



Havering

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

PLANNING COMMITTEE AGENDA

7.30 pm	Thursday 22 October 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 on Tuesday 20 October 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 24 September 2020 and to authorise the Chairman to sign them.

5 APPLICATIONS FOR DECISION (Pages 3 - 6)

See attached document

- 6 P0645.20 - 2 CORNWALL CLOSE, HORNCHURCH** (Pages 7 - 20)
- 7 P0966.20 - 13 MARLBOROUGH GARDENS, UPMINSTER** (Pages 21 - 36)
- 8 P0762.20 - 3 CEDAR AVENUE, UPMINSTER** (Pages 37 - 44)
- 9 STOPPING UP ORDER = LAND AT SUNRISE AVENUE AND PARKHILL CLOSE**
(Pages 45 - 52)

Andrew Beesley
Head of Democratic Services

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**MINUTES OF A MEETING OF THE
PLANNING COMMITTEE
(VIRTUAL MEETING)
24 September 2020 (7.30 - 8.30 pm)**

Present:

COUNCILLORS: 7

Conservative Group Robby Misir (in the Chair) Carol Smith (Vice-Chair),
Matt Sutton and +Michael White

Residents' Group Stephanie Nunn

**Upminster & Cranham
Residents' Group** John Tyler

**Independent Residents
Group**

Labour Group +Keith Darvill

Apologies were received for the absence of Councillors Philippa Crowder, Paul McGeary and David Durant.

+Substitute members; Councillor Michael White (for Philippa Crowder) and Councillor Keith Darvill (for Paul McGeary).

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

Through the Chairman the committee was reminded of the protocol to meetings being held virtually due to the Covid-19 pandemic

12 DISCLOSURE OF INTERESTS

There were no disclosures of interest.

13 MINUTES

The minutes of the meeting held on 27 August 2020 were agreed as a correct record and would be signed by the Chairman at a later date.

14 **P0808.20 - 35 RISEBRIDGE ROAD - DEMOLITION OF EXISTING BUNGALOW AND CONSTRUCTION OF REPLACEMENT 5 BEDROOM DWELLING WITH INTEGRAL GARAGE**

The Committee noted that the application had been called in by Councillor Osman Dervish.

With its agreement the Committee was addressed by an objector with a response by the applicant.

The Committee considered the report and **RESOLVED** to **GRANT PLANNING PERMISSION**.

The vote for the resolution to grant planning permission was carried by 5 votes to 2.

Councillors White and Sutton voted against the resolution to grant planning permission.

15 **P0195.20 - 221A LONDON ROAD - CHANGE OF USE FROM A SINGLE FAMILY DWELLINGHOUSE (USE CLASS C3) TO A 3-PERSON HMO (USE CLASS C4)**

Members noted that the application had been called-in.

As there was no representative present to explain the call-in it was **AGREED** that the application be referred back to officers for their consideration under the delegated powers procedure.

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 22 October 2020
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Application Reference:	P0645.20
Location:	2, Cornwall Close, Hornchurch RM11 3HA
Ward:	Emerson Park
Description:	Demolition of existing garage and erection of two storey end of terraced 3 bedroom dwelling incorporating single storey rear extensions and off street parking to land adjacent.
Case Officer:	Victoria Collins
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. This report considers an application for planning permission for residential development of a brownfield site currently housing a flat roof single storey garage to provide a 3bed 4person dwelling.
- 1.2. The site lies outside the Metropolitan Green Belt, Employment Areas, Commercial Areas, but within a predominantly residential area. The application would have a public benefit which is the delivery of housing in the borough.
- 1.3. The development would be of a high architectural quality with height and design appropriately responding to local context, safeguarding the character and appearance of Cornwall Close, to provide a standard residential 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 road network.

- 1.4. Although the existing front garden soft landscaping would be replaced with hardstanding for parking purposes, this is the prevailing pattern of front garden in surrounding area, as the street is typified with forecourt parking.
- 1.5. However, the proposed development would provide some level of landscape to the forecourt, details of which could be achieved via condition if minded to approve, to soften the appearance of site and maintain the character of site.
- 1.6. Subject to the recommended conditions, the proposal would constitute sustainable development in accordance with the National Planning Policy Framework. The application is in accordance with the provisions of the Development Plan and there are no other material considerations which would indicate that it should be refused.

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) 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.
- 4) No relevant 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.

5) No building shall be occupied until cycle storage is provided in accordance with details on drawing number 201 Rev 2 hereby approved. The cycle storage shall be permanently retained thereafter.

6) Before the buildings hereby permitted is first occupied, details of the forecourt layout including a scheme for the provision of both hard and soft landscaping shall be submitted to and approved by the Local Planning Authority. Such details shall include permeable materials for the hard standing surfaces. The approved details shall be implemented as agreed and retained permanently thereafter.

7) 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 dwellinghouse hereby permitted, or any detached building(s) erected, without the express permission in writing of the Local Planning Authority.

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

9) The dwelling hereby approved shall comply with Regulation 36 (2)(b) and Part G2 of the Building Regulations - Water Efficiency.

10) The dwelling hereby approved shall be constructed to comply with Part M4(2) of the Building Regulations - Accessible and Adaptable Dwellings.

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 forecourt layout details were sought from the agent; who provided an additional amended plans, though details not provided.

2) The proposal is liable for both the Mayor of London Community Infrastructure Levy (CIL) and the Havering Council CIL. The Mayoral CIL levy rate for Havering is £25.00 per sqm and is chargeable for each

additional square metre of residential gross internal floorspace(GIA). Based upon the information supplied with the application, £10,350 would be payable due to result in a new residential property with 69 sqm of GIA, however this may be adjusted subject to indexation.

3 PROPOSAL AND LOCATION DETAILS

Proposal

- 3.1. The application is seeking planning permission for:
Demolition of existing garage and erection of two storey end of terraced 3 bedroom dwelling incorporating single storey rear extension and off street parking to land adjacent.
- 3.2. The proposed building would be two storey, and have an eaves height of approximately 4.8m, a maximum height of approximately 7.7m, a total width of approximately 6m, and a depth of approximately 10.5m.
- 3.3. The proposed dwelling including the host property would have two off-street car parking spaces, waste and refuse storage and cycle storage, as well as their own private rear gardens of 40sqm in area for each house.

Site and Surroundings

- 3.4. The site is located on the south-eastern side of Cornwall Close at it junction with Berkshire Way.
- 3.5. The site includes a semi-detached single family dwelling with an existing single storey side garage. Site is not located within any conservation area, and the host property is not listed.

Planning History

- 3.6. None.

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. No objections to the scheme.

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, facing Cornwall Close, on the scheduled collection day."

LB Havering Environmental Protection Officer

- 4.6. No objections to the scheme on contamination grounds.

Anglican Water Services Ltd

- 4.7. No comments received.

Essex and Suffolk Water

- 4.8. No comments received.

5 LOCAL REPRESENTATION

- 5.1. A total of 10 neighbouring properties were notified about the application and invited to comment.
- 5.2. The number of representations received from neighbours and members in response to notification and publicity of the application were as follows:
- 5.3. No of individual responses: 51, of which, 51 objected.
- 5.4. A petition in objection with 55 signatures from 43 addresses was received, objecting on the following grounds:
- Not compatible with the appearance of the street nor surrounding area.
 - Loss of light and privacy
 - Possible loss of parking to the surrounding area.
- 5.5. The following Councillors made representations:

Councillor Bob Perry and Councillor Roger Ramsey objecting on the following grounds:

- Out of character with surrounding area.
- Height and closeness to the walkway would impact on the streetscene.
- Possible loss of light and overshadowing to neighbouring residents.
- Possible loss of privacy to occupiers of the proposed dwelling.
- Increased noise and disturbance from an additional dwelling.
- properties have no driveway parking spaces, therefore the proposals would exacerbate the parking situation on site and surrounding area, given the limited on-street parking spaces.

- Existing issues with the refuse lorries, emergency services and delivery lorries, due to the narrowness of the road.
- Possible issues with sewage.

