



# Havering

LONDON BOROUGH

## REGULATORY SERVICES COMMITTEE (MONITORING) AGENDA

7.30 pm

Thursday  
8 March 2012

Havering Town Hall,  
Main Road, Romford

Members 11: Quorum 4

### COUNCILLORS:

**Conservative Group**  
( 7 )

**Residents' Group**  
( 2 )

**Labour Group**  
( 1 )

**Independent  
Residents'  
Group**  
( 1 )

Barry Oddy (Chairman)  
Barry Tebbutt (Vice-Chair)  
Sandra Binion  
Jeffrey Brace  
Robby Misir  
Frederick Osborne  
Garry Pain

Linda Hawthorn  
Ron Ower

Paul McGeary

Mark Logan

**For information about the meeting please contact:  
Richard Cursons (01708 432430)  
E-mail: [richard.cursons@havering.gov.uk](mailto:richard.cursons@havering.gov.uk)**

## **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.

The Chairman will announce the following:

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.

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

(if any) - receive.

### **3 DECLARATION OF INTERESTS**

Members are invited to declare any interests in any of the items on the agenda at this point of the meeting. Members may still declare an interest in an item at any time prior to the consideration of the matter.

### **4 PLANNING OBLIGATIONS/LEGAL AGREEMENTS (Pages 1 - 58)**

### **5 PLANNING AND ENFORCEMENT APPEALS RECEIVED, PUBLIC INQUIRIES/HEARINGS AND SUMMARY OF APPEAL DECISIONS (Pages 59 - 106)**

### **6 SCHEDULE OF ENFORCEMENT NOTICES (Pages 107 - 118)**

### **7 PROSECUTIONS UPDATE (Pages 119 - 122)**

**8 PLANNING APPLICATIONS - SEE INDEX AND REPORTS - APPLICATIONS WITHIN STATUTORY LIMITS** (Pages 123 - 132)

**9 P1893.11 - 1C COMO STREET, ROMFORD** (Pages 133 - 142)

**10 P0112.12 - SNOWDON COURT, ELVET AVENUE** (Pages 143 - 156)

**11 P1583.11 - 29 LESSINGTON AVENUE, ROMFORD** (Pages 157 - 166)

**12 P1451.10 - GOOSHAYS DRIVE** (Pages 167 - 212)

**13 PLANNING APPLICATIONS - SEE INDEX AND REPORTS - APPLICATIONS OUTSIDE STATUTORY LIMITS** (Pages 213 - 238)

**14 URGENT BUSINESS**

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

**15 EXCLUSION OF THE PUBLIC**

To consider whether the public should now be excluded from the remainder of the meeting on the grounds that it is likely that, in view of the nature of the business to be transacted or the nature of the proceedings, if members of the public were present during those items there would be disclosure to them of exempt information within the meaning of paragraph 9 of Schedule 12A to the Local Government Act 1972; and, if it is decided to exclude the public on those grounds, the Committee to resolve accordingly on the motion of the Chairman.

**16 CHIEF EXECUTIVE'S REPORT CONTAINING EXEMPT INFORMATION** (Pages 239 - 336)

**Ian Buckmaster  
Committee Administration and  
Member Support Manager**

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# 4

# REGULATORY SERVICES COMMITTEE

# REPORT

8 March 2012

**Subject Heading:**

**Planning obligations and agreements  
(as of the last 6 years)**

**Report Author and contact details:**

**Simon Thelwell  
Planning Control Manager (Projects  
and Compliance)  
01708 432685**

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

Clean, safe and green borough	[x]
Excellence in education and learning	[x]
Opportunities for all through economic, social and cultural activity	[x]
Value and enhance the life of every individual	[x]
High customer satisfaction and a stable council tax	[x]

<b>SUMMARY</b>
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This report updates the position on legal agreements and planning obligations agreed by this Committee during the period 2000-2012.

## RECOMMENDATIONS

That the report be noted.

## REPORT DETAIL

1. This report updates the position on legal agreements and planning obligations. Approval of various types of application for planning permission decided by this Committee can be subject to prior completion or a planning obligation. This is obtained pursuant to Section 106 of the Town and Country Planning Acts. The purpose of such obligations is to secure elements outside the immediate scope of the planning permission such as affordable housing, education contributions and off site highway improvements. Obligations can also cover matters such as highway bonds, restriction on age of occupation and travel plans plus various other types of issue.
2. The obligation takes the form of either:
  - A legal agreement between the owner and the Council plus any other parties who have a legal interest in the land.
  - A unilateral undertaking offered to the Council by the owner and any other parties who have a legal interest in the land.
3. This report updates the Committee on the current position on the progress of agreements and unilateral undertakings authorised by this Committee for the period 2000 to 2012 in the attached table.

## IMPLICATIONS AND RISKS

**Financial implications and risks:** Legal agreements usually have either a direct or indirect financial implication.

**Legal implications and risks:** Significant legal resources are necessary to enable the Council to negotiate and complete legal agreements within the Government's timescale. Monitoring fees obtained as part of completed legal agreements have been used to fund a Planning Lawyer working within the Legal Department and located in the Planning office. This has had a significant impact on the Service's ability to determine the great majority of planning applications within the statutory time periods through the speedy completion of all but the most complex legal agreements.

**Human Resources implications and risks:** The effective monitoring of legal agreements has HR implications. These are being addressed separately through the Planning Service Improvement Strategy.

**Equalities implications and risks:** Planning Control functions are carried out in a way which takes account of equalities and diversity.

## **BACKGROUND PAPERS**

See attached S106 Agreements – 2000-2012

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## S106 AGREEMENTS – 2000-2012

### 1. CONTRIBUTIONS IDENTIFIED AS NOT PAID / PART PAID

Planning Ref.	Address	Amount Outstanding	Time Limit on Spending	Trigger Date/s	Position/Status of development	How the funds are being used/where in the Capital Programme?
P1716.05	61a Main Road, Romford	£68,744 Education Contribution	To be spent within 7 years from date of payment (can be extended if contract entered into)	prior to occupation of any of the dwelling units	Completed - Developers being chased for payment. Payment imminent. Developers have various property assets for sale and will pay the outstanding contribution upon completion of the sales. They are in regular contact and constantly update on progress. Developer has now been made bankrupt and we	

Planning Ref.	Address	Amount Outstanding	Time Limit on Spending	Trigger Date/s	Position/Status of development	How the funds are being used/where in the Capital Programme?
					will be pursuing the outstanding contribution through the Administrator. Now registered with the Administrator as a creditor. Company sold the freehold of the building before being made bankrupt so now pursuing new freehold owner.	
P2106.05	10-14 Western Road, Romford	21 AH Units for shared ownership £102,028 Education Contribution £10,000 Highways Contribution £10,000 Public Art Contribution	To be spent within 7 years from date of payment (can be extended if contract entered into)	AH to be provided prior to occupation of 21st open market unit  Financial Contributions to be paid prior to occupation of the last 19 open market units	Developer is now in Administration. Affordable housing and public art provision have both been provided. Administrators are negotiating with the Head of Legal Services regarding	

Planning Ref.	Address	Amount Outstanding	Time Limit on Spending	Trigger Date/s	Position/Status of development	How the funds are being used/where in the Capital Programme?
		Travel Plan		Travel Plan to be submitted for approval prior to commencement of the development and to be fully implemented prior to occupation	outstanding education contribution and highways contribution. Negotiations still ongoing with the Administrator who has indicated that the full amount will be paid upon the sale of the freehold of the building. Purchase now going through and hopefully outstanding sum will be paid upon completion of the sale which should be by the end of this year. Administrator has now indicated that the freehold sold sale should	

Planning Ref.	Address	Amount Outstanding	Time Limit on Spending	Trigger Date/s	Position/Status of development	How the funds are being used/where in the Capital Programme?
					complete by the end of March 2012.	
P1440.97 P0907.98 <u>P0203.00</u> Granted on appeal	Helen Road Sports Ground, Squirrels Heath Lane, Gidea Park	£43,000 New Football Facilities	2 years from date of payment	To be paid within 3 months of Council serving notice requesting the payment. Such a request to be made within 5 years from when the use of the development commences	Investigations ongoing as to whether this contribution has been received.	
<b>P0206.10</b>	Rushdon Close	Education contribution of £414,854.04  Provision of 74 Affordable housing units	5 years from receipt (can be extended if contract entered into)	Prior to occupation of 1 <sup>st</sup> dwelling unit.  Ongoing	Development has commenced. The highways contribution has been paid. Awaiting trigger for education contribution to be met. Trigger for payment of the education contribution has	

Planning Ref.	Address	Amount Outstanding	Time Limit on Spending	Trigger Date/s	Position/Status of development	How the funds are being used/where in the Capital Programme?
					not yet been reached	
P0884.09	Spring Gardens (Southside)	<p>56 units for affordable housing</p> <p>Education contribution up to a maximum of £419,880 (subject to submission of viability report)</p> <p>Highways contribution of £98,000 - paid</p> <p>Parks contribution of £48,000</p> <p>Restriction on the issue of car parking permits</p>	<p>NA</p> <p>5 years from the date of payment can be extended if contract entered into.</p> <p>As above</p>	<p>Must be transferred prior to occupation of more than 21 open market units</p> <p>Must be paid prior to occupation of the first unit</p> <p>Must be paid within 2 months of commencement of the development</p> <p>Must be paid prior to first occupation</p> <p>Once occupied - ongoing</p>	<p>Development has now commenced. Contributions will be chased as and when their triggers are reached. Highways contribution has been paid. Trigger for the payment of the education and parks contributions have not yet been met.</p>	

Planning Ref.	Address	Amount Outstanding	Time Limit on Spending	Trigger Date/s	Position/Status of development	How the funds are being used/where in the Capital Programme?
P1717.09	The Atrium, The Brewery,	Town Centre Improvement Contribution - £37,000  Perform the agreed local labour provisions contained in Schedule 3 of S106	7 years from receipt (Can be extended if contract entered into)  N/A	Prior to commencement of development  Upon commencement of the development	The owners have not paid this contribution due to an oversight. Now that they have been chased payment will be imminent.	

**2. CONTRIBUTIONS IDENTIFIED AS PAID**

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
P1664.01	274-310 Havering Road, Romford	£167,126.85 Education	Return due 3 years from date of 2 <sup>nd</sup> contribution	2 <sup>nd</sup> instalment due prior to occupation of 12 <sup>th</sup> house	2 <sup>nd</sup> instalment of £83,564.42 received on 16.08.04.	spent	<b>Education</b> - proposed investment in additional places /

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
					replacement first cheque received on 16.01.06 (£83,563)		modernisation at Redden Court secondary school
P0936.00	Land at Roneo Corner (B&Q)	£450,000 (Town Centre)  £15,000 (Public Art)	TC contribution to be spent within 5 years from date of payment  No time limit on public art contribution	Prior to commencement of trading	£465.000 paid on 21.10.02 & £17,660.70 paid on 04.11.02 (indexation)	spent  No time limit on spend	Town centre contribution to spent by Regeneration on TC improvements <b>SP</b>
P1160.00	Frances Bardsley Lower School Site, Heath Park Road	£120,000 x 2 Education	If not spent to be returned 3 years from date received	First contribution of £120,000 to be received upon occupation of 38th Market Dwelling  Second contribution to be received upon occupation of 73 <sup>rd</sup>	First contribution of £120,000 received on 08.06.05.  Second contribution received 01.11.05	spent	<b>Education</b> - proposed investment in additional places / modernisation at Redden Court secondary school

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
				market dwelling			
P2167.02	Tesco Roneo Corner, Hornchurch	£50,000 Town Centre Contribution  £5,000 Traffic Regulation Scheme Contribution	To be repaid within 4 years if not spent	Prior to opening date.	Payment received on 27.09.04	spent	£50,000 spent by <b>Regeneration</b> on District Centre Improvements (Elm Park) in 05/06  <b>MB</b>
P1263.02	438 Upper Brentwood Road (aka Elvet Avenue Coathanger site)	£16,207 Education.  15 units for AH	To be repaid if unspent 4 years from date of payment (if contract entered into extended)	Before the first occupation of any of the units  AH to be provided prior to occupation of 40 <sup>th</sup> open unit	Payment received on 03.12.04	spent	<b>Education</b> - proposed investment in additional places / modernisation at Redden Court secondary school  AH units received
P0326.03	60 - 62 Essex	£30,000	To be repaid if	Prior to	Payment	spent	SS



Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
	Road, Romford	Housing Contribution  7 AH units for Rent	not spent within 4 years	occupation of 17th dwelling	received on 03.12.04		
P1768.00	Tesco's Gallows Corner – extension of existing store	£100,000 Town Centre Contribution; £25,000 pedestrian crossing; £30,000 Toucan crossing; £10,000 Bus Infrastructure Contribution; Green Travel Plan; pedestrian access; roundabout works following s278 agreement	TC contribution to be repaid with interest 4 years from date of payment.  Pedestrian, bus and Toucan contribution to repaid 3 years from date of payment.	All contributions due prior to opening date.  Pedestrian access from opening date; GTP by 31.12.02 or 2 months prior to Opening Date	£165,000 received on 28.12.05.  Green Travel Plan position to be reviewed.	28.12.08 (pedestrian and bus contribution) Unable to spend as no longer Havering's network. Currently in negotiation with Tesco re – spending the money on alternative initiative.  Toucan	<b>Regeneration</b> leading: £75,000 of the Town Centre Contribution to be spent on Harold Wood. £25,000 as yet unallocated.  <b>MB</b>  Pedestrian access and roundabout works completed.

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
						Crossing contribution spent  28.12.09 (TC contribution) Spent	
P1811.02	140 London Road, Romford	£81,000.92 Education; 12 units of AH	Spend within 3 years from date of payment	Before the disposal of 30 open market units  AH prior to disposal /lease/ rental of 56th Market Residential Unit	£81,000.92 received on 16.01.06	spent	<b>Education</b> - proposed investment in additional places / modernisation at Redden Court secondary school  12 Affordable Housing units received.
P0860.03	Transferry House and Former Brent	£47,143 Education Contribution	Council to spend within 5 years of date of	Prior to disposal of 30th Open Market	Paid 21.04.06	spent	<b>Education</b> - proposed investment in

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
	Works, Wiltshire Avenue	11 AH units  Landscape management plan	implementation (06.02.04)	Apartment. To notify Council on disposal of 25th and 30th Open Market Apartment.  AH prior to occupation of 20 <sup>th</sup> open market dwelling			additional places / modernisation at Redden Court secondary school  AH received
P1853.03	Abbs Cross School	£21,440 Education  8 AH units	If unspent after 4 years from date of payment to be repaid + interest (extend if contract entered) on demand	Not to occupy dwellings until payment received  AH units to be transferred prior to occupation of 12 <sup>th</sup> open market dwelling	Paid on 31.03.05	spent	<b>Education</b> - proposed investment in additional places / modernisation at Redden Court secondary school  Affordable Housing provided

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
P1083.02	Lister Avenue/Harold Wood Hospital site	£124,669.53 Education; Affordable Housing (12 units for rent); Highway agreement; £5,000 towards Whiteland's Way Pelican Crossing; Open Space Scheme	Spend contributions within 3 years from date of payment	Education Contribution to be paid and highway agreement to be entered into prior to commencement of development. Social Housing to be transferred before occupation of the 49 <sup>th</sup> open market unit Open Space Scheme to be set up before the disposal or occupation of any of the dwelling units	Paid on 22.05.06	22.05.09 – spent	<b>Education</b> - proposed investment in additional places / modernisation at Redden Court secondary school  Affordable Housing units received.  <b>£5,000: MB/DS</b>
P2014.02	Land at Cornlands Farm, Hall Lane, Upminster (No	£39,372.00 Education  £300,000 Housing	Repay within 5 years if not spent	Upon commencement of Development	Paid on 02.07.04	spent	<b>Education</b> - proposed investment in additional places /

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
	2)	Contribution					modernisation at Redden Court secondary school  SS
P0857.03	150 Church Road, Harold Wood	£28,285.88 Education	5 years from date of payment	Within 28 days of the first Occupation of a dwelling	£29,027.92 paid on 27.09.04	27.09.09 – spent	<b>Education</b> - proposed investment in additional places / modernisation at Redden Court secondary school
P1654.03	63 Main Road Rainham	£14,142.94 Education	Repay any unspent amount 5 years from date payment made.	Prior to commencement of development	Paid on 27.09.04	27.09.09 – spent	<b>Education</b> - proposed investment in additional places / modernisation at Redden Court

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
							secondary school
P1626.99	Railstore Site, Elvet Avenue, Hornchurch	£102, 000 Education  34 AH units	Any unspent on 5th anniversary of date of payment to be repaid	Upon Commencement of Development	Paid on 03.12.04	03.12.09 – spent.	<b>Education</b> - proposed investment in additional places / modernisation at Redden Court secondary school  AH provided
P0098.03	Land at Brooklands Close, Romford	£69,307 Housing Contribution	Money must be spent by 5th anniversary of payment date for payback.	Prior to commencement of proposed development	£69,307.47 paid on 02.03.05	02.03.10 Spent	SS
P1159.03	Land to South of Appleton Way, Hornchurch	£6,285.75 Education	Any unpaid amounts to be repaid on 5 year anniversary.	Before commencement of proposed development	Paid on 05.05.05	05.05.10 Spent	<b>Education</b> - proposed investment in additional places / modernisation

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
							at Redden Court secondary school
P0352.05	Appleton Way, Land r/o 34 Station Way, Hornchurch	£7,268 Education	5 years from date of payment (entered if contract entered into)	Prior to commencement of development	Paid £7,267.87 on 29.06.05	29.06.10 Spent	<b>Education</b> - proposed investment in additional places / modernisation at Redden Court secondary school
P1157.03	21-23 North Street, Romford	£25,143 Education Contribution  £20,000 Environmental contribution.	To spend within 5 years from date of payment  To spend within 3 years from date of payment	Prior to occupation of 10 <sup>th</sup> residential unit  Prior to first occupation of 18 <sup>th</sup> residential unit	Education contribution of £26,933 received on 12.04.07  Environmental Contribution received on 23.07.07	12.04.12 & 23.07.10 Spent	Environmental contribution to be spent as part of <b>Regeneration</b> capital programme for Romford TC. £10K being spent on North Street works

