



Havering

L O N D O N B O R O U G H

PLANNING COMMITTEE AGENDA

7.30 pm	Thursday 30 July 2020	VIRTUAL MEETING
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Members 8: Quorum 3

COUNCILLORS:

**Conservative Group
(4)**

Robby Misir (Chairman)
Carol Smith (Vice-Chair)
Philippa Crowder
Matt Sutton

**Residents' Group
(1)**

Stephanie Nunn

**Upminster & Cranham
Residents Group'
(1)**

John Tyler

**Independent Residents
Group
(1)**

David Durant

**Labour Group
(1)**

Paul McGeary

For information about the meeting please contact:

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

**To register to speak at the meeting please call 01708 433100
Before 5.00PM Tuesday 28 July 2020**

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:-

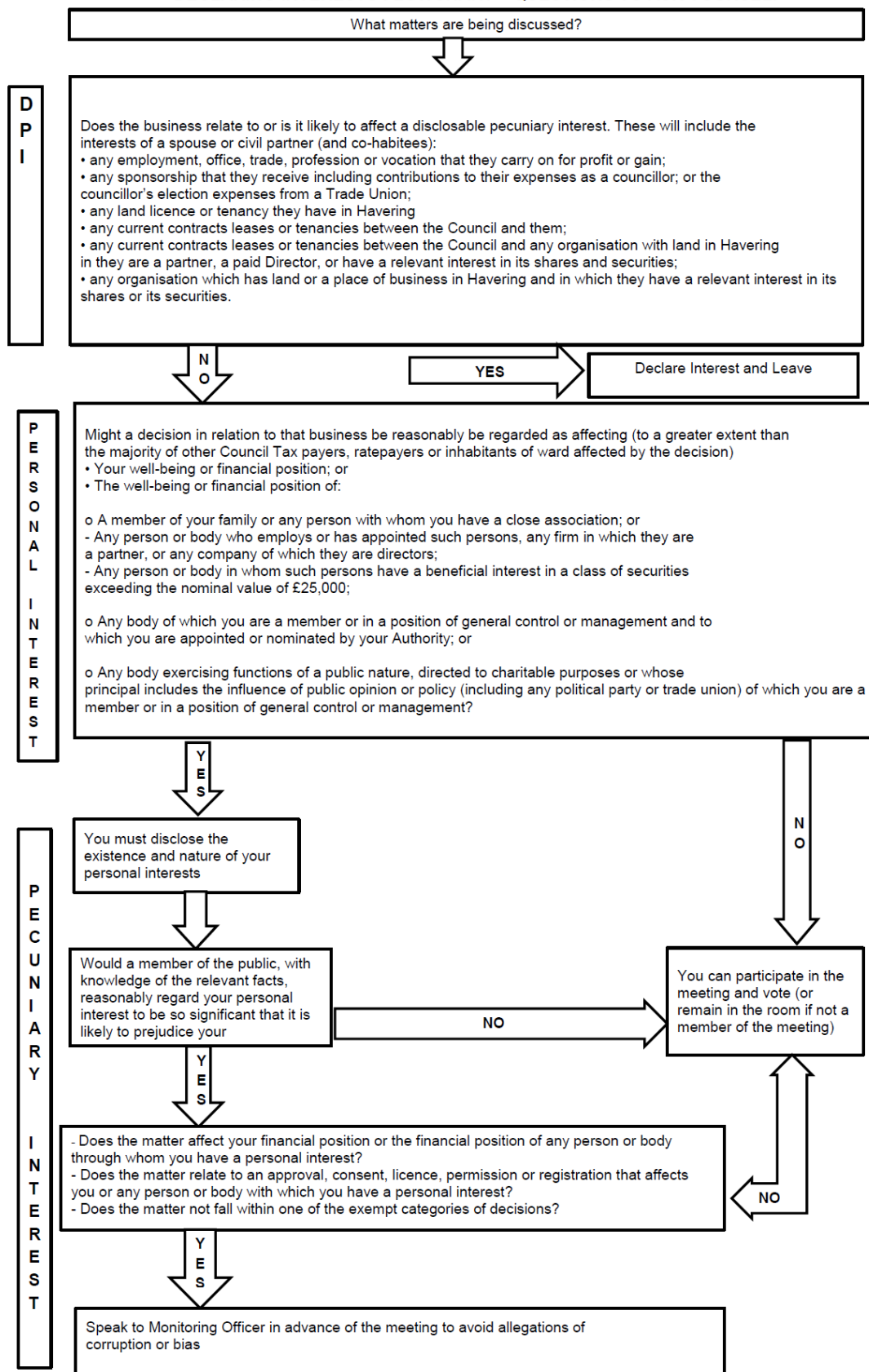
- filming, photographing or making an audio recording of the proceedings of the meeting;
- using any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later; or
- reporting or providing commentary on proceedings at a meeting, orally or in writing,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

DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF



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 INTERESTS

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

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

4 MINUTES (Pages 1 - 2)

To approve as a correct record the minutes of the meeting of the Committee held on 14 May 2020 and to authorise the Chairman to sign them.

5 APPLICATIONS FOR DECISION (Pages 3 - 6)

See attached document

- 6 P1038.19 - 39 CROW LANE, ROMFORD (Pages 7 - 14)**
- 7 P1104.19 - 1 AMBLESIDE AVENUE (Pages 15 - 24)**
- 8 P0528.20 - OCKENDEN KENNELS, OCKENDEN ROAD (Pages 25 - 40)**
- 9 P1915.19 - GIDEA PARK RUGBY CLUB, R/O 39-41 CROW LANE, ROMFORD
(Pages 41 - 54)**

**Andrew Beesley
Head of Democratic Services**

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**MINUTES OF A MEETING OF THE
PLANNING COMMITTEE
Virtual Meeting
14 May 2020 (7.30 - 7.40 pm)**

Present:

COUNCILLORS: 6

Conservative Group	Robby Misir (in the Chair) Carol Smith (Vice-Chair) and Philippa Crowder
Residents' Group	Stephanie Nunn
Upminster & Cranham Residents' Group	John Tyler
Independent Residents Group	
Labour Group	Paul McGeary

Apologies were received for the absence of Councillors David Durant and Matt Sutton.

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

Through the Chairman, announcement and the decision making process followed by the Committee.

35 DISCLOSURE OF INTERESTS

There were no disclosures of interest.

36 PROTOCOL ON THE OPERATION OF PLANNING COMMITTEE MEETINGS DURING THE COVID-19 PANDEMIC RESTRICTIONS

The committee considered the report and **AGREED** its contents.

37 MINUTES

The minutes of the meeting held on 12 March 2020 were agreed as a correct record and would be signed by the Chairman at a later date.

38 **P1882.19 - WENNINGTON QUARRY, NEW ROAD, RAINHAM**

It was **NOTED** that the Councillor Call-in by Councillor Durant had been withdrawn and that **PLANNING PERMISSION WOULD BE GRANTED** subject to the conditions set out in the report under officer's delegated powers.

Chairman

Agenda Item 5

Applications for Decision

Introduction

1. In this part of the agenda are reports on planning applications for determination by the committee.
2. Although the reports are set out in order on the agenda, the Chair may reorder the agenda on the night. Therefore, if you wish to be present for a specific application, you need to be at the meeting from the beginning.
3. The following information and advice only applies to reports in this part of the agenda.

Advice to Members

Material planning considerations

4. The Committee is required to consider planning applications against the development plan and other material planning considerations.
5. The development plan for Havering comprises the following documents:
 - London Plan March 2016
 - Core Strategy and Development Control Policies (2008)
 - Site Allocations (2008)
 - Romford Area Action Plan (2008)
 - Joint Waste Development Plan (2012)
6. Decisions must be taken in accordance with section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004. Section 70(2) of the Town and Country Planning Act 1990 requires the Committee to have regard to the provisions of the Development Plan, so far as material to the application; any local finance considerations, so far as material to the application; and any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Committee to make its determination in accordance with the Development Plan unless material planning considerations support a different decision being taken.
7. Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects listed buildings or their settings, the local planning authority must have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest it possesses.
8. Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development

which affects a conservation area, the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

9. Under Section 197 of the Town and Country Planning Act 1990, in considering whether to grant planning permission for any development, the local planning authority must ensure, whenever it is appropriate, that adequate provision is made, by the imposition of conditions, for the preservation or planting of trees.
10. In accordance with Article 35 of the Development Management Procedure Order 2015, Members are invited to agree the recommendations set out in the reports, which have been made based on the analysis of the scheme set out in each report. This analysis has been undertaken on the balance of the policies and any other material considerations set out in the individual reports.

Non-material considerations

11. Members are reminded that other areas of legislation cover many aspects of the development process and therefore do not need to be considered as part of determining a planning application. The most common examples are:
 - Building Regulations deal with structural integrity of buildings, the physical performance of buildings in terms of their consumption of energy, means of escape in case of fire, access to buildings by the Fire Brigade to fight fires etc.
 - Works within the highway are controlled by Highways Legislation.
 - Environmental Health covers a range of issues including public nuisance, food safety, licensing, pollution control etc.
 - Works on or close to the boundary are covered by the Party Wall Act.
 - Covenants and private rights over land are enforced separately from planning and should not be considered.

Local financial considerations

12. In accordance with Policy 6.5 of the London Plan (2015) the Mayor of London has introduced a London wide Community Infrastructure Levy (CIL) to fund CrossRail.
13. Other forms of necessary infrastructure (as defined in the CIL Regulations) and any mitigation of the development that is necessary will be secured through a section106 agreement. Where these are necessary, it will be explained and specified in the agenda reports.

Public speaking and running order

14. The Council's Constitution allows for public speaking on these items in accordance with the Constitution and the Chair's discretion.
15. The items on this part of the agenda will run as follows where there are registered public speakers:

- a. Officer introduction of the development
 - b. Registered Objector(s) speaking slot (3 minutes)
 - c. Responding Applicant speaking slot (3 minutes)
 - d. Ward Councillor(s) speaking slots (3 minutes)
 - e. Officer presentation of the material planning considerations
 - f. Committee questions and debate
 - g. Committee decision
16. The items on this part of the agenda will run as follows where there are no public speakers:
- a. Where requested by the Chairman, officer presentation of the main issues
 - b. Committee questions and debate
 - c. Committee decision


Late information

17. Any relevant material received since the publication of this part of the agenda, concerning items on it, will be reported to the Committee in the Update Report.

Recommendation

18. The Committee to take any decisions recommended in the attached report(s).

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 Havering LONDON BOROUGH	Planning Committee 30 July 2020
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Application Reference: P1038.19

Location: 39 Crow Lane

Ward: Brooklands

Description: Change of use from single dwelling house to house in multiple occupation (HMO) for six persons. Formation of single storey rear extension.

Case Officer: Cole Hodder

Reason for Report to Committee: A Councillor call-in has been received.

1. BACKGROUND

1.1 The application has been called in by Councillor Robert Benham.

2 SUMMARY OF KEY REASONS FOR RECOMMENDATION

2.1 The change of use and extension would not be inappropriate development within the Green Belt, nor would the use of the building for up to six occupants living as a single household result in any harm to neighbouring amenity any greater than a large detached dwelling house. It is considered that any harm arising can be mitigated by planning conditions and that a decision to refuse permission could not be substantiated.

3 RECOMMENDATION

3.1 That the Committee resolve to GRANT planning permission subject to conditions to secure the following matters:

Conditions

1. Time Limit 3 years - Development must be commenced no later than three years from the date of this permission.
2. Accordance with plans - The development must not deviate from the approved plans.

