



REGULATORY SERVICES COMMITTEE

24 April 2014

REPORT

Subject Heading:

P0225.14 67 Corbets Tey Road

Section 73 application for a minor material change to the plans approved under planning permission P1152.13

Report Author and contact details:

Helen Oakerbee (Planning Control Manager) 01708 432800

Policy context:

**Local Development Framework
London Plan
National Planning Policy**

Financial summary:

None

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

Clean, safe and green borough	<input checked="" type="checkbox"/>
Excellence in education and learning	<input type="checkbox"/>
Opportunities for all through economic, social and cultural activity	<input checked="" type="checkbox"/>
Value and enhance the life of every individual	<input type="checkbox"/>
High customer satisfaction and a stable council tax	<input type="checkbox"/>

SUMMARY

Planning permission P1152.13 granted approval for the demolition of an existing building and the erection of nine residential units. The required legal agreement was completed and the planning consent issued on 19th December 2013. It has subsequently come to light that the applicant's land ownership along the western boundary differs slightly from what was depicted on the approved plans. This

planning application therefore seeks a variation of condition 2 of planning permission P1152.13 to allow for the substitution of the approved plans to reflect the boundary change, and minor consequential changes to the scheme. The proposal would not result in changes to any other aspect of the previously approved development.

RECOMMENDATIONS

That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable fee is based on an internal gross floor area of 828m² and amounts to £16,560.

That the proposal is unacceptable as it stands but would be acceptable subject to the applicant completing a variation of the Section 106 Legal Agreement completed in relation to planning permission P1152.13, to reflect the granting of a new permission with the reference P0225.14 and any other consequential changes as required. The legal agreement would continue to secure the following:

- The sum of £54,000 towards the costs of infrastructure associated with the development in accordance with the Planning Obligations SPD;
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council;
- The Council's reasonable legal fees for completion of the agreement shall be paid prior to the completion of the agreement irrespective of whether or not it is completed;
- The Council's planning obligation monitoring fees shall be paid prior to completion of the agreement.

That Staff be authorised to enter into a legal agreement to secure the above and upon completion of that agreement, which shall be secured within 3 months of the committee date, grant planning permission subject to the conditions set out below.

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

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

2. Accordance with plans - The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans, particulars and specifications.

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

3. Car parking - Before the buildings hereby permitted are first occupied, the areas set aside for car parking shall be laid out and surfaced to the satisfaction of the Local Planning Authority. The parking areas shall be retained permanently thereafter for the accommodation of vehicles visiting the site and shall not be used for any other purpose.

Reason: To ensure that car parking accommodation is made permanently available to the standards adopted by the Local Planning Authority in the interest of highway safety and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC33.

4. Materials - Before any of the development hereby permitted is commenced, samples of all materials to be used in the external construction of the buildings shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed with the approved materials.

Reason: To ensure that the appearance of the proposed development will harmonise with the character of the surrounding area and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61.

5. Landscaping – No development shall take place until details of all proposed hard and soft landscaping have been submitted to and approved in writing by the Local Planning Authority. All planting, seeding or turfing comprised within the scheme shall be carried out in the first planting season following completion of the development and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In accordance with Section 197 of the Town and Country Planning Act 1990 and to enhance the visual amenities of the development, and that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61.

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

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

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

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

8. Boundary treatment - Prior to the commencement of the development hereby approved, details of proposed boundary treatment, including details of all boundary treatment to be retained and that to be provided, shall be submitted to and agreed in writing by the Local Planning Authority. The development shall then be carried out in accordance with the agreed details and the boundary treatment retained thereafter.

Reason: In the interests of privacy and amenity and to accord with Policies DC61 and DC63 of the LDF Development Control Policies Development Plan Document.

9. Secure by Design - Prior to the commencement of the development hereby approved a full and detailed application for the Secured by Design award scheme shall be submitted to the Local Planning Authority, setting out how the principles and practices of the Secured by Design Scheme are to be incorporated. Once approved in writing by the Local Planning Authority in consultation with the Havering Crime Prevention Design Advisor the development shall be carried out in accordance with the agreed details.