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
							(Feb 09)
P1462.04	105-127 Essex Road & 16-178 Marlborough Road, Romford	£23,529 Education	5 years from date of payment (entered if contract entered into)	Prior to commencement of development	Paid £23,529.18 on 01.08.05	01.08.10 Spent	<b>Education</b> - proposed investment in additional places / modernisation at Redden Court secondary school
P0196.05	Gobions School, Havering Road	1. £500,000 Education 2. £690 traffic management order costs 3. £4,310 Highways Contribution 4. 24 units of affordable housing	To be spent 5 years from date of payment (extend if contract entered into)	1. to be paid in stages: (1) £125,000 prior to commencement of the development, (2) £125,000 prior to occupation of 35th open market unit, (3) £125,000 prior to occupation of 70th open market unit (4) £125,000	£125,000 & £4,310 paid on 05.09.05  £690 paid  £125,000 paid on 07.09.07  £125,000 paid on 23.10.07  <b>£125,000 still outstanding</b>	07.09.10 - Spent  £4,310 - spent  £690 - spent  07.09.12  23.10.12	  <b>MB</b>   <b>MB</b>   AH delivered  <b>Education -</b>



Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
				prior to occupation of the last open market unit 2. prior to occupation of any of the open market units 3. prior to commencement of development	<b>but not yet triggered</b>		proposed investment in additional places / modernisation at Redden Court secondary school
P2192.02	152-162 London Road, Romford	£27,783.02 Education	Any unspent on 5 <sup>th</sup> anniversary of payment to be returned	Prior to commencement of development	£27,783.02 received on 08.12.05.	08.12.10 - Spent	<b>Education</b> - proposed investment in additional places / modernisation at Redden Court secondary school
P1730.05	129 Essex Road, Romford	£23,607 Education Contribution	To be spent within 5 years from date of payment (can	Prior to commencement of development	Paid on 20.12.05.	16.12.10 - Spent	<b>Education</b> - proposed investment in additional

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
			be extended if contract entered into)				places / modernisation at Redden Court secondary school
P1185.04	Ferry Lane, Rainham	£99,000 Education Contribution  £3,500 Highways contribution  16 AH units	To be spent 5 years from date of payment (extended if contract entered into)	Prior to occupation of any Dwellings  Before occupation of more than 18 of the dwelling units (excl AH units)	Paid on 19.01.06	19.01.11 - Spent  £3,500 highways contribution spent.	<b>Education</b> - proposed investment in additional places / modernisation at Redden Court secondary school  AH delivered  <b>£3,500: MB</b>
P1514.03	Avon House, Front Lane/Avon Road, Cranham	£15,714 Education Contribution	5 year payback from date of payment	Before sale, let, lease or other disposal of 7th residential Unit	Paid on 31.01.06	31.01.11 - Spent	<b>Education</b> - proposed investment in additional places /

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
							modernisation at Redden Court secondary school
P2311.04	329 Front Lane, Cranham	£65,410.81, Education Contribution	To be spent within 5 years from date of payment (can be extended if contract entered into)	Prior to commencement of development	Paid on 24.11.06	24.11.11 - Spent	<b>Education</b> - proposed investment in additional places / modernisation at Redden Court secondary school
P0011.03	Dolphin site, Dolphin Approach, Romford - deed of variation	£65,000 Variable Messaging Signs Contribution	any unexpended sum together with interest to be returned if not spent within 5 years of receipt	to be paid in 2 equal instalments: (1) to be paid within 21 working days of receipt of a written request from the Council (2) within 21 days of receipt of a written request	First instalment received on 20.02.07  Second instalment received on 02.07.07	20.02.12 & 02.07.12	VMS completed Spring 2007. Money spent.

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
				from the Council further to the letting of an approved contract for the system			
P0416.05	145-149 North Street, Romford	£191,417 Education Contribution  17 AH units for rent or 27 AH units for shared o/ship + contribution of £74,074  s.278 agreement	To be spent within 5 years from date of payment (extended if contract entered into)	Prior to occupation of any market units  Prior to occupation of more than 50% of the market units	Paid on 06.03.07  AH received	06.03.12	<b>Education</b> - proposed investment in additional places / modernisation at Redden Court secondary school
P1135.03	Interwood Site, Stafford Avenue, Hornchurch	£72,679 Education Contribution	To be spent 5 years from date of payment (extended if contract entered into)	prior to occupation of any dwelling	Paid on 20.03.07	20.03.12	<b>Education</b> - proposed investment in additional places / modernisation at Redden

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
							Court secondary school
P0063.05	Haynes Park Court, Slewins Lane	£32,814.39 Education Contribution	To be spent within 5 years from date of payment (extended if contract entered into)	Prior to commencement of development	Paid on 21.08.07	21.08.12	
P0929.04	Land at end of Brooklands Road, Romford	£32,869.86 Education Contribution  Lay out Hard Court Area and Play Areas	To be spent within 5 years from date of payment (extended if contract entered into)	prior to occupation of any of the dwelling units	Paid on 21.08.07	21.08.12	
P0977.04	1 Suttons Lane, Hornchurch	£21,876.26 Education Contribution  s.278 agreement	To be repaid if unspent within 5 years of date of payment (extended if contract entered into)	Before occupation of any of the dwellings	Paid on 03.09.07	09.09.12	
P2099.04	Land at	£5,000 Highway	must refund any	Contribution to be	Paid on	30.09.2012	BW

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
	Rainham Quarry, Warwick Lane - deed of variation	Contribution for maintenance and upkeep of Launderers Lane	money unutilised as at 30.09.2012 to the Owner within 4 weeks of that date	paid promptly following the execution of the agreement	20.12.06		
P1285.06	91 Waterloo Road, Romford - unilateral undertaking	£11,000 Guardrail fencing Contribution	To be spent 7 years from date of payment (extend if contract entered into)	prior to the commencement of the development	01.03.07	01.03.14	
P0716.06	Rear of 105 and 113 Essex Road, Romford – unilateral undertaking	£19,053.00 Education Contribution	To be spent within 7 years from date of payment (can be extended if contract entered into)	Prior to the commencement of the development	13.04.07	13.04.14	<b>Education</b> - proposed investment in additional places / modernisation at Redden Court secondary school
P2421.06	Rear of 97-103 Essex Road, Romford -	£7,000 Highway Contribution	To be spent within 7 years from date of	prior to the commencement of the	13.04.07	13.04.14	<b>Education</b> - proposed investment in

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
	unilateral undertaking	£36,618 Education Contribution	payment (can be extended if contract entered into)	development			additional places / modernisation at Redden Court secondary school
P0960.06	Hollywood, Atlanta Boulevard, Romford	£242,532.74 Education Contribution £5,000 CCTV contribution £5,000 River Rom Study Payment 49 Affordable Housing units construct riverside access strip and make available to	To be spent within 7 years from date of payment (can be extended if contract entered into)	Prior to the commencement of the development  before the occupation of the 25th open market unit	17.04.07	13.04.14	<b>Education</b> - proposed investment in additional places / modernisation at Redden Court secondary school  River Rom study payment will contribute to <b>Regeneration</b> led study associated with

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
		public Travel Plan					Rom through TC
P2350.05	54 Butts Green Road, Hornchurch (unilateral undertaking)	£31,670 Education Contribution	To be spent within 7 years from date of payment (can be extended if contract entered into)	prior to commencement of development	Received on 15.08.07	15.08.14	
P1188.06	16 Marks Road/31-33 Mawney Road, Romford	£27,795 Education Contribution  Affordable Housing (9 units)  Give the Council at least 1 weeks notice of the intended date of commencement	To be spent within 7 years from date of payment (can be extended if contract entered into)	prior to occupation of any of the open market units  units to be transferred to RSL and ready for occupation prior to the occupation of the 9th open market unit	Received on 20.08.07	20.08.14	



Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
		of the development					
P0645.05	353-357 South Street & 2 Clydesdale Road	£20,000 Pedestrian Crossing Contribution	10 years from date of receipt	upon commencement of development	Paid on 05.10.06	05.10.16	MB
P0197.03	Frog Island Site, Ferry Lane, Rainham	£50,000 Walkway Contribution £100,000 Public Transport Contribution £100,000 Environment Contribution Green Travel Plan	Council has 15 years to spend this sum from date of payment	Before plant opens	Environment Contribution paid on 11.07.06  Walkway and transport contribution on 25.09.06	11.07.21 & 25.09.21	<b>Regeneration</b> leading on Walkway and environment contributions. Later committed to Gateway Roundabouts landscaping and Rainham Paths project
P2303.04	223-241 Hillrise Road, Collier Row	£60,000 Play Area Contribution (virement from Housing to	To be spent 5 years from date of payment (extend if contract entered	Prior to occupation of first dwelling unit	Available to spend	-	SP

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
		Leisure) 29 AH units for rent	into)		AH received		
P0012.05	Hotel Site Markets Link , Romford (Junction of Market Link & Ducking Stool	£16,351.73 Education Contribution  4 AH units  £15,000 Environmental Contribution	No time limit specified	Prior to occupation of first dwelling unit	Paid on 20.09.06	No time limit on spend	<b>Education</b> - proposed investment in additional places / modernisation at Redden Court secondary school  Environmental contribution originally for Phase 2 of Church path improvements led by <b>Regeneration</b>  £15,000: MB

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
P1983.04 granted on appeal	117 Butts Green Road, Hornchurch	£34,637.41 Education Contribution	No time limit specified	prior to occupation of any part of the development	Paid on 08.11.06	No time limit on spend	<b>Education</b> - proposed investment in additional places / modernisation at Redden Court secondary school
P1714.02	Brightblades, 29 Oldchurch Road, Romford	£37,044.22 Education £8,000 car park resurfacing , 6 AH units	No time limit specified.	Prior to occupation of the 13 <sup>th</sup> Market House Dwelling AH: prior to occupation of 18 of flats marked in blue	Paid on 05.06.03.	No time limit	<b>Education</b> - proposed investment in additional places / modernisation at Redden Court secondary school <b>£8,000: MB</b>  AH completed
P1088.03	100 George Street,	£1,600 Converted	No time limit	Prior to commencement	Paid on 27.01.05	No time limit	<b>MB</b>

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
	Romford	parking bays		of development			
P1261.02	Manser Works, New Road, Rainham	£25,000 Environment Contribution  AH: 24 units for rent	No time limit	On completion of agreement  No date listed	£25,000 received on 08.04.04	No time limit	Scheme is complete and now in housing management
P1524.00	York Road, Rainham Waste Transfer Station	£1,500 Planting Contribution	No time limit	Within 28 days of date of decision letter by Secretary of State	Paid on 03.02.03	No time limit	Not spent <b>SP</b>
P1590.02	Construction House, Grenfell Avenue	£10,200 Education Contribution	No time limit on spend	Before Occupation of any of the Flats	Paid on 26.01.06	No time limit	<b>Education</b> - proposed investment in additional places / modernisation at Redden Court secondary school

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
P0871.02	20-24 St Lawrence Road, Upminster	£5,000 Education contribution			Received on 21.11.02	No time limit	<b>Education</b> - proposed investment in additional places / modernisation at Redden Court secondary school
P1026.02 OR P1649.02	Maybank Lodge, Hornchurch	£56,571.75 Education, also 6 AH units	Need to locate s106 Agreement to check time limits	No details	Paid on 01.09.03	No time limit	AH has been provided  <b>Education</b> - proposed investment in additional places / modernisation at Redden Court secondary school
P0096.01	Centre for Manufacturing	£200,000 Bus Link	Must be used within 36	Prior to first occupation.	£156,000 of bus link	spent	Public art discharged by

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
	Excellence – Manor Way, Rainham	Contribution; Green Travel Plan; £50,000 Public Art contribution  Local labour agreement	months of first occupation of development. Public art must be spent 12 months from date of first occupation.		received on 17.11.03 Remainder received and paid to bus company		works on roundabouts and lighting scheme  £200,000 received and paid to bus company (spent on extending route 174)
P0233.00 P0234.00 - car park permission	Liberty Shopping Centre, Romford	£50,000 For introduction of variable messaging system  £30,000 Improvement of public lighting  £25,000 public toilets	Any sum to be repaid if unspent 3 years after payment dated	Prior to commencement of development    Within 3 working days after developer enters	Public art contribution received 15.11.04.  £50,000 & £30,000 also listed as received  £25,000 received 19.01.01	spent	

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
		<p>s.38/278 agreement</p> <p>agree with the Council a scheme for the improvement or enhancement of Swan Walk and if agree to implement the scheme</p> <p>shop mobility facility</p> <p>£1,540 bicycle stands</p>		<p>contract for demolition of existing car park</p> <p>As soon as reasonably practicable</p> <p>Prior to commencement of development</p> <p>Before practical completion of development</p>			

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
		bus shelters  submit scheme for improvement of Westway/street furniture/ submit CCTV scheme and install		Within 9 months of commencement date			
P0315.01 and P1057.01	Unit 1A The Brewery, Romford – agreement dated 05.11.01	£10,000 For acquisition of electric scooters & wheelchairs & manual wheelchairs		Prior to the commencement of trading	Paid and spent	spent	
P0233.00	Liberty Centre, Mercury Gardens - deed of variation	£20,000 Public Art Contribution	To be spent within 3 years from date of payment	On or before 30/11/04	£20,000 paid on 15.11.04	spent	Spent on scheme in North Street
P1211.06	51/53 Station Road, Upminster – unilateral	£65,665.34 Education contribution	To be spent within 7 years from date of payment (can	Prior to the commencement of the development.	03/03.08	02/03/15	



Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
	undertaking	£42,000 Highways Contribution	be extended if contract entered into)	Development commenced Jan 08.	03/03/08	02/03/15	
P1680.04	184 St Mary's Lane, Upminster	£58,142 Education Contribution	To be spent within 5 years from date of payment (extended if contract entered into)	Prior to occupation of first dwelling unit	11/03/08	10/03/13	
P0525.07	Gooshays Gardens and Dewsbury Road	£20,000 Highways Contribution  16 AH dwelling units (10 for rent and 6 for shared ownership) - Council to receive 64% of the nomination rights	To be spent within 7 years from date of payment (can be extended if contract entered into)	prior to the commencement of the development  prior to occupation of 16th Open Market Unit	01/04/08	31/03/15	

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
P2310.05	2 Market Link, Romford	£118,856 Education Contribution	To be spent within 7 years from date of payment (can be extended if contract entered into)	prior to occupation of the dwelling units	14/05/08	13/05/15	MB  BW/MB
		£10,000 Highway Contribution			14/05/08	13/05/15	
		£10,000 Parking Survey Contribution			14/05/08	13/05/15	
		Travel Plan					
P1641.07	Marks Lodge, Cottons Approach	(1) £5,000 Car Park Management Contribution	To be spent within 7 years from date of payment (can be extended if contract entered into)	(1) prior to the commencement of the development	26/02/08	25/02/15	
		(2) £210.415 Education Contribution			15/04/09	14/04/16	
		(3) £50,000 Highways Contribution			26/02/08	25/02/15	

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
		(4) £100,000 Parks Contribution		(4) prior to the commencement of the open market units	06/05/08	05/05/15	
P1194.06	155-163 New Road, Rainham	<p>£18,322.13 Education Contribution</p> <p>£62,702.00 New Road Contribution</p> <p>22 units for rent to be managed by RSL with nominations reserved for the Council on 14 units</p> <p>Give the Council at least 1 weeks notice of the intended</p>	To be spent within 7 years from date of payment (can be extended if contract entered into)	<p>prior to occupation of any dwelling unit</p> <p>units to be transferred to RSL and ready for letting prior to the occupation of any intermediate housing</p>	<p>07/05/08</p> <p>07/05/08</p>	<p>06/05/15</p> <p>06/05/15</p>	

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
		date of commencement of the development					
P0011.03	Dolphin Site, Main Road, Romford	<p>1. £100,000 Education;</p> <p>2. £500,000 Environmental Improvements;</p> <p>3. £25,000 shop mobility;</p> <p>4. £845,704 x 2 housing contribution;</p> <p>5. 40 AH units;</p> <p>Green Travel Plan; Highway improvements; variable messaging sign; CCTV</p>	If unspent to be repaid 5 years from date of payment.	<p>1. Prior to occupation of 185<sup>th</sup> open market unit</p> <p>2 &amp; 3. Prior to occupation of the retail unit</p> <p>4. contribution to be received prior to occupation of 150<sup>th</sup> and 180<sup>th</sup> open market unit</p> <p>5. before 100<sup>th</sup> market unit is occupied</p>	<p>1. £100,000 received on 13/03/08</p> <p>2. £450,000 received on 13.03.06 &amp; £50,000 on 29.03.06</p> <p>3. £25,000 received on 19.05.06</p> <p>4. £845.704.50 (x2) received on 28.06.07 &amp; 07.08.07</p>	<p>12/03/13</p> <p>2. £122,898 has been spent on the VMS. Member approval is being sought by <b>Regeneration</b> for prioritisation of the remaining £377k.</p> <p>4. SS</p>	Regeneration leading on spend of Environmental improvement contribution

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
P0238.07	8-12 Junction Road	£45,087 Affordable Housing Contribution	To be spent within 7 years from date of payment (can be extended if contract entered into)	prior to the commencement of the development	10.09.08 £7,587.00 received 1.10.08 £7,500 Received 1.11.08 1.11.09 £7,500 Received 1.12.08 £7,500 Received 1.01.09 £7,500 Received 1.02.09 £7,500 Received	31.01.16	

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
P1613.05	Land between 113-123 Marlborough Road and rear of 103-113 Marlborough Road, Romford	£39,385 Education Contribution  £1,000 Highway Contribution  s.278 agreement	To be spent within 7 years from date of payment (can be extended if contract entered into)	Prior to occupation    Prior to commencement of development	04.03.09	03.03.16	
P1013.06	59 Main Road, Romford - Unilateral Undertaking	£67,630 Affordable Housing Contribution	To be spent within 7 years from date of payment (can be extended if contract entered into)	prior to the commencement of the development	24.08.07	23.08.14	
P1074.08	51 – 53 Station Road	Education Contribution - £8,366.38	To be spent within 7 years of receipt (can be extended if contract entered into)	Commencement of the development	18.02.09	17.02.16	
P0884.08	Romford	£10,000 –	All contributions	Prior to	£20,000 –	15.01.16	

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
	Brewery Car park	Highways contribution  £10,000 – Roundabout Review Contribution  Submit a Revised Graphics Plan  Ensure vehicle in/out counts remain linked with existing town centre variable message board loop system	to be spent within 7 years of receipt (can be extended if contract entered into)	commencement of the development  Prior to commencement of development  On going from operational use of the car park	Received on 16.01.09		
<b>P0970.08 UU submitted</b>	105 -109 New Road	11 Affordable housing units	5 Years for receipt (Can be extended if	No later than occupation of 5 <sup>th</sup> Open market unit			

