



# REGULATORY SERVICES COMMITTEE

08 May 2014

# REPORT

**Subject Heading:**

P0778.12 – Garage court to the rear of 411- 419 South End Road, Romford

Outline permission for the demolition of 15 garages and erection of 5 no. houses.

**Report Author and contact details:**

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**Policy context:**

Local Development Framework  
The London Plan  
National Planning Policy Framework

**Financial summary:**

None

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

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 checked="" type="checkbox"/>
High customer satisfaction and a stable council tax	<input type="checkbox"/>

## SUMMARY

This application relates to a Council owned garage court. The application proposes the demolition of 15 garages and the erection of 5 x No. two storey dwellings. The application is submitted in outline form with all matters such as

access, appearance, layout and scale to be submitted at a later stage as a reserved matter submission. Staff consider the outline proposal to be acceptable.

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

## RECOMMENDATIONS

The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The exact amount liable for would be calculated at reserved matters stage.

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

- A financial contribution of £30,000 to be used towards infrastructure costs.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- To pay the Council's reasonable legal costs in association with the preparation of a legal agreement, prior to completion of the agreement, irrespective of whether the legal agreement is completed.
- Payment of the appropriate planning obligation/s monitoring fee 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 that the Committee delegate authority to the Head of Development and Building Control to grant planning permission subject to the conditions set out below:

1. Approval of Details: The development hereby permitted may only be carried out in accordance with detailed plans and particulars which shall previously have been submitted to and approved by the Local Planning Authority, showing the layout, scale and appearance of the buildings, the means of access thereto, and landscaping, including all matters defined as "landscaping" in the Town and Country Planning (Development Management Procedure) (England) Order 2010 (herein after called "the reserved matters").

**Reason:** The particulars submitted are insufficient for consideration of the details mentioned and the application is expressed to be for outline permission only.

2. Time Limit for Details: Application/s for approval of the reserved matters shall be submitted to the Local Planning Authority within three years from the date of this permission.

**Reason:** To comply with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

3. Time Limit for Commencement: The development to which this permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last reserved matter to be approved.

**Reason:** To comply with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

4. Parking Standards: Before the building(s) hereby permitted is first occupied, provision shall be made for 10 No. off-street car parking spaces for use by each plot (as shown on plan 9330-100 Revision C approved by the Council) and thereafter this provision shall be made permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To ensure that adequate car parking provision is made off street in the interests of highway safety.

5. Materials: Unless full details are provided in relation to submission of details of appearance, before any of the development hereby permitted is commenced, samples of all materials to be used in the external construction of the building(s) shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed with the approved materials.

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

6. Landscaping: All planting, seeding or turfing comprised within the landscaping scheme submitted and approved at reserved matters stage 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 Development Control Policies Development Plan Document Policy DC61

7. Standard flank wall condition: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, no window or other opening (other than those shown on the submitted and approved plans,) shall be formed in the flank wall(s) of the building(s) hereby permitted, unless specific permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

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

8. Obscure glazed windows: Notwithstanding the details shown on the approved plans, any proposed flank windows at first floor shall be permanently glazed with obscure glass and with the exception of top hung fanlights shall remain permanently fixed shut and thereafter be maintained to the satisfaction of the Local Planning Authority, in order that the development accords with Policy DC61 of the LDF.

**Reason:** In the interests of privacy.

9. Cycle storage: Prior to 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.

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

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

11. Construction Methodology Statement: 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 Authorities;
  - g) siting and design of temporary buildings;
  - h) scheme for security fencing/hoardings, depicting a readily visible 24-hour contact number for queries or emergencies;
  - i) details of disposal of waste arising from the construction programme, including final disposal points. The burning of waste on the site at any time is specifically precluded.

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

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

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

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

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

**Reason:** In the interest of creating safer, sustainable communities, reflecting guidance set out in the National Planning Policy Framework,

Policy 7.3 of the London Plan, and Policies CP17 'Design' and DC63 'Delivering Safer Places' of the LBH LDF.

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

**Reason:** 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

15. Boundary Treatment: Prior to the commencement of the development, all details of boundary screening shall be submitted to and approved in writing by the Local Planning Authority the approved details shall be implemented immediately on approval and shall be permanently retained and maintained thereafter to the satisfaction of the Local Planning Authority.

**Reason:** To protect the visual amenities of the development and to prevent undue overlooking of adjoining properties.

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

**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, and in order that the development accords with the Development Control Policies Development Plan Document Policies DC61 and DC32.

17. Risk and Contamination Assessment, Part 1: (1) Prior to the commencement of any works pursuant to this permission the developer shall submit for the written approval of the Local Planning Authority (the Phase I Report having already been submitted to the Local Planning Authority);

a) 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.

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

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

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

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

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

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

19. Permitted Development rights: Permitted Development rights: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 ("the 1995 Order) (as amended) no extensions, roof extensions, roof alterations or outbuildings shall take place unless permission under the provisions of the Town and Country Planning

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

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

20. Archaeological Investigation: No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme for investigation which has been submitted by the applicant and approved by the Local Planning Authority. The development shall only take place in accordance with the detailed scheme pursuant to this condition. The archaeological works shall be carried out by a suitably qualified investigating body acceptable to the Local Planning Authority.