Reason: In the interest of creating safer, sustainable communities and to reflect guidance in PPS1 and Policies CP17 and DC63 of the LDF Core Strategy and Development Control Policies Development Plan Document.

10. External lighting - Prior to the commencement of the development a scheme for the lighting of external areas of the development including the access road shall be submitted to and approved in writing by the local planning authority. The scheme of lighting shall include details of the extent of illumination together with precise details of the height, location and design of the lights. The approved scheme shall then be implemented in strict accordance with the agreed details prior to the first occupation of the

development and retained thereafter to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety and amenity. Also in order that the development accords with Policies DC32 and DC61 of the LDF Development Control Policies Development Plan Document.

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

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

12. Wheel washing - Before the development hereby permitted is first commenced, details of wheel scrubbing/wash down facilities to prevent mud being deposited onto the public highway during construction works shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be retained and used at relevant entrances to the site throughout the course of construction works.

Reason: In order to prevent materials from the site being deposited on the adjoining public highway, in the interests of highway safety and the amenity of the surrounding area.

13. Construction methodology - Before development is commenced, a scheme shall be submitted to and approved in writing by the local planning authority making provision for a Construction Method Statement to control the adverse impact of the development on the amenity of the public and nearby occupiers. The Construction Method statement shall include details of:
 - a) parking of vehicles of site personnel and visitors;
 - b) storage of plant and materials;
 - c) dust management controls
 - d) measures for minimising the impact of noise and, if appropriate, vibration arising from construction activities;
 - e) predicted noise and, if appropriate, vibration levels for construction using methodologies and at points agreed with the local planning authority;
 - f) scheme for monitoring noise and if appropriate, vibration levels using methodologies and at points agreed with the local planning authority; siting and design of temporary buildings;
 - g) scheme for security fencing/hoardings, depicting a readily visible 24-hour contact number for queries or emergencies;

- h) details of disposal of waste arising from the construction programme, including final disposal points. The burning of waste on the site at any time is specifically precluded.

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

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

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

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

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

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

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

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

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

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

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

Reason:

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

15. Sound attenuation - The houses hereby permitted shall be so constructed as to provide sound insulation of 45 DnT,w + Ctr dB (minimum value) against airborne noise and the flats shall be so constructed as to provide sound insulation of 45 DnT,w + Ctr dB (minimum value) against airborne noise and 62 L'nT,w dB (maximum values) against impact noise to the satisfaction of the Local Planning Authority.

Reason: To prevent noise nuisance to adjoining properties in accordance with the recommendations of Planning Policy Guidance Note 24 'Planning and Noise'.

16. Highways – The proposed alterations to the Public Highway shall be submitted in detail to the Local Planning Authority for its written approval prior to the commencement of the development hereby approved. The development shall thereafter be undertaken in accordance with the approved scheme.

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

17. Highways – The necessary agreement, notice or licence to enable the proposed alterations to the Public Highway shall be entered into and completed prior to the commencement of development.

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

18. Permitted Development Rights - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) Order 2008, Article 3, Schedule 2, Part 1, Classes A to E, or any future order, regulation or statutory provision revoking or re-enacting the said Order, no enlargements, improvements or other alteration shall take place to the dwellinghouses and no outbuildings or other means of enclosures shall be erected within the garden areas of the dwellinghouses, with the exception

of ancillary structures up to 10 cubic metres in volume, unless permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

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

19. *Pedestrian Barriers* - No development shall take until details of the proposed pedestrian safety barriers have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented prior to the development being brought into use, and retained as such for the life of the development.

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

20. *Sprinkler System* - No development shall take place until details of the proposed emergency sprinkler system, to be installed in each of the approved dwellings, have been submitted to and approved in writing by the Local Planning Authority. The approved sprinkler system shall be installed prior to the first occupation of the development and retained as such for the life of the development.

Reason: In the interests of fire safety and amenity, in accordance with the LDF Development Control Policies Development Plan Document Policy DC61.

21. *Traffic Management* - No development shall take place until a scheme of traffic management, including details of the proposed access arrangements for non-residents, has been submitted to and approved in writing by the local planning authority. The approved management scheme shall be implemented prior to the first occupation of the development and retained as such for the life of the development.

Reason: In the interests of highway safety and amenity, in accordance with Policy DC32 of the LDF Development Control Policies Development Plan Document.