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
in respect of appeal		Education Contribution - £72,992	contract entered into)	Prior to commencement	01.06.09	31.05.14	
		A1306 Contribution - £45,405		Prior to commencement	01.06.09	31.05.14	
		Restriction on car park permits issued.					
P1647.07	2-4 Glebe Road, Rainham	£63,800 Education Contribution	To be spent within 7 years from date of payment (can be extended if contract entered into)	prior to the commencement of the development	20.10.09	19.10.16	
		£10,000 Highways Contribution			20.10.09	19.10.16	
P1489.06	Saddleworth Square, Romford	£29,809.29 Education Contribution	To be spent within 7 years from date of payment (can be extended if contract entered into)	Prior to the occupation of the dwelling units	21.03.08	20.03.15	
		13 AH dwelling units for rent		To be made available for rent under the			



Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
				management of a RSL in accordance with the nomination agreement			
P0601.09	Spring Gardens Romford	Notify the council of commencement and occupation of any dwelling  48 Affordable housing units  Cottons Park contribution - £23,000  Highways Contribution - £48,000	7 Years from date of payment (Can be extended if contract entered into  As above	14 days prior to commencement and occupation  Prior to commencement  Prior to commencement	Received on 14.12.09  Received on 14.12.09	13.12.16  13.12.16	

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
		Restriction on car parking permits being issued  Enter into a S278 agreement  Submit a viability report and then pay the agreed education contribution	7 years (can be extended if contract entered into)	Prior to commencement  Prior to commencement  Prior to occupation of any dwelling unit	Agreed £145,000 education contribution received on 04.05.11	03.05.18	
P0750.07	The Lodge Residential Care home, Lodge Lane, Collier Row	Highways contribution of £25,000  Development to	7 years from date of payment	Prior to commencement of the development	Received on 16.10.09	15.10.16	

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
		be used in perpetuity only for the care of persons who have been diagnosed with dementia and who require high dependency care for their dementia condition					
<b>P0406.08</b>	Harrow Lodge, Hylands Way	Either 15 aff hsg units with grant or 10 aff hsg units without grant.  Either £218,882 or £222,406 Education contribution depending on	All contributions to be repaid 7 years from date of payment (can be extended if contract entered	Provide aff hsg units prior to occupation of more than 50% open market units  Prior to first occupation of a dwelling unit  Prior to first	Education contribution of £218,882 received on	To be spent by 15.02.17	

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
		aff hsg option (Index Linked)  £25,000 Hylands Park Contribution (index Linked)	into)	occupation of a dwelling unit	16.02.10  Hylands Park Contribution of £25,000 received on 16.02.10	To be spent by 15.02.17	
<b>P0082.08</b>	22-26 Osborne Road	£5000 waiting restriction contribution £12,000 highways contribution	7 years from date of payment (can be extended if contract entered into)	Prior to commencement of the development	Waiting Restriction contribution of £5000 received on 29.07.10  Highways contribution of £12,000 received on 29.07.10	To be spent by 28.07.17  To be spent by 28.07.17	
P0368.09	165 – 171 Hornchurch Road	Highways Contribution - £25,000  Restriction on	2 Years from payment of the sum (Can be extended if under contract)	Prior to commencement of the development	£25,000 Highways Contribution received on 17.07.10	To be spent by 16.07.12	

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
		the issue of car parking permits					
<b>P0206.10</b>	Rushdon Close	Highways contribution - £44,400	5 years from receipt. Can be extended if contract entered into	Prior to commencement	£44,400 received on 02/09.10	To be spent by 01/09/15	
<b>P0478.08</b>	25 – 31 South Street, Romford	£12,000 Highways Contribution (Index Linked)  £14,000 Education Contribution (Index Linked)  6 affordable housing units	7 years from date of payment (can be extended if contract entered into)	Upon commencement  Upon commencement  To be provided prior to occupation of more than 3 open market units.	Highways contribution received on 02.12.10  Education contribution received on 02.12.10	To be spent by 01.12..17  To be spent by 01.12.17	

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
		Restriction on issuing car park permits					
P0884.09	Spring Gardens (Southside)	Highways contribution of £98,000	5 years from the date of payment can be extended if contract entered into.	Must be paid within 2 months of commencement of the development	Highways contribution £98,000 received on 8.12.10		
P1707.07	Cranham Hall Farm	Education Contribution - £148,906.55	7 years (can be extended if contract entered into)	Prior to commencement	£48,906.55 received on 11.12.09 £50,000 received on 19.5.10 £50,000 received on 20.05.11	£48,906.55 to be spent by 10.12.16 £50,000 to be spent by 18.05.17 £50,000 to be spent by 19.05.18	

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
<b>P2172.07 UU submitted in respect of an appeal and Deed of variation dated 20.10.09</b>	Land Formerly White Hart Public House	£862,621.00 Affordable Housing Contribution – Index Linked to RPI	No Time limit on spend	Prior to commencement of the development – Deed of variation amended trigger for payment to occupation of 12 unit.	£936,802.25 (contribution sum including interest) received on 19.05.11	No time limit on spend.	
P0617.04	Land at Upper Brentwood Road, adjacent to the railway	Maximum of £98,000, Education Contribution  Affordable Housing (15% of the total number of dwelling units)	To be spent within 5 years from date of payment (can be extended if contract entered into)	prior to the occupation of any of the market units  prior to occupation of more than 50% of the dwelling units	The specific education contribution has now been calculated to £61,288.25 – received on 28.09.11	27.09.16	
<b>P1471.09</b>	Land at Little	Public Access	7 years (can be	Upon completion	£500 received	30.10.18	

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
	Gerpins Lane, Rainham	Contribution £500  Submit Public Access Agreement  Undertake a stage 1 /2 road safety audit and provide the results within 1 month  Undertake a stage 3 road safety audit	extended if contract entered into  N/A  N/A  N/A  N/A	of the agreement  Within 12 months of the date of the agreement  Within 6 months of the date of the agreement and implement safety measures that are determined within 6 months of the date of the road safety audit  Within 12 months of the implementation of the safety measures	on 31.10.11		



Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
		<p>Undertake a stage 4 road safety audit</p> <p>Complete soil importation and general engineering works including spreading of final top soil ready for planting</p>		<p>Within 36 months of the date of implementation</p> <p>Within 36 months of the date of the planning permission</p>			
<b>P0139.09</b>	Moorhall Golf Course	<p>Implement ecological mitigation and management strategy</p> <p>TFL</p>	N/A	<p>In accordance with its terms</p> <p>12 months prior to</p>	£25,000 TFL		

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
		Contribution £25,000  Construct bridleway Submit details of material and origin of imported material  Enter into a S278 Agreement	7 years from commencement (Can be extended if contract entered into)  N/A  N/A	the opening of the golf course  At the end of each phase  Prior to commencement	Contribution received on 13.04.11 and passed onto TFL	TFL to ensure that contribution is spent by 12.04.18	
<b>P0127.10</b>	Hampden Lodge	30 affordable housing units  Education Contribution - £204,000	N/A  5 years from receipt. (Can be extended if contract entered into)	Ongoing  Prior to occupation of the development	£204,000 received on 10.10.11	09.10.16	

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
		Highway Contribution - £30,000	As above	Prior to occupation	£30,000 received on 10.10.11	09.10.16	
<b>U0007.10</b>	Tesco, Beam reach 5 Rainham	Local Skills Training Contribution	£100,000	All contributions payable upon implementation of the detailed part of the permission	All contributions received on 27.10.11	26.10.16 (5 yrs )	
		Public Art Contribution	£80,000			26.10.14 (3 yrs)	
		Public Realm Improvement Works Contribution	£50,000			26.10.14 (3 yrs)	
		Public Transport Improvement Contribution	£40,000			26.10.14 (3 yrs)	
		Beam Reach Station Contribution	£300,000			26.10.16 (5 yrs)	
<b>P1221.07</b>	Squirrels	£4000 -	7 years from	Prior to	26/01/12	25/01/19	

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
<b>UU submitted in respect of appeal</b>	Heath public House	Highways	date of payment (can be extended if contract entered into)	commencement of the development			
<b>P0046.10</b>	Former Manor Primary school Shaftsbury Road	Education Contribution - £298,907.40 Highways Contribution - £30,000 11 Affordable housing units	5 years from receipt. Can be extended if under contract  As above  N/A	Prior to occupation of any dwelling unit  Prior to occupation  5 aff units prior to occupation of more than 10 open market units - 6 aff units prior to occupation of more than 17 open market units	06/02/12  06/02/12	05/02/17  05/02/17	
<b>P1806.10</b>	Former Manor Primary	Only implement the planning	N/A				

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
	School	<p>permission in association with P0446.10</p> <p>Increase the number of dwelling units to be built to 31</p> <p>Education contribution £6147.74</p> <p>Highways contribution £1000</p>	<p>N/A</p> <p>5 years (can be extended if contract entered into)</p> <p>5 years (can be extended if contract entered into)</p>	<p>Prior to commencement of the development</p> <p>Prior to commencement of the development</p>	<p>06/02/12</p> <p>06/02/12</p>	<p>05/02/17</p> <p>05/02/17</p>	

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# 5

# REGULATORY SERVICES COMMITTEE

# REPORT

8 March 2012

**Subject Heading:**

Planning and enforcement appeals received, public inquiries/hearings and summary of appeal decisions

**Report Author and contact details:**

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

Clean, safe and green borough	[x]
Excellence in education and learning	[x]
Opportunities for all through economic, social and cultural activity	[x]
Value and enhance the life of every individual	[x]
High customer satisfaction and a stable council tax	[x]

**SUMMARY**

This report accompanies a schedule of appeals received and started by the Planning Inspectorate and a schedule of appeal decisions between 19 November 2011 and 10 February 2012.

## RECOMMENDATIONS

That the results of the appeal decisions are considered and the report is noted.

## REPORT DETAIL

- 1.1 Since the appeals reported to Members in December 2011, 25 new appeals have been started. These are listed below.

Decisions on 36 appeals have been received during the same period 24 have been dismissed, 7 allowed, 2 part allowed/part refused, 2 quashed and 1 deemed invalid.

- 1.2 Appeals received between 19 November 2011 and 10 February 2012 is on the attached list (mainly dealt with by written representation procedure).

## IMPLICATIONS AND RISKS

**Financial implications and risks:** Enforcement action may have financial implications for the Council.

**Legal implications and risks:** Enforcement action and defence of any appeals will have resource implications for Legal Services.

**Human Resources implications and risks:** No implications identified.

**Equalities implications and risks:** No implications identified.



## **BACKGROUND PAPERS**

List of appeal decisions made between 19 November 2011 and 10 February 2012.

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**LIST OF APPEAL DECISIONS MADE BETWEEN 19-NOV-11 AND 10-FEB-12**

APPEAL DECISIONS - PLANNING					
Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p><b>P0420.11</b>                      227 London Road                      Romford  <i>Demolition of existing empty and derelict buildings. Removal of car park surfacing in part to create garden and amenity space. Removal of advertising hoardings and boundary wall. Construction of a 70 bed Care Home with 17 car parking spaces including 2 disabled spaces. Construction of 6 No. 4 bedroom houses with 12 car parking spaces fronting Lessington Avenue. Creation of lay-by on London Road and associated realignment of pavement.</i></p>	Hearing	Approve With Conditions	Committee	<p>The proposed care home would, due to its height, bulk, length of continuous frontage and closeness to its site boundaries result in a cramped a form of development that cannot accommodate its servicing needs within its site boundaries which would have an adverse impact on visual amenity in the streetscene contrary to Policies DC5, DC61 and DC36 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document.</p> <p>The proposed development would, due to the existing mixed land uses, parking and traffic conditions in the vicinity of the application site, result in increased traffic movements and parking on street causing congestion to the detriment of highway safety and local amenity, contrary to Policies DC5, DC32, DC33 and DC61 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document.</p> <p>The proposed care home, would reason of its design, bulk, massing and close proximity to boundaries, result in an excessively bulky and overly-dominant building harmful to the character of the surrounding area, in particular the character, amenities and setting of the adjoining Crowlands School, such that it would have an adverse impact on visual</p>	<p><b>Allowed with Conditions</b></p> <p>The appeal is allowed and the decision is noted</p> <p>The main issues in this case included the effect of the proposal on the character and appearance of the area. The second issue related to the effect of servicing arrangements, parking provision and traffic generation on highway safety, and on the living conditions of local residents.</p> <p>On the first issue, the site is a long, rectangular plot with frontages onto three surrounding roads including London Road. The care home element would have a substantial in footprint and would be between three and two storeys in height. It would contain a variety of architectural elements however in the Inspectors view, it would not appear bulky or over-dominant in the street scene. The site to the west is Crowlands School, a Victorian building of low height which is a building of local interest which contributes to the character of the area. The care home would step down from three to two to a single storey beside the school, reducing the impact of the three storey section. The Inspector concluded that the size of the care home would not overwhelm or detract from the distinct character and appearance of Crowlands School.</p> <p>In summary on the first issue, the Inspector found that the appearance and layout of the appeal proposals would ensure that it would be successfully integrated with surrounding</p>

**LIST OF APPEAL DECISIONS MADE BETWEEN 19-NOV-11 AND 10-FEB-12**

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				<p>amenity in the streetscene contrary to Policies DC5 and DC61 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document.</p> <p>The applicant is advised that Party Wall matters with Crowlands School will need to be addressed, as necessary.</p>	<p>land and buildings.</p> <p>On the second main issue the Inspector noted that a lay-by is proposed on the highway at the front of the site and the Highway Authority (LBH Street Care) raised no objection to the lay-by and there was no evidence that it would pose a risk in any way to pedestrians or users of the highway. Furthermore, the number of parking spaces would comply with the Council's parking standards for care homes. There would also be sufficient space within the proposed car parking for vehicles, including emergency vehicles, to leave in a forward position. Finally the Inspector considered that the traffic generation and pressure for parking arising from the proposal would be unlikely to be greater than that associated with its former uses, including that of a dairy.</p> <p>On the impact on living conditions, noise and disturbance from associated servicing is likely to take place on the busy London Road frontage. Late night traffic and coming and goings would not be significant as there would be limited activity associated with the care home at this time. The trips generated and any other traffic movements would not be sufficient to give rise to intrusive noise and disturbance. The Inspector concluded that there would be no harm to the living conditions of neighbours.</p> <p>The appeal was allowed and it should be noted that an application for an award of costs was allowed in part in relation to the</p>

**LIST OF APPEAL DECISIONS MADE BETWEEN 19-NOV-11 AND 10-FEB-12**

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
					failure of the Council to substantiate the servicing, parking & highways elements of the reasons for refusal
<p><b>P0354.11</b>                      4 MOWBRAYS CLOSE                      ROMFORD  <i>Construction of 1 No. 2 bedroom terraced dwelling</i></p>	Written Reps	Refuse	Delegated	The proposed development, by reason of the plot size and its position close to the boundaries of the site would result in an intrusive and overbearing development, out of scale and character with this and neighbouring properties, to the detriment of residential amenity and the character of the street scene, contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.	<p style="text-align: center;"><b>Dismissed</b></p> The appeal is dismissed and the decision is welcomed  The main issues in this appeal were the impact of the proposal on the character and appearance of the surrounding area and the impact on the living condition of the host property and neighbouring dwellings.  The proposal was for a new end of terrace dwelling house that would effectively remove the symmetrical pattern and arrangement of the existing street layout and would close down the gap between two separate terraces in the street. The Inspector did not believe that the appeal proposal overcame concerns expressed in a 2006 appeal decision for a very similar proposal at the same site. The Inspector made specific reference to the issues of symmetry and spacing and considered that the proposal would have an unacceptably adverse effect on the spacious character of the street.  The Inspector also considered that a two storey projecting element to the rear of the proposed built form would have an overbearing impact on the donor property given the proximity to the proposed built form to the boundary of the donor dwelling. It was not considered that the proposal would

**LIST OF APPEAL DECISIONS MADE BETWEEN 19-NOV-11 AND 10-FEB-12**

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
					impact on the nearest non attached properties however this did not overcome the other harm identified.
<p><b>P0341.11</b> Exchange House 107 Butts Green Road Hornchurch <i>Second floor extension to create no.1 two bed flat with roof terrace.</i></p>	Written Reps	Refuse	Delegated	The proposed development would, by reason of its height, bulk and mass, appear as an unacceptably dominant and visually intrusive feature in the streetscene harmful to the appearance of the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.	<p style="text-align: center;"><b>Dismissed</b></p> <p>The Inspector noted that a similar proposal had been rejected earlier in 2011, following appeal because of impact on the street-scene. The current appeal sought to overcome the reasons for the failed appeal.</p> <p>The Inspector said that representations from neighbours had not raised any amenity concerns beyond those raised in the previous appeal, and the proposal before him did not change the extent to which neighbour amenity could be affected. The main issue was whether the revised proposal would harm the streetscene due to appearance position and size.</p> <p>He commented that the revised design went some way to overcoming the earlier decision but there was inherent difficulty in erecting a substantial structure, projecting above the parapet walls of the roof without it having a significant impact in the street-scene. The building had a pleasing appearance and had been converted to flats in a sensitive and balanced way. The revised extension would be incongruous within the roof and appear as prominent skyline development, above adjoining buildings, to the detriment of the streetscene. It would be in conflict with policy DC61</p>

**LIST OF APPEAL DECISIONS MADE BETWEEN 19-NOV-11 AND 10-FEB-12**

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p><b>D0151.10</b>                      19 Kersey Gardens                      Harold Wood Romford  <i>Loft conversion with a hip to gable roof, rear dormer and rooflights</i></p>	<p>Written Reps</p>		<p>Delegated</p>	<p>The development is not permitted by Class B as:</p> <p>* the proposed hip to gable roof would result in the dwelling house extending beyond the plane of any existing roof slope fronting a highway as a result of the works.</p>	<p style="text-align: center;"><b>Dismissed</b></p> <p>The appeal is dismissed and the decision is welcomed</p> <p>The main issue in this appeal was whether the proposal would be permitted development.</p> <p>This is a certificate of lawful development appeal and the appeal property is one half a building on the inside of a bend in Kersey Gardens. The disagreement between the Council and appellant was; what is the principal elevation of the dwelling? The built form has two elevations that both face onto Kersey Gardens. The Council followed the guidance set out by the DCLG in 2010 and considered that the elevation which contained the entrance door was the principal elevation and this was visible in the public domain and the house number was also located on this elevation. Furthermore a gap in the boundary wall and a path from this gap led to the entrance door. The appellant considered that the other elevation was the principal elevation. It is gable fronted and contained windows including those of a living room at ground floor but there were no other openings. A vehicle cross over however enabled parking in front of this elevation and people accessing the property came into the site through the same space as vehicles. The Inspector however applied the criteria in the guidance and concluded that the proposal was not permitted development and the appeal was dismissed.</p>