Representations

- 5.6. 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 – Impact on the appearance of the street and surrounding area – out of keeping.
 - Point 2 – Impact on neighbouring amenity in terms of light and privacy.
 - Point 3 – Increased noise and nuisance from the additional dwelling.
 - Point 4 – Concerns over parking issues; specifically the loss of existing parking bay fronting the host property.
 - Point 5 – Semi-detached house into a terrace, limiting the value of houses, bank may recall mortgage loan.
 - Point 6 – Safety and accessibility issue for motorists and pedestrians at the junction close to site – visibility issue.
 - Point 7 – Disruption, dust and noise during construction.
 - Point 8 – Other vehicles parking on the grass verge to be fined.
 - Point 9 – Restricting Emergency services getting to the end of the road with possible visibility issue and the narrowness of the road.
 - Point 10 – Overdevelopment of site; increase in crime and burglaries.
 - Point 11 – Possible strain on the existing schools; lack of infrastructure in the area.
 - Point 12 – Loss of the existing greenery to the front of site.
 - Point 13 – Restrictive covenant – not to use the forecourt area for parking.
 - Point 14 – Excessive rear extension to the host property, finishing of the side wall.
 - Point 15 – Party wall agreement; construction hour condition; noise/music from workmen on the site.
 - Point 16 – No need for more houses; overpopulation of the area.
- 5.7. OFFICER COMMENT: The local residents' concerns are noted. The material planning considerations highlighted above would be addressed within the body of the assessment as set out in section 6 below ('Material Planning Considerations').
- 5.8. Other issues raised in respect of devaluation of properties, vehicles parking on the verge to be fined; restrictive covenant on site; overpopulation; mortgage loan and party wall issues are not considered to the material considerations and will not be considered in this report.

6 MATERIAL PLANNING CONSIDERATIONS

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

- Principle of Development
- 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.

6.3. The NPPF and Policy CP1 of the Local Development Framework support the increase in the supply of housing in existing urban areas where development is sustainable. Policy DC61 states that planning permission will not be granted for proposals that would significantly diminish local and residential amenity.

6.4. The National Planning Policy Framework 2019 states that housing applications should be considered in the context of the presumption in favour of sustainable development. The London Plan notes the pressing need for housing and the general requirement to improve housing choice, affordability and quality accommodation. The London Plan also (Policy 3.4) states that development should optimise housing output subject to local context and character.

6.5. On 13 February 2020 the Government published the 2019 Housing Delivery Test (HDT) results. The results show that within the London Borough of Havering, 33% of the number of homes required were delivered over the three year period of 2016-17 to 2018-19. Therefore the tilted balance referred to in Paragraph 11(d) of the NPPF is triggered until such a time as the new Local Plan is formally adopted as it details an alternative method for calculating delivery.

6.6. The above 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.

- 6.7. Fundamentally this means that the borough will need to deliver more housing, and therefore current proposal should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.
- 6.8. The proposed development would contribute to the housing supply and delivery within the borough, and this would weigh in favour of the development.
- 6.9. However, one of the caveats in paragraph 11d) of the NPPF refers to planning balance, and by this the NPPF aim is for development to be well designed and integrates well into its surroundings.
- 6.10. Therefore subject to further assessment the development is not opposed in principle, providing that the proposal is acceptable in all other material respects.
- 6.11. The site currently consist of an existing single storey flat roof garage, the loss of the garage would not impact on the road networks. Further highways assessment would be discussed under the 'Highways' section.
- 6.12. Overall, the proposal would be considered to be an effective use of land to comply with the London Plan policy 3.4 and would therefore be considered acceptable.

Built Form, Design and Street Scene Implications

- 6.13. There are similar developments in the area in terms of character, it is acknowledged that the prevailing pattern of development in term of housing typology in the area is semi-detached.
- 6.14. The current proposal would result in the change of the appearance of site from semi-detached dwelling to a short terrace of three dwellings, this would not comply with the Residential Extensions and Alterations Supplementary Planning Document (SPD), which normally seeks a subordinate approach, but in this case of a totally new dwelling, it is preferable to continue the building line so that the group of dwellings has a consistent appearance. This approach would not be considered to be out of character with site and surrounding area, given similar short terraces on Rutland Drive and at the junction of Essex and Berkshire Way in close vicinity of site.
- 6.15. The minimum proposed gap between the proposed dwelling and the pavement would be 1m, this would comply with the Council's Residential Extensions and Alterations Supplementary Planning Document (SPD).

- 6.16. The proposals would further respect the appearance and character of site in terms of both the material choice and roof forms, which would be compatible to and in-keeping with the wider surrounding area.
- 6.17. In addition, the building line of the host property would be respected, which would allow the proposed dwelling to be set back from the front of the site, and retain the open nature character of the streetscene.
- 6.18. The bulk, scale, height, massing and the spaces around the proposed dwelling would be in-keeping with the character and context of the area, considering the overall feel of the streetscene.
- 6.19. The proposed dwelling would not appear cramped within the plot and within the context of the streetscene, rather, it would be considered to sit comfortably within its own plot.
- 6.20. Given the proposed boundary treatment and planting, the proposals would be considered not to be harmful to the streetscene. The existing landscape to the front of the host property (no.2) would be altered to provide adequate parking facility to the host property, the forecourt arrangement would include some level of landscaping to soften the appearance of the forecourt, and to assist in the integration of the development within the streetscene.
- 6.21. Currently the whole area located to the front of the existing garage is hardstanding area, while current proposals would provide planting along common boundaries and areas not occupied by vehicle parking, to provide some relief to the existing harsh urban environment and assist with on-site stormwater management. Permeable materials would also be required for the hardstanding surface, this along with the soft landscaping details can be achieved via appropriate landscaping condition.
- 6.22. The proposed dwelling 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 floor to ceiling height, 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 for both the host property and the proposal would be of acceptable size which would be regular, easy to use, and practicable for future occupants. The location would be to the rear, similar to the established pattern of other properties in the area.
- 6.23. The proposal would be required to comply with the Building Regulations (Part M), making it accessible to all.

- 6.24. There would be the provision of a new single storey rear extension to the host property, this would be of an acceptable scale and would be similar to other extensions in surrounding area, would provide an additional useable space to the host property.
- 6.25. The location of the waste and refuse storage would be acceptable, and practicable for future occupants, given the side access provision. The Council's Waste Management have raised no objection. If required, it could be located to the front of site.

Impact on Neighbouring Amenity

- 6.26. The site lies on the south-eastern side of Collier Close, and is set back from neighbouring properties and the boundaries of their own site. The closest house is the donor property (No.2 Collier Close), the proposal would be identical to no. 2 in scale, height, design and material with all its windows facing the rear of site, therefore no undue impact on their residential amenity.
- 6.27. To the east of the site is no. 1 Berkshire Way, the flank wall of which backs onto the application site. It is acknowledged that the proposal would sit forward of the front building line of no. 1, Berkshire Way, however, given the separation distance of approximately 7m at the ground floor level and 10m at the first floor level; the location of garage on the shared boundary with the application site and the orientation of site (south of no. 1 Berkshire) it would be considered that the resulting impact on their amenity in terms of light, overshadowing and outlook would not be significantly different from as it currently exist on site from no.2. Given that the windows are located facing the rear of site, similar to the existing window at no. 2 Cornwall Close and not be closer to no.1 Berkshire than at it currently exist, therefore no additional loss of privacy is envisaged.
- 6.28. To the south of site are properties fronting Berkshire Way with a standard road width between the site and these properties. The property directly facing the flank wall of the application site (no. 18 Berkshire Way) would be separated from the site by approximately 17m, this would be considered acceptable with no undue impact on their amenity.
- 6.29. The closest distance to the side of the proposed dwellings boundary adjoining Berkshire Way of the proposed dwellings is 1.02m, this would be similar to the breathing space surrounding other properties in surrounding area. In addition, given the layout and the separation distance with the neighbouring properties, the proposals would not directly impact any private amenity space. Furthermore, the roof forms lessen the visual mass and built form at roof level, consequently, the proposed dwelling would have an

acceptable impact on daylight, sunlight, outlook and sense of enclosure to neighbouring properties.

- 6.30. The proposed single storey rear extension to the rear of the host property (no. 2) would be a modest extension at 3.3m deep, set in some 0.2m away from its boundary with the adjoining property no.4, and would be 2.3m at eaves and 3.2m maximum height with a sloping roof. It is noted that the proposal would adjoin the habitable room of no.4 based on the application site layout and Google image, however, the modest scale of extension would be considered acceptable with no significant impact on the residential amenity of neighbours in terms of light, outlook and sense of enclosure. The proposed materials as indicated would be red facing brick to match the existing, therefore no significant visual impact is envisaged. The proposal would also comply with the Council's Residential Extensions and Alterations Supplementary Planning Document (SPD).
- 6.31. 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 dwelling. Given that, the only identifiable source of noise would be from occupants using their garden area, there is no justifiable reason for imposing any condition.