INFORMATIVES

1. The applicant is advised that planning approval does not constitute approval for changes to the public highway. Highway approval will only be given after suitable details have been submitted, considered and agreed. Any proposals which involve building over the public highway as managed by the London Borough of Havering will require a licence and the applicant must contact the StreetCare Service (Traffic and Engineering section) to commence the submission/licence approval process.

2. Should this application be granted planning permission, the developer, their representatives and contractors are advised that this does not discharge the requirements under the New Roads and Street Works Act 1991, the Road Traffic Regulations Act 1984 and the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works) required during the construction of the development.
3. In aiming to satisfy condition 9 above, the applicant should seek the advice of the Metropolitan Police Designing Out Crime Officer. He can be contacted through either via the London Borough of Havering Planning Control Service or Romford Police Station, 19 Main Road, Romford, Essex, RM1 3BJ.
4. The applicant is reminded that the proposed location of the refuse and recycling storage may be contrary to the Building Regulations requirements. It is recommended that this matter be discussed with the Council's Building Control officers prior to the commencement of development.

Planning Obligations

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

- (a) Necessary to make the development acceptable in planning terms;
 - (b) Directly related to the development; and
 - (c) Fairly and reasonably related in scale and kind to the development.
5. Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: Improvements required to make the proposal acceptable were negotiated and submitted, in accordance with para 186-187 of the National Planning Policy Framework 2012.
 6. The proposal is liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be £16,560. 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. Further details with regard to CIL are available from the Council's website.

REPORT DETAIL

1. Site Description

- 1.1 The site is a 0.16ha area of land located off Corbets Tey Road, Upminster and comprises a two storey building with substantial single storey

extensions which function as banqueting suites. The site includes a car park and is accessed from Corbets Tey Road, which runs through the centre of Upminster and is designated as a Major District Centre in the LDF.

- 1.2 The site's eastern, and part of its northern, boundary adjoins playing fields associated with a local school. The remainder of the northern boundary runs alongside retail and residential properties fronting onto Corbets Tey Road. These buildings comprise retail units at ground level and two floors of residential units above, which are located approximately 27m to the west of the proposed building. The southern boundary, at its eastern end, adjoins the parking areas of Upminster Baptist Church and neighbouring residential properties, whilst at its western end, the southern boundary lies adjacent to retail and residential properties fronting onto Corbets Tey Road. The western boundary adjoins the public highway along with a communal parking and access area to the rear of those buildings to the west, which front Corbets Tey Road.

2. Description of Proposal

- 2.1 This planning application proposes a minor material amendment to the plans approved as part of planning permission P1152.13, to reflect changes to part of the site's western boundary. Part of the site's western boundary would move by up to 1m further to the east. The proposal involves the variation of condition 2 of planning permission P1152.13, substituting revised plans for those already approved to reflect the boundary change and consequential changes that result. These consequential changes include the narrowing of a side access path to approximately 1m at its narrowest point, and a resultant small loss of landscaping associated with the previously approved side access path. The proposed development is otherwise as previously approved, and detailed in the committee report attached at Appendix A.

3. Relevant History

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

P1152.13 – Demolition of existing building and the erection of nine residential units – Approved.

4. Consultations/Representations

- 4.1 Neighbour notification letters have been sent to 96 local addresses. One objection has been received. The following comments have been made:
- The site is not suitable for residential living;
 - The proposed access would be inadequate;
 - The proposal would diminish highway safety;
 - There would be excessive noise during and after construction.

5. Relevant Policies

5.1 National Planning Policy

National Planning Policy Framework (“the NPPF”)

5.2 Regional Planning Policy

Following its adoption the London Plan July 2011 is the strategic plan for London and the following policies are considered to be relevant: 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 3.8 (housing choice), 3.9 (mixed and balanced communities), 5.13 (sustainable drainage), 5.21 (contaminated land), 6.1 (strategic transport approach), 6.3 (assessing effect on transport capacity), 6.9 (cycling), 6.10 (walking), 6.13 (parking), 6.14 (freight), 7.3 (designing out crime), 7.4 (local character), 7.6 (architecture), 7.8 (heritage assets and archaeology), 7.14 (improving air quality), 7.15 (reducing noise and enhancing soundscapes), 7.19 (biodiversity and access to nature) and 8.2 (planning obligations).