**Reason:** Important archaeological remains may exist on this site. Accordingly, the Planning Authority wishes to secure the provision of archaeological investigation and the subsequent recording of the remains prior to development, in accordance with the guidance in the NPPF, and in order that the development accords with Development Control Policies Development Plan Document Policy DC70.

21. Noise Insulation: The buildings shall be so constructed as to provide sound insulation of 45 DnT, w + Ctr dB (minimum value) against airborne noise to the satisfaction of the Local Planning Authority.

**Reason:** To prevent noise nuisance to adjoining properties

## INFORMATIVES

1. Fee Informative:

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

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

3. 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.
4. The applicant is advised that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted, considered and agreed. Any proposals which involve building over the public highway as managed by the London Borough of Havering, will require a licence and the applicant must contact StreetCare, Traffic and Engineering on 01708 433750 to commence the Submission / Licence Approval process.
  5. The developer, their representatives and contractors are advised that planning permission does not discharge the requirements under the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works) required during the construction of the development.
  6. The applicant is advised that if construction materials are proposed to be kept on the highway during construction works then they will need to apply for a license from the Council.
  7. 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.
  8. In aiming to satisfy condition 13 the applicant should seek the advice of the Police Designing Out Crime Officers (DOCOs). The services of the Police DOCOs are available free of charge and can be contacted via [docomailbox.ne@met.police.uk](mailto:docomailbox.ne@met.police.uk) or 0208 217 3813. It is the policy of the local planning authority to consult with the DOCOs in the discharging of community safety condition(s).
  9. The development of this site is likely to damage archaeological remains. The applicant should, therefore, submit detailed proposals in the form of an

archaeological project design. This design should be in accordance with the appropriate English Heritage Guidelines.

## REPORT DETAIL

### **Background**

This application was previously considered by Members on 25 October 2012, where it was resolved to grant planning permission, subject to the prior completion of a legal agreement to secure the payment of an infrastructure contribution under the terms of the Planning Obligations SPD. A contribution of £30,000 was requested based on a total of 5 proposed units at a cost of £6,000 per unit.

Staff have since been informed that the red line around the original submission was wrongly indicated. Further changes to the development plan include the addition of small sheds and provision of refuse storage in the garden areas. A small change has also been made to the parking layout proposed to the front of the properties.

The original report presented to Members with amendments to reflect the above is reproduced below.

### **1. Site Description**

- 1.1 The application site, which is owned by the London Borough of Havering, is located at the northern end of Elm Park, adjacent to properties in Coronation Drive and South end Road. It has an irregular shape, sandwiched between existing residential development and a large electricity substation. The site area totals 1540m<sup>2</sup>.
- 1.2 The site contains two rows of single storey lock-up garages and tarmac surface, with the brick walled substation situated to the west. Two doors from the south walls of the substation open onto the park. It is assumed access to these must be maintained.
- 1.3. There is a shared pedestrian and vehicle access road from South End Road along the north edge of the site, which provides vehicle access to the substation through the site, also to be maintained. The north and east edges of the site are defined by fences and back gardens.
- 1.4 The park to the south is flat, with a grass surface and is not separated from the site by any physical boundary line.
- 1.5. There are existing trees in the rear gardens of adjacent properties as well as several small trees on the site itself.

## **2. Description of Proposal**

- 2.1 The application seeks outline permission for the demolition of 15 garages and the erection of 5 x No. two-storey dwellings with associated parking and amenity. The application is submitted in outline form with all matters such as access, appearance, layout and scale to be submitted at a later stage as a reserved matter submission.
- 2.2 Illustrative drawings indicate that the dwellings would form a terrace and would individually measure 5m in width and 9m in depth, to give 80m<sup>2</sup> of gross internal area.
- 2.3 The dwelling would have a northwest-southeast orientation with garden spaces towards the rear (southwest), measuring approximately 60m<sup>2</sup> individually
- 2.4 The proposal would retain the existing access to the site measuring approximately 4.5m in width with a 1.8m wide pavement in front of houses and standard turning head at west end near the sub-station. This also allows access to be maintained to the sub-station. There are 10 No. new car parking spaces provided between the access road and housing, to achieve 2 No. per new house.

## **3. Relevant History**

- 3.1 There is no relevant recorded history

## **4. Consultation/Representations**

- 4.1 Notification letters were sent to 48 neighbouring properties and no letters of objection were received.
- 4.2 The Council's Environmental Health Service requested the part 2A condition to be added as the Desktop Study indicated that there are potential pollutant linkages present on the site. Environmental Health Service also requested a noise insulation and construction and delivery hours condition.
- 4.3 The Highway Authority has no objection to the proposals.
- 4.4 The Borough Crime Prevention Design Advisor did not raise an objection to the proposal but does require a Secured by Design condition.
- 4.5 English Heritage requested a condition securing the implementation of a programme of archaeological works as there may be significant archaeology remains on site.