Transport

- 6.32. The site has a Public Transport Access Level (PTAL) of 1b (very poor), and given the size of the proposed dwelling house, it would be reasonable to assume that any future occupants would rely on private vehicles. The proposals would provide two car parking spaces each to both the host property and the new dwelling. The quantum and design of the parking provided is acceptable and practicable to overcome residents' concerns in terms of the loss of the existing parking bay on site, as it is noted that some of the properties in immediate vicinity of site provides no on-site car parking.
- 6.33. The proposals include dedicated cycle parking space located to the rear of site, to comply with the sustainable mode of transport promoted by policies of the Development Plan in general. An appropriate compliance condition would be imposed, if minded to approve, to ensure the provision in line with the London Cycle Design Standards as proposed and retain thereafter.
- 6.34. It is noted that the site is a corner plot, however, the proposed development would not have any adverse impact on the width of the road as raised by a concerned resident. The proposal would not impact on the visibility at that corner, given the substantial set back from the road and set in from the side boundary of site.

- 6.35. It is acknowledged that the existing bay on the pavement fronting the host property will be lost, this would be similar to any other property seeking a driveway on Cornwall Close. The proposal would result in the loss of one parking bay to provide 2 car parking spaces to the host property. In addition, the proposed crossover would not ordinarily require planning permission. However, as it has been submitted as part of this proposals, an assessment has been carried out. The Highways Officer has been consulted and raised no objection. Therefore the crossover is acceptable.
- 6.36. This section of Cornwall Close is subject to bays only pavement parking restrictions. Given that the proposal would provide adequate parking on site, it would not be considered to exacerbate traffic or parking issue on site. Therefore, the loss of the parking bay would not justify a refusal of planning permission.
- 6.37. Although the Highways has not raised any comments, however, in terms of parking provision, the proposals would be considered to comply with the Local Development Framework policies DC32 and DC33.

Financial and Other Mitigation

- 6.38. The application proposes new residential unit, and new floor space of approximately 69sqm. The application would attract the following Community Infrastructure Levy contributions to mitigate the impact of the development:
- £8,625 LB Havering CIL
 - £1,725 Mayoral CIL
 - Total = £10,350
- 6.39. The scale and density of the proposed development is within the requirements of policy DC2 of the Local Development Framework.

Other Planning Issues

- 6.40. In terms of the impact on the existing sewage, Essex Water Company was consulted with no comments received, therefore, given the scale of development, it would not be considered to significantly impact on the existing facility. However, applicant would be advised to contact the water supplier for the site via an informative.
- 6.41. The LB Havering Environmental Protection team have raised no concerns regarding the scheme.
- 6.42. 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, therefore, 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.

- 6.43. The noise, vibration dust and general disruption during construction will be unavoidable, however this would be for a limited time and would be controlled via an appropriate working hour condition with the use of music on site to reduce possible impact.
- 6.44. Concerns raised with regard to possible strain on existing schools is noted, however, the scale of the proposed single dwelling is likely to have a negligible impact on the existing schools in close vicinity of site. In addition, the CIL payment could be used for the provision of additional classrooms or improve the existing facilities within the available schools to mitigate the impact of the development.

7 Conclusions

- 7.1. 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.
- 7.2. 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).

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 Havering LONDON BOROUGH	Planning Committee 22 October 2020
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Application Reference:	P0966.20
Location:	13 Marlborough Gardens Upminster, RM14 1SF
Ward:	Cranham
Description:	Demolition of existing two storey detached dwelling and construction of 2 x two storey detached dwellings.
Case Officer:	Darius Ardeshirian
Reason for Report to Committee:	

- A Councillor call-in has been received. The Assistant Director of Planning has directed that the call-in is acceptable, and should be honoured.
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1 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- 1.1. The application proposes the demolition of the existing two storey detached dwelling and construction of two new detached residential dwellings at the application site.
- 1.2. The current design is a revision of the initially submitted and advertised proposal for 2x two storey semi-detached dwellings and a two storey detached dwelling at the subject site, all with habitable roof space and front and rear dormers. In contrast the revision includes 2x two storey dwellings with no dormers or habitable loft space.
- 1.3. The proposal is not opposed in principle by any policies of the development plan, and the design is not considered to result in severe harm to the street scene, neighbouring residential amenity or other matters that could not be reasonably overcome by way of conditions and would warrant refusal of the application.
- 1.4. It is not considered that the Council could reasonably defend an appeal against a refusal of the scheme due to the limited harm that the proposal would have on local character or residential amenity, and therefore the proposed development is acceptable subject to the suggested conditions.

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) 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.

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

5) No works shall take place in relation to any of the development hereby approved until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping, which shall include indications of all existing trees and shrubs on the site, and details of any to be retained, together with measures for the protection in the course of development. All planting, seeding or turfing comprised within the scheme shall be carried out in the first planting season following completion of the development and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local Planning Authority.

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

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

8) 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 dwellinghouse(s) hereby permitted, or any detached building erected, without the express permission in writing of the Local Planning Authority.

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) Details shall be submitted to and approved by the local planning authority prior to the first occupation of the development for the installation of Ultra-Low NO_x boilers with maximum NO_x Emissions less than 40 mg/kWh. The details as approved shall be implemented prior to the first occupation of the development and shall thereafter be permanently retained.

11) All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance. Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority. The developer shall keep an up to date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register at <https://nrmm.london/>.

12) 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) location and time of deliveries;

c) complaint investigation procedures;

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

13) The proposed windows on the first floor of unit 2 relating to the stair landing and ensuite shown on plan 1705/03 shall be permanently glazed with obscure glass not less than Level 4 on the standard scale of obscurity and shall thereafter be maintained and permanently fixed shut.

14) All dwellings hereby approved shall be constructed to comply with Part M4(2) of the Building Regulations - Accessible and Adaptable Dwellings.

15) All dwellings hereby approved shall comply with Regulation 36 (2)(b) and Part G2 of the Building Regulations - Water Efficiency.

16) 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.

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 2018, improvements required to make the proposal acceptable were negotiated with the agent via email. The revisions involved the reduction from three dwellings to two and modifications to the building design and roof form. The amendments were subsequently submitted on 15/9/20.

2) The proposal is liable for the Mayor of London Community Infrastructure Levy (CIL). The Mayoral CIL levy rate for Havering is £25/m² and is chargeable for each additional square metre of residential gross internal [floor] (GIA). Based upon the information supplied with the application, £5,387.50 would be payable due to result in a new residential property with 215.5m² of GIA, however this may be adjusted subject to indexation.

The proposal is also liable for Havering Council's CIL. Havering's CIL charging rate for residential is £125/m² (Zone A) for each additional

square metre of GIA. Based upon the information supplied with the application, £26,937.50 would be payable, subject to indexation.

These charges are levied under s.206 of the Planning Act 2008. CIL is payable within 60 days of commencement of development. A Liability Notice will be sent to the applicant (or anyone else who has assumed liability) shortly and you are required to notify the Council of the commencement of the development before works begin. Further details with regard to CIL are available from the Council's website. You are also advised to visit the planning portal website where you can download the appropriate document templates at <http://www.planningportal.gov.uk/planning/applications/howtoapply/whatto-submit/cil>

- 3) In relation to condition 12, it is recommended that provision is made in the Construction Method Statement for deliveries to take place outside of school arrival and departure times.
- 4) With regards to surface water drainage it is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.
- 5) Changes to the public highway (including permanent or temporary access)
 - The developer is notified that they must enter into a Section 278 (s278) Highways agreement prior to commencing civil work on the Highways.
 - Planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted considered and agreed. If new or amended access is required (whether temporary or permanent), there may be a requirement for the diversion or protection of third party utility plant or highway authority assets and it is recommended that early involvement with the relevant statutory undertaker takes place. The applicant must contact Engineering Services on 01708 433751 to discuss the scheme and commence the relevant highway approvals process. Please note that unauthorised work on the highway is an offence.

Highway legislation

- The developer (including their representatives and contractors) is advised that planning consent does not discharge the requirements of the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works of any nature) required during the construction of the development. Please note that unauthorised work on the highway is an offence.

Temporary use of the public highway

- The developer is advised that if construction materials are proposed to be kept on the highway during construction works then they will need to apply for a licence from the Council. If the developer required scaffolding, hoarding or mobile cranes to be used on the highway, a licence is required and Street Management should be contacted to make the necessary arrangements. Please note that unauthorised use of the highway for construction works is an offence.

Surface water management

- The developer is advised that surface water from the development in both its temporary and permanent states should not be discharged onto the highway. Failure to prevent such is an offence.

3 PROPOSAL AND LOCATION DETAILS

Proposal

3.1. The application is seeking planning permission for:

The demolition of the existing two storey detached dwelling and construction of 2 x two storey detached dwellings with front car parking.

3.2. The initial design, which has since been revised, was for a pair of two storey semi-detached dwellings and a detached dwelling with habitable roof space and front and rear dormer windows.