5.3 Local Planning Policy

Policies CP1, CP2, CP9, CP10, CP17, DC2, DC3, DC6, DC7, DC30, DC32, DC33, DC34, DC36, DC40, DC49, DC50, DC51, DC53, DC55, DC61, DC63, and DC72 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document (“the LDF”) are material considerations.

In addition, the Residential Design Supplementary Planning Document (“the SPD”), Designing Safer Places SPD, Landscaping SPD, Sustainable Design and Construction SPD, and the Planning Obligations SPD are also material considerations in this case.

6. Staff Comments

- 6.1 This planning application proposes minor material amendments to plans already approved as part of planning permission P1152.13. The proposed development is otherwise as previously approved and detailed in Appendix A. The consultation response received has been fully considered, and, overall, it is considered that the proposed amendments would not result in any significant change in circumstances such as to warrant the refusal of planning permission.

7. Conclusion

- 7.1 The proposal is considered to be acceptable having had regard to Policies CP1, CP2, CP9, CP10, CP17, DC2, DC3, DC6, DC7, DC30, DC32, DC33, DC34, DC36, DC40, DC49, DC51, DC53, DC55, DC61, DC63, and DC72 of the LDF and all other material considerations. It is recommended that

planning permission be granted subject to the completion of a legal agreement and adherence to planning conditions.

IMPLICATIONS AND RISKS

Financial implications and risks:

None.

Legal implications and risks:

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

Human Resources implications and risks:

None.

Equalities implications and risks:

The Council's planning policies are implemented with regard to equality and diversity. The development includes a mix of unit types, thus contributing to the provision of mixed and balanced communities.

BACKGROUND PAPERS

Planning application P0225.14, all submitted information and plans.

5 December, 2013

REGULATORY SERVICES COMMITTEE

REPORT

Subject Heading:

P1152.13 – 67 Corbets Tey Road

Demolition of existing building and the erection of 7 No 2 bed Flats and 2 No 3 bed Houses with private amenity spaces and 14 parking spaces

Report Author and contact details:

Helen Oakerbee (Planning Control Manager) 01708 432800

Policy context:

**Local Development Framework
London Plan
National Planning Policy**

Financial summary:

None

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

Clean, safe and green borough	<input checked="" type="checkbox"/>
Excellence in education and learning	<input type="checkbox"/>
Opportunities for all through economic, social and cultural activity	<input checked="" type="checkbox"/>
Value and enhance the life of every individual	<input type="checkbox"/>
High customer satisfaction and a stable council tax	<input type="checkbox"/>

SUMMARY

This planning application proposes the demolition of an existing building and its replacement with a 2-3 storey terrace of 7 flats and 2 houses, including private and shared amenity spaces, car parking spaces, refuse and recycling storage, and bicycle storage.

RECOMMENDATIONS

That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable fee is based on an internal gross floor area of 828m² and amounts to £16,560.

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

- The sum of £54,000 towards the costs of infrastructure associated with the development in accordance with the Planning Obligations SPD;
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council;
- The Council's reasonable legal fees for completion of the agreement shall be paid prior to the completion of the agreement irrespective of whether or not it is completed;
- The Council's planning obligation monitoring fees shall be paid prior to completion of the agreement.

That Staff be authorised to enter into a legal agreement to secure the above and upon completion of that agreement, which shall be secured within 2 months of the committee date, grant planning permission subject to the conditions set out below.

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

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

4. Accordance with plans - The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans, particulars and specifications.

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

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Reason: In accordance with Section 197 of the Town and Country Planning Act 1990 and to enhance the visual amenities of the development, and that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61.

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Reason: In the interest of creating safer, sustainable communities and to reflect guidance in PPS1 and Policies CP17 and DC63 of the LDF Core Strategy and Development Control Policies Development Plan Document.

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development and retained thereafter to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety and amenity. Also in order that the development accords with Policies DC32 and DC61 of the LDF Development Control Policies Development Plan Document.