3. Matching materials – Single storey extension shall be constructed of materials which shall match the main dwelling house.
4. The use of the building shall be as a House in Multiple Occupation (HMO) as defined in the Housing Act (2004), and by Use Class C4 of the Town and Country Planning (Use Classes) Order 1987 (as amended), and shall not be occupied by more than six persons at any time. There shall be no provision made at any time throughout the lifetime of the development for cooking facilities to be installed in any of the bedrooms.
5. Compliance with (Reg 36 (2)(b) / Part G2 of the Building Regulations) - The building shall comply with Part G2 of the Building Regulations.
6. Construction Hours - All building operations in connection with the development shall take place only between 8.00am and 6.00pm Monday to Friday and 8.00am and 1.00pm on Saturdays and not at all on Sundays and Bank Holidays/Public Holidays.
7. Cycle Storage - Details of cycle storage provision
8. Refuse and recycling - Details of refuse storage

4 PROPOSAL AND LOCATION DETAILS

4.1 Proposal

- 4.2 Permission is sought for the change of use of the existing dwelling into a house of multiple occupancy comprising of six rooms for six persons maximum. A single storey extension is shown to the rear to form a communal space.

4.3 Site and Surroundings

- 4.4 The application relates to the property at 39 Crow Lane, Romford. This is a two-storey detached house set back from the road with a parking area to the front and garden to the rear.
- 4.5 The site is surrounded by residential properties within a predominantly residential section of Crow Lane.

4.6 Planning History

The following planning decisions are relevant to the application:

- 4.7 P0282.17 – The change of use of from a single dwelling house to a House of Multiple Occupancy (HMO) for seven residents

REFUSED BY REGULATORY SERVICES COMMITTEE:

- The proposal, by reason of the severely limited amount of head room and narrow area of useable floor space in the third floor attic bedrooms, would create a cramped and poor quality standard of accommodation. As a result the proposal would not provide acceptable living conditions for all of the future occupants, to the detriment of residential amenity and contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.
- 4.8 P1985.16 - The change of use of from a single dwelling house to a House of Multiple Occupancy (HMO) for seven residents, plus the addition of dormer roof extensions.

REFUSED BY REGULATORY SERVICES COMMITTEE

- The proposed dormer windows, by reason of their scale, design and position, would appear overly dominant and intrusive, creating an incongruous and unsympathetic feature in the streetscene harmful to the character and appearance of the surrounding area. The proposal is therefore contrary to the provisions of Policy DC61 of the LDF Core Strategy and Development Control Policies DPD and the Residential Extensions and Alterations SPD.

5 LOCAL REPRESENTATION

- 5.1 A total of twenty eight neighbouring properties were notified about the application and invited to comment.
- 5.2 The number of representations received from neighbours, local groups etc in response to notification and publicity of the application were as follows:

No of individual responses: Seven, seven objections.

The following Councillors made representations:

Councillor Robert Benham

- Not in keeping with the area
- Dwelling has already been part converted from a family house and been used as a HMO since 2017. Rooms added to roof, side doors added.
- Outbuilding in the rear has been demarcated with a fence since 2017, and people reported to be living in there.
- I question 4 vehicles being able to be parked on the front garden.
- Noise and nuisance issues
- Lack of amenities – as the garden is smaller than the plans suggest. As the rear garden has been divided up and dwelling at the bottom of the garden, which has been omitted from the plans/application.

- 5.4 At the time of site inspection there was nothing inherent about the layout of the property which would suggest it was already in use as a HMO. The property appeared to be in use by a single family and no evidence has been presented to suggest otherwise.
- 5.5 With regards to the demarcation of the rear garden and use of the outbuilding, at the time of site inspection there was no evidence of this. It is understood that the above matters were the subject of an investigation undertaken by the Planning Enforcement team and that the planning breaches have since been addressed as evidenced by site photos taken by the case officer.
- 5.6 Other matters raised will be addressed in the substance of this report.

Representations

5.7 Objections

- Inadequate parking
- Excessive waste/refuse
- Increased coming and goings
- Noise and disturbance
- Poor layout
- Number of occupants
- Out of character

- 5.8 Many of the matters raised relate to assertions over future occupiers, as well as matters relating to the existing occupancy of the dwelling. These are not material considerations. Similarly the impact of the change of use on existing services is not a material consideration.
- 5.9 The impacts of the development on neighbouring amenity will be considered in the substance of this report, as well as the other material considerations raised.

Staff comments

- 5.10 This application is for a change of use to a house in multiple occupation (HMO), which is defined in the Housing Act 2004 as including a building which has been converted entirely into flats or bedsits which are not wholly self-contained and which are let to 3 or more tenants who form two or more households and who share kitchen, bathroom or toilet facilities.
- 5.11 The applicant has not stated who would use the building other than providing accommodation for six persons. Members are advised that the only requirement is that in order to be an HMO the property must be used as the tenants' only or main residence and it should be used solely or mainly to house tenants.
- 5.12 Therefore, as long as the occupants have a tenancy agreement and the property is their main or only residence then it would qualify as an HMO. If planning permission is granted for a change of use to an HMO then in theory

tenants could come from any category. It would be a matter for the landlord to let to tenants they deemed appropriate. This would be the same as with any property that is let, such as fully self-contained flats. The Council does not possess any powers which can dictate who the properties should be let to.

- 5.13 The current application follows the refusal of two earlier planning applications. Planning application P1985.16 sought permission for a conversion to a seven person HMO with side dormer extensions. This was refused on the grounds that the proposed dormer windows would have appeared overly dominant and intrusive, creating an incongruous and unsympathetic feature in the street-scene. To address this issue the dormers were removed from a subsequent application (P0282.17) which was most recently refused by Regulatory Services Committee members in May 2017 due to the quality of living environment for future occupants.
- 5.14 Matters raised by residents and in representations made by Councillor Benham, whilst in places are materially relevant to the current submission, they are not matters which have not previously been considered by Planning Committee members and to which weight was attributed in refusing permission.

6 MATERIAL PLANNING CONSIDERATIONS

- 6.1 The main planning issues raised by the application that the committee must consider are:

- Principle of development/Green Belt considerations
- Quality of living environment for future occupiers
- Impact on neighbouring amenity and;
- Implications for highways, pedestrian access and parking

6.2 Principle of Development/Green Belt considerations

The site is located within the Metropolitan Green Belt. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. The use proposed in this instance is not regarded as conflicting with the purpose of the Green Belt, as the use would remain residential.

- 6.3 Many forms of development are regarded as inappropriate within the Metropolitan Green Belt. LDF Policy DC45 outlines exceptions which correlate broadly with the National Planning Policy Framework (NPPF) despite predating it. Extensions, alterations and replacement of existing dwellings will be allowed provided that the cubic capacity of the resultant building is not more than 50% greater than that of the original dwelling. The NPPF takes a broader view, permitted extensions which would not result in disproportionate additions over and above that of the original dwelling house.
- 6.4 Whilst predating the NPPF, volumetric increase is regarded as a useful tool in gauging disproportionality. In this instance the subject dwelling has not been extended historically, with the volume increase equivalent to an increase of

- only 12% of the cubic capacity of the original dwelling well below the 50% threshold. It would also be modestly proportioned and on that basis it is possible to conclude that the proposed extension would read as a subservient feature and would not harm openness, even when taken in consideration of the outbuilding at the extremities of the site.
- 6.5 Turning then to the use itself, Policies DC4 and DC5 of the Core Strategy and Development Control Policies DPD accept the principle of HMOs in residential areas subject to meeting a number of criteria.
- 6.6 Policy DC4 concerns the conversion to a residential use and requires, amongst other things, that the property is detached and well separated from neighbouring dwellings, and that the nature of the use does not have an adverse impact on the surrounding area. Any disturbance to adjoining residential occupiers should be no greater than that of an ordinary single family dwelling.
- 6.7 The criteria in policy DC5 which relate to specialist accommodation, include location within a residential area, good accessibility to services and public transport and adequate parking for residents and visitors. The use of the property as a HMO is not regarded as being objectionable in principle subject to meeting those criteria.
- 6.8 The single storey extension shown complies with Council guidance and therefore requires no further consideration.
- 6.6 **Quality of living environment for future occupiers**
The earlier submission (P0282.17) concerned a HMO with seven occupants and was refused by Planning Committee solely for the quality of living environment for future occupants. It was considered that the accommodation in the roof would have been of a standard which would have been detrimental to the amenity of future occupants. The applicant has omitted accommodation from the roof and has sought instead to make use of only the ground and first floors. The provision of a single storey extension enables a communal area to be formed.
- 6.7 The internal layout was amended at the request of officers to demonstrate a more cohesive arrangement with access to the rear amenity area taken from the communal area. This would otherwise have been restricted to using the side access which was not viewed as a convenient arrangement. The alterations have not had any detrimental impact upon the quality of living spaces.
- 6.7 All rooms shown would be of an adequate size and the communal area would be functional. Whilst the overall level of communal space within the properties would be limited, in the context of the nature of the accommodation it is not considered to be unacceptably small, in part supplemented by the outside space available. The close relationship of bedrooms to the communal space is not regarded as having the potential for any adverse impact on the privacy of the future occupiers of the ground floor rooms, nor to be without precedent.


- 6.8 The use of the parking spaces at the front of the property would have at least some effect on the road facing bedroom on the ground floor by virtue of the potential for noise and disturbance from vehicular movement along with the impact of headlights during the hours of darkness. On balance, such a relationship between parking areas and ground floor windows is not uncommon or without precedent. Any such impact would be unlikely to be more than momentary as the manoeuvring of a vehicle takes place and there is no reason to believe that any impact on living conditions would be any more than very limited and therefore of no overall significance. It would in many respects be a matter of choice for any prospective occupant.
- 6.9 **Impact on amenity of surrounding residential properties**
Earlier submissions sought the formation of a HMO with greater occupancy (seven persons), than is sought currently (six). The intensification of the residential use was not given as a refusal reason in either instance. As with earlier submission, a condition could be imposed in the event of approval restricting occupancy to six persons only.
- 6.10 Policies DC4 and DC5 set criteria that seek to ensure a change of use to an HMO would not be out of character with the locality and would not be likely to give rise to unacceptable levels of noise and disturbance to residential occupiers nearby. Policy DC4 requires that the proposal should not result in an unacceptable loss of privacy enjoyed by the occupants of adjoining dwellings by reason of overlooking and that it would not be likely to give rise to significantly greater levels of noise and disturbance compared with an ordinary single family dwelling.
- 6.11 Whilst it is recognised that the level of occupancy of up to six adults is likely, on balance, to potentially be greater than for a single family dwelling, in view of the size of the house and its detached position, it is unlikely that any level of activity could be reasoned to be so intense compared to a large detached family dwelling to justify refusal. The proposed HMO is a detached property and could be restricted by condition to accommodate a maximum of 6 persons (one per bedroom if all of the rooms are fully occupied).
- 6.12 **Implications for highways, pedestrian access and parking**
Policy DC33 sets out the appropriate level of parking for this type of development with Annex 5 setting a maxima of 1no. space per two habitable rooms. The proposal would provide six bedrooms and four resident parking spaces, which would be in excess of this requirement.
- 6.13 The Local Highway Authority consider this level of provision to be acceptable and have raised no objections to the proposed change of use on those matters, not access or highway safety.
- 6.14 Comments made by residents express concerns over the adequacy of the parking arrangements, citing concerns held over the way in which vehicles park currently. To some extent, as evidenced by site inspection the arrangement shown is historic. Vehicles were not observed to overhang onto the public footway and were capable of being accessed independently of one

another. The drawings show an acceptable layout, which has been considered by previous applications and found to be acceptable.