Site and Surroundings

3.3. The site is located on the northern side of Marlborough Gardens, situated between the entrance to Hall Mead School and the rear gardens of the properties fronting Marlborough Gardens to the east.

3.4. The site is occupied by an existing two storey detached dwelling with a pitched roof and gable ends. The building is likely to have been formerly used

in conjunction with the school. The site has a width of approximately 18.5m and an area of approximately 523sqm.

- 3.5. The topography of the site is characterised by a gradual incline in from east to west along Marlborough Gardens.
- 3.6. The public road at frontage of the site has a no parking 'keep clear' restriction.
- 3.7. The street scene on the opposite side of Marlborough Gardens is characterised by a regular pattern of two storey semi-detached dwellings with pitched roofs and a front gable feature, front hard stand car parking or garages and an average street setback of approximately 6m.
- 3.8. The site has no tree preservation orders or significant constraints.
- 3.9. The trees at the frontage of Hall Mead School are protected under a tree preservation order.

Planning History

- 3.10. There is no relevant planning history registered at the site.

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. The highways department raised concerns about potential risks associated with the driveways in relation to the school and footway, however is supportive of the proposal subject to the applicant entering into a section 278 agreement to undertake the required modifications to the highway/public domain to improve safety. The modifications include a speed table and reducing the radius of the kerb as well as introducing a pedestrian crossing. Other modifications to public infrastructure include relocating the existing bin and modifying the existing gully. All costs associated with are the responsibility of the developer.

LB Havering Waste and Recycling

- 4.4. No objections were raised to the scheme.
- 4.5. "Waste storage to be provided. Waste and recycling sacks will need to be presented by 7am on the boundary of the property facing Marlborough Gardens on the scheduled collection day."

LB Havering Environmental Protection

- 4.6. No objections subject to conditions relating to a Construction Environmental Management Plan, Non-Road Mobile Machinery and Low Emission Boilers. No objections relating to land contamination or noise.

London Fire Brigade

4.7. Fire Safety - no objections subject to full compliance with Approved Document B, B5.

4.8. Hydrants - no additional hydrants are required and no further action is required.

5 LOCAL REPRESENTATION

5.1. A total of 8 properties were notified of the application and invited to comment. During the first round of consultation on the three units scheme a total of 20 objections were received, one comment with conditions and one comment.

5.2. The second round of consultation attracted a total of 9 objections and 2 submissions of conditions.

5.3. The following Councillors made representations:

- The initial proposal was called in by councillor Linda Van De Hende/Gillian Ford to be determined at a planning committee meeting and objecting on the following grounds:
 - Over development of the site
 - Potential parking issues
 - Proposed design not in keeping with the street scene
 - Intensification of development on the size of the plot
 - Capacity for parking reduced due to the length of the frontages
 - Lack of consideration for sustainable development.
- The councillors chose to maintain their call in of the revised scheme to planning committee on the following grounds:
 - The scale and size of the 2 detached houses are not in keeping with the street scene as other houses in the road are semi-detached.
 - The houses are very large and will extend the depth of the existing house significantly, which will have a detrimental effect on the gardens of properties at nos 15 and 17, they will be significantly overlooked, which will give the effect of crowding their gardens.
 - Given the depth of the proposed houses, the amenity space allocated to each house will be small in comparison to the size of the houses.
 - There are a number of very mature trees in the current garden which currently give the houses at 15 and 17 some shielding, it is likely these, or at least some, will be removed during development, which will again be to the detriment of the gardens at 15 and 17.
 - There are proposed to be windows on the flank wall of the houses which again will overlook gardens, this is very undesirable.
 - The 2 houses will be very close together and give an overbearing look to the street.

Representations

5.4. 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

5.5. It must be noted that officers can only take into account comments that concern relevant material planning considerations and not those based on personal dislikes, grievances, land disputes, values of properties, covenants and non-planning issues associated with nuisance claims and legal disputes, etc.

5.6. The comments on the revised application, and associated recommended conditions, are summarised below (please note comments on original submission are not outlined below):

- Overdevelopment of the site;
- Not in keeping with the other houses in the street;
- Loss of privacy and overlooking of rear gardens;
- Poor design quality;
- Land contamination and asbestos;
- Loss of sunlight;
- Noise, dust, traffic and pollution from construction;
- Potential vehicle and pedestrian conflict between crossover and children leaving school;
- Excessive in area and height adversely impacting neighbours by building bulk;
- Increased traffic and parking problems;
- Loss of trees and biodiversity;
- Accuracy of information submitted including existing use, ground elevation, biodiversity impacts and drainage.
- The recommended conditions related restriction in height to other houses in the street, construction management, limit work to weekdays only, off-street car parking for workers, obscure glazing/non-opening flank windows, retain trees, development access should be via the school grounds not the street, deliveries outside school arrival/departure times and drainage to be retained on-site.

5.7. 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 points above are indicated in the report, and precedes the relevant heading or paragraph.

5.8. The response to the information submitted is outlined below:

- An updated street scene elevation was provided noting that there is a slight incline across the site from east to west by approximately 1 degree, but does not materially change the proposal;
- The existing building appears to be unused but formerly for educational purposes, and the provision of additional housing in an established residential area is supported in principle. The adjacent school is currently going through improvements and appears to have space to accommodate growth. The loss of the building as an educational use would not be grounds for refusal of the application.
- The existing mature trees at the rear of the site are not proposed to be removed as part of the proposal. The shrubs and hedges on the site forming part of the garden are not protected and could be removed without planning permission and therefore removal of this vegetation is not grounds for refusal of the application.
- Environmental health have reviewed the application and advised that there are no land contamination issues relating to the site.
- Sewage and drainage is not a planning consideration in this case given the minor nature of the proposal. The agent has advised that the proposal will be connected to the foul sewage, and it will be required to connect to either the existing drainage infrastructure or contain storm water on-site via soakaways. This matter can be dealt with at the building stage and the relevant consents will be sought from Essex & Suffolk Water/Thames Water. An informative has been imposed accordingly.
- In relation to the recommended conditions, only those reasonable conditions can be imposed on the consent otherwise they may be challenged at appeal. A standard condition is recommended to control the hours of construction. A construction methodology statement is recommended to manage car parking, delivery times and complaints procedures during construction. An informative is imposed to recommend deliveries occur outside of school pick up and drop off times.

6 MATERIAL PLANNING CONSIDERATIONS

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

- Principle of Development
- Density and site layout
- Built Form, Design and Street Scene Implications
- Impact on Neighbouring Amenity
- Car Parking and Highways
- Financial and Other Mitigation

- Other Planning Issues

Principle of Development

- 6.2. 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 NPPF is relevant.
- 6.3. The NPPF does offer support for new housing in sustainable locations that represents an efficient use of land. Paragraphs 124-131 of the NPPF is also relevant, which among other things seek to achieve well-designed places that are sympathetic to local character and provide adequate amenity for neighbours and future occupants. Consequently, any proposed development would need to meet these objectives of the NPPF and other relevant planning policies in order to benefit from the presumption in favour of sustainable development.
- 6.4. The provision of additional housing is consistent with the NPPF and CP1 of the Havering Core Strategy as the application site is within a sustainable location in an established urban area with no significant constraints to the site and therefore the proposal is acceptable in principle in land use terms. Notwithstanding, the acceptability of the proposal is subject to a detailed assessment of the impacts of the proposal.

Density and Site Layout

- 6.5. In accordance with the Sustainable Residential Quality Density Matrix in Table 3.2 of the London Plan, in a suburban context with a public transport accessibility level (PTAL) of 0-1, such as the subject site, the recommended density range is 33-55 units per hectare. The site has an area of approximately 520sqm and proposes 2 units which equates to a density of 38 units per hectare, in compliance with Table 3.2.
- 6.6. The 'Technical housing standards - nationally described space standard' document and Policy 3.5 of the London Plan set out requirements for the Gross Internal (floor) Area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home. In addition, the quality of housing is guided by sufficient outlook, aspect and access to natural light.
- 6.7. Both dwellings have an occupancy of 7 persons with 4 bedrooms over two floors with a gross internal area of 146sqm and 3.5sqm of built-in storage, in compliance with the standard which requires 115sqm of internal floor area and 3sqm of built-in storage. All bedrooms meet the minimum internal area standards.