11. Construction Hours - 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.

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Reason: In order to prevent materials from the site being deposited on the adjoining public highway, in the interests of highway safety and the amenity of the surrounding area.

13. Construction methodology - Before development is commenced, a scheme shall be submitted to and approved in writing by the local planning authority making provision for a Construction Method Statement to control the adverse impact of the development on the amenity of the public and nearby occupiers. The Construction Method statement shall include details of:

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

- h) details of disposal of waste arising from the construction programme, including final disposal points. The burning of waste on the site at any time is specifically precluded.

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

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

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

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

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

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

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

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

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

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

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

Reason:

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

15. Sound attenuation - The houses hereby permitted shall be so constructed as to provide sound insulation of 45 DnT,w + Ctr dB (minimum value) against airborne noise and the flats shall be so constructed as to provide sound insulation of 45 DnT,w + Ctr dB (minimum value) against airborne noise and 62 L'nT,w dB (maximum values) against impact noise to the satisfaction of the Local Planning Authority.

Reason: To prevent noise nuisance to adjoining properties in accordance with the recommendations of Planning Policy Guidance Note 24 'Planning and Noise'.

16. Highways – The proposed alterations to the Public Highway shall be submitted in detail to the Local Planning Authority for its written approval prior to the commencement of the development hereby approved. The development shall thereafter be undertaken in accordance with the approved scheme.

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

17. Highways – The necessary agreement, notice or licence to enable the proposed alterations to the Public Highway shall be entered into and completed prior to the commencement of development.

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

18. Permitted Development Rights - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) Order 2008, Article 3, Schedule 2, Part 1, Classes A to E, no enlargements, improvements or other alteration shall take place to the dwellinghouses and no outbuildings or other means of enclosures shall be erected within the garden areas of the dwellinghouses, with the exception of ancillary structures up to 10 cubic metres in volume, unless permission under the

provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

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

19. Pedestrian Barriers - No development shall take until details of the proposed pedestrian safety barriers have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented prior to the development being brought into use, and retained as such for the life of the development.

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

INFORMATIVES

1. The applicant is advised that planning approval does not constitute approval for changes to the public highway. Highway approval will only be given after suitable details have been submitted, considered and agreed. Any proposals which involve building over the public highway as managed by the London Borough of Havering will require a licence and the applicant must contact the StreetCare Service (Traffic and Engineering section) to commence the submission/licence approval process.
2. Should this application be granted planning permission, the developer, their representatives and contractors are advised that this does not discharge the requirements under the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works) required during the construction of the development.
3. In aiming to satisfy condition 9 above, the applicant should seek the advice of the Metropolitan Police Designing Out Crime Officer. He can be contacted through either via the London Borough of Havering Planning Control Service or Romford Police Station, 19 Main Road, Romford, Essex, RM1 3BJ.
4. The applicant is reminded that the proposed location of the refuse and recycling storage may be contrary to the Building Regulations requirements. It is recommended that this matter be discussed with the Council's Building Control officers prior to the commencement of development.

Planning Obligations

The planning obligations recommended in this report have been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy

Regulations 2010 and the obligations are considered to have satisfied the following criteria:-

- (d) Necessary to make the development acceptable in planning terms;
 - (e) Directly related to the development; and
 - (f) Fairly and reasonably related in scale and kind to the development.
5. Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: Improvements required to make the proposal acceptable were negotiated and submitted, in accordance with para 186-187 of the National Planning Policy Framework 2012.
6. The proposal is liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be £15,560. 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. Further details with regard to CIL are available from the Council's website.

REPORT DETAIL

1. Site Description

- 1.1 The site is a 0.16ha area of land located off Corbets Tey Road, Upminster and comprises a two storey building with substantial single storey extensions which function as banqueting suites. The site includes a car park and is accessed from Corbets Tey Road, which runs through the centre of Upminster and is designated as a Major District Centre in the LDF.
- 1.2 The site's eastern, and part of its northern, boundary adjoins playing fields associated with a local school. The remainder of the northern boundary runs alongside retail and residential properties fronting onto Corbets Tey Road. These buildings comprise retail units at ground level and two floors of residential units above, which are located approximately 27m to the west of the proposed building. The southern boundary, at its eastern end, adjoins the parking areas of Upminster Baptist Church and neighbouring residential properties, whilst at its western end, the southern boundary lies adjacent to retail and residential properties fronting onto Corbets Tey Road. The western boundary adjoins the public highway.