**LIST OF APPEAL DECISIONS MADE BETWEEN 19-NOV-11 AND 10-FEB-12**

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p><b>P1660.10</b> 5 Writtle Walk Rainham <i>Change of Use to A5, and installation of extract ducting</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The use as a takeaway, due to its days and hours of operation and inadequate extract ducting and proximity to adjoining residential accommodation, gives rise to unacceptable levels of noise, disturbance, smells and anti-social behaviour, adversely impacts on existing residential amenity contrary to Policies DC16, DC55, DC61 and DC63 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document and PPS1.</p>	<p style="text-align: center;"><b>Dismissed</b></p> <p>The appeal is dismissed and the decision is welcomed The main issues in this appeal are the effect of the proposal on the living conditions of occupiers of surrounding dwellings and the implications for anti social behaviour and the fear of crime.</p> <p>The application was retrospective and the takeaway is an end of terrace unit that occupies the ground floor of a parade with residential accommodation directly above and to the side of it and rear gardens of other dwellings to the front of it. There is only pedestrian access to the customer entrance to the unit and the surrounding area is predominantly residential in character. The comments from neighbours stated that the unit operates after its advertised opening hours. The Inspector considered that it was likely that late evening operation would in noise and disturbance from gatherings of people outside the unit. This would be especially intrusive in quiet times such as late evenings. Given the proximity of residential properties the proposal would have a materially harmful impact on residential amenity of neighbouring residents.</p> <p>In regard to the second issue, the Borough Crime Design Advisor advised that the takeaway use attracts a number of youths to the area and is a hot spot for anti social behaviour, disorder and petty criminality. This was supported in representations from local people. It was highlighted that the area has</p>



LIST OF APPEAL DECISIONS MADE BETWEEN 19-NOV-11 AND 10-FEB-12

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
					<p>become a priority for the local Safer Neighbourhood Team in terms of resources to deal with anti social behaviour problems. Moreover activities such litter throwing are not solely limited to evening as there have also been problems at lunch times with school children (notably with litter). The Inspector considered the submitted evidence and concluded that the proposal has resulted in unacceptable levels of anti social behaviour and a fear of crime and is therefore contrary to the Council's adopted policies.</p>
<p><b>P0415.11</b> 94 Hubert Road Rainham <i>One bedroom bungalow to the rear of 94 Hubert Road</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed development would, by reason of the subdivision of the existing rear garden of the host property appear isolated, out of context and character with the surrounding area, harmful to the character and appearance of the area and contrary to Policy DC61 of the LDF Development Control Policies Development Plan Document and the Residential Design SPD.</p> <p>The proposal, because of the issues set out in the reason for refusal above, would fail to create a sufficiently high quality development to justify a development of this type in this location, contrary to the provisions of PPS1 (Delivering Sustainable Development) and PPS3 (Housing).</p>	<p style="text-align: center;"><b>Dismissed</b></p> <p>The appeal is dismissed and the decision is welcomed</p> <p>The main issues in this appeal are the effect of the proposed dwelling on the character and appearance of the site and its surrounding.</p> <p>The proposal was for a single storey dwelling to the rear of the donor property in what is presently its rear garden. The appeal site currently contains a number of outbuildings which would have been removed. The removal of these buildings would improve and enhance the appearance of the site and the outlook for surrounding dwellings. However, a new bungalow would be significantly larger and higher than the existing buildings. Its shape volume and arrangement would introduce a new form of development in a rear garden environment which would appear as an incongruous anomaly that is out of character in such a setting. Furthermore, the</p>

**LIST OF APPEAL DECISIONS MADE BETWEEN 19-NOV-11 AND 10-FEB-12**

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
					form of the building would be out of scale given the relatively small scale nature of domestic outbuildings in the surrounding area.
<p><b>P0154.11</b>                      Ivy Lodge Farm 179                      Shepherds Hill Harold                      Wood Romford  <i>Refurbishment works including demolition of part of 1 storey building and erection of 2 storey extension</i></p>	Written Reps	Refuse	Delegated	<p>The site is within the area identified in the Core Strategy and Development Control Submission Development Plan Document Policy Plan as Metropolitan Green Belt. The Core Strategy and Development Control Submission Development Plan Document Policy and Government Guidance as set out in Planning Policy Guidance Note 2 (Green Belts) states that in order to achieve the purposes of the Metropolitan Green Belt it is essential to retain and protect the existing rural character of the area so allocated and that new building will only be permitted outside the existing built up areas in the most exceptional circumstances. No special circumstances to warrant a departure from this policy have been submitted in this case and the proposal is therefore contrary to Policy DC45 of the Development Control Policies Development Plan Document Policy.</p> <p>The proposed development would, by reason of its height, bulk and mass, appear as an unacceptably dominant and visually intrusive feature such that it would adversely impact on visual amenities in the streetscene harmful to the character and appearance of the surrounding area within the metropolitan</p>	<p style="text-align: center;"><b>Dismissed</b></p> <p>The appeal is dismissed and the decision is welcomed                      The main issues in this appeal are if the proposal is inappropriate development in the Green Belt, the effect on the openness of the Green Belt and whether there are any special circumstances that would justify the development and finally the impact on the character and appearance of the area.</p> <p>The proposal is for the construction of new building within the appeal site. In terms of national Green Belt policy in PPG2, the construction of new building is considered as inappropriate unless it is connected with uses identified in PPG2 and this proposal does fall in one of the uses. On openness, the proposal would sit on the footprint of a building that has been partially demolished but would be two storeys high. The Inspector found that it would have no further effect on the openness of the Green Belt. Although the commercial nature of the proposal would be incongruous, the topography of the appeal site, screen planting and other buildings in the Inspectors opinion would limit the harm to the character and appearance of the area and the Inspector attached little weight to this argument.</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 19-NOV-11 AND 10-FEB-12

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				green belt contrary to Policies DC45 and DC61 of the LDF Core Strategy and Development Control Policies DPD.	<p>On the issue of Very Special Circumstances, the appellant made a case on economic reasons and that the current building was a constraint on growth. The Inspector although attaching some weight to this economic growth argument found that the appellants reasoning for not relocating to alternative premises was not convincing as there was no evidence as to why the site was unique or activities were incapable being set up elsewhere.</p> <p>Although finding for the appellant on several points, the Inspector considered that the appellant's arguments did not constitute Very Special Circumstances that would justify the proposal nor outweigh the presumption of the proposal being inappropriate development and the appeal was dismissed.</p>
<p><b>P1728.10</b>                      Halldare Cottages                      Wennington Road,                      Rainham  <i>The construction of 2 no. 3 bedroom semi detached houses and 1 no. four bedroom detached house</i></p>	Written Reps	Refuse	Delegated	<p>The site is within the area identified in the Havering Local Development Framework as Metropolitan Green Belt. The Council's development plan and Government Guidance as set out in Planning Policy Guidance Note 2 (Green Belts) is that in order to achieve the purposes of the Metropolitan Green Belt it is essential to retain and protect the existing rural character of the area so allocated and that the new building will only be permitted outside the existing built up areas in the most exceptional circumstances. No special circumstances have been submitted in this case, to the Council's satisfaction, to outweigh the in principle harm and visual</p>	<p style="text-align: center;"><b>Dismissed</b></p> <p>The appeal is dismissed and the decision is welcomed</p> <p>The main issues in this appeal are if the proposal is inappropriate development in the Green Belt, the effect on the openness of the Green Belt and whether there are any special circumstances that would justify the development.</p> <p>The proposal was for the construction of three new dwellings within the curtilage of the appeal site. In terms of national Green Belt policy in PPG2, the construction of new dwellings is considered as inappropriate and the site does not fall within an area where</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 19-NOV-11 AND 10-FEB-12

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				<p>harm arising from this proposal. The proposed development is therefore contrary to Policy DC45 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document and the provisions of Government guidance contained in PPG2 (Green Belts).</p> <p>The proposed development would, by reason of its scale, bulk, mass and associated domestic paraphernalia be materially harmful to the open character and appearance of the Metropolitan Green Belt contrary to Policy DC45 of the LDF Development Control Policies Development Plan Document and the provisions of Government guidance contained in PPG2 (Green Belts).</p>	<p>infilling within existing settlements is acceptable. On the openness issue, the proposal would comprise of three new dwellings that would create a new element of ribbon development along the road frontage and would have a greater physical presence than the existing built form. Consequently this would harm the openness of the Green Belt. The appellant made reference to the A13 and the Channel Tunnel rail link to the rear of the site. Examples of nearby residential development were also cited however these were located outside the Green Belt. The Inspector considered that these did not constitute Very Special Circumstances which would justify the proposal nor outweigh the presumption of the proposal being inappropriate development and the harm to the openness.</p>
<p><b>P0890.11</b>                      HIGHLANDS WARLEY ROAD UPMINSTER  <i>Demolish a single detached dwelling and build four 4 bedroom detached one/two storey houses</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>		<p><b>Dismissed</b></p> <p>The appeal is dismissed and the decision is welcomed</p> <p>The main issues in this appeal are if the proposal is inappropriate development in the Green Belt, the effect on the openness of the Green Belt and whether there are any special circumstances that would justify the development. Finally the impact on the character and appearance of the area and the living conditions of neighbouring dwellings.</p>

**LIST OF APPEAL DECISIONS MADE BETWEEN 19-NOV-11 AND 10-FEB-12**

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
					<p>The proposal is for the demolition of the existing building and the construction of four new dwellings within the appeal site. In terms of national Green Belt policy in PPG2, the construction of new dwellings is considered as inappropriate and the site does not fall within an area where the infilling within existing settlements are acceptable. On openness, the proposal would comprise of four new dwellings that would create a new element of development to the rear of the site and would form a greater physical presence than the existing built form in the rear garden environment and consequently this would harm the openness of the Green Belt.</p> <p>In terms of the impact on character and appearance, the proposed development would constitute a form of backland development which would alien to the existing established pattern and would be completely out of character although it is accepted that the dwellings to the rear would largely be visible only to neighbouring occupiers. In regard to the impact on living conditions, the relationships between dwellings on plots 1 and 2 are such that the rear elevation and rear gardens of neighbouring properties would be overlooked and result in a loss of privacy. Moreover the proximity to the boundaries and the size of the dwellings would create a sense of enclosure and dominance as a result of the size. The relationship between the proposed dwellings themselves would also result in overlooking and loss of privacy notably the gardens of plots 3 and 4. The Inspector considered that</p>

**LIST OF APPEAL DECISIONS MADE BETWEEN 19-NOV-11 AND 10-FEB-12**

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
					the appellant's reference to making more efficient use of the site did not constitute Very Special Circumstances which would justify the proposal nor outweigh the presumption of the proposal being inappropriate development or the harm to the openness of the Green Belt.
<p><b>P1317.10</b> 14a Lower Mardyke Avenue Rainham <i>Proposed new dwelling</i></p>	Written Reps	Refuse	Delegated	The proposed amendments would, by reason of their excessive depth, height and siting directly on the boundary with No. 14 Lower Mardyke Avenue, be overbearing and visually intrusive and result in loss of outlook, adversely affecting the residential amenity of the adjoining occupiers and the rear garden environment, contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD and draft SPD on Residential Extensions and Alterations.	<p style="text-align: center;"><b>Dismissed</b></p> <p>The appeal is dismissed and the decision is welcomed</p> <p>The main issue in this appeal was the impact of the proposal on the character and appearance of the surrounding area.</p> <p>The key issues relate to a rear dormer, change of roof form to a half hipped roof and increase in depth at first floor level. The Inspector considered that a large dormer fills much of the roof area. It has been built up to the boundary and is not compliant with SPD guidance. Combined with the linked dormer at No.14, it appears clumsy and incongruous in the roof form. The Inspector also identified that pitched roof forms were the norm in the street scene and the proposal as constructed appear as a jarring visual feature which is harmful to the character and appearance of the area</p>
<p><b>P0175.11</b> Site at land adj 151 Avon Road Cranham Upminster <i>Proposed ground floor</i></p>	Written Reps	Refuse	Delegated	The proposed development would, by reason of its height, bulk and mass, roof form/dormer window and prominent location, be incongruous with the existing form and rhythm of the terrace	<p style="text-align: center;"><b>Dismissed</b></p> <p>The appeal is dismissed and the decision is welcomed</p> <p>The main issues in this appeal are the effect on character and appearance of the area.</p>

**LIST OF APPEAL DECISIONS MADE BETWEEN 19-NOV-11 AND 10-FEB-12**

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<i>shop(A1/A2) with 3 bedroom maisonette over</i>				and would result in a cramped appearance of the built forms at this corner of the crossroads, harmful to the appearance of the surrounding area contrary to Policy DC61 of the Local Development Framework Core Strategy and Development Control Development Plan Document.	The proposal is to add a shop unit and a maisonette above to an end of terrace unit. The Inspector agreed with the Council in noting that the three storey terrace to which the proposal would be attached exhibits a high degree of symmetry and uniformity. The proposed development would have significantly different ridge and eaves levels and would not respect the rhythm of the terrace. The dormer elements and window details would appear incongruous in comparison to the terrace. The Inspector concluded that the proposal would significantly detract from the appearance of the terrace and street scene. Furthermore, the proposal would fill and intrude upon the space at the road junction in comparison to the sense of spaciousness on other corners at the crossroads which also be out of character
<b>P0121.11</b> 40 Station Lane Hornchurch <i>Installation of No.1 free standing wooden canopy</i>	Written Reps	Refuse	Delegated	The proposed development would, by reason of its height, bulk and mass, appear as an unacceptably dominant and visually intrusive feature in the streetscene harmful to the appearance of the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.	<p style="text-align: center;"><b>Allowed with Conditions</b></p> The appeal is allowed and the decision is noted The main issue in this appeal was the effect of the proposal on the character and appearance of the street scene.  The proposal was an application for a wooden canopy covering the entrance into a restaurant. The wave shaped canopy is approximately the same size as two large umbrellas which flank the canopy and effectively screen it. The Inspector considered that even if the umbrellas were removed the canopy would appear to be a

LIST OF APPEAL DECISIONS MADE BETWEEN 19-NOV-11 AND 10-FEB-12

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
					relatively modest structure given its skeletal frame. It would not appear as a dominant or obtrusive feature and would not obstruct views of the street scene. Therefore the proposal would not have an adverse impact on the character and appearance of the street scene.
<p><b>M0001.11</b>                      46-48 Brentwood Road                      Romford  <i>The installation of a dual-user 'flagpole' on the building, supporting six antennas within a glass reinforced plastic shroud, equipment cabinets and development ancillary thereto.</i></p>	Written Reps	Approve With Conditions	Committee		<p style="text-align: center;"><b>Dismissed</b></p> <p>The appeal is dismissed and the decision is welcomed</p> <p>The main issue in this appeal was the impact of the proposal on the character and appearance of the street scene and surrounding area.</p> <p>The proposal was for a mobile phone installation in the form of an imitation flag pole plus ancillary equipment on top of a two storey building. The site is located within a mixed area of retail and residential uses with some industrial uses. The proposal however would be highly visible from residential areas including rear gardens and street scene. The flagpole element would appear significant higher than the host building and its diameter would be greater than a flagpole which it was designed to replicate. It would therefore appear as an intrusive and discordant feature that would be inappropriate within the surrounding residential environment.</p>



**LIST OF APPEAL DECISIONS MADE BETWEEN 19-NOV-11 AND 10-FEB-12**

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p><b>P0696.11</b>                      248 Main Road Gidea Park Romford  <i>Conversion of existing 3 bedroom flat into 3No.x1 bedroom self-contained flats, first floor rear extension, relocate external staircase and external alterations</i></p>	<p>Written Repts</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The conversion of the existing three bedroom flat into 3 one bedroom self-contained flats is of a poor standard of internal layout that would be likely to lead to an unacceptable noise and general disturbance to future occupiers. The proposal is therefore contrary to Policies DC4 and DC61 of the LDF Development Control Policies DPD.</p> <p>The bedroom and kitchen/lounge of the flat to the rear of 248 Main Road would be located in very close proximity to the extraction flues of the Indian restaurant, which would be harmful to the amenity of future occupiers in terms of outlook, visual impact and smell contrary to Policies DC4 and DC61 of the LDF Core Strategy Development Control Policies DPD and the Council's adopted Residential Design Supplementary Planning Document.</p> <p>The proposed development would, by reason of the inadequate provision of amenity space, result in a cramped over-development of the site to the detriment of future occupiers and the character of the surrounding area contrary to the requirements of the Residential Design</p>	<p style="text-align: center;"><b>Dismissed</b></p> <p>The appeal is dismissed and the decision is welcomed                      The main issues in this appeal are the effect on the living conditions of future occupiers and surrounding neighbours and highway safety.</p> <p>The proposal is a for a first floor extension in order to create three one bedroom flats. The proposed layout would result in the middle of the three flats having a very poor outlook onto a surrounding office building at very close proximity. The rear of the three flats would have an outlook onto the air conditioning and extract ventilation equipment serving the restaurant unit located directly beneath and future occupants would suffer from noise and disturbance from this when the machinery was in operation. Given the layout of the proposed flats it was accepted that whilst soundproofing could be installed it was a guarantee that it could control noise and disturbance between the proposed units.. A further consideration is that there would be no amenity space for the three flats and this was an important consideration given the poor outlook for two of the proposed flats.</p> <p>In respect of a new staircase access to the first floor, the Inspector found that this would not adversely affect the neighbouring first floor flat. In regard to the highways issues, the appellant indicated that although parking could be provided in the neighbouring office car park although this did not form part of the site. The Inspector noted that were roads in</p>

**LIST OF APPEAL DECISIONS MADE BETWEEN 19-NOV-11 AND 10-FEB-12**

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				<p>Supplementary Planning Document and Policy DC4 of the LDF Development Control Policies DPD.</p> <p>The proposed first floor rear extension would, by reason of its position close to the south western boundary of the site, be an intrusive and unneighbourly development as well as having an adverse effect on the amenities of adjacent occupiers, particularly No. 246A Main Road, contrary to the Residential Extensions and Alterations SPD and Policy DC61 of the Local Development Framework Development Control Policies Development Plan Document.</p> <p>The proposed development would, by reason of a lack of on site car parking provision, result in unacceptable overspill onto the adjoining roads to the detriment of highway safety and residential amenity contrary to Policies DC2 and DC33 of the LDF Development Control Policies DPD.</p> <p>In failing to deliver a high quality of</p>	<p>close proximity were there no restrictions and was not convinced that the lack of parking provision would adversely impact on highway safety. Despite these findings, they did not outweigh the harm to residential amenity of future occupiers</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 19-NOV-11 AND 10-FEB-12