- 6.8. The quality of the internal living accommodation is deemed acceptable with dual aspect, reasonable outlook to the street and rear garden, and ample natural light.
- 6.9. Havering's Residential Design SPD does not prescribe minimum space standards for private amenity space. However the SPD does state that private amenity space should be provided in single, usable, enclosed blocks which benefit from both natural sunlight and shading, adding that the fundamental design considerations for amenity space should be quality and usability. The proposed amenity spaces, although smaller in total area than the established residential properties in the locality, are considered to be of an adequate size, minimum dimension, shape and orientation to be deemed usable and of reasonable quality for the intended occupancy of the proposed dwellings to provide a reasonable level of amenity to future occupants. The proposed amenity spaces are reflective of the size and scale of other recent infill residential development proposals accepted in the borough. The amenity spaces have a minimum width of approximately 9m and each have an area of 85sqm and 104sqm. The rear amenity spaces have a direct interface with mature trees and a landscaped area of the school to the north and the rear gardens of adjacent properties to the east, which is undeveloped land and provides reasonable outlook and adequate privacy.

Design and Street Scene Implications

- 6.10. The proposed development would be acceptable on design grounds and when assessed against the Havering Core Strategy (HCS) Policy DC 61, which requires new developments to be satisfactorily located and of a high standard of design and layout, which are compatible with the character of the surrounding area and do not prejudice the environment of the occupiers or adjacent properties.
- 6.11. The southern side of Marlborough Gardens, opposite the subject site, is characterised by a regular pattern of pairs of two storey semi-detached dwellings with pitched roofs, front gable features finished in part face brick and part render, and with front car parking. Comparatively, the subject site is sited in relative isolation between the school site and the rear gardens of those dwellings on Marlborough Gardens orientated to the east. The site does not form part of a street scene that is characterised by a distinct and regular pattern of development or rhythm, in other words, the built form on the northern side of Marlborough Gardens is varied.
- 6.12. The proposed subdivision has a minimum plot width of 8.9m which is wider than some of the properties opposite, and generally consistent with the surrounding area.
- 6.13. It is noted that the plot has a shallower depth than residential properties in the surrounding area, however as the rear boundary of the site has an interface with the school rather than residential properties, there

would be no adverse amenity or garden scene impacts on a neighbouring property at the rear. In addition, as noted above, the proposal would provide a sufficient amenity space for both dwellings.

- 6.14. The proposed buildings maintain a minimum 1.4m-1.5m setback from side boundaries and 1m separation from one another, and a minimum primary street setback of 5.75m, which generally reflects the front setback of the existing building on the site. The primary street setbacks of the buildings opposite range from approximately 5.5m to 6.5m.
- 6.15. The building design incorporates a regular appearance for a two-storey detached dwelling with a pitched roof hipped away from all boundaries, a front door and major openings presenting to the street, a roof pitch height of 8.3m and an eave height of 5.3m, and a building length of approximately 12.5m resulting in a mass, bulk, scale and footprint not dissimilar to other dwellings in the local area.
- 6.16. The design incorporates a part render part face brick façade and a staggered front building line. Although the building design does not explicitly mimic the architectural style of the semi-detached dwellings opposite, the proposed development has a form, siting, scale and materiality that is generally consistent with buildings in the local area and not deemed to be harmful to the existing character of the street scene.
- 6.17. Whilst the proposal results in the replacement of an existing building with two larger buildings, the proposed development represents the redevelopment of brownfield land in an efficient manner in line with the objective of CP1 of HCS.
- 6.18. In summary, the proposal is considered to be compliant with the objectives of policy DC61 of the HCS and is not considered to represent an overdevelopment of the site and reasonably integrates with local character.

Impact on Neighbouring Amenity

- 6.19. The proposed development is not considered to result in adverse amenity impacts to neighbouring properties with respect to overlooking, overshadowing, loss of daylight, building bulk, sense of enclosure or impacts on outlook.
- 6.20. The site is well separated from residential properties with the closest neighbouring dwellings located 25m to the east and 23m to the south on the opposite side of Marlborough Gardens.
- 6.21. The only potential overlooking impacts relate to the flank windows on the first floor of unit 2 which relate to a stair landing and ensuite bathroom which are not habitable rooms. All first floor flank windows are annotated as obscure glazing on the plans. A condition will be imposed to ensure the windows are obscure glazed and non-opening to alleviate any potential overlooking impacts. The proposed ground floor flank windows relate to non-habitable rooms and will be screened by boundary fencing at least 1.8m in

height to prevent overlooking. A recommended condition of consent requires a boundary fencing details to be approved by Council and installed prior to occupancy.

- 6.22. The proposal will have no significant overshadowing impacts or loss of day light impacts on neighbouring dwellings as the shadow cast from the dwelling will primarily fall within the school site to the north during the winter months, and proposed development is separated from neighbouring dwellings by at least 25m. There will be additional shadow cast into the rear gardens of the neighbouring properties in the late afternoon in the winter months however this is not sufficient to warrant refusal of the application as access to sunlight will not be compromised throughout the majority of the day. In addition, the proposed development does not impede the 25 degree vertical angle of windows of the neighbouring properties.
- 6.23. The proposed development will inevitably be visible to some degree from the rear windows of the properties located to the east at no. 15-21 Marlborough Gardens. The view from the rear of these neighbouring properties is not unfamiliar with built form as the proposed building will replace an existing smaller building on the site. In addition, the separation distance in excess of 25m between the rear of the neighbouring properties and the proposed building is deemed sufficient to offset the building bulk impacts of the proposed building, which has a roof pitch height of approximately 5.3m, a wall length of approximately 11.4m and a roof design that is hipped away from the boundaries with a 1.4m side boundary setback.
- 6.24. In light of the above the proposal is not considered to have an unreasonable impact on neighbouring amenity with respect to impacts on outlook and sense of enclosure that would warrant refusal of the application.
- 6.25. Consequently, the proposed development would comply with HCS policy DC61 and the NPPF with respect to neighbouring amenity.

Highways and Car Parking

- 6.26. The site lies in an area that has a Public Transport Access Level (PTAL) rating of 1b (very poor). In accordance with Table 6.2 of the London Plan, up to 2 car parking spaces are recommended per dwelling for suburban sites with a low PTAL and more 4 beds. A total of two car parking spaces are provided per dwelling in accordance with this requirement.
- 6.27. Two cycle storage spaces are proposed in the rear garden for each dwelling in accordance with the cycle parking requirement of Table 6.3 of the London Plan. A condition of consent will be imposed to ensure these are installed prior to occupancy of the dwelling.
- 6.28. Council's Highways department have advised that they have no objection to the proposal subject to the applicant entering into a section 278 agreement with Council's Highways department to undertake the required modifications to the highway, crossovers and public domain to improve safety. This is dealt with under the Highways Act and an informative would be

imposed on the consent for guidance for the agent. The modifications include a speed table and reducing the radius of the kerb, as well as introducing a pedestrian crossing. Other modifications to public infrastructure include relocating the existing bin and modifying the existing gully. All costs associated are the responsibility of the developer.

- 6.29. Whilst it is acknowledged that the site is within close proximity of the school, it would not warrant refusal of the application provided that appropriate design modifications and visibility splays could alleviate pedestrian-vehicular conflict at the site. The increase in vehicular activity at this site is relatively limited with a maximum of 4 vehicles introduced to the site. A condition is recommended to ensure appropriate visibility splays are provided to allow clear sightlines between the parking spaces and the footway for safety purposes.
- 6.30. Subject to the above agreement being finalised, the proposals would be acceptable from a highways perspective.


Financial and Other Mitigation

- 6.31. The submitted CIL form claims that proposal will result in the addition of 292sqm of gross internal floor space and the loss of 76.5sqm of existing residential floor space at the site. Accordingly the proposal would be CIL liable for 215.5sqm of additional floor space.
- 6.32. Mayoral CIL is calculated at a rate of £25/sqm, resulting in liability of £5,387.50.
- 6.33. Havering CIL is calculated at a rate of £125/sqm, resulting in a liability of £26,937.50.
- 6.34. Both CIL payments would be subject to indexation.
- 6.35. It is noted that the use of the existing building on the site would need to be verified at time of payment of CIL fees to evidence that the existing building was used for residential purposes for 6 months of the past 3 years. If this cannot be demonstrated the CIL liable floor space is 292sqm.

Conclusions

- 6.36. The proposed development is deemed to be acceptable with respect to impacts on the street scene, neighbouring amenity, the amenity of future occupiers and highway and parking considerations, and broadly in line with relevant planning policy, as outlined throughout the report.
- 6.37. In their advice, the Planning Inspectorate indicates 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.

6.38. 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).

 Havering LONDON BOROUGH	Planning Committee 22 October 2020
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Application Reference:	P0762.20
Location:	3 Cedar Avenue,
Ward:	Upminster
Description:	Retention of outbuilding.
Case Officer:	Halima Chowdhury
Reason for Report to Committee:	A Councillor call-in has been received which accords with the Committee Consideration Criteria.