2. Description of Proposal

- 2.1 The proposal is for the demolition of the existing building and the erection of a block of flats containing seven units, along with two attached town houses attached to the eastern end of the block (7 x 2 bed flats and 2 x 3 bed houses).

- 2.2 The proposed block would have a mansard style roof, with the flats being distributed over three storeys and including one duplex unit. The flatted element would have a maximum height of approximately 10m, whilst the adjoining houses would have a maximum height of around 9.5m. The first floor flats would each benefit from a balcony and a Juliet balcony, whilst the second floor flats, to be located in the roof space, would each benefit from two balconies. The ground floor flats and the two houses would benefit from private gardens.
- 2.3 Fourteen parking spaces would be provided within a communal parking area located at the northern end of the site. The refuse storage area would be located between the proposed dwellings and the site's boundary with the public highway. The existing vehicular access onto Corbets Tey Road would be retained.

3. Relevant History

- 3.1 There is an extensive planning history related to West Lodge but no previous planning decisions of particular relevance to this proposal.

4. Consultations/Representations

- 4.1 Neighbour notification letters have been sent to 96 local addresses. Four representations have been received.
- 4.2 The following comments have been made:
- The proposal could result in overlooking to a neighbouring children's play area associated with the Baptist church;
 - The proposed access would be inadequate;
 - The drains are inadequate;
 - The access is inadequate for construction vehicles;
 - The proposal would diminish highway safety;
 - There would be excessive noise during construction.
- 4.3 Comments have also been received from the following:

The Environment Agency

No comments received. Members will be given a verbal update at Committee if any comments are received.

Designing Out Crime Advisor

No objections; condition and informative recommended.

Essex & Suffolk Water

No objections.

Thames Water

No objections.

London Fire and Emergency Authority
No comments received.

Environmental Health (Noise)
No objections; conditions recommended in relation to limitations on noise transfer and construction times.

Environmental Health (Contaminated Land)
No objections; condition recommended.

Highway Authority
No objections; condition and informatives recommended.

5. Relevant Policies

5.1 National Planning Policy

National Planning Policy Framework (“the NPPF”)

5.2 Regional Planning Policy

Following its recent adoption the London Plan July 2011 is the strategic plan for London and the following policies are considered to be relevant: 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 3.8 (housing choice), 3.9 (mixed and balanced communities), 5.13 (sustainable drainage), 5.21 (contaminated land), 6.1 (strategic transport approach), 6.3 (assessing effect on transport capacity), 6.9 (cycling), 6.10 (walking), 6.13 (parking), 6.14 (freight), 7.3 (designing out crime), 7.4 (local character), 7.6 (architecture), 7.8 (heritage assets and archaeology), 7.14 (improving air quality), 7.15 (reducing noise and enhancing soundscapes), 7.19 (biodiversity and access to nature) and 8.2 (planning obligations).

5.3 Local Planning Policy

Policies CP1, CP2, CP9, CP10, CP17, DC2, DC3, DC6, DC7, DC30, DC32, DC33, DC34, DC36, DC40, DC49, DC50, DC51, DC53, DC55, DC61, DC63, and DC72 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document (“the LDF”) are material considerations.

In addition, the Residential Design Supplementary Planning Document (“the SPD”), Designing Safer Places SPD, Landscaping SPD, Sustainable Design and Construction SPD, and Draft Planning Obligations SPD are also material considerations in this case.

6. Staff Comments

6.1 The issues arising from this application are the principle of development, design and amenity considerations, environmental impact, highway and parking issues, community infrastructure, and other considerations.

6.2 Principle of Development

6.2.1 The site is located within a fringe area of Upminster Major District Centre where Policy CP4 of the LDF states that town centre hierarchy will be promoted and enhanced by, amongst other things, ensuring that the scale and use of new development is consistent with the role and function of the town centre so as not to harm the vitality of viability of other centres. Policy DC16 is aimed at ensuring that the primary retail function of the district centres is maintained. The application site is, however, located to the rear of the shopping parade and as such has no retail frontage. The relevant policies do not preclude residential development in such locations, indeed wider policy is aimed at promoting the introduction of housing into town centres in order to maintain their vitality. Staff are therefore satisfied that the proposed development will have no adverse impact on the function of Upminster town centre and the proposal is considered to be acceptable in principle.