## **5. Relevant Policies**

- 5.1 Policies CP1 (housing supply), CP2 (sustainable communities), CP9 (reducing the need to travel), CP10 (sustainable transport), CP17 (design), DC2 (housing mix and density), DC3 (housing design and layout), DC32 (the road network), DC33 (car parking), DC34 (walking), DC35 (cycling), DC36 (servicing), DC40 (waste recycling), DC50 (sustainable design and construction), DC55 (noise), DC61 (urban design), DC63 (crime) and DC72 (planning obligations) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Documents and the Residential Extensions and Alterations Supplementary Planning Document (SPD), Planning Obligations SPD and the Residential Design SPD are also relevant.
- 5.2 Policies 3.3 (Increasing Housing Supply), 3.4 (Optimising Housing Potential), 3.5 (Quality and Design of Housing Developments), 3.8 (Housing Choice), 6.9 (Cycling), 6.10 (Walking), 6.13 (Parking), 7.1 (Building London's Neighbourhoods and Communities), 7.2 (Inclusive Design), 7.3 (Designing out Crime), 7.4 (Local Character), 7.5 (Public Realm) and 8.3 (Community Infrastructure Levy) of the London Plan (2011).
- 5.3 National Planning Policy Framework (NPPF) Section 6 "Delivering a wide Choice of Homes", and Section 7 "Requiring Good Design".

## **6. Staff comments**

This proposal is put before the Committee owing to the application site comprising land owned by the Council. The only issues to be considered in this case is the principle of development, all other matters are reserved.

### *6.2 Principle of Development*

- 6.2.1 Policy CP1 indicates that outside town centres and the Green Belt, priority will be made on all non-specifically designated land for housing. The proposal is for redevelopment of a site within an existing residential area. The proposal is therefore acceptable in principle and in accordance with Policy CP1 and policy 3.3 of the London Plan which seeks to increase London's housing supply.
- 6.2.2 Policy 3.8 of the London Plan states that DPD policies should offer a range of housing choices, in terms of the mix of housing sizes and types, taking account of the housing requirements of different groups. Policy 3.5 states that Local Development Frameworks should incorporate minimum space standards. The proposal indicates an internal floor space of 80sq.m per dwelling. This would be slightly in excess of the recommended guidance for a 2-bed-4person dwelling.
- ### *6.3 Impact on Local Character and Street Scene*
- 6.3.1 Policy DC61 of the LDF Development Plan Document seeks to ensure that new developments are satisfactorily located and are of a high standard of

design and layout. Furthermore, the appearance of new developments should be compatible with the character of the surrounding area, and should not prejudice the environment of the occupiers and adjacent properties. Policy DC61 of the DPD states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area.

6.3.2 This outline application gives an indication of where the dwellings would be situated on site in relation to the streetscene and neighbouring dwellings. Staff consider that a satisfactorily relationship and design can be achieved which would fit into the existing streetscene, subject to details in the reserved matters application.

#### 6.4 *Impact on Amenity*

6.4.1 Policy DC61 considers that new developments should not materially reduce the degree of privacy enjoyed by the occupants of adjoining properties or have an unreasonably adverse effect on sunlight and daylight to adjoining properties.

6.4.2 Given the size of the plots, Staff consider there to be sufficient space to position the dwellings in such a way that they would not have an unacceptable impact in terms of neighbouring amenity. The proposal can therefore achieve a satisfactorily relationship to neighbouring properties in terms of impact on amenity, subject to details in the reserved matters application.

#### 6.5 *Highways / Parking Issues*

6.5.1 Policy DC33 in respect of car parking refers to the density matrix in Policy DC2. The site has a PTAL rating of 1-2 and therefore requires 2 - 1.5 parking spaces per unit for a development of this type in Romford. There is sufficient space to the front of the proposed dwellings to provide the required amount of parking spaces, subject to details in the reserved matters application.

6.5.2 Staff consider the refuse and cycle storage arrangements within the garden areas to be acceptable however conditions would be added to the application in order to ensure that further details are submitted in order to ensure that these arrangements are in keeping with policy guidelines.

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

6.6.1 The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The exact amount liable for would be calculated at reserved matters stage.

#### 6.7. Planning Obligations

6.7.1 In accordance with the Planning Obligations Supplementary Planning Document a financial contribution of £6,000 per dwelling to be used towards infrastructure costs arising from the new development. This should be secured through a S106 Agreement for the amount of £30,000.

## **7. Conclusion**

7.1 In conclusion, residential development on the site is considered to be acceptable in principle. There would be no harmful impact on neighbouring amenity and the proposal is considered to be acceptable in terms of its impact on the character and appearance of the street scene and surrounding environment. It is recommended that outline planning approval be granted, subject to the completion of the relevant legal agreement.

## **IMPLICATIONS AND RISKS**

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

Financial contributions are required through a legal agreement.

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

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

### **Human Resource Implications:**

None

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

None

## **BACKGROUND PAPERS**

1. Application forms and plans received 20/007/12 and revision on 25/02/14.