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				design and layout through the deficiencies described in the reasons above, the proposal fails to justify such high density of development and would result in an overdevelopment of the site, contrary to Policies DC2 and DC61 of the LDF Development Control Policies Development Plan Document and Planning Policy Guidance Note 3 - Housing.	
<p><b>P0732.11</b>                      19a Seymer Road                      Romford  <i>Demolition of existing former British Red Cross training hall and construction of a four bedroom house</i></p>	Written Reps	Refuse	Delegated	In the absence of details satisfactorily demonstrating that the loss of a community facility would not be prejudicial to the local community, the proposed development is contrary to Policy DC27 of the LDF Core Strategy and Development Control Policies DPD.	<p style="text-align: center;"><b>Allowed with Conditions</b></p> <p>The appeal is allowed and the decision is noted                      The main issue in this appeal was the effect of the proposal on the provision of community facilities.</p> <p>The appeal site is single storey former Red Cross hall and the proposal is the erection of a new detached house. The Council did not object to the character and appearance of the proposed built form with regard to its design, siting or size. The proposal was assessed against policy DC27 which states that planning permission will only be granted where is no longer a need for a facility in its current use or for an alternative use or where suitable alternative provision is made elsewhere. In this instance no alternative provision has been made and the key issue is the need for a facility. The Red Cross stated that the site surplus to requirements in 2010</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 19-NOV-11 AND 10-FEB-12

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					<p>and another application to amend the use of the building for community based activities had been refused as this would result in noise and disturbance to adjacent occupiers and that there was unsatisfactory parking and highway arrangements. The Inspector concluded that the original restricted use was redundant and alternative community uses were inappropriate and therefore the loss of the hall would not conflict with the aims of policy DC27.</p>
<p><b>P0965.11</b> Land adj 36 Sowrey Avenue Hornchurch <i>Construction of two bedroom residential house with parking and amenity space</i></p>	<p>Written Repts</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed development would, by reason of its mass and prominent siting forward of the existing building line in Stephen Avenue, be unacceptably dominant and visually intrusive at this junction location adversely impacting on the visual amenity of the streetscene and out of character in the locality, contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD and Residential Design SPD.</p>	<p style="text-align: center;"><b>Dismissed</b></p> <p>The appeal is dismissed and the decision is welcomed</p> <p>The main issues in this appeal were the impact of the proposal on the character and appearance of the surrounding area and the impact on the living condition of the host property and neighbouring dwellings.</p> <p>The proposal was for a two storey dwelling which would replace an existing single storey extension. The site is located at the junction of two roads and the development would appear very large and prominent feature and it would sit forward of the building line of the dwellings to the rear in Stephens Road. The proposed dwelling would be deeper, wider, taller and bulkier than the existing extension and would reduce the spacing at the road junction therefore failing to maintain or improve the spacious character and appearance of the street scene. Whilst there are examples of two storey side extensions in</p>

**LIST OF APPEAL DECISIONS MADE BETWEEN 19-NOV-11 AND 10-FEB-12**

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
					the area, they were not located on corner sites or in such prominent locations and in any event the Inspector noted that they pre dated the Council's adopted policies and guidance. The appellant failed to put examples of alleged comparable dwellings cited in their evidence into context against the appeal proposal. The Inspector determined the appeal on its own merits and against current policies and guidance and the appeal was dismissed
<p><b>P0996.11</b> Land adj to 11 Roding Way Rainham <i>Change of Use of land adj to No.11 Roding Way to residential. Land to be incorporated into the garden of No.11. Erection of timber fence and access gate around site</i></p>	Written Reps	Refuse	Delegated	The proposal would, by reason of the associated 2m high fencing to the boundaries of the application site, result in the loss of the open and spacious character of this prominent corner plot, harmful to the character and appearance of the street scene and contrary to the aims and objectives of Policy DC61 of the LDF.	<p style="text-align: center;"><b>Dismissed</b></p> <p>The appeal is dismissed and the decision is welcomed</p> <p>The main issue in this appeal was the impact of the proposal on the character and appearance of the surrounding area. The proposal was for the erection of fence to enclose a grassed area. The fence would be set close to the back edge of the pavement in Roding Way and the because of the length, height, siting and existing open character would appear as an intrusive feature. The Inspector concluded that the proposal due to its prominence and its extent would detract from the character and appearance of the area and it was dismissed.</p>
<p><b>P1007.11</b> 195 SOUTH STREET ROMFORD <i>Canopy, front door, ramp, steps, roof alterations, 1st floor front</i></p>	Written Reps	Refuse	Delegated	The first floor front, side and rear extension would, by reason of its excessive depth, design, and overall scale, bulk, mass and design, poorly relate to the existing buildings and appear incongruous, dominant and	<p style="text-align: center;"><b>Dismissed</b></p> <p>The appeal is dismissed and the decision is welcomed</p> <p>The main issue in this appeal is the effect on the character and appearance of the area including the immediate surrounding</p>

**LIST OF APPEAL DECISIONS MADE BETWEEN 19-NOV-11 AND 10-FEB-12**

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p><i>&amp; side extension to 195 South Street. 1st floor side &amp; rear extensions with vehicular underpass to 197 South Street</i></p>				<p>visually intrusive with this pair of semi-detached properties harmful to the character and appearance of the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.</p>	<p>buildings.</p> <p>The appeal site is a semi detached property in a small group of similar buildings. The main issue concerned a first floor link extension between two non attached buildings which are presently semi detached. The other element for consideration is an extension at first floor level to one of the buildings. The proposal would remove a significant gap between two buildings creating a terrace effect and upsetting the rhythm and character of the group of buildings. In regard to the rear element and aspect of the proposal, the combined size of the extensions plus the roof forms would add to the bulk and prominence of the development and would not appear as subservient to the existing built form. The proposal would therefore appear incongruous and discordant in views from the rear and surrounding roads and would have a detrimental effect on the character and appearance of group of buildings in which the site is located and the surrounding area.</p>
<p><b>P1076.11</b> 91a Front Lane Cranham</p> <p><i>Front and rear dormer windows</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed rear dormer window would, by reason of its position and proximity to neighbouring properties, height and bulk cause loss of light, overlooking and loss of privacy which would have a serious and adverse effect on the living conditions of adjacent occupiers, contrary to the Residential Extensions and Alterations SPD and Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.</p>	<p><b>Dismissed</b></p> <p>The appeal is dismissed and the decision is welcomed</p> <p>The main issue in this appeal was the impact of the proposal on the character and appearance of the surrounding area. The proposal was for front and rear dormer windows. The rear dormer would occupy a large section of the rear slope and would alter the symmetry of the unaltered roof slope.</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 19-NOV-11 AND 10-FEB-12

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				The proposed front dormer by reason of its poor proportions and the rear dormer by reason of its height, position and bulk would appear out of scale and character with the dwelling and materially harmful to the visual amenity of the surrounding area, contrary to the Residential Extensions and Alterations SPD and Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.	Given its size, design and overall bulk, it would appear as an unsympathetic and prominent addition. The Inspector however did not find that the proposed rear dormer would result in a loss of amenity to the neighbouring property through loss of privacy or overlooking. Turning to the front dormers, the Inspector found that they would not be of equal width and would appear unbalanced in the roof and out of place on a highly visible frontage.
<p><b>P0906.11</b> Latchford Farm St Mary's Lane, Upminster <i>Detached garage</i></p>	Written Repts	Refuse	Delegated	The proposed building would, by reason of its size, massing and siting appear unacceptably large and prominent within the landscape, resulting in material harm to the character and open nature of the Metropolitan Green Belt. The special circumstances submitted in this case is not considered sufficient to justify the development. The proposal would be contrary to Policy DC46 of the Local Development Framework Core Strategy Development Plan Document and PPG2 (Green Belts).	<p style="text-align: center;"><b>Allowed with Conditions</b></p> <p>The Inspector identified 2 main issues [a] whether the development is inappropriate development in the Green Belt [b] impact of the development on openness and character of the Green Belt</p> <p>On issue [a] The Inspector noted that the floor area of the development would increase by approx 36% and he conjectured that the bungalow and garage would not exceed the 50% increase in volume referred to in policy DC45. He concluded the development was not inappropriate in the Green belt and accords with policy DC45 and the provisions of PPG2</p> <p>On issue [b] he observed the garage would be built in close proximity to the main dwelling and within the complex of buildings comprising the farm steading. it would not be an isolated building; nor would it be visually prominent. Any harm to the openness and character of the Green Belt would be minimal</p>

**LIST OF APPEAL DECISIONS MADE BETWEEN 19-NOV-11 AND 10-FEB-12**

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
					- the development would not compromise the objectives of policy DC61
<p><b>P1001.11</b>                      7 Raider Close Romford  <i>Two storey side &amp; single storey rear extension. Loft conversion with rear dormer window and skylights.</i></p>	Written Reps	Refuse	Delegated	The proposed development would, by reason of its lack of 1m setback at first floor level in the front façade lacks subservience and unbalances the appearance of this semi-detached pair of houses. As a consequence the development would appear as an unacceptably dominant and visually intrusive feature in the street scene, harmful to the appearance of the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.	<p style="text-align: center;"><b>Dismissed</b></p> The appeal is dismissed and the decision is welcomed  The main issue in this appeal was the impact of the proposal on the host property, semi detached neighbour and the character and appearance of the area.  The appeal property is a semi detached property set in a cul de sac with houses and arrangements that display visual cohesion in regard to their design, layout, and relationship. The proposed side extension would increase the width of the property by a one third and would have a limited set back from the front elevation at first floor and the ridge height would be marginally lower than the existing roof form. The Inspector concluded that this would not give the extension a subservient appearance to the host property and it would unbalance the pair of semi detached properties. It would appear as a visually intrusive feature that would be harmful to the character and appearance of the area.
<p><b>P0973.11</b>                      46 Pemberton Avenue Romford  <i>Two storey side and rear extension and single</i></p>	Written Reps	Refuse	Delegated	The proposed two storey side extension would visually unbalance the appearance of this semi-detached pair of houses and by reason of its roof form, design, height and bulk, poorly relate to	<p style="text-align: center;"><b>Dismissed</b></p> The appeal is dismissed and the decision is welcomed  The main issue in this appeal was the impact



**LIST OF APPEAL DECISIONS MADE BETWEEN 19-NOV-11 AND 10-FEB-12**

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<i>storey rear extension.</i>				the existing dwelling. As a consequence the development would appear as an unacceptably dominant and visually intrusive feature, harmful to the character and appearance of this part of the Gidea Park Special Character Area. The proposal is therefore contrary to the Residential Extensions and Alterations SPD and Policies DC61 and DC63 of the LDF Core Strategy and Development Control Policies DPD.	of the proposal on the character and appearance of the existing dwelling and the Gidea Park Special Character Area.  The appeal property is a semi detached house and is located in run of three pairs of dwellings of the same design. The proposed extension would add a hipped roof above a dormer and extension to the side and rear of the dwelling. The roof arrangement would be complex and would alter the balance of the built form to its side. The proposal would add to the bulk and mass of the building in certain views and it would appear as an incongruous feature that would affect the balance and relationship with the neighbouring dwelling. The Inspector concluded that the proposal would not be compliant with the aims and objectives of specific design related policies and guidance and the policy to preserve the Gidea Park Special Character Area as well as other
<b>P0975.11</b> 20 Weald Way Romford <i>Retention of a newly erected front and side boundary wall and a new cross over to the rear</i>	Written Reps	Refuse	Delegated	The front boundary walls and piers, by reason of its height and bulk, appear as an unacceptably dominant and visually intrusive feature in the Weald Way streetscene harmful to the appearance of the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.	<b>Allowed</b>  The appeal is allowed and the decision is noted The main issues in this appeal are the effect of the proposal on the character and appearance of the street scene and surrounding area.  The proposal is for the erection of boundary walls and a vehicle access into the appeal site. The Inspector noted that the height of boundary treatments varied in the immediate surrounding area however the proposal was

**LIST OF APPEAL DECISIONS MADE BETWEEN 19-NOV-11 AND 10-FEB-12**

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
					comparable to other boundary treatments on other nearby corner location properties. The Inspector considered that the height and bulk of the wall were fairly modest and did not result in blank frontages to the street. Furthermore the views of the front of the dwelling were not unduly restricted by the proposed boundary treatment
<p><b>P0945.11</b> 54 St Leonards Way Hornchurch <i>Single and two storey side extension</i></p>	Written Reps	Refuse	Delegated	<p>The proposed development would, by reason of its proximity to the neighbouring property to the north, close the gap between the pair and appear as an unacceptably cramped and visually intrusive feature in the streetscene, harmful to the appearance of the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.</p> <p>The proposed side extension would, by reason of its bulk, massing and position close to the boundaries of the site, be an intrusive and unneighbourly development, as well as resulting in light loss and having an adverse effect on the amenities of adjacent occupiers, contrary to Supplementary Design Guidance and Policy DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.</p>	<p style="text-align: center;"><b>Dismissed</b></p> <p>The appeal is dismissed and the decision is welcomed</p> <p>The main issues in this appeal are the effect on the character and appearance of the area and the living conditions of the occupier of the neighbouring property.</p> <p>The proposal is for part first floor and part two storey side extensions. In the Inspector's view the proposal would appear similar to other developments in the street scene and would not adversely affect the spacing between dwellings or appear cramped in the street scene. However the relationship of the rear element of the appeal proposal to the neighbour would result in the proposed extensions appearing close to a bedroom window of the neighbouring dwelling. The height, bulk and proximity of the enlarged built form would give rise to an unacceptably oppressive sense of enclosure and loss of daylight to the neighbouring dwelling and the appeal was dismissed.</p>

**LIST OF APPEAL DECISIONS MADE BETWEEN 19-NOV-11 AND 10-FEB-12**

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p><b>P1120.11</b> 50a Tudor Drive Gidea Park Romford <i>Vehicular access to form front garden parking( new off road parking on new concrete drive)</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposal would, by reason of noise, disturbance and fumes associated with vehicles manoeuvring directly under the living room window of the ground floor flat, be seriously detrimental to the amenity enjoyed by the occupier of the ground floor flat contrary to the Residential Extensions and Alterations SPD and Policy DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document. The development would, by reason of the proposed paving of the entire front garden, and removal of the existing landscape features appear as a visually intrusive feature in the streetscene harmful to the appearance of the surrounding area, contrary to the Residential Extensions and Alterations SPD and Policy DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.</p>	<p style="text-align: center;"><b>Dismissed</b></p> <p>The appeal is dismissed and the decision is welcomed</p> <p>The main issues in this appeal are the effect on the character and appearance of the area and the living conditions of the occupiers of the ground floor flat.</p> <p>The appeal property is a flat located in semi detached property originally built as four flats. The appellant sought permission for a vehicle crossover to enable parking in the area to the front of the built form.</p> <p>It was noted that there were examples of vehicle crossovers and parking areas in the street scene however these involved the loss of boundary walls / treatments and were hard surfaced with little in the way of screening or landscaping to soften their appearance. The Inspector considered that these examples were likely to have been constructed prior to the adoption of guidance on residential alterations. The proposal as submitted would contain a very small area of landscaping which is less than that advised by the Council in its guidance and would fail to soften the appearance. The proposal would fail to reduce water run off as the paved area would be impermeable and drain into rainwater drainage systems for the flats. As such it would be contrary to adopted planning policies and supplementary guidance for residential alterations.</p> <p>On the second issue, the Inspector noted that</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 19-NOV-11 AND 10-FEB-12

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
					<p>the parking space would be directly in front of the principal windows of the ground floor flat. Such a relationship would harm the outlook from this property and would result in noise and disturbance from vehicle movements, headlight glare and exhaust fumes. This would be close proximity to the flat than that the relationship which presently exists. This would be unacceptably harmful to the occupiers of the flat and the appeal was dismissed.</p>
<p><b>P1265.11</b> 25 Fairfield Avenue Upminster <i>First floor side and rear extension</i></p>	<p>Written Repts</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed development by reason of its design and layout, would relate poorly to the application property resulting in an unsatisfactory visual relationship between building blocks which would be harmful to the streetscene and the appearance of the surrounding area contrary to Policy DC61 of the Development Control Policies Development Plan Document and the Residential Extensions and Alterations SPD.</p>	<p style="text-align: center;"><b>Dismissed</b></p> <p>The appeal is dismissed and the decision is welcomed</p> <p>The main issue in this appeal was the impact of the proposal on the character and appearance of the area. The appeal property is a semi detached house and the proposal is for a first floor side extension. It is noted that both the appeal property and the attached neighbour have been extended and the attached property had been extended at first floor level. The Inspector found that the proposed extension would reduce the space between dwellings and that houses in the street scene had a strong identity and character. The mansard roof form of the proposal is not a characteristic feature of dwellings in the street scene and would appear discordant and harmful to the character and appearance of the area.</p>

**LIST OF APPEAL DECISIONS MADE BETWEEN 19-NOV-11 AND 10-FEB-12**

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p><b>P1384.11</b>                      16 Norman Road                      Hornchurch  <i>Full width single storey rear. First floor side &amp; front porch extensions</i></p>	<p>Written Repts</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed development when seen in conjunction with an existing extension and by reason of its "stepped roof" design, combined overall height, bulk and mass, close to the flank boundary, would poorly relate to the existing dwelling and would appear as an unacceptably dominant and visually intrusive feature in the street scene, harmful to the appearance of the surrounding area, contrary to the Residential Extensions and Alterations Supplementary Planning Document and Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.</p>	<p><b>Part Allowed/Part refused</b></p> <p>The appeal is part allowed and part dismissed. The decision is welcomed. The main issue in this appeal was the impact of the proposal on the character and appearance of the surrounding area. The appeal site is a two storey property and proposal is comprised of two elements, the first relates to rear and side extensions. The second relates to a front porch.</p> <p>The Council did not object to the porch element and this element was allowed subject to conditions. In regard to the side and rear extensions, the Inspector noted that the extensions would be close to site boundaries and sit beyond the building line of surrounding streets and would reduce the openness of the street scene. The existing relatively simple form of the existing house would be replaced by a complex form and mass that would have differing roof forms and gradients which would be at odds with the rest of the terrace. Although there are examples of extensions in the area, they did not justify or mitigate the fact that the proposal was contrary to the Council's adopted policies and guidance. In any event the Inspector noted that these examples pre dated the existing adopted policies and guidance. The appellant failed to put alleged comparable examples into context against the appeal proposal and the Inspector determined the appeal on its own merits and against current guidance and dismissed the appeal in relation to this element of the scheme.</p>