- 6.15 How the space adjacent to the cycle/refuse storage would be used is regarded as a matter for future occupants and their convenience rather than a sole grounds for refusal. Were the property to operate with only three parking spaces this would continue to meet with the required parking standard. Officers do not consider there to anything fundamentally harmful about the arrangement shown. How occupiers would make use of the area to the frontage would be a matter of choice rather than a failing of the scheme and it is recognised, as above, that it is an existing arrangement in many respects.

7 Conclusion

- 7.1 All other relevant policies and considerations have been taken into account. Planning permission should be granted for the reasons set out above. The details of the decision are set out in the RECOMMENDATION.

 Havering LONDON BOROUGH	Planning Committee 30 July 2020
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Application Reference:	P1104.19
Location:	1 Ambleside Avenue
Ward:	Elm Park
Description:	Change of use from Dwelling (C3) to Nursery (D1)
Case Officer:	Cole Hodder
Reason for Report to Committee:	A Councillor call-in has been received.

1. BACKGROUND

- 1.1 The application has been called in by Councillor Barry Mugglestone.

2 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- 2.1 The proposed change of use is regarded as being acceptable, having overcome the earlier refusal reasons. It is not considered to give rise to any adverse impact upon the functioning of the highway, nor the amenity of neighbouring occupiers through measures negotiated with the applicant. Any residual harm is capable of being mitigated by planning conditions to control the use. It is not considered that there are any grounds with which to withhold permission.

3 RECOMMENDATION

- 3.1 That the Committee resolve to GRANT planning permission subject to conditions to secure the following matters:

Conditions

1. Time Limit 3 years - Development must be commenced no later than three years from the date of this permission.
2. Accordance with plans - The development must not deviate from the approved plans.
3. Hours of use: Monday to Friday 07:30 to 18:30, not at all on Saturdays, Sundays, Bank or Public holidays.

4. Maximum number of children at the property at any one time not to exceed thirty-seven children with a maximum of eight children at any time using the rear garden as outdoor play space as demarcated on layout plan provided with buffer to neighbour and acoustic fencing in arrangement shown to be installed and maintained for the lifetime of the development
5. The outdoor play-space to the rear of the building shall be used only between the hours of 09:30 and 16:00. No other outdoor areas of the site to be used for outdoor play/teaching use
6. Non-opening windows/scheme of ventilation, self-closing doors to be kept operational
7. Further details of noise attenuation/insulation per specification made by Environmental Health upon nearest sensitive receptor. This shall include those details already provided with the current submission or refinement of those measures considered at the party wall to the satisfaction of the Local Planning Authority prior to the use commencing
8. Submission of Travel Plan to include measures encourage staff and visitors to travel to the site by means other than by private car. The plan as approved shall be monitored and reviewed on an annual basis for three years and a copy of that review and action plan arising shall be submitted to the Local Planning Authority
9. Cycle Storage - Details of cycle storage provision
10. Refuse and recycling - Details of refuse storage

4 PROPOSAL AND LOCATION DETAILS

4.1 Proposal

- 4.2 Permission is sought for the change of use of the existing dwelling house to a Day Nursery.
- 4.3 As with the earlier submission made the intensity of the proposed use has been reduced with the applicant stating that 6 full time members of staff would be employed.
- 4.4 The day nursery would make provision for a maximum of 37 children at the premises with a maximum of eight children at any time using the rear garden as outdoor play space.

4.5 Site and Surroundings

4.4 The application site comprises of one half of a pair of semi-detached dwellings, located on the corner of Ambleside Avenue and Rosewood Avenue.

4.5 There is parking for at least two vehicles on hard-standing to the front of the site.

4.6 Planning History

The following planning decisions are relevant to the application:

4.6 P0717.17 – Change of Use From Dwelling (C3) to Day Nursery (D1)

13 full time members of staff and 3 part time members of staff, number of children on site 54 total. No details of how garden area would be used, nor methods of noise mitigation.

REFUSED for following reasons:

- The proposed change of use would, by reason of its internal arrangement and the location of the proposed outdoor play area, result in an unsatisfactory relationship by way of noise and disturbance which would be to the detriment of the amenity and living conditions of neighbouring occupiers. The proposed development is therefore contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD
- The proposed single storey side extension would, by reason of its excessive overall proportions relative to the main dwelling, represent a disproportionately large addition lacking in subservience therefore contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD and the design principles of the Residential Extensions and Alterations SPD

4.7 P1754.18 - Change of Use From Dwelling (C3) to Day Nursery (D1)

6 Fulltime members of staff, 37 Children total with only 10 using the rear garden at any one time.

REFUSED for following reason:

- The proposed change of use would, by reason of its internal arrangement, associated capacity and the location of the proposed outdoor play area, would result in an unsatisfactory relationship by way of noise and disturbance which would be to the detriment of the amenity and living conditions of neighbouring occupiers. The proposed development is therefore contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.

- 4.9 The applicant sought to address issues raised in the earliest submission, as is evident in that only a sole refusal reason was attached to the later application. This was through a reduction in the intensity of the proposed use with a reduction in children at the premises and the number of staff.

5 LOCAL REPRESENTATION

- 5.1 A total of thirteen neighbouring properties were notified about the application and invited to comment.
- 5.2 The number of representations received from neighbours, local groups etc in response to notification and publicity of the application were as follows:

No of individual responses: 77 - 28 objections, 33 letters of support.

The following Councillors made representations:

Councillor Barry Mugglestone

- The Noise and Disturbance to residents from the use of this facility.
 - The Traffic that will be generated in the area
 - Highway safety
 - Adequacy of Parking.
 - The proposed change will result in an unacceptable overspill onto the highways and adjoining roads, which will affect highway safety and residential amenity and is therefore contrary to policies DC61, DC32 and DC33 of the Core Strategy.
 - Also we have Nurseries within walking distance who are not at full capacity, so there is no call for another Nursery so close, especially in a residential street.
- 5.3 All material matters raised will be considered when forming a recommendation by officers.
- 5.4 It is acknowledged that there are other Nurseries within the locality, however no technical evidence has been provided by any interested party which conclusively states that they are in fact at capacity. In fact, representations made in favour of the proposed change of use suggests that there is demand for a day nursery in this location. Furthermore, the lack of demand for a facility is not normally a material planning consideration as this is something that should usually be left to the market. Need for a facility can be a material consideration.
- 5.5 There is information held by the Council which indicates that there is a clear deficit in early years' places in the Elm Park Ward. The Childcare Sufficiency Report 2019-2021 published on the Council's website highlights that the Council is projecting a deficit of childcare places in 2019/20 for 2, 3 and 4 year olds in this ward. This existing deficit is a precursor to continued lack of early years' places in the Elm Park Ward and a continued deficit would not be

consistent with the Council's legal duty to provide early years places for working parents.

Ward	Population of 2, 3 and 4 year olds	Number of eligible 2 year olds	Number of Ofsted registered childcare places available
Elm Park Ward	522	36	264

5.6 Other matters raised will be addressed in the substance of this report.

5.7 Representations Objections

- Inadequate parking
- Highway Safety
- Too many nurseries
- Noise and disturbance
- No dedicated facility for pick-up drop off
- Loss of housing
- Increased movement to and from the site

5.8 Residents suggest that the application is identical to earlier submissions, however this is not the case. Whilst the applicant continues to seek a proposed change of use from C3(A) (Dwelling house) to D1 (Day nursery) the present submission is materially different to those earlier applications in response to refusal reasons given as is evidenced in the history section of this report (Para 4.6).

5.9 Some matter raised such as impact on services are not material planning considerations. Similarly, inconsiderate parking of vehicles held to be in association with existing Nurseries in the locality whilst understandably a frustration for residents is not necessarily material in planning terms. Vehicles obstructing driveways out of perceived convenience is something that cannot be controlled by the planning system. Matters of highways and parking will be reliant on the availability or unavailability of on-street parking within the locality and whether there is sufficient capacity. These are matters which have previously been considered and found to be acceptable.

5.10 Where material other matters raised will fully be considered in the substance of this report.

5.11 Letters of support

- High demand for proposed use
- Good location in close proximity to the station
- Employment opportunities
- Applicant is existing provider within the area making positive contribution to community

6 MATERIAL PLANNING CONSIDERATIONS

6.1 The main planning issues raised by the application that the committee must consider are:

- Principle of development/Loss of housing
- Design/appearance
- Impact on neighbouring amenity
- Implications for highways, pedestrian access and parking
- Mitigating factors

6.2 Principle of development

As outlined in the Childcare Act 2006 Section 13 states it is a statutory duty of London Borough of Havering Authority to undertake a Childcare Sufficiency Assessment to ensure there is sufficient childcare provision available for families in their area. Havering's Childcare Sufficiency Assessment (CSA) highlights areas of need within the Borough. The CSA 2011 supports the evidence that there is a fundamental shortage of childcare provision. There is, therefore, a real need to increase the number of childcare places within this area.

6.3 The loss of housing is a material consideration, the criteria for which is set out in LDF Policy DC5. Policy DC5 accepts the loss of housing where it involves the provision of essential community facilities, for example health and education, which are necessary to meet the specific needs of the community; or the proposal is necessary to deliver mixed and balanced communities. The loss of one dwelling is not regarded as being overly detrimental to local housing stock, particularly when weighed up against the identified need for early years' places in the Elm Park Ward. The loss of the functioning of the subject property as a dwelling house is not regarded as presenting a barrier to the change of use in principle.

6.4 Nevertheless the property is located in a densely populated residential area and whilst there are other existing commercial uses within the locality, including other D1 uses, the nature of the use proposed was viewed previously to present issues which were in direct contrast to the aims of other policies within the Core Strategy. This was and is particularly evident given the attached nature of the premises and close relationship with the adjoining premises which is in residential use. The details of the proposed change of use and the measures proposed by the applicant therefore require further consideration.

6.5 Design/appearance

There would be little in the way of outward changes which would suggest that the premises would have changed use which would be visible from the street/surrounding premises. The provision of cycle storage forward of the principal elevation and "buggy park" would benefit from further clarification however it is accepted that this detail could be secured by condition in the event of approval.

- 6.6 There would not appear to be any grounds to substantiate a decision to refuse planning permission based on the limited visual impacts associated with the proposed change of use.

6.7 Impact on neighbouring amenity

The rear garden area is again set aside for use as an outdoor play area in connection to the day nursery. The view taken previously is that the provision of a day nursery would have had an unacceptable impact on the quality of life of surrounding neighbouring residents by way of noise/disturbance associated with the use.

- 6.8 It is acknowledged that the current proposals show a reduction in the scale of the business operation. A reduction in staff from 13, to 6 and a reduction in the number of children accommodated at the premises at any given time from 54 to 37. The number of children was recognised to remain significant. The impacts of the use of the premises as a Day Nursery cannot be likened to that of the existing lawful use as a dwelling house. Officers then took the view previously that consistent with the earlier submission that the use of the premises as a Day Nursery would produce noise levels and activity significantly louder and more sustained than that which could be associated with the lawful use of the premises.

- 6.9 A determining factor in reaching a decision to refuse permission was that no assurance had been provided that the common wall shared with the adjoining neighbour would have been sufficiently sound proofed so as to prevent noise transferral. Whilst outside areas could reasonably be controlled, it was not felt that this could be secured by planning condition as it would have been intrinsic to whether the use would have caused harm to neighbouring amenity, the impacts of which are broadly accepted to be focused on the adjoining property.