6.3 Design Considerations

6.3.1 Policy DC2 of the LDF stipulates the appropriate residential densities in given areas of the borough. Policy DC61 states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area. The SPD contains guidance in relation to the design of residential development.

6.3.2 The site is located to the east of Corbets Tey Road, to the rear of retail premises and residential properties located in an area with a town centre character. The aforementioned residential properties comprise flats located above retail premises. To the south of the site is a church located in a more residential area, comprising a range of suburban house types.

6.3.3 The application proposes a traditional form of design and construction, and is considered to be in keeping with the character and context of the surrounding area, which is characterised by a mix of house types. The scale and massing of the proposal is considered to be broadly in keeping with the character of the wider area, particularly given the flatted development located to the west. It is recommended that a planning condition be imposed requiring the submission of details relating to the proposed use of materials.

6.3.4 Given the nature of the proposal, including its appearance, layout, scale, massing and design in relation to the surrounding area and within the proposed development itself; it is considered that the proposal would have an acceptable impact on the character of the area, and that it would therefore be in accordance with Policy DC61 of the LDF.

6.4 Layout and Amenity Considerations

- 6.4.1 Policy DC2 of the LDF provides guidance in relation to the dwelling mix within residential developments. Policy DC61 states that planning permission will not be granted for proposals that would significantly diminish local and residential amenity. The Residential Design SPD provides guidance in relation to the provision of adequate levels of amenity space for the future occupiers of new dwellings. Neighbouring occupiers have objected to the proposal stating that it would result in significant adverse noise impacts. Concerns have also been raised that the proposal would result in significant overlooking to a neighbouring play area associated with the church.
- 6.4.2 It is considered that the siting of the proposed building would not result in any significant adverse impacts on the amenities of neighbouring occupiers, particularly in terms of overlooking, loss of light, and outlook, given the separation distances between the proposal and the location of its fenestration. It is also considered that there are adequate stand-off distances between the proposed building and neighbouring sites that are likely to come forward for redevelopment in future.
- 6.4.3 The Council has adopted policy, which seeks to guide a higher density of development to those parts of the Borough having good access to public transport. In this instance the application site is ranked as being within a moderate Public Transport Accessibility Level Zone (PTAL 3-4). The recommended density range in such a location would be between 50 and 110 dwellings per hectare where flats and houses are proposed, and 80-120 dwellings per hectare where “mostly” flats are proposed. The density of the proposed development would be approximately 61 units per hectare, if the access road is excluded from the calculation. This is below the LDF guidelines for this location, however, this need not, in itself, constitute a reason for refusal providing the amount of development being proposed is appropriate to the site under consideration.
- 6.4.4 Given that the proposal falls just below the number of units required to trigger an affordable housing contribution, considered has been given as to whether the proposal would result in an under development of the site. The applicant has submitted information indicating that a range of options have been considered. Given the size and shape of the site, and its relationship to adjoining properties, officers are satisfied that the proposal would not result in an under development of the site.
- 6.4.5 Policy 3.5 of the London Plan stipulates minimum internal space standards for new dwellings. These stipulate that two bed flats, for three people, should have gross internal areas of 61sqm in area, and for four people: 70sqm. For two storey, three bedroom houses such as those proposed in this case, a minimum gross internal areas of 87sqm or 96sqm should be provided. All of the proposed units exceed these requirements.
- 6.4.6 The Council's Residential Design Supplementary Planning Document is of relevance in relation to the setting out of new development and amenity

space provision. Unlike previous guidance the SPD does not prescribe fixed standards for private amenity space or garden depths. Instead, the SPD places emphasis on new developments providing well-designed, high quality spaces that are useable. In this respect the private gardens proposed for the two houses and the ground floor flats and the balconies proposed for the upper floor flats, are considered to be acceptable.

6.5 Environmental Impact

6.5.1 The Council's Environmental Health officers were consulted about the application with no objections being raised. Conditions have been recommended in relation to land contamination, sound attenuation, and limitations to construction times. It is recommended that these be employed should planning permission be granted.