**LIST OF APPEAL DECISIONS MADE BETWEEN 19-NOV-11 AND 10-FEB-12**

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p><b>P1131.11</b> 1 Holden Way Upminster</p> <p><i>Loft conversion to form second floor</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed development would, by reason of its position and proximity to neighbouring properties cause overlooking and loss of privacy which would have a serious and adverse effect on the living conditions of adjacent occupiers, contrary to the Residential Extensions and Alterations SPD and Policy DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.</p> <p>The proposed rear dormer would, by reason of its height, position and bulk appear out of scale and character with the dwelling and materially harmful to the visual amenity of the surrounding area contrary to the Residential Extensions and Alterations SPD and Policy DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.</p>	<p><b>Allowed with Conditions</b></p> <p>The appeal is allowed and the decision is noted</p> <p>The main issues in this appeal were the effect of the proposal on the character and appearance of the house and wider surrounding area and upon the living conditions of neighbours.</p> <p>The appeal property is a semi detached house and the proposed dormer would replicate the pitch of the hipped part of the existing roof and would be well located within the roof. It would appear subservient and maintain the balance and relationship with other features on the house. Therefore it would not have an adverse impact on the character and appearance of the house. Although the dormer would contain a Juliet balcony, the Inspector concluded that the potential for overlooking would be very limited and not that different to existing windows at first floor level and unlikely to result in any significant loss of privacy</p>
<p><b>P1144.11</b> 450 Wingletye Lane Hornchurch</p> <p><i>First floor side extension</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed development would, by reason of its height, bulk and mass, appear as an unacceptably dominant and visually intrusive feature in the street scene harmful to the appearance of the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD and the SPD for Residential Extensions and Alterations.</p>	<p><b>Dismissed</b></p> <p>The appeal is dismissed and the decision is welcomed</p> <p>The main issue in this appeal was the impact of the proposal on the character and appearance of the surrounding area. The proposal was for a first floor side extension to the full height of the building in order to provide an additional bedroom and bathroom facilities. It would be sited immediately</p>

**LIST OF APPEAL DECISIONS MADE BETWEEN 19-NOV-11 AND 10-FEB-12**

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
					adjacent to the footway and would appear as a large mass of built form, the full height and depth of the building. It would dominate the entrance to Grasmere Avenue and would have an overbearing effect which would be prominent and discordant. In summary it would have a negative impact on the character and appearance of the street scene.
<p><b>P1136.11</b>                      10 Elms Farm Road Elm Park Hornchurch  <i>Double storey front extension where existing porch removed</i></p>	Written Repls	Refuse	Delegated	The proposed front extension, by reason of its excessive depth, bulk, mass would appear as an unacceptably dominant and visually intrusive feature in the streetscene, which would have a harmful impact on the character of the surrounding area contrary to the Residential Extensions and Alterations SPD and Policy DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.	<p style="text-align: center;"><b>Dismissed</b></p> The appeal is dismissed and the decision is welcomed  The main issue central to this appeal is the effect on the character and appearance of the area. The appeal property is a two storey dwelling which has extended previously to the side. A two storey front extension was proposed however the Inspector considered that it was not small nor was subordinate to the dwelling. It would project forward of the property and would appear prominent and obtrusive in the street scene. Whilst there are examples of front extensions in the area, these differed in design and position to the appeal proposal and integrated with the host dwellings and their surroundings. The Inspector concluded that they would be contrary to adopted policy and guidance concerning such proposals.

**LIST OF APPEAL DECISIONS MADE BETWEEN 19-NOV-11 AND 10-FEB-12**

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p><b>P1420.10</b>                      Sheikh Villa 1 Reginald Road Harold Wood Romford  <i>Outbuilding in rear garden area</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed outbuilding would, by reason of its size, bulk and mass, appear as an unacceptably dominant and visually intrusive feature in the rear garden environment, harmful to the appearance of the surrounding area, contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.</p> <p>The application site is located in an area with a high probability of flooding. The submitted Flood Risk Assessment fails to satisfactorily deal with this issue as required by Paragraphs 10 and 13 of Annex E of Planning Policy Statement 25 Development and Flood Risk. The proposed development is therefore likely to give rise to increased flood risk contrary to Policy DC49 of the LDF Development Control Policies Development Plan Document, London Plan Policy 5.12 and the provisions of Planning Policy Statement 25.</p>	<p style="text-align: center;"><b>Dismissed</b></p> <p>The appeal is dismissed and the decision is welcomed.</p> <p>There were two issues central to this appeal. The first concerned the effect on the character and appearance of the area and secondly is whether the proposal would cause an increase in flood risk to the neighbourhood. The proposal is for an outbuilding which has partially been constructed at the end of a residential garden. The Inspector noted that the outbuilding displayed details akin to that of a residential dwelling and its footprint is was larger than one would expect for a building used for domestic storage. The Inspector concluded that it would be disproportionate in regard to its proposed use and that its mass and design would be incongruous and intrusive in a rear garden environment. Screening would not mitigate its impact given its close relationship to surrounding residential properties.</p> <p>In regard to the flooding issue, the appellant's Flood Risk Assessment failed to take into account the site fell within a specific flood risk zone. Moreover it was indicated that the potential increase in flood risk could be managed by the installation of sustainable drainage systems or excavations within the site to allow flood water storage. However no details of these solutions were proposed and the Inspector concluded that more information would be required to overcome the concerns regarding possible flooding.</p>



**LIST OF APPEAL DECISIONS MADE BETWEEN 19-NOV-11 AND 10-FEB-12**

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p><b>P1222.11</b> 65 Coniston Avenue Upminster <i>Enclosed porch in place of existing open roofed entrance way. Rear extension - part single, part double storey. Side extension double storey. Loft conversion and detached rear outbuilding</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed development would, by reason of its visually conflicting roof forms, height, bulk and mass, unbalance the appearance of this pair of semi detached dwellings and appear as an unacceptably dominant and visually intrusive feature in the street scene. The development is therefore considered to be harmful to the appearance this property and the surrounding area contrary to the Residential Extensions and Alterations Supplementary Planning Document and Policy DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.</p> <p>The proposed rear dormer would, by reason of its height, position and bulk appear out of scale and character with the dwelling and materially harmful to the visual amenity of the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD and Residential Extensions and Alterations SPD.</p>	<p><b>Part Allowed/Part refused</b></p> <p>The appeal is part allowed and part dismissed. The decision is welcomed. The main issue in this appeal was the impact of the proposal on the character and appearance of the surrounding area. The appeal site is a two storey property and proposal is comprised of two elements, one of which is a porch and rear and side extensions. The second relates to a detached outbuilding.</p> <p>Turning to the extensions to the house, the Inspector found that the proposed extensions would extensive and complex. They would appear awkward, unbalanced and lack cohesion given the different roof heights and designs. The overall size of the scheme would result in overdevelopment and it would be prominent in the street scene affecting its rhythm and unity and therefore it would be detrimental to its character and appearance. This element was dismissed by the Inspector. In regard to the outbuilding, it is similar in size to sheds in the surrounding area and screened by trees and shrubs to a large extent. The Inspector considered that it would not have an adverse effect and was allowed subject to conditions.</p>
<p><b>P1306.11</b> 3 ST LAWRENCE ROAD UPMINSTER ESSEX <i>two storey rear extension</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed rear extension would, by reason of its excessive depth, height and position close to the boundaries of the site, be an intrusive and unneighbourly development, as well as</p>	<p><b>Allowed with Conditions</b></p> <p>The appeal is allowed and the decision is noted The main issue in this appeal was the impact of the proposal on the living conditions of the</p>

**LIST OF APPEAL DECISIONS MADE BETWEEN 19-NOV-11 AND 10-FEB-12**

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				<p>having an adverse effect on the amenities of adjacent occupiers, contrary to Residential Extensions and Alterations SPD and Policy DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.</p>	<p>occupiers of the neighbouring dwelling with reference to light and outlook.</p> <p>The appeal site is a semi detached house of the north side of the road. The proposed extension would be located to the side of an existing two storey rear extension and of the same overall depth. It is noted that the neighbouring property (No.5) has a two storey extension that projects beyond the line of existing extensions of neighbouring houses.</p> <p>The Inspector noted that the rear elevations of the appeal site and its neighbour face north and although there were windows in the neighbours rear elevation, the amount sunlight received by them would not be significantly affected. Furthermore the proposed extension would set 1m off the party boundary and some 4m from the side elevation of the extension at No.5 and would also have a flat roof. The length and openness of the rear garden would prevent it from appearing oppressive in regard to the surrounding properties. The Inspector concluded that the proposal would have not have significantly adverse impacts on either the daylight received by the windows in No.5 or the outlook from them and therefore would be harmful to the living condition of that property.</p>

**TOTAL PLANNING =**

**33**

**LIST OF APPEAL DECISIONS MADE BETWEEN 19-NOV-11 AND 10-FEB-12**

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<b>APPEAL DECISIONS - ENFORCEMENT</b>					
Description and Address	Appeal Procedure			Reason for Refusal	Inspector's Decision and Comments

**LIST OF APPEAL DECISIONS MADE BETWEEN 19-NOV-11 AND 10-FEB-12**

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p><b>ENF/488/08/RT</b> 13 Bridge Close Romford</p>	<p>Written Repts</p>				<p style="text-align: center;"><b>Quashed</b></p> <p>The appeal is allowed, planning permission is granted and the notice is quashed. The decision is noted</p> <p>The main issues in this appeal and the application for planning permission under ground A were the effect of granting permission on the objectives of the Romford Area Action Plan (RAAP). Secondly, whether the use would be detrimental to pedestrian or highway safety and finally would nearby residents be disturbed by noise.</p> <p>The RAAP identifies Bridge Close employment area as a site suitable for residential redevelopment with some commercial uses and the aim is to assemble a site in single ownership for redevelopment. The Council considered that granting temporary planning permissions can be appropriate in this area and the appellant sought temporary permission. Such an approach would allow the future use of the premises to be kept under review in the light of the redevelopment proposals.</p> <p>The appeal site is close to the centre of Romford and highly accessible by a number of transport modes. The Council indicated that, after taking into account the size, location and accessibility of the premises, at least thirty to thirty five parking spaces should be provided.</p> <p>The Inspector noted that there are parking areas at the front, side and rear of the</p>

**LIST OF APPEAL DECISIONS MADE BETWEEN 19-NOV-11 AND 10-FEB-12**

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p><b>ENF/488/08/RT</b> 13 Bridge Close Romford</p>	<p>Written Repts</p>				<p style="text-align: center;"><b>Quashed</b></p> <p>premises for at least ten vehicles. Agreements have been made with neighbouring premises to rent at least 21 other spaces on Sundays only. In the Inspectors view, the use of the site during week day evenings would not be likely to impact adversely on local parking provision. As long as the spaces were retained and services did not occur on days other than Sundays, the use of the premises as a place of worship and assembly should not result in on-street parking detrimental to pedestrian or highway safety.</p> <p>On the final issue, whether nearby residents would be likely to be disturbed by noise, it was noted that the premises are in an employment area, the Inspector considered that background noise would not be especially high and there are houses nearby in Regarth Avenue. The Inspector found that provided noise from within the premises is kept to a level where it is not audible at residential premises and the hours of use are limited to prevent the noise of people and vehicles outside the premises causing a disturbance at unsociable hours, the proposal would not be harmful to residential amenity. These matters could all be dealt with by the imposition of planning conditions and the Inspector granted temporary planning permission for a 3 year period and the notice was quashed.</p>

**LIST OF APPEAL DECISIONS MADE BETWEEN 19-NOV-11 AND 10-FEB-12**

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p><b>ENF/278/09/RT</b> 9 Bridge Close Romford</p>	<p>Written Repts</p>				<p style="text-align: center;"><b>Quashed</b></p> <p>The appeal is allowed, planning permission is granted and the notice is quashed. The decision is noted</p> <p>The main issues in this appeal and the application for planning permission under ground A were the effect of granting permission on the objectives of the Romford Area Action Plan (RAAP). Secondly, whether the use would be detrimental to pedestrian or highway safety and finally would nearby residents be disturbed by noise.</p> <p>The RAAP identifies Bridge Close employment area as a site suitable for residential redevelopment with some commercial uses and the aim is to assemble a site in single ownership for redevelopment. The Council considered that granting temporary planning permissions can be appropriate in this area and the appellant sought temporary permission. The Inspector considered that such an approach would allow the future use of the premises to be kept under review in the light of the redevelopment proposals.</p> <p>The appeal site is close to the centre of Romford and highly accessible by a range of transport modes. The Council indicated that, after taking into account the size, location and accessibility of the premises, at least twenty to twenty-five parking spaces should be provided. The Inspector noted that there are parking areas at the front, side and rear of the premises</p>

**LIST OF APPEAL DECISIONS MADE BETWEEN 19-NOV-11 AND 10-FEB-12**

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p><b>ENF/278/09/RT</b> 9 Bridge Close Romford</p>	<p>Written Repts</p>				<p style="text-align: center;"><b>Quashed</b></p> <p>which would provide room for at least twenty vehicles. In the Inspectors view, provided these spaces were retained, the use of the premises as a place of worship and assembly should not result in on street parking detrimental to pedestrian or highway safety.</p> <p>On the final issue, whether nearby residents would be likely to be disturbed by noise, it was noted that the premises are in an employment area and back onto a railway embankment , but there are houses nearby in Waterloo Road. The appellants noted that steps have been taken to mitigate the outbreak of noise by installing internal cladding to the walls and windows of the premises and technical controls exist for regulating the output from the amplification equipment. The Inspector considered that residents in Waterloo Road experience a relatively high level of background noise due to the location of the houses on a main road and the proximity of the railway line and the employment area.</p> <p>The Inspector found that provided noise from within the premises is kept to a level where it is not audible at residential premises and the hours of use are limited to prevent the noise of people and vehicles outside the premises causing a disturbance at unsociable hours, the proposal would not be harmful to residential amenity. These matters could all be dealt with by the imposition of planning conditions and the Inspector granted temporary planning permission for a 3 year</p>

**LIST OF APPEAL DECISIONS MADE BETWEEN 19-NOV-11 AND 10-FEB-12**

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
ENF/278/09/RT 9 Bridge Close Romford	Written Reqs				<b>Quashed</b> period and the notice was quashed.

**TOTAL ENF =** **2**





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**LIST OF STARTED APPEALS BETWEEN 19-NOV-11 AND 10-FEB-12**

**PLANNING APPEALS**

**Written Reps**

Ref	Address	Brief Description
P1384.11	16 Norman Road Hornchurch	Full width single storey rear. First floor side & front porch extensions
P1131.11	1 Holden Way Upminster	Loft conversion to form second floor
M0004.11	Public highway at junction of North Hill Drive & Whitchurch Road Harold Hill, Romford	Installation of a twin user 10 metre street furniture column with shared antennas located within a glass reinforced plastic shroud at the top. With 1 no. shared ground based equipment cabinet and ancillary development thereto.
P1144.11	450 Wingletye Lane Hornchurch	First floor side extension
P1358.11	218 Moor Lane Cranham Upminster	conversion of existing outbuilding into a two bedroom bungalow dwelling, canopy porch and bay window
M0006.11	Land at junction of Front Lane and Brunswick Avenue Upminster	Installation of 1No. 10.0 metre high shared streetworks pole incorporating shrouded antennas, 2No. equipment cabinets and development ancillary thereto
P0062.11	15a Station Road Gidea Park Romford	Two storey building office to ground and flat over
P0152.11	37 Collier Row Lane Romford	Demolition of single storey side and rear extensions and four garages, change of use of first floor from offices to a one bedroom flat. The erection of a two storey side extension to provide a ground floor retail unit and 2 x 1no. bedroom flats with juliet balconies and a boundary wall and railings. Change of use of ground floor from B1(a) to retail A1.
P0627.11	30a South Hall Drive Rainham	Subdivision of a two bedroom dwelling into 1 x 1 bedroom self contained flat to the ground floor and 1 x 2 bedroom self contained flat to first and second floors
P1495.11	77-79 Butts Green Road Hornchurch	Erection of a single storey rear extension (Resubmission of planning application P1649.09).
P1420.10	Sheikh Villa 1 Reginald Road Harold Wood Romford	Outbuilding in rear garden area
P0737.11	Abbottswood Nursing Home 21 Gilbert Road/ 11 Kingston Road Romford	Demolition of bungalow (11 Kingston Road)and two garages at rear. Erection of part two storey & part single storey extension as enlargement of existing nursing home - containing 13 no. bedrooms and wetrooms ensuite, plus kitchen, dining room and office

**LIST OF STARTED APPEALS BETWEEN 19-NOV-11 AND 10-FEB-12****Written Reps**

Ref	Address	Brief Description
P1222.11	65 Coniston Avenue Upminster	Enclosed porch in place of existing open roofed entrance way. Rear extension - part single, part double storey. Side extension double storey. Loft conversion and detached rear outbuilding
P1892.10	14 Beverley Gardens & rear of 8, 10, 12, 16, 18 Beverley Gardens Hornchurch	Demolition of No. 14 Beverley Gardens, the formation of new access road and footpath and erection of four dwellings with four car ports (outline)
P1136.11	10 Elms Farm Road Elm Park Hornchurch	Double storey front extension where existing porch removed
P1277.11	1 Rockingham Avenue Hornchurch	First floor side extensions and bay window
P1306.11	3 ST LAWRENCE ROAD UPMINSTER ESSEX	two storey rear extension
P1449.11	115 Highfield Road Collier Row, Romford	Two storey side extension and single storey front extension
A0057.11	Former Plough PH Gallows Corner Colchester Road Romford	2x 96 sheet advertisement displays-illuminated
P1661.11	18 Aspen Grove Upminster	Two storey side , single storey front and rear extensions with decking area
P1283.11	Land rear of 9-13 New Road Rainham	Proposed erection of block to incorporate 4No flats(revised application to P0893.10)
P0723.11	2 Ravenscourt Drive Hornchurch	Detached single garage
P1421.11	6 Allenby Drive Hornchurch	New pitched roof over existing bungalow.

**ENFORCEMENT APPEALS****Written Reps**

Ref	Address	Brief Description
ENF/373/10/BL	319 Rush Green Road Romford	
ENF/101/10/EL	2a Woburn Avenue Elm Park Hornchurch	

LIST OF STARTED APPEALS BETWEEN 19-NOV-11 AND 10-FEB-12

<u>Summary Info:</u>	<u>PLANNING APPEALS</u>	<u>ENFORCEMENT APPEALS</u>
Total Appeals Started =	23	2
Number of Hearings =	0	0
Number of Local Inquiry's =	0	0
Number of Written Reps	23	2
Number of Not Yet Known's =	0	0
Number of Pre Inqs or Inqs =	0	0

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# 6

# REGULATORY SERVICES COMMITTEE

# REPORT

8 March 2012

**Subject Heading:**

**Schedule of Enforcement Notice**

**Report Author and contact details:**

**Simon Thelwell  
Planning Control Manager (Projects  
and Compliance)  
01708 432685**

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

Clean, safe and green borough	[x]
Excellence in education and learning	[]
Opportunities for all through economic, social and cultural activity	[x]
Value and enhance the life of every individual	[x]
High customer satisfaction and a stable council tax	[x]

<b>SUMMARY</b>
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Attached are schedules detailing information regarding Enforcement Notices updated since the meeting held on 8 December 2011.