- 6.10 This was especially concerning given the use of those rooms adjacent to the party wall and the location of primary rooms in the adjoining property. The applicant in the current submission has provided details suggested by a noise consultant which include the provision of measures at the party wall, which have been considered by the Council's Environmental Health team. Whilst these details were not discouraged and offer some assurances in contrast to the earlier submission, nevertheless an objection was made through the impact on neighbouring amenity, principally on the impact through the use of outdoor areas and from openable windows.

- 6.11 With regards to the potential for external noise, this would be likely to arise from open windows and doors as well as the use of the outdoor space and a condition is now imposed requiring windows are non-openable with a scheme of ventilation to be submitted. However, as with the earlier submissions made for the site it is accepted that this issue and those relating to the external play area may not be relevant throughout the entirety of the year.
- 6.12 It is inevitable that there will be a certain level of noise and disturbance from the activities and play undertaken by the children, in the same way that the playground of a school may give rise to such noise and disturbance. This is a key concern due to the close relationship of the site to nearby residential properties. Dialogue with the applicant saw the play-space relocated away from the shared boundary in an effort to move activity away from the shared boundary and towards the roadside where there might be some level of ambient noise to be expected given the proximity to the local centre and existing day-nursery use.
- 6.14 A revised plan provided by the applicant shows a 2.4m high acoustic fence to be installed at the boundary over a reduced depth to that initially submitted. The neighbour benefits from a single storey extension and the overall height is not regarded as especially harmful. This would serve to offer some level of screening for the area of garden immediately adjacent to the rear of the attached property. Furthermore, in contrast to earlier submissions made the applicant proposed to separate the play area from neighbours by 2.0m to be separated by planters demarcating the area to allow for activity to be pulled away in so far as would be practicable. The applicant has also agreed to a reduction in the number of children using the rear garden to eight, a further reduction in two over the ten previously considered.
- 6.13 An extensive dialogue was had with the developer and their noise consultant and the objection made by Environmental Health colleagues was subsequently withdrawn, subject to conditions to control the use of the outside space and provision of further details to be secured by planning condition over further attenuation methods for the building. This would extend to a condition requiring that windows are non-openable, to be supported by a ventilation strategy to justify such an arrangement as indicated previously. These measures are regarded as being necessary in any event from a safeguarding perspective and were accepted by the applicant.
- 6.14 Whilst not raised in the most recent decision to refuse permission, representations made express concern over noise and disturbance in a broader sense through movement to and from the site. The impacts on the wider locality through traffic noise have been considered and found to be insubstantial in order to justify a decision to refuse permission when considering the earlier submission. There would only be short periods where noise from vehicle movement and general activity would occur and by their nature the flexibility of day-nursery uses is that pick-ups are generally staggered unlike a Junior or Infants school where activity can be concentrated.


- 6.15 Noise impacts in this respect are held then to be very low. In view of the reduced intensity of the proposed use, the additional vehicles on the road network would be low as there are already significant traffic movements in the area. The Design manual for Road and Bridges suggests that a 25% increase in traffic would result in a 1 dB(A) increase in noise level across the day so with the number of vehicles expected, the increase would be imperceptible.
- 6.16 **Implications for highways, pedestrian access and parking**
The subject premises is located on the corner of Rosewood Avenue and Ambleside Avenue. Both roads were observed to be heavily trafficked, which is reasonable considering the close proximity to a Minor Local Centre.
- 6.17 One of the previous refusal reasons was focused on the highways impacts associated with the development. The intensity of the proposed use was considered to be excessive with the site unable to accommodate the required level of parking for the staff indicated. This was resolved in the subsequent planning application, the details of which have been replicated in this submission.
- 6.18 Whilst it is accepted that parents picking up and dropping off children would likely park on Ambleside Avenue or to a lesser extent St Andrews Avenue, the reduced intensity of the D1 use in terms of the number of children to be accommodated and staffing levels which could be secured by planning condition has resulted in no objection being made by the Highway Authority.
- 6.19 It is on this basis that it would not appear possible to substantiate a refusal reason on the highways/parking impacts associated with the development.
- 6.20 However; in view of concerns raised a travel plan would be required by planning condition to demonstrate measures to encourage staff and visitors to travel to the site by means other than by private car. The plan as approved shall be monitored and reviewed on an annual basis for three years and a copy of that review and action plan arising shall be submitted to the Local Planning Authority.
- 6.21 **Mitigating factors/Planning Balance**
It is clear from representations made that there is demand both for and against the proposed change of use. There is an identified need which has been evidenced in this location, contrary to representations made against the proposed change of use.
- 6.22 The applicant has worked proactively with the Local Planning Authority and it is considered that the conditions imposed and measures put forward by the applicant following dialogue with the Council would overcome the earlier decisions made to refuse permission.
- 6.23 The Local Authority is required by legislation to secure early education entitlement places by offering 570 hours a year over no fewer than 38 weeks for every child in the borough from the relevant date; until the child reaches compulsory school age (the beginning of the term following their fifth birthday).

| This is equivalent to 3 & 4 year olds accessing 15 hours of early years' provision per week across 38 weeks. In September 2017, this 15 hour offer increased for working families who are entitled to 30 hours of childcare per week for 3 & 4 year olds.

- 6.24 Any residual harm not capable of being mitigated by the conditions to be imposed in the event of approval needs to be balanced against the Local Authority's legal duty to secure sufficient early education entitlement places in the Elm Park Ward, for which there is a projected deficit in the 2019-2021 Childcare Sufficiency Report.

7 Conclusion

- 7.1 All other relevant policies and considerations have been taken into account. Planning permission should be granted for the reasons set out above. The details of the decision are set out in the RECOMMENDATION.

 Havering LONDON BOROUGH	Planning Committee 30th July 2020
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Application Reference:	P0528.20
Location:	Ockendon Kennels, Ockendon Road
Ward:	Upminster
Description:	Demolition of an existing building, conversion, part demolition and part extension of existing kennels and associated outbuildings into 14 dwellings with associated parking, garages, private amenity space and landscaping of communal open space.
Case Officer:	Adèle Hughes
Reason for Report to Committee:	A Councillor call-in has been received which accords with the Committee Consideration Criteria.

1 BACKGROUND

- 1.1 The application has been called in by Councillor Ower and Councillor Wilkins, on the grounds that the site has an extensive planning history, the proposed development is in the Green Belt, the dwellings are out of keeping with nearby homes and in the local conservation area. The proposed development would be sitting in an established conservation/green belt area and should definitely not be built on.

Officer note: The North Ockendon Conservation Area is located to the east and is on the opposite side of Ockendon Road to the south.

2 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- 2.1 The proposed development is considered to be acceptable in principle. It is considered that the proposal would not result in material harm to the Metropolitan Green Belt, would integrate satisfactorily with the streetscene, would not adversely affect neighbouring amenity or create any highway or parking issues. This application is recommended for approval subject to conditions and the completion of a legal agreement.

3 RECOMMENDATION

- 3.1 That the Committee resolve to grant planning permission subject to conditions and the prior completion of a legal agreement to secure the following planning obligations:

- 35% affordable housing comprised of two units in shared ownership (units 4 and 14) and three units for social/affordable rent (Units 11, 12 and 13).
 - Management and maintenance of open space outside of residential curtilage in development
 - 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.
- 3.2 That the Assistant Director of Planning is delegated authority to negotiate the legal agreement indicated above.
- 3.3 That the Assistant Director of Planning is delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters:

Conditions

1. Time limit – The development must be commenced no later than three years from the date of this permission.
2. Materials – The proposed dwellings hereby approved shall be constructed in accordance with the details shown on Drawing No. 62 Revision C – Proposed Materials and Section 7 (Materials) of the application form unless otherwise agreed in writing by the Local Planning Authority.
3. Accordance with plans – The development should not be carried out otherwise than in complete accordance with the approved plans.
4. Landscaping - Notwithstanding the details shown on the approved plans including Drawing No. 62 Revision C and the Arboricultural Impact Assessment, no above ground 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, shrubs and hedgerows on the site, and details of any to be retained, together with measures for the protection in the course of development.
5. Trees – Prior to the commencement of the proposed development hereby permitted and notwithstanding the Arboricultural Impact Assessment dated 17/07/13, a current arboricultural impact assessment including tree protection measures and any recommendations shall be submitted to and approved in writing by the Local Planning Authority. The proposed development shall be implemented in accordance with the approved arboricultural report, including any recommendations.
6. Flower beds - The flower beds shown Drawing No.'s 30 Revision E, 31 Revision E, 34 Revision C, 35 Revision C, 37 Revision C, 39 Revision C, 40 Revision C, 42 Revision C, 44 Revision C, 45 Revision C, 47 Revision C, 49

Revision C, 52 Revision C and 54 Revision C shall be permanently retained unless otherwise agreed in writing by the Local Planning Authority.

7. SUDS– The proposed development shall be implemented in accordance with the SuDSmart Pro SUDS strategy (report reference 72969R1) dated 27-03-2020 and maintained in perpetuity in accordance with this strategy.
8. Car parking – Before the building(s) hereby permitted is first occupied, the area set aside for car parking shall be laid out and surfaced to the satisfaction of the Local Planning Authority and retained permanently thereafter for the accommodation of vehicles visiting the site and shall not be used for any other purpose.
9. Garage condition - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (Order) or any other order replacing or amending the said Order the garage(s)/carport(s) hereby permitted shall be made permanently available for the parking of private motor vehicles and not for any other purpose including living accommodation or any trade or business.
10. Boundary treatment – Notwithstanding the details shown on the approved plans including Drawing No. 33 Revision E entitled ‘Proposed boundary details layout’, details of all proposed walls, fences, gates and other boundary treatment shall be submitted to and approved by the Local Planning Authority.
11. Removal of permitted development rights – Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (Order) or any other order replacing or amending the said Order other than porches erected in accordance with the Order, no extension or enlargement (including additions to roofs) shall be made to the dwellinghouse(s) hereby permitted, or any detached building erected, without the express permission in writing of the Local Planning Authority.
12. Refuse – Notwithstanding the details on the approved plans and prior to the first occupation of any dwelling hereby permitted, details of refuse and recycling facilities shall be submitted to and approved in writing by the Local Planning Authority.
13. Standard flank window condition – 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) unless specific written permission has first been sought and obtained from the Local Planning Authority.
14. Wheel washing - 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.
15. Vehicle access – No part of the development hereby approved shall be occupied until access to the highway has been completed in accordance with the details that have been previously submitted to and approved in writing by the Local Planning Authority.
16. Vehicle visibility splay - The proposals should provide a 4.5 by 80 metre traffic visibility splay on either side of the proposed access, set back to the boundary of the public footway. There should be no obstruction or object higher than 0.6 metres within the visibility splay.
17. Construction methodology - No works (including for the avoidance of doubt demolition works) shall take place in relation to any of the development hereby approved until a Construction Method Statement to control any

adverse impact of the development on the amenity of the public and nearby occupiers has been submitted to and approved in writing by the Local Planning Authority.

18. Hours of construction

19. Secured by design – No above ground 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 shall be submitted to and approved in writing by the Local Planning Authority.

20. Contamination - 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.

21. Ecological survey – The proposed development shall be implemented in accordance with the Preliminary Ecological Appraisal Incorporating Bat Survey Inspection dated October 2019 including the recommendations, which shall include the following on site measures:

- Installing integral and external habitat boxes;
- Tree planting, installation of hedgerows as well as significant replacement and enhancement planting, which shall be undertaken as part of the proposal;
- Additional ecological enhancements included as part of the landscaping scheme in Annexe 5 of the Preliminary Ecological Assessment; and
- Appropriate precautionary measures in respect of site clearance relating to badger and reptile species.