BACKGROUND

This application was scheduled to be heard at the planning committee meeting in August 2020 but it was deferred to allow neighbour re-consultation period to expire and the planning officer to visit the application site.

The planning committee report reproduced below has been updated with any consultation responses.

1 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- 1.1 It is acknowledged that the height of the outbuilding to be retained exceeds the permitted development criteria and now planning permission is being sought for the structure. The proposal is of a size, scale and mass that is typical form of outbuilding acceptable within a plot of this size. The internal layout consists mainly of open plan with 1 no. toilet and sink enclosure. A planning condition would restrict the use of the outbuilding for purposes incidental to the enjoyment of the house. The patio area has a raised height of only 0.20 metres above ground level therefore it is deemed to benefit from permitted development right which does not require planning permission.

2 RECOMMENDATION

- 2.1 That the Committee resolve to GRANT planning permission subject to:
- Any other planning condition(s) considered necessary by the Head of Planning

- 2.2 That the Head of Planning is delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters:

Conditions

- 1) 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).
- 2) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015(or any order replacing or amending that said order), no window or other opening (other than those shown on the submitted and approved plan,) shall be formed in the flank wall(s) of the building(s) hereby permitted, unless specific permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.
- 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015(or any order replacing or amending that said order) the outbuilding hereby permitted shall be used only for purposes incidental to the enjoyment of the dwelling house and not for any trade or business nor as living accommodation.

Informatives

- Statement Required by Article 35(2) of the Town and Country Planning (Development Management) Order 2015: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraph 38 of the National Planning Policy Framework 2018.

3 PROPOSAL AND LOCATION DETAILS

Proposal

- 3.1 The proposal seeks planning permission for the retention of an outbuilding. The outbuilding is located at the bottom of the rear garden to the eastern part of the application site. The dimensions of the outbuilding consists of 2.7 metres high at the front, 2.8 metres high at the rear, 7.10 metres width, 4.76 metres depth at northern elevation which increases to 5.94 metres depth at southern elevation and the floor area of 29.45m². The building is situated approximately 16 metres from the rear part of the house.

Site and Surroundings

- 3.2 The application site is located on the eastern side of Cedar Avenue. The property is a two storey semi-detached dwelling. It is constructed of cream paint at upper level, brick face at lower level and hipped tiled roof. The front of

the property has a hipped roof two storey bay window, mono-pitched front porch and an attached garage situated on the southern elevation. The property has a setback two storey side extension on the southern elevation as well. The front garden is a combination of paving and lawn area with low retaining wall forming the boundary. A driveway with vehicular access onto the highway is situated on the western boundary. To the rear the property has a flat roof outbuilding situated at the bottom of the garden covering almost the full width of the rear garden (subject to this application). The rear garden is screened by approximately 1.7m high close board fencing.

The application site is located in a residential area and it is not within a Conservation area. Nor is it a Listed Building.

Planning History

- 3.3 There are no planning decisions that are relevant to this application.

4 CONSULTATION RESPONSE

- 4.1 The views of the Planning Service are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

- 4.2 No consultation was necessary for this type of application.

5 LOCAL REPRESENTATION

- 5.1 A total of 4 no. 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:	After re-consultation a total of 4 no. representations were received from the occupiers of the same address, raising objections as well as comments on the application.
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Petitions received:	No petition received.
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- 5.3 There were no local groups/societies made representations

- 5.4 The following Councillor made representations:

- Councillor Chris Wilkins objecting and calling in:
 - 1. The Building is not in keeping with existing properties and is really a large purpose-built building. I understand that a bar has been fitted in the

building and facilities to provide a WC. My understanding is that neither things were contained in the original plan. I have seen, first-hand, that what appears to be bar is being constructed. This is all despite the agent stating that it was not the case.

- 2. The floor of the outbuilding, in my opinion, appears to be higher than the permitted level of 300mm. There was a suggestion by the Agent that the ground has been flattened to accommodate the higher floor, but from observation the floor is still higher than permitted so I'm not sure what impact the flattening has had.
- 3. There is a raised patio, which again I believe is above the permitted height and contributes to the resident at number 5 being overlooked and their privacy compromised.

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

1. Request raised boundary fence with slatted trellis to reduce impact.
2. Built on elevated ground violating privacy of neighbours.
3. Built and designed without consideration to impact on neighbours.
4. Raised platform built from outbuilding not included in plans.
5. Affects visual amenity of the area.
6. Extremely intrusive for neighbours, overlooking into gardens.
7. Bar and toilet not included in the plans concerned about incidental use affect noise level.
8. Boundary fence not correctly depicted on plan.
9. Large fence does not address privacy issue as not permanent fixture.
10. Out of character, detriment to the local environment.
11. Building is overbearing.
12. Breaches privacy.
13. Nothing locally comparable in scale regarding design, scale, mass or bulk.
14. No site visit undertaken and no evidence of independent checks on plans.
15. Application P0521.20 (76 Coniston Avenue, Upminster) was refused due to significant and overbearing impact on the enjoyment of the neighbour's private amenity space, question why proposal not overbearing.

Non-material representations

- 5.6 There were no issues raised in representations that are not material to the determination of the application.

Procedural issues

5.7 A procedural issue regarding the lack of site visit raised in representations, and are addressed below:

- Due to the current social distancing measures brought on by the Covid 19 pandemic, officers were initially unable to undertake a full site inspection. Site photos were received from the agent on the 18th June 2020, from the objector on the 27th July 2020 and subsequently from the agent on the 29th July 2020.
- A colleague in the planning enforcement team had carried out a site visit on the 26th August who verified the anomalies that were raised by the objectors.
- The planning officer visited the application site on the 01st October 2020 and assessed the planning merits as well as the impacts of the development. In determining this planning application, the google street, the site photos and the site visit assessment were used to evaluate the site and submitted drawings.

6 MATERIAL PLANNING CONSIDERATIONS

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

- Issue 1 - The size of the outbuilding not in keeping with the existing properties and facilities to provide WC was omitted from original plans.
- Issue 2 - The floor of the outbuilding is higher than 300mm, the suggestion of a need to flatten the ground has limited impact as the floor is still higher than permitted level of 300mm.
- Issue 3 - The raised patio appears to be above permitted height and contribute to the resident at no. 5 Cedar Avenue being overlooked as well as privacy being compromised.

[Issue 1]

6.2 Policy DC61 seeks to ensure that new development is of the highest standards of design which respects, and where possible maintains, enhances or improves the character and appearance of the local area. In particular the form, scale, massing, height of the surrounding neighbouring buildings, public amenity and detailed design.

The proposal is of a size, scale and mass that is typical form of outbuilding acceptable within a plot of this size. The proposal consists of a brick/render built, flat roof structure with minimal fenestration comprising of a single opening at the front. The design is common characteristic for an outbuilding of this style. The building would be about 16 metres from the main house, set in from the boundaries by between 0.25 and 0.36 metres and a maximum height

of 2.8 metres to a flat roof. The neighbouring property to the south has a similar type of outbuilding located at the bottom of the rear garden. Furthermore, the surrounding rear garden environment is characterised by outbuilding of various sizes and designs. As such the proposal is not considered to be overbearing nor out of character in the rear garden.

Upon receipt of the concerns raised relating to a bar being constructed internally, the agent provided updated floor plan showing the internal layout consisting mainly of open plan with 1 no. toilet and sink enclosure. The provision of a bar within the building is not material to the consideration of the application – provided the use of the building is incidental to the main dwelling then the proposal is considered acceptable. Incidental outbuildings can be put to many uses by householders, including for example, gym for use of household, entertainment room, garden room, home office, children's playroom, storage and similar uses. Use for business purposes involving visitors or business storage or use for living accommodation would not usually be considered to be incidental.

A condition would be imposed to ensure that the outbuilding be used for purposes incidental to the enjoyment of the house. It is considered that the proposal is of subordinate scale to the existing dwelling and in keeping with the character of the rear garden environment in accordance with Havering's Residential Extensions and Alterations SPD.

[Issue 2]

- 6.3 The proposed retention of the outbuilding consists of 2.7 metres in height at the front and 2.8 metres in height at the rear. The agent explained that previously the site was at a slight gradient raising upwards towards the rear boundary. The ground level has been reduced by around 200mm in preparation for a planting scheme. It is acknowledged that the internal floor level is approximately 300mm above existing ground levels, however, this does not result in significant impacts on neighbours over and above a veranda or patio which could be constructed up to 300mm above ground level without the need for planning permission. Furthermore, the overall height of the outbuilding marginally exceeds the permitted development criteria by 0.3 metres. Therefore the height of the proposal is considered acceptable in this instance.