## RECOMMENDATIONS

For consideration.

## REPORT DETAIL

Schedule A shows current notices with the Secretary of State for the Environment awaiting appeal determination.

Schedule B shows current notices outstanding, awaiting service, compliance, etc.

An appeal can be lodged, usually within 28 days of service, on a number of grounds, and are shown abbreviated in the schedule.

The grounds are:

- (a) That, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged;
- (b) That those matters have not occurred (as a matter of fact);
- (c) That those matters (if they occurred) do not constitute a breach of planning control;
- (d) That, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters;
- (e) That copies of the enforcement notice were not served as required by Section 172;
- (f) That the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach;
- (g) That any period specified in the notice in accordance with Section 173(9) falls short of what should reasonably be allowed.



**BACKGROUND PAPERS**

Schedule A & B.

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# SCHEDULE A

## CASES AWAITING APPEAL DETERMINATION

ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	DATE OF COMMITTEE AUTHORITY	ENFORCEMENT NOTICE SERVED	APPEAL LODGED
59-61 Warwick Road Rainham  ENF/144/11/RW	Alleged unauthorised use of garage to car repairs	Delegated 12-07-11	22-08-11	17-10-11
County Service Station Essex Gardens Hornchurch  ENF/306/09/EM	Alleged C/U to car wash/container storing fireworks and unauthorised banners & advertisements	Committee 23-06-11	19-09-11	21-10-11
11 Ryder Gardens Rainham  ENF/421/10/EL	Alleged unauthorised C/U of first floor to nursery	Delegated 14-09-11	19-09-11	21-10-11
319 Rush Green Road Romford  ENF/373/10/BL	Alleged unauthorised C/U to flats	Committee 19-05-11	20-09-11	24-10-11
2a Woburn Avenue Elm Park Hornchurch  ENF/101/10/EL	Alleged unauthorised C/U to flats	Delegated 07-11-11	17-11-11	21-12-11

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# SCHEDULE B

## ENFORCEMENT NOTICES – LIVE CASES.

ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	DATE OF COMMITTEE AUTHORITY	NOTICE ISSUED	NOTICE SERVED	APPEAL LODGED	APPEAL DECISION	COMPLIANCE DATE	COMMENTS
South side of Lower Bedford's Road, (Hogbar Farm) west of junction with Straight Road, Romford	(1) Siting of mobile home and touring caravan.	28.6.01	6.9.01	10.9.01	6.11.01 Grounds (a) and (g)	Allowed 14.2.03 Notice quashed temporary planning permission granted	-	Temporary planning permission granted for one - year period – expired Feb 2004. Monitoring. In abeyance pending adoption of new Planning Guidance. 2 February Regulatory Services Committee agreed to hold enforcement decisions in abeyance pending above. Traveller site policy incorporated within LDF.
	(2) Earth works and ground works including laying of hardcore.	Delegated	31-05-02	31-05-02		Dismissed and extended the compliance to 15 months		
End junction of Lower Bedford's Road (Vinegar Hill) and Straight Road, Romford	(1) Unauthorised residential use and operations.	Delegated Authority	9.11.01	9.11.01	21.12.01	Allowed 14.2.03 Notice quashed temporary planning permission granted for 1 year.	-	Temporary planning permission granted for one - year period – expired Feb 2004. Monitoring. In abeyance pending adoption of new Planning Guidance. 2 February Regulatory Services Committee agreed to hold enforcement decisions in abeyance pending above. Traveller site policy incorporated within LDF.
	(2) Erection of fencing and construction of hardstanding	"	"	"	"	Dismissed and extended the compliance to 15 months		
Hogbar Farm (East), Lower Bedford's Road Romford	Residential hardsurfacing Operational development	Committee 3.7.03	16.1.04	22.1.04	26.2.04 Grounds (a) and (g)	Appeal Dismissed Public Inquiry 11 and 12 December 2007		To reinstate land 31-07-12
Fairhill Rise, Lower Bedford's Road Romford	Residential, hardsurfacing etc. Operational development	Committee 3.7.03	16.1.04	22.1.04	27.2.04 Ground (a) and (g)	Appeal part allowed Public Inquiry 24.4.07		Appeal part allowed for 5 years plus 3 month to reinstate the land

ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	DATE OF COMMITTEE AUTHORITY	NOTICE ISSUED	NOTICE SERVED	APPEAL LODGED	APPEAL DECISION	COMPLIANCE DATE	COMMENTS
Arnolds Field, Launder Lane, Upminster	Unauthorised landfill development x 2	Committee 24.4.04		29.7.04	Appeal lodged.	Appeal dismissed 27.11.05	1.9.04 30.11.04	Enforcement Notices upheld. Pursuing compliance.
21 Brights Avenue, Rainham	Unauthorised development.	Committee 22.10.04	14.12.04	20.12.04			27.4.05	Enforcement Notice served. Second prosecution 30-09-10. Conditional discharge 2 years. Costs £350.00 . Pursuing compliance
Adj 1 Bramble Cottage, Bramble Lane Upminster	Compound and storage	Committee 27.5.04	13.02.06	13.02.06				Pursuing compliance.
1 Woodlands, Brookmans Park Drive Upminster	2 Notices Development laying of hardstanding. Change of use living on land	Committee 23.2.06	5.5.06	5.5.06	Public Inquiry 06.06.06	Appeal dismissed 01.02.07		No action at present time Notice remains on land.
49-181 Cherry Tree Lane, Rainham	1. Development 2. Use	Committee 30.8.06	27.10.06	30.10.06			1.3.07	Third prosecution fined (A) £5,000 (B) £5,000 Cost £2500 Pursuing compliance
Land at Church Road, Noak Hill Romford	1. Development 2. Use	Delegated	17.7.07	17.7.07		Appeal dismissed		1. Development. Appeal Dismissed. Enforcement Notice varied.  2. Use. Appeal Dismissed. Pursuing compliance
Woodways & Rosewell, Benskins Lane, Noak Hill Romford	Change of Use	Delegated	21.6.07	27.6.07	20.7.07	Appeal dismissed 02-05-2008		Pursuing compliance.
Sylvan Glade Benskins Lane Noak Hill Romford	Change of Use and Development	Delegated	18.9.07	18.9.07	24.10.07	Appeal dismissed		Pursuing compliance
The White House Benskins Lane Romford 2 Notices	1. Alleged construction of hardstanding. 2. Alleged Change of Use for storage	Committee 06-12-07	29-07-08	29-07-08				Pursuing compliance

ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	DATE OF COMMITTEE AUTHORITY	NOTICE ISSUED	NOTICE SERVED	APPEAL LODGED	APPEAL DECISION	COMPLIANCE DATE	COMMENTS
14 Rainham Road Rainham	Alleged operation of car wash without full compliance with planning conditions and unauthorised building  (2 Notices)	Committee 26-06-08	07-11-08	13-11-08	12-01-09 15-12-08	Appeal dismissed		Pursuing compliance
Land at Benskins Lane (Golf Course) Noak Hill Romford	Alleged change of use – Storage and erection of fence	Committee 07-07-08	01-10-08	02-10-08	07-11-08	Appeal dismissed		Pursuing compliance
Damyns Hall Aveley Road Upminster	Unauthorised construction of a Hanger and various breach  (9 Notices served)	Committee 18.09.08	23.12.08  24-04-09	23.12.08  24-04-09	02-02-09  26-05-09	Various decisions (9 Notices)		Pursuing compliance
Lakeview Caravan Park Dumplings Hall Lane Noak Hill Romford	Unauthorised developments and changes of use  (5 Notices served)	Committee 20-11-08	16-02-09	17-02-09	11-04-09	Various decisions (5 Notices)		Pursuing compliance
Vision Automotive Saw Road Rainham	Unauthorised extension	Delegated	09-03-09	09-03-09	20-04-09	Appeal withdrawn		Pursuing compliance
Grovelands Garden Centre Clay Tye Road Upminster	Development – Use	Committee 26-02-09	29-04-09	29-04-09		Appeal dismissed		Notice complied with
137 Marks Road Romford	Use _ Unauthorised conversion to flats	Committee 05-02-09	06-05-09	08-05-09				Pursuing compliance
57 Nags Head Lane Brentwood	Development (5 Notices)	Committee 15-01-09	06-03-09	06-03-09	15-04-09	Appeal part allowed/part dismissed		Pursuing compliance
Chanlin Broxhill Road Havering-atte-Bower	Use	Delegated 14-07-09	27-11-09	27-11-09	29-12-09	Appeal dismissed		Temporary planning permission expires 25-11-13

ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	DATE OF COMMITTEE AUTHORITY	NOTICE ISSUED	NOTICE SERVED	APPEAL LODGED	APPEAL DECISION	COMPLIANCE DATE	COMMENTS
64 Berwick Road Rainham	Unauthorised fence	Delegated 27-08-09	27-08-2009	02-10-09	12-03-10	Appeal dismissed		Pursuing compliance
118 Mashiters Walk Romford	Development	Delegated 20-08-09	23-12-09	24-12-09	11-08-09	Appeal dismissed		Pursuing compliance
3 Reed Pond Walk Gidea Park Romford	Development	Delegated 24-08-09	23-12-09	24-12-09				Notice complied with
111 Albany Road Hornchurch	Use	Committee 19-11-09	22-12-0-	22-12-09	03-12-10	Appeal dismissed		Pursuing compliance
Wolseley Road Romford	Development	Committee 29-10-09	18-01-10	18-01-10	09-03-10	Appeal dismissed		Pursuing compliance
222 Havering Road Romford	Development	Committee 29-10-09	18-01-10	18-01-10	25-02-10	Appeal dismissed		Pursuing compliance
179-181 Cherry Tree Lane Rainham	Use	Delegated 03-08-10	28-01-10	29-01-10				Pursuing compliance
29 Reed Pond Walk Gidea Park Romford	Development	Delegated 10-02-10	26-02-10	01-03-10	01-04-10	Appeal dismissed		Notice complied with
30 Robin Close Collier Row Romford	Development	Delegated 14-12-10	08-03-11	08-03-11				Pursuing compliance
Folkes Farm Folkes Lane Upminster	Use x 2	Committee 11-03-10	07-10-10	07-10-10	01-11-10	Appeal dismissed		Pursuing compliance



ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	DATE OF COMMITTEE AUTHORITY	NOTICE ISSUED	NOTICE SERVED	APPEAL LODGED	APPEAL DECISION	COMPLIANCE DATE	COMMENTS
The Former Brook Street Service Station Colchester Road Harold Wood	Use & Development	Delegated 01-07-10	22-07-10	23-07-10	26-08-10	Temporary Permission given		Monitoring
Land off Church Lane Noak Hill Romford	Development	Committee 15-07-10	10-09-10	10-09-10				Pursuing compliance
Moorings Garage Southend Arterial Road Hornchurch	Notice A. Use  Notice B .Development Withdrawn  Notice C. Development Withdrawn	Committee 29-04-10	01-10-10	01-10-10	28-10-10	Appeal dismissed		Notice complied with
29 Lessington Avenue Romford	Development	Committee 20-04-10	37-07-10	28-07-10	01-09-10	Appeal dismissed		Pursuing compliance
Land off Church Road Noak Hill Romford	Development	Committee 15-07-10	10-09-10	10-09-10				Pursuing compliance
39 Benets Road Hornchurch	Use	Committee 26-08-10	29-11-10	29-11-10	09-12-10	Appeal dismissed		Pursing compliance
3 Crown Cottage Hog Hill Road Collier Row Romford	Development	Committee 09-09-10	29-11-10	29-11-10	15-12-10	Appeal dismissed		Notice complied with
3 Percy Close Harold Hill Romford	Development	Delegated 14-10-10	20-01-11	20-01-11				Notice complied with
83A London Road Romford	Use	Committee 02-12-10	04-03-11	04-03-11	26-03-11	Withdrawn 12-10-11		Monitoring
8 Highview Gardens Upminster	Development	Committee 07-04-11	05-08-11	05-08-11				Pursuing compliance

ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	DATE OF COMMITTEE AUTHORITY	NOTICE ISSUED	NOTICE SERVED	APPEAL LODGED	APPEAL DECISION	COMPLIANCE DATE	COMMENTS
5 Writtle Walk Rainham	Use	Delegated 14-01-11	18-04-11	18-04-11	19-05-11			Pursuing compliance
Small Acres Folkes Lane Upminster	Use /development	Committee 19-05-11	25-07-11	27-07-11				Pursuing compliance
59/61 Warwick Road Rainham	Use	Delegated 12-07-11	22-08-11	22-08-11	17-10-11			See Schedule A
County Service Station Essex Gardens Hornchurch	Use	Committee 23-06-11	19-09-11	19-09-11	21-10-11			See schedule A
49 Ryder Gardens Rainham	Use	Delegated 14-09-11	19-09-11	19-09-11	21-10-11			See Schedule A
14 Willoughby Drive Hornchurch	Use	Committee 14-08-11	14-10-11	21-10-11				No action at present time Notice remains on land.
2A Woburn Avenue Elm Park Hornchurch	Use	Delegated 07-11-11	17-11-11	17-11-11				Pursuing compliance
Folkes Farm (Field) Folkes Lane Upminster	Development	Delegated 22-12-11	23-12-11	23-11-11				Pursuing compliance
178 Crow Lane Romford	Development x 2	Committee 03-11-11	12-01-12	12-01-12				Pursuing compliance

# 7

# REGULATORY SERVICES COMMITTEE

# REPORT

8 March 2012

**Subject Heading:**

**Prosecutions update**

**Report Author and contact details:**

**Simon Thelwell**  
**Planning Control Manager (Projects**  
**and Compliance)**  
**01708 432685**

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

Clean, safe and green borough	[x]
Excellence in education and learning	[ ]
Opportunities for all through economic, social and cultural activity	[x]
Value and enhance the life of every individual	[x]
High customer satisfaction and a stable council tax	[x]

## SUMMARY

This report updates the Committee on the progress and/or outcome of recent prosecutions undertaken on behalf of the Planning Service

## RECOMMENDATIONS

That the report be noted.

## REPORT DETAIL

1. Failure to comply with the requirements of an Enforcement Notice is an offence prosecutable through the Courts.
2. A Local Planning Authority is not obliged to proceed to prosecution. In practice this power tends to be sparingly used by Local Planning Authorities primarily for two reasons. Firstly, LPAs are encouraged through national guidance to seek negotiated solutions to planning breaches. Formal action should be used as a last resort and only where clearly expedient and proportionate to the circumstances of the case. Secondly, prosecutions have significant resource implications which can compete for priority against other elements of workload both for Planning and Legal Services.
3. As confirmed in the Policy for Planning Enforcement in Havering, prosecutions should only be pursued on legal advice, when it is clearly in the public interest and when the evidential threshold has been reached, ie where it is more likely than not (a greater than 50% probability) that a conviction will be secured.
- 4 There has been one prosecution this quarter see Appendix 1.

## IMPLICATIONS AND RISKS

**Financial implications and risks:** Financial resources are required to undertake Prosecutions.

**Legal implications and risks:** Prosecutions requires use of legal resources.

**Human Resources implications and risks:** None identified.

**Equalities implications and risks:** The Councils planning powers are implemented with regard for equalities and diversity

Appendix 1.

<b>Address</b>	<b>Summary of Breach</b>	<b>Legal Action</b>	<b>Outcome</b>
11 Wolseley Road Rush Green Romford	Non-compliance with Enforcement Notice	2 December 2011 Haverling Magistrates Court.	Guilty plea Fined £550.00 Cost £1173.20

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# Agenda Item 8

## Regulatory Services Committee

8 March 2012

Item 8

### WITHIN STATUTORY PERIOD

<b>Page No.</b>	<b>Application No.</b>	<b>Ward</b>	<b>Address</b>
1-8	P0073.12	Rainham & Wennington	The Thatched House, Upminster Road South, Rainham

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**REGULATORY SERVICES COMMITTEE**

**8th March 2012**

**WITHIN STATUTORY PERIOD**

<b>APPLICATION NO:</b>	<b>P0073.12</b>	
<b>WARD :</b>	Rainham & Wennington	<b>Date Received:</b> 24th January 2012
<b>ADDRESS:</b>	The Thatched House Upminster Road South Rainham	
<b>PROPOSAL:</b>	Re-application of No. P1246.11 - Demolition of existing office/shop/dwelling and erection of 3 No. terraced houses (revised design and layout)	
<b>DRAWING NO(S):</b>		
<b>RECOMMENDATION :</b>	It is recommended that <b>planning permission be GRANTED</b> subject to conditions given at the end of the report.	

### **SITE DESCRIPTION**

The application site is located on the northern side of Upminster Road South. The site is presently occupied by a single/two storey building with an attached garage, which comprises of a shop/office at the ground floor and a one bedroom flat at first floor. There are single storey extensions to the building and an outbuilding that are sited on the eastern boundary of the site. There is an alleyway adjacent to the western boundary of the site. The site has a frontage onto Upminster Road South of between 2 and 7 metres and has an overall depth of approximately 30 metres. The surrounding area is predominantly residential in character, comprising of two storey terraced and semi-detached properties. The site is flanked by a two storey end of terrace dwelling (No. 181) to the west and a two storey end of terrace property (No. 183) to the east.

### **DESCRIPTION OF PROPOSAL**

This proposal is a re-application of application P1246.11 for the demolition of an existing office/shop/dwelling and the erection of 3 No. terraced houses with a revised design and layout.

In terms of appearance the proposed building has a pitched roof. In terms of finishing materials, the predominant materials proposed are part brick, part rendered blockwork and roof tiles.

The proposed building would measure 15.6 metres in width and have a depth of 12.1 metres at ground floor and 9.1 metres at first floor. The building would be 8.4 metres in height. The flank walls of the building are sited approximately 0.1 metres and 0.7 metres from the western and eastern boundaries respectively.

There would be two car parking spaces to the front of each dwelling.

### **RELEVANT HISTORY**

P1246.11 Demolition of existing office/shop/dwelling and erection of 3 no. terraced houses re-application of P0131.11 Approved.

P0131.11 - Demolition of existing office/shop/dwelling and the erection of 3 no. terraced houses - Withdrawn.