If at any time during the works, the presence of bats is suspected or identified, works in that area shall cease immediately and the applicant/developer shall contact a suitably qualified ecologist to liaise with the local planning authority to enable further appropriate action to be implemented.

22. Prior to the commencement of any groundworks or development of the site, details of the enhancement of the site to achieve biodiversity net gain over and above the existing condition of the site shall be provided within a detailed, site specific Biodiversity Management Plan (BMP), in accordance with the Preliminary Ecological Appraisal Incorporating Bat Survey Inspection dated October 2019, which shall be submitted to and approved in writing by the Local Planning Authority. The Biodiversity Management Plan shall include a method statement regarding careful timing of the clearance works (limited to March-September), hand destruction of rubbish/rubble piles and ecological supervision as required. The proposed development shall be implemented in accordance with the approved Biodiversity Management Plan.

23. Timing of demolition/vegetation clearance - Demolition and/or removal of trees, hedgerows, shrubs or tall herbaceous vegetation shall be undertaken between October and February inclusive. If this is not possible then a suitably qualified ecologist shall check the areas concerned immediately prior to demolition and/or vegetation clearance works to ensure that no nesting or nest-building birds are present. If any nesting birds are present then the demolition and/or vegetation shall not be removed until the fledglings have left the nest.

24. External lighting - Before the building(s) hereby permitted is first occupied, a scheme for a bat sensitive lighting scheme in accordance with the Preliminary Ecological Appraisal Incorporating Bat Survey Inspection dated October 2019, shall be submitted to and approved in writing by the Local Planning Authority. All external lighting within the application site shall be installed in accordance with British Standards Institute (BSI) BS5489 and BS EN 13201. These standards identify further measures for reducing lighting spill, glare and overall pollution. Further guidance in respect of low impact lighting is provided in Guidance Notes for the Reduction of Obtrusive Light produced by The Institute of Lighting Engineers (ILE). The approved details shall be implemented in full prior to the first occupation of the buildings hereby approved and maintained in perpetuity in accordance with the approved details.
25. Archaeology – No demolition or development shall take place until a stage 1 written scheme of investigation (WSI) has been submitted to and approved by the Local Planning Authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works. If heritage assets of archaeological interest are identified by stage 1, then for those parts of the site which have archaeological interest, a stage 2 WSI shall be submitted to and approved by the Local Planning Authority in writing. For land that is included within the stage 2 WSI, no demolition/development shall take place other than in accordance with the approved stage 2 WSI which shall include:
- A. The statement of significance and research objectives, the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works.
 - B. Where appropriate, details of a programme for delivering related positive public benefits.
 - C. The programme of post-investigation assessment and subsequent analysis, publication and dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the stage 2 WSI.
26. Installation of Ultra-Low NOx boilers
27. Water efficiency – All dwellings hereby approved shall comply with Regulation 36 (2)(b) and Part G2 of the Building Regulations - Water efficiency.
28. Give way markings – Give way markings within the application site should be placed at the junction of the access road and Ockendon Road conforming to Traffic Signs Regulations and General Directions to ensure highway safety in accordance with details to be submitted and approved in writing by the Local Planning Authority and retained permanently thereafter.
29. Demolition of buildings - Prior to the first occupation of any dwelling hereby permitted, buildings G – X shown on Drawing No.'s 02, 15, 18, 21, 22, 23, 24, 25, 26, 27, 28, 29, 31 Revision E and 33 Revision E shall be demolished in their entirety and all material arising there from permanently removed from the site.

Informatives

1. Approval following revision
 2. Approval and CIL
 3. Fee informative
 4. Highway informatives
 5. Street naming and Numbering
 6. Secured by design informative
 7. Archaeology informative
- 3.4 That, if by 29th January 2021 the legal agreement has not been completed, the Assistant Director of Planning is delegated authority to refuse planning permission.

4 PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 The proposal is for the demolition of an existing building (Building L in Plot 10), conversion, part demolition and part extension of existing kennels and associated outbuildings into 14 dwellings with associated parking, garages, private amenity space and landscaping of communal open space.
- 4.2 The proposed materials for the dwellings are brick, featheredge cladding, cement slate tiles and timber windows and doors.

Site and Surroundings

- 4.3 The site, which is approximately 2 hectares in area, forms a broadly rectangular area of land, running in an east-west direction. The site's western and northern boundaries adjoin open land in agricultural use; the southern boundary adjoins Ockenden Road; whilst the eastern boundary adjoins a field, which is also in the ownership of the applicant, but separate from the application site.
- 4.4 The site involves a range of buildings and more temporary structures associated with its historic use as kennels and for the training of greyhounds. The western end of the site is dominated by a, now redundant greyhound track, whilst the remainder of the site comprises a range of single storey buildings and temporary structures. An area of hardstanding provides vehicle parking and manoeuvring areas, and links the various building plots with the site's access onto Ockenden Road. The site is considered to be in a generally dilapidated condition. The existing use of the site as a Greyhound training and boarding facility has now reduced to such a point that 95% of the buildings are unused. There are still a few dogs being kept on site.
- 4.5 The site is located in the Green Belt and in close proximity to the North Ockenden Conservation Area, which is located immediately to the south and to the east. The nearest neighbouring properties are located in excess of 100m to the south west and to the east.

Planning History

- 4.6 P0862.18 - Part demolition, extensions and alterations to the existing kennels and outbuildings to form 14 no. dwellings with associated parking, private amenity space and boundary treatment – Approved.
- P1915.17 - Conversion of existing kennels and associated outbuildings into 17 dwellings with associated parking and private amenity space - Refused.
- P1668.15 - Redevelopment of the existing greyhound track and kennels with the construction of 22No. new dwellings – Refused. Dismissed on appeal.
- P0653.15 - Redevelopment of the existing greyhound track and kennels with the construction of 22No. new dwellings – Withdrawn.
- P1550.14 - Redevelopment of the existing greyhound track and kennels with the construction of 22No. new dwellings - Withdrawn.
- P0742.13 - Replacement of the existing kennels and dog track with 30 new houses and associated amenities / facilities. The remainder of the site to be developed by the Ockendon Wildlife Trust to provide a natural habitat for biodiversity – Refused. Dismissed on appeal.
- P2037.08 - Continued use of part kennel block as veterinary surgery (Greyhounds) – Approved with conditions.
- P1760.08 - Continued use of part kennel block as veterinary surgery (greyhounds) plus new front extension to form reception office – Refused.

5 CONSULTATION RESPONSE

- 5.1 The views of the Planning Service are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.
- 5.2 Highways: No objection to the proposal and recommends conditions regarding a vehicle visibility splay, vehicle access, vehicle cleansing and informatives.
- 5.3 Thames Water – No objection. Recommends informatives.
- 5.4 Designing Out Crime Officer – Recommends a condition and an informative if minded to grant planning permission.
- 5.5 Fire Brigade – The Commissioner is satisfied with the proposals. The proposal must strictly adhere to the latest edition of ADB 5: Access and facilities for the fire service. Requested one private fire hydrant to be installed to cover the new houses.
- 5.6 Natural England – No comment.
- 5.7 Environmental health – Recommend three conditions regarding , contamination and Ultra-Low NOx boilers if minded to grant planning permission. No concerns in terms of noise.

- 5.8 Environment Department – The site is at low risk of flooding, as it's in Flood Zone 1. The drainage strategy for surface water management and SUDS techniques employed is acceptable. It is noted that along the north eastern boundary of the site, there is an existing ditch line which discharges to a culvert under Clay Tye Road and then to an ordinary watercourse. It would be preferable if the attenuation pond was located closer to Clay Tye Road than what is currently proposed, as any exceedance could be conveyed into the existing ditch line and ordinary watercourse.
- 5.9 Emergency Planning Department – The site shows no real surface water risk either except in the centre of the greyhound track.
- 5.10 Historic England – The planning application lies in an area of archaeological interest. Unlike the 2013 application for new build on the site, the conversion proposals are likely to involve much less archaeological impact. However, the impact from for example, the garages appears to be greater than those proposed in the 2017 and 2018 applications. Numerous cropmarks are visible in the local fields. Roman remains are also recorded to the west along Ockendon Road. The trackway fringing the western boundary of the site may be a remnant of the north south route from Franks Farm, which is known to have at least medieval origins as a proposed pilgrimage route to Canterbury. In view of the lightweight nature of the existing buildings and the density of the new proposals, hitherto undiscovered archaeological remains may be affected by any consented scheme. The development could cause harm to archaeological remains and field evaluation is needed to determine appropriate mitigation. Consideration of the nature of the development, the archaeological interest and/or practical constraints are such that it is considered that a two-stage archaeological condition could provide an acceptable safeguard. This would comprise firstly, evaluation to clarify the nature and extent of surviving remains, followed if necessary, by a full investigation.
- 5.11 StreetCare Department - Currently the Council provides a sacks collection Service for low rise properties. Waste can be stored in bins outside of scheduled collection day but waste will have to be presented in sacks at the boundary of each property by 7:00am on scheduled collection day.

6 LOCAL REPRESENTATION

- 6.1 A total of 145 neighbouring properties were notified about the application and invited to comment.
- 6.2 The number of representations received from neighbours, local groups etc in response to notification and publicity of the application were as follows:
- No of individual responses: 8 (which consists of 7 objections and 1 letter of representation)
- 6.3 The following Councillors made representations:

The application has been called in by Councillor Ron Ower and Councillor Chris Wilkins on the grounds that the site has an extensive planning history, the proposed development is in the Green Belt, the dwellings are out of keeping with nearby homes and in the local conservation area. The proposed development would be sitting in an established conservation/green belt area and should definitely not be built on.

Officer note: The North Ockendon Conservation Area is located to the east and is on the opposite side of Ockendon Road to the south.

Representations

- 6.4 The following issues were raised in representations that are material to the determination of the application, and they are addressed in substance in the next section of this report:

Objections

- The proposal would cause additional traffic problems,
- There is no need for this type of housing.
- The proposal would be detrimental to highway safety;
- There are no footpaths on that side of the road to access the bus stop.
- The proposal would be harmful to the Green Belt.
- Noise.
- Queried if the site was in a conservation area.
- The site was in agricultural land use before and should return to agricultural/green usage.
- Queried if consultation letters were received by other neighbouring properties.
- Removal of green space.
- Impact on the character and appearance of the surrounding area.
- Impact on Ockendon village, the conservation area and listed buildings.
- Visual impact.
- Drainage.
- It is alleged that some work has commenced on site.
- Access.
- Reference was made to previous planning applications on the site.

