the retention of visibility splays adjacent to the vehicular access point in perpetuity. The application otherwise remains the same as that reported to Committee in October 2013 and January 2014 with the key issues addressed in the subsequent sections of this report.

## **7. Principle of Development**

- 7.1 Policy DC61 of the LDF Core Strategy states that development shall harness the topographical and ecological character of the site, respond to distinctive local building forms and patterns of development and respect the scale, massing and height of the surrounding physical context, complement or improve the amenity and character of the area through its appearance, materials used, layout and integration with surrounding land and buildings.
- 7.2 The proposal is to demolish two outbuildings being an existing garage and workshop and erection of a new dwelling. The application site is located within an existing residential area and, in land use terms, residential development on the site is acceptable in principle and compliant with Policy CP1 of the LDF. The detailed impacts of this planning application are considered further below.

## **8. Design, Scale and Impact on Street/Garden scene**

- 8.1 The application would comprise the demolition of the existing outbuildings on the site. It is considered that the removal of the existing workshop and garage to be replaced by a single dwelling would be beneficial in appearance of the backland area and no in principle objection is therefore raised to its demolition. The floor area of the two buildings to be demolished in total would be 130 square metres (measured externally), and would be replaced by a dwelling of 79.5 square metres external floor area which is significantly less.
- 8.2 Council policy and guidance seeks to ensure that all new developments are satisfactorily located and are of a high standard of design and layout. In this regard, it is important that the appearance of new developments is compatible with the character of the local street scene and the surrounding area.
- 8.3 In density terms Policy DC2 states that residential densities of this type of development in this part of the borough should be in the range of 30-65 units per hectare. The proposed development would total 29 units per hectare on this 0.034 hectare site.
- 8.4 The character of the surrounding area and more specifically houses along Hillview Avenue is typified by semi-detached houses set in average sized gardens with extensive tree planting to the rear.
- 8.5 From a layout perspective, the existing open frontage of the plot would be retained and the existing workshop and garages demolished in order to accommodate the proposed bungalow.
- 8.6 Although the indicative layout is for a bungalow which would be relatively close in relation to the site boundaries (700mm from the southern boundary and 500mm from the northern boundary with the church), Staff are of the

opinion that the single storey nature of the bungalow would prevent the scheme from appearing cramped and over developed on the site. The southern boundary is defined by an embankment and the railway line which has mature trees and shrub planting and would aid in maintaining an open and spacious character towards the south of the site. The proposal would be located at a sufficient distance from its western and eastern boundaries whilst the majority of the northern boundary is defined by the church's parking area.

- 8.7 Furthermore, the proposed bungalow would be set back from the edge of the highway by approximately 25 metres. For the reasons mentioned above, Staff are of the opinion that in terms of the site density and layout, the proposed bungalow would not detract from the existing character and appearance of this part of Hillview Avenue.
- 8.8 The proposed single storey nature of the bungalow in conjunction with its set back from the edge of the highway would contribute to a level of subservience and in Staff's opinion would not be more harmful to the character and appearance of the street scene compared to the existing two blocks of garages. It is considered that the indicative layout and location of the bungalow on the site is of such that it would not detract from the character of the local area and would therefore be acceptable in this instance.
- 8.9 London Plan standards require that a 2 bedroom dwelling of the form proposed have a minimum internal floor area of 61 square metres. In this case the proposed dwelling would have an internal floorspace of 79.6 square metres, well in excess of the minimum standard.
- 8.10 In terms of the proposed amenity space, the Havering LDF does not prescribe a minimum space standard that should be achieved with the emphasis on quality. In this case it is considered that the proposed private amenity area would be appropriately located and would be of an adequate quality for future occupiers.

## **9. Impact on Amenity**

- 9.1 Policy DC61 of the LDF requires new development not to harm the amenities of adjoining occupiers by reason of noise and disturbance, loss of light, overlooking or other impacts.
- 9.2 The indicative position of the bungalow would be some 12m from the rear main wall of the house at No. 1 Hillview Avenue. The bungalow would however not be directly to the rear of No. 1 and as such, no back-to-back relationship exists. Given the single storey height of the bungalow, Staff are of the opinion that no adverse overlooking is expected to the bedroom window in the rear elevation of this neighbour.
- 9.3 There are no residential properties towards the south or north and the bungalow would be sited some 20 metres from the properties facing Butts

Green Road to the east. The first floors of no's 1 - 7 however are non-residential and used as storage areas serving the ground floor shops. It is therefore not considered that any potential for invasion of privacy or overlooking would occur as a result of the proposed bungalow. In relation to loss of light, the indicative position of the bungalow would be approximately 5.3 metres from the western boundary with No. 1 Hillview Avenue and this separation distance from the boundary in conjunction with the limited height of the bungalow is considered to have no impact on No. 1 in terms of overshadowing.

- 9.4 No overshadowing would occur to any other neighbouring properties and it is therefore not considered that an objection could be substantiated on amenity grounds.

## **10. Access, Highways/Parking Issues**

- 10.1 In respect of car parking, the density matrix contained in Policy DC2 of the LDF advises that 1.5-2 car parking spaces should be provided where new detached houses are proposed within Hornchurch suburban areas.