It should be noted that the anomalies raised by objectors regarding the various dimensions and the accuracy of the submitted information was verified by a colleague in the planning enforcement team. The colleague's site photos shows the land slopes upwards toward the rear of the property and would appear to be on a hill. In particular the photo shown from the rear garden to the front of the site.

[Issue 3]

- 6.4 Whilst a patio area projects approximately 3 metres beyond the front elevation of the outbuilding the raised height is only 0.20 metres above ground level. This element of the proposal is not considered to require consent. A raised platform can be built with a height no greater than 0.30 metres above ground level under permitted development rights without the need for planning permission. It is acknowledged that an external step to the outbuilding marginally exceeds the permitted development criteria by 0.03 metres. However, this element of the proposal would only be used to enter / exit the outbuilding whereas the lower part of the patio would be occupied by garden furniture. It is inevitable that within a suburban residential environment consisting of semi-detached dwellings that there will be a degree of overlooking between properties including from the garden area – the addition of an outbuilding does not significantly change the existing relationship and it is considered to be difficult to substantiate that the proposal causes harm given its size and position. The officer's site visit carried out on the 01st October 2020 confirmed this to be the case.

Financial and Other Mitigation

- 6.4 The proposal would not attract the Community Infrastructure Levy contributions as the new floorspace created would be less than 100 square metres.

Other Planning Issues


- 6.6 Concerns were raised with regards to the height of the boundary fence. The plans show the height of the boundary fence at 2 metres, whereas southern neighbour provided photo of a tape measure against the neighbour's side of the fence at a height of 1.69 metres. It is unclear where the measurement was taken from, in particular the variation in ground levels makes it difficult to assess this aspect. Nonetheless, the height of the boundary fence is not subject to this planning application. The rear of the application site is screened by close board fencing and high level mixed vegetation along the northern boundary on the neighbour's side. Fences can be provided up to 2 metres in height without the need for planning permission. It is not considered to be reasonable to require a higher fence to be provided – the provision of screening (up to 2 metres) between properties is usually a matter of individual choice for householders.

An objector mentioned the Council's recent decision regarding an outbuilding at Coniston Avenue (P0521.20). It should be explained that all applications are considered on individual merits. However, it is considered that there are material differences in the two developments, with the outbuilding at Coniston Avenue being a significantly larger, L-shaped structure, which extends

significantly further down the rear garden. It is also marginally taller at 3m high.

Conclusions

- 6.7 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 22 October 2020
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Application Reference:	Stopping Up Order
Location:	Land at Sunrise Avenue and Parkhill Close
Ward:	Hornchurch
Description:	Stopping up of Highway
Case Officer:	James Guckian
Reason for Report to Committee:	The Assistant Director of Planning considers committee consideration to be necessary.

1 Background

- 1.1 On 25 June 2020 the Council resolved to grant planning permission under application reference P1809.19, subject to completion of a s106 legal agreement, for demolition of existing buildings, construction of five buildings built over 3 to 10 comprising 175 Residential Units including ancillary communal facility (Class C3), associated car & cycle parking, landscaping and other associated works. In order to facilitate the development, stopping up of the adopted public highway is required as the approved scheme will encroach onto the existing public highway.
- 1.2 A resolution is therefore sought to stop up the adopted public highway shown zebra hatched black on the plan(s) entitled Serena, Solar and Sunrise Stopping up Application referenced 44109/5501/016 G at Appendix A ("the Plan") to enable the development to be carried out subject to the grant of planning permission under application reference number P1809.19.
- 1.3 The Council's highway officers have considered the application and consider that the stopping up is acceptable in all material respects to enable development pursuant to planning permission.

2 Recommendation

That the Committee resolve;

(a) to authorise the stopping up of the highway land at Sunrise Avenue and Parkhill Close, Hornchurch shown zebra hatched on the Plan, in accordance with the procedure set out in section 252 of the Town and Country Planning Act 1990,

subject to:

- the grant and lawful implementation of planning permission application reference P1809.19;
- payment, by the applicant, of all costs associated with the stopping up;
- any direction by the Mayor of London

on the following basis:

if no objections are received (or any objections received are withdrawn), or the Mayor of London decides a local inquiry is unnecessary, then the stopping up order will be confirmed by officers;

if objections are received from a local authority, statutory undertaker or gas transporter (and are not withdrawn), or other objections are received (and not withdrawn) and the Mayor of London decides that an inquiry is necessary, the Council shall cause a local inquiry to be held.

(b) to delegate authority to the Assistant Director of Environment to do anything necessary and incidental to facilitate the process of stopping up the highway pursuant to section 247 of the Town and Country Planning Act 1990.

3 Proposal and Location details

3.1 Section 247(2A) of the Town and Country Planning Act 1990 (“the Act”) provides that the Council of a London borough may by order authorise the stopping up or diversion of any highway within the borough if it is satisfied that it is necessary to do so in order to enable development to be carried out in accordance with planning permission granted under Part III of the Act.

3.2 In *K C Holdings Ltd v Secretary of State for Wales* [1990] JPL 353 the Deputy Judge held that “may” implies a discretion to consider the demerits and merits of the particular closure in relation to the particular facts of the case. In *Vasiliou v Secretary of State for Transport* [1991] 2 All ER 77, the Court of Appeal held that when exercising his discretion, the Secretary of State was not only entitled, but required to take into account any directly adverse effect the order would have on all those entitled to the rights which would be extinguished by it, especially as the section contains no provision for compensating those so affected.

- 3.3 The parameters of the development have already been considered and approved (subject to completion of a s106 legal agreement) under application ref P1809.19 following a full statutory public consultation exercise. The approved parameter plans would require the stopping up of the area of land that is the subject of this report. The stopping up now proposed would give effect to the development on the land to be stopped up.
- 3.4 There are three areas of land to which the application to stop up relates. The areas are footway and carriageway of Sunrise Avenue and Parkhill Close, Hornchurch, measuring approximately: Plot 1 48.7 meters squared; Plot 2 512.5 meters squared; Plot 3 23.3 meters squared sited between OS grid reference points: Plot 1 553114.15E, 186594.50N (point A on the Plan) and 553134.21E, 186583.76N (point F on the Plan); Plot 2 553019.18E, 186484.78N (Point K on the Plan) and 553092.90E, 186462.30N (point P on the Plan); Plot 3 553028.10E 186511.90N (point R on the Plan) and 553035.75E, 186526.10N (point S on the Plan).
- 3.5 The land is classified as general purpose Highway on the register of highways maintainable at the public expense.
- 3.6 The development approved pursuant to the planning permission incorporates a redesign of the existing highway layout within the confines of the development.
- 3.7 It is considered that the most effective way to accommodate the approved highway layout is by stopping up parts of the existing highway. Officers therefore consider that there would be no significant disadvantages suffered by the public or by those with properties near or adjoining the existing highway. In contrast, there are advantages of stopping up the highway rights as doing so will enable the development to be carried out.

4 Planning History

The following planning decisions are relevant to the application:

P1809.19 – demolition of existing buildings, construction of five buildings built over 3 to 10 comprising 175 Residential Units including ancillary communal facility (Class C3), associated car & cycle parking, landscaping and other associated works – resolution to grant planning permission subject to completion of s106 legal agreement

The stopping up is necessary in order that development pursuant to planning permission can be carried out.

5 Consultation

- 5.1 The Council's highway officer has no objection to the proposed stopping up order.
- 5.2 No public or external consultation has been carried out by the Council in respect of the current stopping up application; however, should the Committee approve the stopping up before making the order, the Council would carry out consultation as required by Section 252 of the Act. This would involve consulting statutory undertakers, posting site notices and publishing the proposed orders in a local newspaper and the London Gazette. A 28-day consultation period would allow interested parties to respond.
- 5.3 Under Section 252(4)(b) of the Act if an objection is received from any local authority, undertaker or gas transporter on whom a notice is required to be served, or from any other person appearing to the Council to be affected by the order and that objection is not withdrawn (through negotiation between the objector and the applicant) the Council must:
- (i) notify the Mayor; and
 - (ii) cause a local inquiry to be held.
- 5.4 If however, none of the objections received were made by a local authority or undertaker or transporter then, under Section 252(5A) of the Act, the Mayor shall decide whether, in the "special circumstances of the case" the holding of such an inquiry is unnecessary, and if he decides that it is unnecessary he shall so notify the Council which may dispense with the inquiry.
- 5.5 If there are no objections, or all the objections are withdrawn, then the Council may confirm the stopping up order without an inquiry.