6.6 Parking and Highway Issues

6.6.1 The application proposes the retention of the site's existing access. Neighbouring occupiers have objected to the proposal stating that it would be detrimental to highway safety and that access arrangements would be inadequate during the construction phase.

6.6.2 The submitted information states that access to the proposal would be taken from Corbets Tey Road, which would involve crossing a pedestrian footpath serving a parade of shops with residential accommodation above. It is considered that the proposed use would have no more of an impact on highway safety and amenity than the Site's existing use.

6.6.3 The Highway Authority has raised no objections to the proposal subject to the use of conditions relating to wheel wash facilities and a construction method statement. In order to improve pedestrian visibility along the public highway, the proposal would involve the installation of pedestrian barriers at the site entrance, which the Council's Highway officers are satisfied with in principle. A condition is recommended requiring the approval of details in relation to the proposed barriers. A condition is also recommended requiring the submission of details relating to cycle storage.

6.6.4 The Highway Authority has discussed the proposed location of the refuse and recycling storage with Refuse Collection Services, and they are satisfied that refuse would be stored in close enough proximity to the public highway. It has been stated that the distances between the refuse storage and some of the proposed units would be in excess of that allowed by Building Regulations. This has been explained to the applicant; it is recommended that an informative be attached, should planning permission be granted, advising the applicant to discuss this matter with the Council's Building Control officers.

6.6.5 Policy DC2 of the LDF recommends, in this location, the provision of 1 to 1.5 parking spaces per dwelling where a mix of flats and terraced houses are proposed. In this case, the proposal would involve the provision of two

spaces for each of the proposed houses, and 1 per dwelling for each of the flats, along with three visitor parking spaces.

- 6.6.6 Subject to the use of the afore mentioned conditions, the proposal is considered to be acceptable in respect of parking and highway safety issues and in accordance with Policies DC32, DC33 and DC34 of the LDF.

6.7 Community Infrastructure

- 6.7.1 The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The chargeable floor space of the development once the demolition works are taken into account is approximately 1238sqm, which equates to a Mayoral CIL payment of £16,560.

- 6.7.2 This planning application is subject to the Council's tariff under the draft Planning Obligations SPD. The proposal would give rise to a contribution of £54,000 towards infrastructure costs. This payment should be secured by a legal agreement, and planning permission should not be granted until this agreement has been completed.

6.8 Other Considerations

- 6.8.1 Havering's Crime Prevention Design Advisor has recommended a condition requiring the submission of details relating to the way in which "Secured by Design" standards will be achieved, accompanied by an informative. In the interests of designing out crime, this condition and informative can be imposed should planning permission be granted.

- 6.8.2 A neighbouring occupier has stated that the sewerage arrangements are unsuitable to accommodate the proposed development. This matter is not a planning consideration.

7. Conclusion

- 7.1 The proposed residential development is acceptable in principle. The design and layout of the proposed development is considered to be in keeping with the character and amenity of the locality and would provide a suitably high quality living environment for the enjoyment of future occupiers. There is judged to be no material harm to neighbouring residential amenity arising from the proposal and the application makes acceptable provision for the retention and replacement of landscaping and for environmental protection. The proposal is considered to be acceptable in respect of parking and highways issues.

- 7.2 The proposal is considered to be acceptable having had regard to Policies CP1, CP2, CP9, CP10, CP17, DC2, DC3, DC6, DC7, DC30, DC32, DC33, DC34, DC36, DC40, DC49, DC51, DC53, DC55, DC61, DC63, and DC72 of the LDF and all other material considerations. It is recommended

that planning permission be granted subject to the completion of a legal agreement and adherence to planning conditions.

IMPLICATIONS AND RISKS

Financial implications and risks:

None.

Legal implications and risks:

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

Human Resources implications and risks:

None.

Equalities implications and risks:

The Council's planning policies are implemented with regard to equality and diversity. The development includes a mix of unit types and includes the provision of an element of affordable housing, thus contributing to the provision of mixed and balanced communities.

BACKGROUND PAPERS

Planning application P1152.13, all submitted information and plans.