7 MATERIAL PLANNING CONSIDERATIONS

- 7.1 The main planning issues raised by the application that the committee must consider are:

- Principle of development
- Impact on the Metropolitan Green Belt
- Density/site layout
- The visual impact and impact on amenity arising from the proposed development.
- Highways and parking issues
- Ecology
- Flood risk
- Trees
- Financial and other mitigation

- Affordable housing

Background

- 7.2 It should be noted that a previous application under P0862.18 for the part demolition, extensions and alterations to the existing kennels and outbuildings to form 14 no. dwellings with associated parking, private amenity space and boundary treatment was approved subject to conditions and a legal agreement to secure the affordable housing.
- 7.3 The current application proposes the demolition of an existing building, conversion, part demolition and part extension of the existing kennels and associated outbuildings into 14 dwellings with associated parking, garages, private amenity space and landscaping of communal open space. The acceptability of the current proposal would be evaluated later in this report.
- 7.4 The main differences between planning applications P0862.18 and P0528.20 are as follows:
- Garages have been added to plots 2, 3, 5, 6, 8, 9 and 10.
 - The size of the dwellings in plots 1-10 has increased.
 - For P0862.18, the proposal involved a single storey front extension and replacing the flat roof with a thatched hipped roof to building L (in Plot 10) to create a two bedroom (4 person) dwelling. For this application, building L would be demolished and replaced with a three bedroom (six person) dwelling with accommodation in the roof space.
 - The eastern boundary of the site has changed.
 - There have been some changes to the site layout and the length of the road within the site has increased.
 - The size of the rear garden for Plot 1 has been reduced from approximately 352 to 238 square metres.
 - The size of the garden for Plot 9 has increased from approximately 641 to 953 square metres.
- 7.5 During the course of the application, negotiations took place with the agent and the proposal was amended as follows:
- The gardens of the dwellings were reduced to broadly reflect those of the previously approved application, P0862.18.
 - The garage to unit 14 has been removed.
 - The dwellings in plots 11, 12, 13 and 14 have been reduced in size to reflect the footprint and scale of the previously approved application.
 - The proposed extensions to the dwellings in plots 1-9 have been reduced, so they now represent a volume increase of approximately 8% to the existing buildings on the site.
 - The number of car parking spaces has been reduced from two to one for each of the dwellings in Plots 2, 3, 5, 6, 8, 9 and 10, as these properties also have a garage.
 - The material for the car parking spaces for all the plots and the visitor parking has changed from block paving to grass grids.

Principle of development

- 7.6 The site is located in the Metropolitan Green Belt. The NPPF states that a Local Planning Authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this include 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. Another exception is the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: not have a greater impact on the openness of the Green Belt than the existing development.
- 7.7 The proposal involves the demolition of an existing building, conversion, part demolition and part extension of the existing kennels and associated outbuildings into 14 dwellings with associated parking, garages, private amenity space and landscaping of communal open space. The Design and Access statement submitted in support of the application states that the main bulk of the buildings are of a permanent construction. The buildings have solid concrete floors, brick walls, concrete frames and trusses. They are suitable to be converted with the addition of external insulation and cladding. The asbestos roofs will be removed and replaced with slates. The proposed extensions to the plots are single storey and relatively modest in size and as such, it is considered that they would not result in disproportionate additions over and above the size of the existing buildings. The proposal involves the demolition of an existing building (Building L in Plot 10) and Staff consider this to be acceptable in principle as it involves the partial redevelopment of previously developed land, which would not have a greater impact on the openness of the Green Belt than the existing development.

Impact on the Metropolitan Green Belt

- 7.8 As the proposal involves the demolition of an existing building, conversion, part demolition and part extension of existing kennels and associated outbuildings into 14 dwellings, it is considered that the proposal would not be harmful to the visual amenities of the Green Belt and the surrounding area. With the exception of the building in plot 10 (which is being demolished), the existing buildings have a ridge height of approximately 4.2m and this height will stay the same. The existing buildings on the site have a volume of approximately 7,062 cubic metres and the volume of the proposed development is approximately 7,742 cubic metres. This represents a volume increase of approximately 8% to the existing buildings on the site, which Staff consider to be minimal. The proposed extensions to the plots are single storey and relatively modest in size. All additions to buildings would be within the existing developed envelope of the site and as such, it is considered that they would not result in material harm to the Green Belt.
- 7.9 It is considered that reducing the size of the dwellings in plots 11, 12, 13 and 14 to reflect the footprint and scale of the previously approved application, reducing the size of the gardens of the dwellings to broadly reflect those of the previously approved application, P0862.18, removing the garage to unit 14, reducing the proposed extensions to the dwellings in plots 1-9, reducing the number of car parking spaces from two to one for each of the dwellings in Plots

2, 3, 5, 6, 8, 9 and 10 have collectively brought the proposal within the realms of acceptability. In addition, it is considered that changing the material for the car parking spaces for all the plots and the visitor parking from block paving to grass grids will minimise its visual impact and reflect the rural, Green Belt setting of the site.

- 7.10 Taking all the above factors into account, it is considered that the proposal would preserve the openness of the Green Belt and would not result in material harm to the character and appearance of the Metropolitan Green Belt.

Density/site layout

- 7.11 The site has an area of approximately 2 hectares and has a PTAL rating of 1b. In a suburban area of 2.7-3.0 hr/unit in a PTAL of 0 to 1, the recommended density range stated in the LDF is 50-75 units per hectare. The proposal equates to a density of approximately 7 units per hectare, which is below the range. It is considered however that the relatively low density of development on this site is acceptable in principle owing to the nature of the proposal and the constraints presented by the form of the site, which would prevent the site from being successfully developed at a higher density.
- 7.12 Policy 3.5 of the London Plan advises that housing developments should be of the highest quality internally, externally and in relation to their context and to the wider environment. To this end Policy 3.5 requires that new residential development conform to minimum internal space standards set out in the plan. In this instance, the proposed dwellings would meet all the criteria of the DCLG Technical Housing Standard. In terms of the site layout, all of the proposed dwellings would have adequate access to sunlight and daylight.
- 7.13 The Council's Design for Living SPD in respect of amenity space recommends that every home should have access to suitable private and/or communal amenity space in the form of private gardens, communal gardens, courtyards, patios, balconies or roof terraces. In designing high quality amenity space, consideration should be given to privacy, outlook, sunlight, trees and planting, materials (including paving), lighting and boundary treatment. All dwellings should have access to amenity space that is not overlooked from the public realm and this space should provide adequate space for day to day uses.
- 7.14 It is considered that the amenity space for the proposed dwellings would not be unacceptably overlooked by neighbouring properties. In addition, boundary treatment and landscaping conditions will be placed if minded to grant planning permission. Staff are therefore of the opinion that the amenity spaces would be private, screened from general public view and access, and are in a conveniently usable form. As a result, it is considered that the proposed amenity area of the new dwellings complies with the requirements of the Design for Living SPD and is acceptable in this instance.

Visual impact

- 7.15 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. Neighbouring occupiers have objected to the proposal on the grounds that it would be harmful to the visual amenities of the area and the Green Belt.

- 7.16 Policy DC68 of the LDF mainly imposes controls on development within conservation areas, but does state that the character of conservation areas should be preserved or enhanced. Given the siting of the proposal in relation to the North Ockenden Conservation Area, with the presence of an open field immediately to the east of the site, and the proposed rear gardens and public highway at the southern end of the site affording a degree of separation, it is considered that the proposal would not significantly harm the setting of the afore mentioned conservation area.
- 7.17 The site currently has a ramshackle appearance with significant areas of hardstanding and a range of buildings covering much of the site area. The proposal involves the demolition of an existing building, conversion, part demolition and part extension of existing kennels and associated outbuildings into 14 dwellings with associated parking, garages, private amenity space and landscaping of communal open space.
- 7.18 Staff consider that the proposal would not be harmful to the character and appearance of the streetscene or the conservation area, as with the exception of building 'L' in plot 10, the buildings will remain the same height as existing. The proposed development would increase the volume of the existing buildings on the site by approximately 8%, which Staff consider to be minimal given the overall size of the site and building coverage. The proposed extensions to the plots are single storey, relatively modest in size and are deemed to be acceptable. The submitted details indicate that the proposed materials consist of yellow facing brick, black painted featheredge cladding and cement slate tiles reflecting a rural, Essex vernacular and these materials can be secured by condition if minded to grant planning permission.

Impact on residential amenity

- 7.19 Policy DC61 states that planning permission will not be granted for proposals that would significantly diminish local and residential amenity. The Residential Design SPD provides guidance in relation to the provision of adequate levels of amenity space for the future occupiers of new dwellings.
- 7.20 Notwithstanding the details shown on Drawing No. 33 Revision E (entitled Proposed boundary details layout) and in the event of an approval, it is recommended that a condition be imposed requiring the submission of details relating to the proposed boundary treatments to ensure an adequate amount of privacy would be provided both within the site, and between the site and the surrounding area. A further condition should remove permitted development rights to prevent the insertion of flank windows and the addition of extensions, alterations and outbuildings without planning permission, which may be harmful to neighbouring amenities and have further harmful urbanising effect.
- 7.21 In relation to the impact the proposal would have on existing, neighbouring occupiers, the proposed dwellings would be in excess of 100m from the

nearest neighbouring properties. Given the siting of the proposed units, along with their design and the modest proportions of the proposed extensions, it is considered that there would be no significant adverse impacts on the amenities of existing occupiers in the surrounding area.

- 7.22 Officers consider that in terms of the amenity of existing neighbouring occupiers, that the proposal is acceptable and would be in accordance with Policy DC61 of the LDF and guidance contained in the Residential Design SPD.

Parking and Highway Implications

- 7.23 The application proposes the retention of the site's existing access onto Ockendon Road. Neighbouring occupiers have objected to the proposal stating that it would diminish highway safety.
- 7.24 The Council's Highway Authority has raised no objections to the proposal, subject to conditions regarding a vehicle visibility splay, vehicle access, vehicle cleansing, placing give way markings at the junction of the access road and Ockendon Road and informatives, which can be imposed should planning permission be granted.
- 7.25 The dwellings in Plots 1, 4, 7, 11, 12, 13 and 14 have two car parking spaces. The dwellings in Plots 2, 3, 5, 6, 8, 9 and 10 have a garage and one car parking space. The level of on-site parking is considered to be acceptable. A condition will be placed to ensure that the garages are made available for the parking of private motor vehicles to maintain the level of car parking provision within the site and in particular the conversion of garages to habitable rooms under permitted development is withdrawn by condition. There are nine parking spaces for visitors.
- 7.26 It is considered that the proposal would have an acceptable highway impact, and be in accordance with Policy DC32 of the LDF.

Ecology

- 7.27 Policy DC58 of the LDF states that the biodiversity of sites will be protected and enhanced throughout the borough. Based on the 'Preliminary Ecological Appraisal Incorporating Bat Survey Inspection' dated October 2019, it is considered that the proposal would not result in any significant harm to nature conservation interests. The general ecology survey submitted identifies no protected species on site, but does make recommendations to avoid harm to nature conservation interests. The survey stated that following inspection, the buildings on site are considered to offer at the most, a negligible level of bat roosting potential. No evidence of roosting was found and no further surveys are considered necessary nor appropriate in respect of the buildings. The survey concluded that the proposal can proceed without adverse impacts upon legally protected/priority species and habitats provided the specific migratory guidance and enhancement recommendations are fully adhered to.
- 7.28 Two conditions are recommended in the event of an approval to ensure that the proposed development is implemented in accordance with the Preliminary

Ecological Appraisal (including the recommendations) and the provision of details of the enhancement of the site to achieve biodiversity net gain over and above the existing condition of the site within a detailed, site specific Biodiversity Management Plan (BMP).

Trees

- 7.29 There are no Tree Preservation Orders on the site. An Arboricultural Impact Assessment was submitted with the application dated 17th July 2013, which concluded that the proposed project should not affect existing and/or retained trees on the site as long as protection measures set out in the report are followed. A condition is recommended in the event of an approval to ensure that further Arboricultural Impact Assessment (including tree protection measures and any recommendations) is undertaken prior to the commencement of the proposed development in the event that planning permission is granted. Details of landscaping would be secured by condition if minded to grant planning permission.