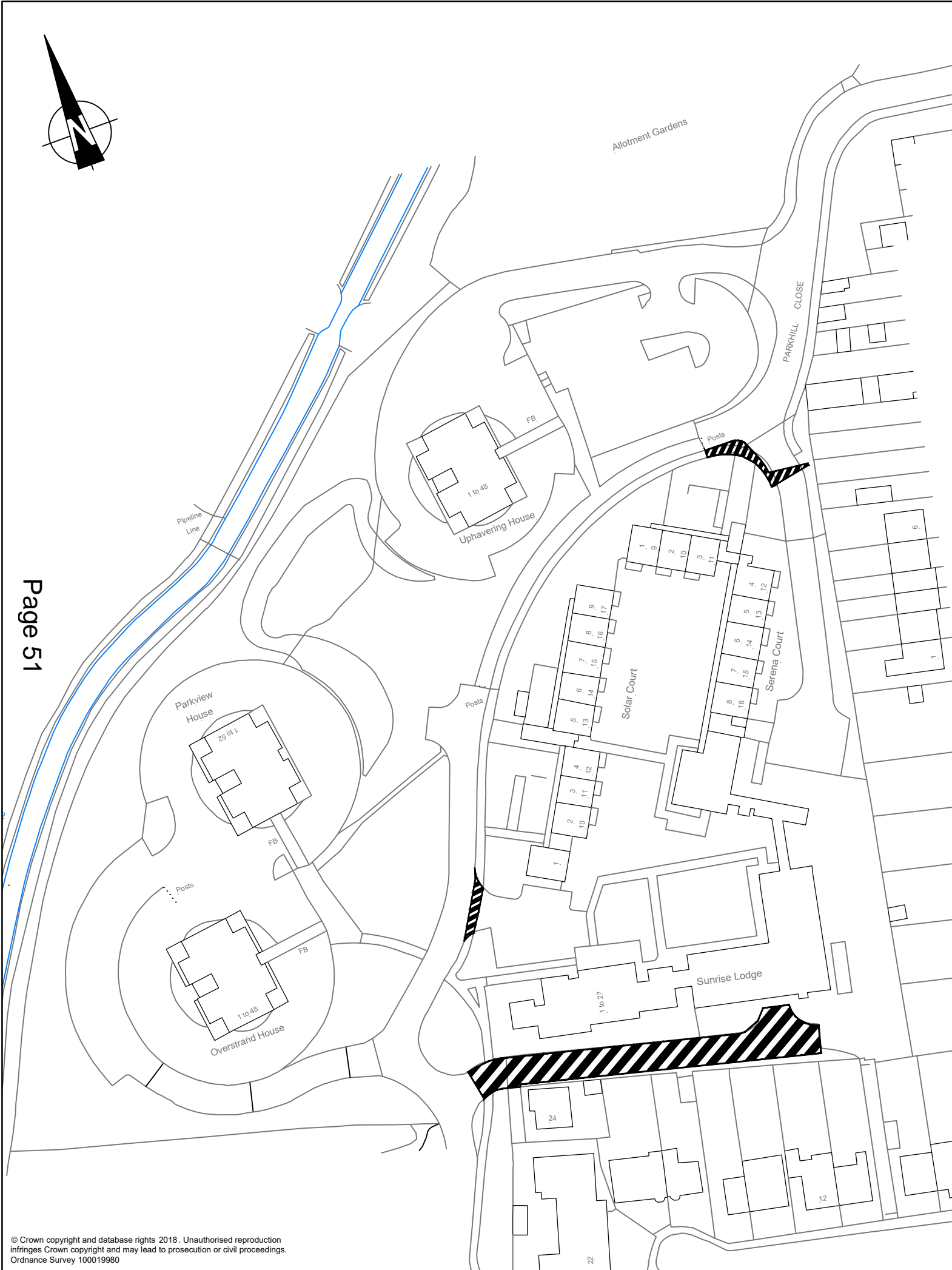
6 Conclusion

It is considered that the proposed stopping up of the areas of land is necessary to enable development to proceed in accordance with planning permission and is acceptable in highway terms. It is noted, however, that there remain obligations relating to consultation and a local inquiry may be held, should the stopping up be approved by the Committee.

Appendix A

Plan reference(s): 44109/5501/016 G

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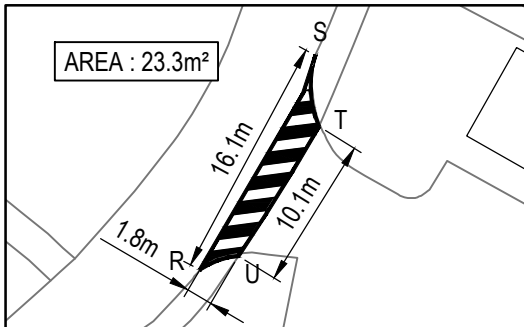
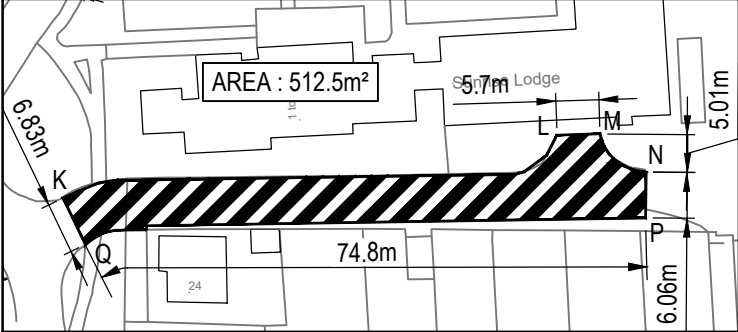
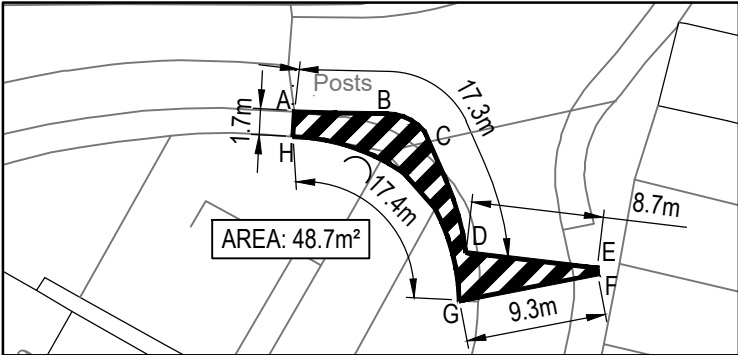


EXISTING AND PROPOSED PATHS

POINT	EASTING	NORTHING
A	553114.15	186594.50
B	553120.28	186592.85
C	553122.75	186593.20
D	553125.49	186585.19
E	553134.17	186584.17
F	553134.21	186583.76
G	553125.05	186582.00
H	553114.05	186592.85
K	553019.18	186484.78
L	553084.40	186475.90
M	553089.95	186474.60
N	553094.52	186468.14
P	553092.90	186462.30
Q	553020.40	186478.05
R	553028.10	186511.90
S	553035.75	186526.10
T	553035.99	186521.38
U	553030.67	186512.82

KEY

 LAND PROPOSED FOR STOPPING UP



G	ADDITIONAL STOPPED UP AREA	09.10.20	JAD	MB	GD
F	ADDITIONAL STOPPED UP AREA	21.08.20	JAD	MB	GD
E	STOPPED UP AREA REVISED	18.08.20	JAD	MB	GD
D	UPDATE THE STOPPED UP AREA	14.08.20	JAD	MB	GD
C	STOPPED UP HATCHED	27.04.20	JAD	MB	MD
B	ADOPTED AND NON-ADOPTED SHADING OMITTED	23.04.20	JAD	MB	MD
A	CHANGED HATCHING FOR STOPPED UP.	22.04.20	JAD	MB	MD
Mark	Revision	Date	Drawn	Chkd	Appd

SCALING NOTE: Do not scale this drawing - any errors or omissions shall be reported to Stantec without delay.
UTILITIES NOTE: The position of any existing public or private sewers, utility services, plant or apparatus shown on this drawing is believed to be correct, but no warranty to this is expressed or implied. Other such plant or apparatus may also be present but not shown. The Contractor is therefore advised to undertake their own investigation where the presence of any existing sewers, services, plant or apparatus may affect their operations.

Drawing Issue Status
FOR INFORMATION

SERENA, SOLAR AND SUNRISE

STOPPING UP APPLICATION

Client
**HAVERING & WATES
REGENERATION LLP**



Date of 1st Issue
20.02.2020

Designed
-

Drawn
JAD

A3 Scale
1:1000

Checked
REM

Approved
MD

Drawing Number
44109/5501/016

Revision
G

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