- 10.2 Despite removing the existing garages, the scheme makes provision for 2 car parking spaces immediately east of the proposed bungalow. Previously, concerns were raised in respect of an insufficient turning area which would not allow for vehicles to be able to manoeuvre on the site without difficulty and vehicles would therefore not be likely to exit the site in forward gear.

- 10.3 One of the main reasons for dismissing the appeal on both planning applications P1286.08 and P1602.09, the Inspector placed emphasis on the need (in accordance with the Manual for Streets) for visibility splays along the edge of the private drive. The Council's guidance is that a 2.1 metre by 2.1 metre visibility splay should be provided on each side of the access in the interest of pedestrian safety. It should be noted that there is currently visibility available at the site access however, as per the Inspector's observation in the conclusion:

*"...visibility splays would be needed so as to allow emerging drivers to take proper account of people on the footway. None is provided and so the access would be unsafe. This would be contrary to Planning Policy Guidance 13 Transport. The arrangements for parking and access would be unsatisfactory."*

- 10.4 The current visibility splays rely on the absence of obstruction on land belonging to the neighbouring properties on either side of the vehicular access. It is therefore necessary for the adjoining land owners to be party to any legal agreement given that the visibility splays would be located on their land.

- 10.5 The applicant previously indicated willingness to enter into a S106 Agreement to secure the requisite visibility splays in perpetuity. Two variations of the wording for such an obligation have been reported to

committee with a resolution to approve however both variations have proved to be unacceptable to the adjoining land owners. The applicant does not see any reasonable prospect of the adjoining land owners acquiescing to any planning obligation which would restrict the use of their land and as such are seeking planning permission without such an obligation attached. The applicant has attempted to support this through the submission of a fresh Transport Statement from Rocke Associates.

- 10.6 The overarching rationale underpinning the new Transport Statement is that the lawful use of the existing workshop would generate more vehicle movements than would be expected with the proposed dwelling and thus there should be no planning justification to require the visibility splays and planning permission should be granted. This position is based upon the theoretical use of the existing workshop and garages if they were brought back into lawful use and fully occupied.
- 10.7 Staff acknowledge that there is a lawful use and if it were used and occupied as workshop/garages there would be an extant level of traffic movements. It is also acknowledged that if it were brought back into this lawful use then the Council could not exercise any control over the access arrangements. Nevertheless, the proposed development is introducing a new residential use and is seeking to formalise the vehicular access and as such this is subject to planning requirements for new vehicular access points.
- 10.8 Staff consider that whether the theoretical use of the site for its lawful purpose would generate more or less traffic movements than the proposed use is not the key issue and the fundamental point is that the proposed vehicular access could create an unsafe environment for pedestrians and motorists if splays are not secured in perpetuity. This position was clearly set out in the inspectors' decision for the previous appeal in which it was concluded that the lack of visibility splays in perpetuity would be contrary to PPG13. Whilst PPG13 has now been superseded by the NPPF, the established principle remains the same and staff consider that the applicant has not provided any new information which refutes the inspectors view nor overcomes the key outstanding issue of the need to provide visibility splays.
- 10.9 Staff are therefore of the opinion that, in the absence of an appropriate Section 106 Agreement to secure the visibility splays in perpetuity, the application would be contrary to Policy DC32 of the LDF and as such refusal of the application is recommended.

## **11. Mayoral CIL and Section 106 implications**

- 11.1 The proposal would be liable for a Mayoral CIL contribution if there was an increase in the existing Gross Internal Area. Officers have calculated that there would be a net decrease in floor area and as such the development would not attract a CIL payment.

- 11.2 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.
- 11.3 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.
- 11.4 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.
- 11.5 There has been a recent change to the effect of the CIL Regs in that from 6 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.
- 11.6 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.
- 11.7 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.

11.8 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 which in this case would represent a contribution of £6000.

11.9 Nevertheless, the application is recommended for refusal and as such no legal agreement has been secured to this secure this contribution. The failure to secure such a contribution is therefore recommended as a reason for refusal.

## **12. Conclusion**

12.1 The current application is in outline form only, with approval sought for access, layout and scale.

12.2 The principle of residential development is acceptable on the site and it is considered by Staff that the access, layout and scale of the proposed bungalow in relation to the plot size is acceptable and would not be detrimental to the character and appearance of the street scene nor would it result in an overdevelopment of the site. It is considered that the development would not have any harmful impact on the amenities of neighbouring dwellings.

12.3 The current application has been reported to committee twice previously with resolutions to approve subject to the completion of a Section 106 Agreement securing visibility splays adjacent to the vehicular access point. The wording of the relevant obligation has proved to be unacceptable to the adjoining land owners who are required to be party to the S106. The applicant seeks planning permission for the proposed development without such an obligation however staff consider that the absence of an appropriate legal agreement to secure the visibility splays in perpetuity would render the application unacceptable due to the contravention of Policy DC32 of the LDF. It is therefore recommended that the application is refused.

### **IMPLICATIONS AND RISKS**

Financial Implications and risks:  
None directly arising from this application.

Legal Implications and risks:  
None

Human Resource Implications:  
None



Equalities and Social Inclusion Implications:  
None directly arising from this application.

**BACKGROUND PAPERS**

The plan, application form and supporting documents were received on 7 November 2012. Additional information in the form of a revised Transport Statement was received on 24 April 2015.

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