Flood Risk

- 7.30 The site is located in Flood Zone 1 but occupies an area in excess of 1 hectare. In order to comply with Policy DC48 of the LDF and the guidance contained in the NPPF, it is necessary for the applicant to submit a Flood Risk Assessment (FRA) demonstrating that the proposal would not increase surface water run-off and flood risk outside the site. An FRA was submitted, which concluded that the site is considered to have a low risk of significant fluvial and/or tidal flooding. The Council's Emergency Planning team was consulted and advised at the site shows no real surface water risk. A Sustainable Urban Drainage System (SUDS) strategy was submitted with the application. Surface water disposal from the new development will be via a combination of a retention basin with a minimum holding capacity of 400m³ and permeable paving for driveways and access roads. The flood risk assessment, drainage strategy for surface water management and SUDS techniques employed are acceptable. A condition will be placed to ensure that the proposed development is carried out in accordance with the SUDS strategy.

Financial and Other Mitigation

- 7.31 The proposal would attract the following Community Infrastructure Levy contributions to mitigate the impact of the development:
- £2,568 Mayoral CIL towards Crossrail
 - £16,050 Havering CIL

Affordable Housing


- 7.32 In terms of affordable housing, the proposal should be assessed against the Mayor's Homes for Londoners Affordable Housing and Viability Supplementary Planning Guidance. Additionally, Policy 6.2 of the Draft Local Plan states that all residential dwellings of 10 or more dwellings or residential developments with a site area of more than 1,000 square metres to provide at least 35% affordable housing contribution (based on habitable rooms). Applications which do not meet the 35% policy requirement or require public

subsidy to do so, will be required to submit detailed viability information which will be scrutinised by the Council and treated transparently. In addition, a review mechanism will be applied to schemes that do not meet this threshold in order to ensure that maximum affordable housing contributions are increased and secured if viability improves over time. Developments will be required to deliver a tenure mix of affordable housing of 70% social/affordable rent and 30% shared ownership.

- 7.33 The agent has confirmed via email that 35% of the proposed dwellings will constitute affordable housing, comprising of two units in shared ownership (units 4 and 14) and three units for social/affordable rent (Units 11, 12 and 13). Given the number of units, the tenure mix will either be an 80% or 60% split and it cannot be in between. On this basis, a 60% provision of social/affordable rent is acceptable.

Conclusions

8. All other relevant policies and considerations have been taken into account. Planning permission should be granted for the reasons set out above. The details of the decision are set out in the RECOMMENDATION.

 Havering LONDON BOROUGH	Planning Committee 30 July 2020
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Application Reference:	P1915.19
Location:	Gidea Park Rugby Club, Rear Of 3-41, Crow Lane, Romford, RM7 0EP
Ward:	Brooklands
Description:	Erection of four, 4-bed detached dwellings with associated parking and amenity space.
Case Officer:	Sam Cadman
Reason for Report to Committee:	<ul style="list-style-type: none">A Councillor call-in has been received which accords with the Committee Consideration Criteria.

1 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- 1.1. The proposed development is acceptable in the Metropolitan Green Belt as it falls within the exceptions set out in the National Planning Policy Framework 2019. The application would have a benefit to the delivery of housing in the borough; particularly given that the developer has indicated that these houses could be delivered within a reasonable timescale (9 months, although this was at the time of submission).
- 1.2. The proposed development would be adequately designed, and provide a good quality of accommodation. The development would not have an unacceptable impact on the streetscene or the amenity of neighbouring properties. The proposed development would have an acceptable impact on the highway, and the road network more generally.
- 1.3. The existing car park was considered an 'overflow' car park for the Rugby Club as indicated in the planning application for this car park (P0140.09), and the car park had been leased out for a number of years. As the Rugby club has not used the land for parking cars, the loss of the land and the parking spaces would not have an unacceptable impact on the Rugby Club.
- 1.4. However, further details are required in relation to land contamination and construction management to ensure that the land is safe for residential uses, and to ensure that there would not be an unacceptable hindrance to the

operation of the Rugby Club during construction. These details can be required by way of imposing a condition on any grant of planning permission.

2 RECOMMENDATION

- 2.1. That the Committee resolve to GRANT planning permission subject to the suggested planning conditions.

Conditions

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

2) 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).

3) 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 the development 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'.

4) 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.

5) No development shall take place until the applicant has made arrangements for an archaeological "watching brief" to monitor development groundworks and to record any archaeological evidence revealed. These arrangements are to be submitted to, and approved in writing by the Local Planning Authority, in accordance with the "watching brief" proposals agreed

pursuant to this condition and shall be carried out by a suitably qualified investigating body acceptable to the Local Planning Authority.

6) 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, unless otherwise agreed in writing by the Local Planning Authority.

7) The scheme for the protection of preserved trees on the site as indicated in the submitted Arboricultural Report (Dated 19th December 2019) and the Landscape Plan shall be implemented before development commences and kept in place until the approved development is completed. If any of the trees die, they would need to be replaced by a tree of the same species during the next appropriate planting season.

8) No works shall take place in relation to any of the development hereby approved until samples of the external finishing materials, which shall match those of the existing 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.

9) 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.

10) Before the buildings hereby permitted is first occupied, the area set aside for car parking shall be laid out and surfaced to the satisfaction of the Local Planning Authority and retained permanently thereafter for the accommodation of vehicles visiting the site and shall not be used for any other purpose.

11) The proposed windows in the side elevations of the buildings hereby permitted shall be permanently glazed with obscure glass not less than level 3 on the standard scale of obscurity and shall be retained thereafter.

12) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, - or any other development order repealing or amending the said Order - other than porches erected in accordance with the Order, no extension or enlargement

(including additions to roofs) shall be made to the new dwellinghouses hereby permitted, or any detached building(s) erected, without the express permission in writing of the Local Planning Authority.

Informatives

1) Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: In accordance with paragraph 38 of the National Planning Policy Framework 2019, additional information on the impact of the proposals on the operation of the rugby club were sought from the agent; who provided an additional amended design and access statement to address and overcome these concerns.

2) The Local Planning Authority wishes to ensure that adequate arrangements are made to allow an archaeological "watching brief" to take place during all new foundation and other below-ground works and excavation phases of the development. The purpose of the watching brief is to ensure that any agreed design measures to preserve the archaeological remains in situ are correctly implemented on site and to allow investigation and recording of any archaeological evidence that might be revealed in areas not covered by preservation measures.

3 PROPOSAL AND LOCATION DETAILS

Proposal

- 3.1. The application is seeking planning permission for:
Erection of four, 4-bed detached dwellings with associated parking and amenity space.
- 3.2. The proposed buildings would be two storey, and have an eaves height of approximately 5m, a maximum height of approximately 7.3m, a total width of approximately 11m, and a length of approximately 12m.
- 3.3. Each of the proposed dwellings would have two off-street car parking spaces, waste and refuse storage and cycle storage, as well as their own private rear gardens over 100sqm in area for each house.

Site and Surroundings

- 3.4. The site is located on the southern side of Crow Lane, does not contain any buildings, and due to the historic use of the land (and an application from 2009), the site forms part of the car park for the Gidea Park Rugby Club.
- 3.5. The site lies in the Archaeological Priority Area, but does not contain or affect the setting of any other heritage assets. The site lies in the Metropolitan Green Belt, and in an area identified for hazardous substances.

Planning History

- 3.6. The following planning decisions are relevant to the application:

LHAV/566/82 Provision of 4 rugby pitches and 2 new clubhouses / changing rooms

Approved and development implemented.

P2155.06 Proposed extensions and alterations to existing clubhouse with associated parking

Approved and development implemented.

P0140.09 Use of overspill car park on an unrestricted basis. (Deletion of condition 14 attached to planning permission P2155.06)

Approved and development implemented.

4 CONSULTATION RESPONSE

- 4.1. The views of the Planning Service are expressed in section 6 of this report, under the heading "MATERIAL PLANNING CONSIDERATIONS".

- 4.2. The following were consulted regarding the application:

LB Havering Street Management (Highways)

- 4.3. "With regards to the above application, we have no objection."

LB Havering Waste and Recycling

- 4.4. No objections to the scheme.

- 4.5. "Waste and recycling sacks will need to be presented by 7am on the boundary of the property, at the driveway entrance on Crow Lane, on the scheduled collection day."

LB Havering Environmental Protection Officer

- 4.6. "The application site is located on a former unlicensed landfill [site]. The applicant indicated on the planning application form that land contamination is not an issue, a phase 1 assessment should have been provided on validation. A land contamination assessment must be undertaken to ensure the site is suitable for residential use. I recommend standards condition SC65 be applied should approval be granted."

- 4.7. "I have no objection on air quality grounds."

LB Havering Public Protection Officer

- 4.8. "[I] recommend refusal on noise grounds unless the following conditions can be attached and enforced:

The building(s) shall be so constructed as to provide sound insulation of 45DnT,w + Ctr dB (minimum value) against airborne noise to the satisfaction of the Local Planning Authority

Reason: to prevent noise nuisance to adjoining properties”.

- 4.9. OFFICER COMMENT: The proposed level of occupancy is not considered to be a level beyond that of the existing sports pitch use or that of the car park. In the normal course of use, the noise emanating from a house – or even four houses - would not be sufficiently harmful to neighbouring properties to warrant specific measures to protect against noise nuisance. Any airborne noise from the houses would be at a time when occupants and residents are using their gardens, at which point the requirement for acoustic insulation on the house would be rendered useless. In this situation, the consultee has not provided sufficient reasoning or justification for imposing the condition, and officers consider that this would fail the six tests for imposing conditions (necessary; relevant to planning; relevant to the development to be permitted; enforceable; precise; and reasonable in all other respects).

London Fire Brigade – Hydrant Officer

- 4.10. No objections to the scheme.
- 4.11. “I can confirm no additional hydrants are required and no further action is required by our office. We are happy for the works to go ahead on site as planned.”

London Fire Brigade – Fire Safety Regulation

- 4.12. No objections to the scheme.
- 4.13. “The Commissioner is satisfied with the proposals in relation to access and facilities for the fire service. The commissioner strongly recommends that sprinklers are considered for new developments and major alterations existing premises, particularly where the proposals relate to schools and care homes. Sprinkler systems installed in buildings can significantly reduce the damage caused by fire and the consequential cost to businesses for developers and building owners to install sprinkler systems in order to save money, save property, and protect the lives of the occupier.”

Anglican Water Services Ltd

- 4.14. No objections to the scheme.
- 4.15. “The applicant should check for any Anglican Water assets which cross or are within close proximity to the site. Any encroachment zones should be reflected in site layout. They can do this by accessing our infrastructure map on Digdat. [...] Please note if diverting or crossing over any of our assets permission will be required.”

Essex and Suffolk Water

- 4.16. No objections to the scheme.

- 4.17. "Our records show that we do not have any apparatus located in the proposed development. We have no objection to this development subject to compliance with our requirements, consent is given to the development on the condition that a water connection for the new dwellings is made onto our Company network for revenue purposes".
- 4.18. OFFICER COMMENT: Commercial interests are not planning considerations. Consequently, as the objection is conditional on the installation of an 'Essex and Suffolk Water' utility connection, this shall not be taken as an objection to the scheme.

5 LOCAL REPRESENTATION

- 5.1. A total of 26 neighbouring properties were notified about the application and invited to comment. Furthermore, the application has been publicised by way of one or more site notices displayed in the vicinity of the application site. The application has also been publicised in the local press.
- 5.2. The number of representations received from neighbours, local groups etc. in response to notification and publicity of the application were as follows:
- 5.3. No of individual responses: 4, of which, 4 objected
- 5.4. The following Councillor made representations:
- Councillor Robert Benham objecting on the following grounds:
 - Issues with increased noise and nuisance arising from 4 additional dwellings.
 - Impact on loss of parking. When rugby matches and large events take place, the current car park isn't sufficient and results in overspill parking on Crow Lane. So this loss would have a detrimental effect.
 - Impact on neighbours. Loss of enjoyment from their garden, due to the proposed dwellings.
 - Possible loss of green belt / open spaces.

Representations

- 5.5. The following issues were raised in representations that are material to the determination of the application, and they are addressed in substance in the next section of this report:

Objections

- Point 1 – Development on (and loss of) green belt land and open space.
- Point 2 – Impact on neighbouring amenity.

- Point 3 – Increased noise and nuisance from the additional dwellings.
- Point 4 – Concerns over parking issues; specifically the displacement of parking need by the rugby club, particularly on match days and at large events.
- Point 5 – Conflict with condition 14 of application P0140.09.
 - OFFICER COMMENT: application P0140.09 was only subject to 9 conditions. However, application P2155.06 was subject to 18 conditions, and it is presumed that this is the relevant permission.

5.6. OFFICER COMMENT: These issues are addressed within the body of the assessment as set out in section 6 below ('Material Planning Considerations'). The relevant section to the five points above is indicated in the report, and precedes the relevant heading or paragraph.

6 MATERIAL PLANNING CONSIDERATIONS

6.1. The main planning issues raised by the application that the committee must consider are:

- Principle of Development
- Green Belt and Open Land Issues
- Built Form, Design and Street Scene Implications
- Impact on Neighbouring Amenity
- Transport
- Financial and Other Mitigation
- Other Planning Issues

Principle of Development

6.2. New housing utilising brownfield (previously developed) land is generally supported by policies of the Development Plan. The application would also preserve community facilities (sports facilities), although the level of parking would be impacted.

6.3. The 2019 Housing Delivery Test results indicate that the delivery of housing within the borough has been substantially below the housing requirement over the past three years. As a result, 'The presumption in favour of sustainable development' at paragraph 11 d) of the National Planning Policy Framework 2019 (NPPF) is relevant.

6.4. However, paragraph 11d) of the NPPF has two caveats, including the protection of the Metropolitan Green Belt (MGB) from unacceptable development; and Chapter 13 (in particular paragraphs 143-147) of the NPPF has significant planning weight in this respect. The other caveat refers to planning balance, and it is by this that the NPPF also has other aims, one such being the desire to achieve well designed places, and that development integrates well into its surroundings.

- 6.5. As a result, any proposed development would need to demonstrate compliance in relation to development in the MGB, and that the benefits outweigh any adverse impacts in order to benefit from the presumption under 11d). Therefore subject to further assessment the development is not opposed in principle, providing that the proposal is acceptable in all other material respects.

Green Belt and Open Land Issues (Point 1)

- 6.6. NPPF paragraph 145 states that new buildings are inappropriate unless they meet one of the exceptions as indicated a) to g). Exception e) applies, which states that new buildings are only acceptable when:

'e) limited infilling in villages;'

- 6.7. Crow Lane is a long road which has development either side of it; industrial uses to the northern side, and more residential to the southern side. In this situation, the site lies along this road, and is considered "ribbon development" which aligns with the other built up areas of Crow Lane. Similar situations can be found in areas of Havering-Atte-Bower (In particular North Road), and South Ockendon (In particular Church Lane). Consequently, for the purposes of assessment, this exemption applies to ribbon development which is built up along Crow Lane. The site lies in a small section of Crow Lane where there is a noticeable gap within the streetscene, and it is clear that the site would be infilling part of these gaps.
- 6.8. Consequently, the proposals would fall within the exemption criteria of NPPF paragraph 145(e) and would be acceptable development in the MGB.
- 6.9. There is an identified need for additional housing to be delivered in the borough; in particular four 4-bed houses which is an uncommon typology (size of dwelling) coming forward in applications. As a result, the presumption under NPPF paragraph 11d) is applied, and the strict criteria of HCS policy DC45 does not apply in this situation.
- 6.10. The site is designated as open land, and the application would see a dramatic improvement in the quality of the open space; from a car park to private gardens. Furthermore, the land has not been used by the community services in the past, nor would the removal of this hinder the operation of the Rugby Club. As a result of this, there would be a change in the nature of the open space, which would also result in better quality open space. Consequently, there would not be an unacceptable impact on open space, and the presumption found under NPPF paragraph 11d), and issues under DC18 and DC20 are not sufficient to warrant refusal of the scheme on this basis.

Built Form, Design and Street Scene Implications

- 6.11. There are similar developments in the area in terms of character, and the proposed buildings respect in terms of both the material choice and roof forms the surrounding vernacular design and character of the area.

Furthermore, the buildings would be set back from the front of the site, and retain the characterful open nature of the streetscene.

- 6.12. The site as existing has several trees which line the car park and the entrance to the site. The submitted drawing "Tree Protection Plan" indicates that several trees would be protected during construction and retained thereafter. This would be acceptable, and help create a green and verdant setting once completed. It would be necessary however to impose a condition to ensure that this will be applied; or if any of the trees die, they would need to be replaced by a tree of the same species during the next appropriate planting season.
- 6.13. The proposed units would meet the internal space standards as set out in policy 3.5 (and Table 3.3) of the London Plan, and the Technical Housing Standards, would have an acceptable, dual-aspect accommodation with suitable amounts of ventilation and outlook, and is of a suitable size for the level of proposed occupancy. The garden spaces would be expansive (over 390sqm in area), and would be regular, easy to use, and practicable for future occupants.
- 6.14. There is no information sustainable design, although given the limited scale of the proposed development, it is not considered necessary to require additional information on this.
- 6.15. The location of the waste and refuse storage would be acceptable, and practicable for future occupants.

Impact on Neighbouring Amenity (Point 2)

- 6.16. The site lies on the southern side of Crow Lane, and is set back from neighbouring properties and the boundaries of their own site. The closest house (No55 Crow Lane) is over 6m away, which is similar to other developments in the area. The windows on the side elevation facing No55 would be a similar distance from any windows of No55, and would be small in size, and in any event can be conditioned to be obscurely glazed if there are concerns over privacy. The closest distance to the side boundary on any of the proposed dwellings is 1.2m, and given the layout of neighbouring properties, these would not directly impact any private amenity space. Furthermore, the roof forms lessen the visual mass and built form at roof floor level, consequently, the proposed houses would have an acceptable impact on daylight, sunlight, outlook and sense of enclosure to neighbouring properties.
- 6.17. **(Point 3)** The increase in the number of residential units and occupants in this area would not increase the amount of noise or disturbance to neighbouring properties to an unacceptable level. The noise consultee did ask for additional noise insulation on the proposed dwellings to prevent airborne noise from emanating from the site. However, the only identifiable source of noise would be from occupants using their gardens, and there is no justifiable reason for imposing the condition.

- 6.18. The existing car park was considered an 'overflow' car park for the Gidea Park Rugby Club as indicated in the permission which granted its' use (application reference P0140.09) ,and so the loss of the land and the parking spaces would not have an unacceptable impact on the Rugby Club.

Transport

- 6.19. The site has a Public Transport Access Level (PTAL) of 1a (very poor), and given the size of the proposed dwellinghouse, it would be reasonable to assume that any future occupants would rely on private vehicles, and the quantum and design of the parking provided is acceptable and practicable.
- 6.20. The site does not have any areas set aside for cycle parking, and as sustainable modes of transport is promoted by policies of the Development Plan in general, details of this would need to be provided, and in line with the London Cycle Design Standards are secured by condition.
- 6.21. **(Point 4)** It is not clear if there would be adequate access to the rugby club during construction of the buildings, or how much space would be required during construction. Therefore, it would be necessary to impose a condition in relation to construction management on any grant of planning permission.
- 6.22. This section of Crow Lane is subject to parking restrictions; although these do not apply on Sundays. There are concerns over the displacement of parking provision for the rugby club, particularly on match days or days where there are large events. The permission in 2009 clearly indicated that this was used as an overflow car park, and therefore it was not intended for this to be used as primary car parking provision for the club. It has been confirmed that the pieces of land to be used for the new houses have not been utilised by the rugby club for some time, and that this overflow rugby club parking is not required for the rugby club to operate. Officers have reviewed the calendar of events for the Rugby Club during 2019, and it is clear that all of the rugby events occur on a weekend, with most occurring on a Sunday; when there is no parking restrictions on Crow Lane (Sundays). The loss of car parking may result in some additional on-street parking on a Sunday if particular events or activities are taking place. However, it is not significantly different from the current situation, and the extent of any detrimental impact would not justify a refusal of planning permission.
- 6.23. Furthermore, the Highways consultee has not objected to the scheme on highways grounds, and therefore the development complied with HCS policies DC32 and DC33.

Financial and Other Mitigation

- 6.24. The application proposes new residential units, and new floor space of approximately 720sqm. The application would attract the following Community Infrastructure Levy contributions to mitigate the impact of the development:
- £90,000 LB Havering CIL

- £18,000 Mayoral CIL

6.25. Given the size of the site (less than 0.5ha), the scale of the proposed development (less than 10 units), and the density of development (which falls within the requirements of policy DC2), there is no need for the scheme to make a contribution to any affordable housing under policy DC6, and DC72.

Other Planning Issues

6.26. **(Point 5)** The planning permission granted for the use of the site as car parking (P2155.06) was subject to condition 14 which states:

“14. No development under this permission shall commence until a scheme for the control of car parking on the western side of the site entrance adjacent to 55 Crow Lane has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall provide for the use of this area as overspill car parking on match days only and during the hours of 12:00 and 19:00. The scheme shall be implemented in accordance with the approved details.

Reason: In the interests of residential amenity.”

6.27. This condition does not prevent or preclude the ability of future development from being carried out on the site, and any implementation of a new planning permission effectively extinguishes the previous permission and the condition attached to the previous permission. Therefore, so long as the issues used as part of the justification for the conditions are adequately addressed or mitigated on any subsequent application.

6.28. The LB Havering Environmental Protection Officer consultee suggested a condition in relation to the scheme as the site lies on a previous unlicensed landfill site. Officers agree that this is of concern, and that the recommended conditions are required.

6.29. It is not clear if the site would hold any archaeological artefacts of heritage interest, although given the historic use of the site for industrial purposes it is unlikely that there will be. However, it will be necessary to impose a condition for a “watching brief” in the event that such an artefact is found.

6.30. There is the possibility under the Town and Country Planning (General Permitted Development)(England) Order 2015 as amended - or under any subsequent Development Order – for the houses as proposed to be altered, enlarged or otherwise changed. Whilst there are restrictions on this as the site lies in the Metropolitan Green Belt (“Article 2(3) land”), it would be necessary to limit the ability of any alteration or enlargement of the proposed developments by imposing a condition on any grant of planning permission.

Conclusions

6.31. In their advice, the Planning Inspectorate indicated that when refusing an application, the Local Planning Authority must also consider the implications of whether or not the application would succeed at appeal (paragraph 1.2.2 of

the “Procedural Guide Planning appeals – England [July 2020]”). Officers consider the application acceptable on its own merits. However, if the Planning Committee intend to refuse the application then consideration would need to be given to the implication of this.

- 6.32. All other relevant policies and considerations have been taken into account. It is recommended that planning permission be granted for the reasons set out above. The details of the decision are set out in the RECOMMENDATION section of this report (section 2).