P1617.06 - Two bed dwelling rear of The Thatched House - Refused.

P1071.02 - Improvement to main entrance for access by disabled persons - Approved.

## **REGULATORY SERVICES COMMITTEE**

**8th March 2012**

### **WITHIN STATUTORY PERIOD**

P0217.96 - Single storey side extension and alterations - Approved.

#### **CONSULTATIONS/REPRESENTATIONS**

The occupiers of 26 neighbouring properties were notified of this proposal. At the time of drafting this report the neighbour notification period has yet to expire. Members will be verbally updated on the evening of any representations received. One letter of objection was received with detailed concerns that have been summarised as follows:

- The dwellings would appear out of keeping with surrounding houses or village.
- Parking.

The Highway Authority has no objections to the proposals. The Highway Authority requires a standard of between 2 1.5 parking spaces per unit for a development of this type in Rainham.

Environmental Health - Recommend conditions if minded to grant planning permission.

Crime Prevention Design Advisor - The information provided in the Design and Access Statement that accompanies the application fails to mention or demonstrate how crime prevention measures have been considered in the design of the proposed development and how it reflects the seven attributes Safer Places as required by DC63. In addition, there were no details of proposed landscaping, parking provision or cycle storage. Recommends a condition and an informative if minded to grant planning permission.

#### **RELEVANT POLICIES**

Design for Living Supplementary Planning Document

Residential Extensions and Alterations SPD

Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP17 (Design), DC2 (Housing Mix and Density), DC3 (Housing Design and Layout), DC33 (Car Parking), DC61 (Urban Design) and DC63 (Crime) of the LDF Core Strategy and Development Control Policies Development Plan Document are considered to be relevant.

Policies 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 6.13 (parking), 7.1 (building London's neighbourhoods and communities), 7.13 (safety, security and resilience to emergency) and 7.4 (local character) of the London Plan are relevant.

National policy guidance set out in Planning Policy Statement 1 Delivering Sustainable Development and Planning Policy Statement 3 Housing are also relevant.

#### **STAFF COMMENTS**

This proposal follows a previous planning application, P1246.11, for the demolition of an existing office/shop/dwelling and the erection of 3 No. terraced houses, which was approved.

The current application differs from the previous scheme in the following key areas:

- The dwellings have half hipped roofs instead of hipped roofs.
- The proposal features roof lights and rear dormer windows.
- The height of the building has increased from 8.1m to 8.4m.
- The dwellings feature single storey rear projections with a depth of 3 metres.
- The width of the building has reduced from 16m to 15.6m.

## **REGULATORY SERVICES COMMITTEE**

**8th March 2012**

### **WITHIN STATUTORY PERIOD**

The main issues in this case are considered to be the principle of development, density and site layout, the impact upon the character and appearance of the street scene, impact upon neighbouring occupiers and highway/parking issues.

#### **PRINCIPLE OF DEVELOPMENT**

The site lies outside the Metropolitan Green Belt, Employment Areas, Commercial Areas, Romford Town Centre and District and local Centres and is therefore suitable for residential development according to DC61 of the DPD. Residential development in the form of new dwellings would therefore not be unacceptable in land use terms. Therefore, there are no concerns regarding the loss of a retail unit.

#### **DENSITY/SITE LAYOUT**

The Density Matrix in Policy DC2 seeks to guide higher density of development to those parts of the Borough having good access to public transport. In this instance the application site is considered to be located within an area of predominantly terraced and semi-detached housing, with the density requirement being 30-50 units per hectare. The proposal achieves a density of some 60 units per hectare on this 0.05 hectare site, which is outside of the range identified, although this is one element of the assessment.

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

The proposal would provide approximately 66 square metres of amenity space for each new dwelling. Staff are of the opinion that the amenity space would be private, screened from general public view and access, and in a conveniently usable form. As a result, it is considered that the proposed amenity area for the new dwellings complies with the requirements of the Design for Living SPD and is acceptable.

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

The application would comprise the demolition of the existing building on the site. While the building appears to be in a structurally sound condition, it is not of any particular architectural or historic merit and no in principle objection is therefore raised to its demolition.

Council policy and guidance seeks to ensure that all new developments are satisfactorily located and are of a high standard of design and layout. In this regard, it is important that the appearance of new developments is compatible with the character of the local street scene and the surrounding area. In this case, existing local character is drawn largely from two-storey terraced and semi-detached dwellings.

PPS1 and PPS3 recognise the need for high quality design in residential development. In particular, PPS1 states that good design can help promote sustainable development; improve the quality of the existing environment; attract business and investment; and reinforce civic pride and a sense of place. It can help to secure continued public acceptance of necessary new development. As a consequence Local Planning Authorities are advised to reject designs which are considered to be poor or unacceptable.

**REGULATORY SERVICES COMMITTEE**

**8th March 2012**

**WITHIN STATUTORY PERIOD**

Consideration has been given as to whether the half hipped roof of the building would integrate satisfactorily with the streetscene. It is considered that the building would appear in character with neighbouring properties, as the streetscene is varied and there are terraced properties in the locality with hipped and gabled roofs. The proportion of roof that is gabled and half hipped is equal and therefore, the building should not appear top heavy or unbalanced. As a matter of judgement, it could be argued that the half hipped roof of the building may appear bulky and out of character in the streetscene, as both end of terraced properties either side of the building have hipped roofs. However, Staff consider that this may not be a particularly strong reason for refusal in itself.

The roof lights are deemed to be acceptable. The rear dormer windows and single storey rear projections would not be directly visible in the streetscene. It is considered that the two storey front projections with gabled roofs would integrate well with neighbouring properties. It is considered that increasing the height of the building from 8.1m to 8.4m is acceptable, as it would be similar to both neighbouring properties at No.'s 181 and 183 Upminster Road South. The proposal would be in general alignment with the front building line of neighbouring properties.

It is considered that the proposal would not appear cramped in the streetscene, as the flank walls of the building are sited approximately 0.1 metres and 0.7 metres from the western and eastern boundaries respectively. In addition, there is an alleyway adjacent to the western boundary of the site, which provides an additional separation distance of approximately 1.5 metres.

**IMPACT ON AMENITY**

The merits of this application have been carefully considered, particularly with regard to the impact of the new dwelling on the amenity of the occupiers, particularly No.'s 181 and 183 Upminster Road South.

It is considered that the proposal would result in some loss of amenity to No. 181 Upminster Road South in terms of loss of light, although this is deemed to be within acceptable limits. There would be a separation distance of approximately 2.3 metres between the flank wall of the proposal and the flank wall of this neighbouring property. No. 181 Upminster Road South has an obscure glazed ground floor flank window, which serves a bathroom and is not a habitable room. No. 181 Upminster Road South has a first floor flank window, which serves a landing and is not a habitable room. No. 181 Upminster Road South has a single storey rear extension, which would help to mitigate the impact of the proposal within the rear garden environment.

It is considered that the proposal would not result in a significant loss of amenity to No. 183 Upminster Road South, as it features a two storey side extension that has recently been constructed and does not have any flank windows (application reference P1583.10). In addition, there is favourable orientation, as the rear garden of the application site faces North. Also, there would be a separation distance of approximately 0.7 metres between the flank wall of the terraced properties and the eastern boundary of the site.

It is considered that the half hipped roof of the building would not result in a significant loss of amenity to neighbouring properties.

If minded to grant planning permission, it is proposed to remove permitted development rights for extensions and roof additions/alterations to protect the amenity of neighbouring occupiers, as the new dwelling would project approximately 1.3 metres and 0.7 metres beyond the two storey rear façade of No. s 181 and 183 Upminster Road South and following negotiations with the

## REGULATORY SERVICES COMMITTEE

8th March 2012

### WITHIN STATUTORY PERIOD

agent, the gabled roofs of the dwellings were replaced with hipped roofs.

Taking into account the roof lights and rear dormer windows, it is considered that the proposal would not create any additional overlooking or loss of privacy No. s 181 and 183 Upminster Road South, over and above existing conditions. The dwellings do not feature any flank windows.

The dwellings feature single storey rear projections and their depth of 3 metres adheres to the Residential Extensions and Alterations SPD. If minded to grant planning permission, it is proposed to remove permitted development rights for extensions under Class A of the Town and Country Planning (General Permitted Development) Order 1995 Article 3, Schedule 2, Part 1, as amended by the Town and Country Planning (General Permitted Development) (Amendment) (no.2) (England) Order 2008, to protect the amenity of neighbouring occupiers, as the new dwellings feature a single storey rear projection and as such, would project significantly beyond the rear building lines of No.'s 181 and 183 Upminster Road South.

#### **HIGHWAY/PARKING**

According to Policy DC2, the site lies within an area with a Public Transport Accessibility Zone Rating of 1-2, which recommends the provision of 2-1.5 spaces per unit in this location. The development would provide six off-street parking spaces resulting in two spaces per dwelling, which is acceptable.

The Highway Authority has noted that the vehicular crossover will need to be extended so that vehicles can enter and exit the parking spaces without damaging the un-reinforced footway, which will be secured by condition. Refuse storage will be secured by condition.

#### **KEY ISSUES/CONCLUSIONS**

The proposed residential use of the site is acceptable in principle. Consideration has been given as to whether the half hipped roof of the building would integrate satisfactorily with the streetscene. On balance, Staff consider that the half hipped roof is within the realms of acceptability, although this is a matter of judgement for members. It is considered that the proposal would not be materially harmful to residential amenity. It is considered that the proposal would not create any highway or parking issues. Having regard to all material planning considerations, it is recommended that planning permission be approved.

#### **RECOMMENDATION**

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

1. SC4 (Time limit) 3yrs
2. SC09 (Materials)
3. SC32 (Accordance with plans)
4. SC46 (Standard flank window condition)
5. SC11 (Landscaping)
6. SC06 (Parking provision)
7. SC62 (Hours of construction)

**REGULATORY SERVICES COMMITTEE**

**8th March 2012**

**WITHIN STATUTORY PERIOD**

8. SC58 (Storage of refuse)

9. SC14 (Sight lines)

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.

Reason:-

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

10. SC59 (Cycle Storage)

11. SC45A (Removal of permitted development rights) ENTER DETAIL

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(Amendment) Order 2008, Article 3, Schedule 2, Part 1, Class A and B, no enlargements, improvements or other alteration shall take place to the dwellings 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 Development Plan Document Policy DC61.

12. SC63 (Construction Methodology)

13. Non standard condition

Prior to the commencement of the development hereby permitted, details of the measures to be incorporated into the development demonstrating how Secured by Design accreditation can be achieved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, and shall not be occupied or used until written confirmation of compliance with the agreed details has been submitted to and approved in writing by the LPA.

Reason: In the interest of creating safer, sustainable communities, reflecting guidance set out in PPS1, Policy 4B.6 of the London Plan, and Policies CP17 Design and DC63 Delivering Safer Places of the LBH LDF.

**REGULATORY SERVICES COMMITTEE**

**8th March 2012**

**WITHIN STATUTORY PERIOD**

- 14.** Non standard condition  
The building(s) 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 in accordance with the recommendations of Planning Policy Guidance Note 24 Planning & Noise 1994.

- 15.** Non standard condition  
Prior to the commencement of the development, all details of boundary screening and screen walling including details of the change in ground levels on the site shall be submitted to and approved in writing by the Local Planning Authority 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.** Non standard condition  
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 to comply with policies in the Core Strategy and Development Control Policies, namely CP10, CP17 and DC61.

- 17.** Non standard condition  
The dwellings shall not be occupied until a means of vehicular/pedestrian/cycle access has been constructed in accordance with the approved plans.

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

**1** INFORMATIVE:

Reason for approval:

1. The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies CP1, CP2, CP17, DC2, DC3, DC33, DC61 and DC63 of the LDF Core Strategy and Development Control Policies Development Plan Document of the LDF Core Strategy and Development Control Policies Development Plan Document and the Design for Living Supplementary Planning Document.

2. The applicant is advised that planning approval does not constitute approval for

**REGULATORY SERVICES COMMITTEE**

**8th March 2012**

**WITHIN STATUTORY PERIOD**

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.

3. 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.

4. 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.

5. In aiming to satisfy condition 13, the applicant should seek the advice of the Police Crime Prevention Design Advisor. The services of the local Police CPDA are available free of charge through Havering Development and Building Control. It is the policy of the local planning authority to consult with the Borough CPDA in the discharging of community safety condition.

Note: Following a change in government legislation a fee is now required when submitting details pursuant to the discharge of conditions, in order to comply with the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations, which came into force from 06.04.2008. A fee of £85 per request is needed.



**REGULATORY  
SERVICES  
COMMITTEE**

**REPORT**

8 March 2012

**Subject Heading:**

**P1893.11 – 1C Como Street, Romford**

**Creation of second floor to form 1 one bedroom flat (resubmission of P1687.10) (Application received 21<sup>st</sup> December 2011)**

**Report Author and contact details:**

**Helen Oakerbee (Planning Control Manager) 01708 432800**

**Policy context:**

**Local Development Framework**

**Financial summary:**

**None**

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

Ensuring a clean, safe and green borough	[x]
Championing education and learning for all	[ ]
Providing economic, social and cultural activity in thriving towns and villages	[ ]
Valuing and enhancing the lives of our residents	[x]
Delivering high customer satisfaction and a stable council tax	[ ]

**SUMMARY**

This report concerns an application for the creation of a second floor to form 1 No. one bedroom flat. A legal agreement is required as the proposal would not provide any off street car parking for future residential occupiers on site. Staff consider that the proposal would nonetheless accord with the residential, environmental and highways policies contained in the Local Development Framework Core Strategy

and Development Control Policies Development Plan Document and approval is therefore recommended.

**RECOMMENDATIONS**

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:

- Agreement that all future occupiers of the proposed development, save for blue badge holders, are restricted from applying for residents parking permits.
- The Council's reasonable legal fees for preparation of the legal agreement.

That staff be authorised to enter into a legal agreement to secure the above and upon its completion of that agreement, grant planning permission subject to the conditions set out below:

1. 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. 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.

3. 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 Development Control Policies Development Plan Document Policy DC61.

4. 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 plan,) shall be formed in the flank wall(s) of the building(s) hereby permitted, unless specific permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

Reason:-

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

5. No construction works or deliveries into the site shall take place other than between the hours of 08.00 to 18.00 on Monday to Friday and 08.00 to 13.00 hours on Saturdays unless agreed in writing with the Local Planning Authority. No construction works or deliveries shall take place on Sundays, Bank or Public Holidays unless otherwise agreed in writing by the Local Planning Authority.

Reason:-

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

6. Prior to the commencement of the development hereby permitted, details of the measures to be incorporated into the development demonstrating how Secured by Design accreditation can be achieved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, and shall not be occupied or used until written confirmation of compliance with the agreed details has been submitted to and approved in writing by the LPA.

Reason:-

In the interest of creating safer, sustainable communities, reflecting guidance set out in PPS1, Policy 4B.6 of the London Plan, and Policies CP17 Design and DC63 Delivering Safer Places of the LBH LDF.

7. INFORMATIVES:

Reason for approval:

The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies CP1, CP2, CP17, DC2, DC3, DC33 and DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document and Policies ROM14 and ROM20 of the Romford Area Action Plan DPD.

In aiming to satisfy condition 6 the applicant should seek the advice of the Police Crime Prevention Design Advisor, Mr Tyler. The services of the local Police CPDA are available free of charge through Havering Development and Building Control. It is the policy of the local planning authority to consult with the Borough CPDA in the discharging of community safety condition(s).

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.

## REPORT DETAIL

### 1. **Site Description:**

- 1.1 The application site is located on the south eastern side of Como Street. The site is presently occupied by a two storey detached building, which comprises of two flats, 1B and 1C Como Street. The surrounding area is a mixture of residential and commercial properties. The site is flanked by 105 North Street to the east, which comprises of a retail unit at ground floor entitled 'Cartridge World' with a flat on the first floor - 1A Como Street and a two storey detached office building, 'Riverside House', to the west.

### 2. **Description of development:**

- 2.1 The application seeks permission for the creation of a second floor to form 1 No. one bedroom flat, which is a resubmission of application P1687.10. The flat comprises of a lounge, bathroom, kitchen, bedroom and landing. The proposal would increase the height of the building from 7.2 metres to 9.7 metres. The proposal includes internal alterations to create a new staircase up to the second floor flat.

2.2 The proposal includes adding two windows to the eastern flank of the building, one would serve a bedroom to the first floor flat and the second would serve a kitchen to the new flat on the second floor.

3. **Relevant History:**

P1687.10 - Creation of second floor to form 1 one bedroom flat - Refused.

4. **Consultations/Representations:**

4.1 The occupiers of 14 neighbouring properties were notified of this proposal and no letters of representation were received.

4.2 The Fire Brigade is satisfied with the proposals.

4.3 Environmental Health - Recommend conditions if minded to grant planning permission.

4.4 Crime Prevention Design Advisor - Recommends a condition and an informative if minded to grant planning permission.

4.5 The Highways Authority has no objection to the proposals; however, there are concerns regarding the cumulative effect of future sub-division of housing units and therefore request that a Planning Obligation preventing the purchase of parking permits for vehicles is included.

5. **Staff Comments:**

5.1 This proposal follows a previous planning application, P1687.10, for the creation of a second floor to form one, one bedroom flat, which was refused planning permission for the following reasons:

- The proposed development would, by reason of its position and proximity to neighbouring properties cause overlooking and loss of privacy which would have a serious and adverse effect on the living conditions of adjacent occupiers, primarily No. 1A Como Street contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.

- The proposal does not provide any off street car parking. In the absence of this and any mechanism to control the demand for on street car parking permits, the proposals are considered to result in unacceptable overspill onto adjoining roads, contrary to Policy DC33 of the LDF Core Strategy and Development Control Policies DPD.

5.1.1 The issue in this case is whether the revised proposal overcomes previously stated concerns. In this respect, the current application differs from the refused scheme in the following key areas:

- The secondary lounge window on the rear façade of Flat 1A Como Street has been removed.

- The window on the north western flank of No. 1C Como Street has been enlarged from one pane to three panes.
- The applicant has agreed to enter into a legal agreement as a means of preventing future occupiers of the second floor flat from applying for residents parking permits.

5.1.2 Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP17 (Design), DC2 (Housing Mix and Density), DC3 (Housing Design and Layout), DC33 (Car Parking) and DC61 (Urban Design) of the LDF Core Strategy and Development Control Policies Development Plan Document are considered material together with Policies ROM14 (Housing Supply) and ROM20 (Urban Design) of the Romford Area Action Plan DPD, the Design for Living Supplementary Planning Document and Policies 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 6.13 (parking), 7.1 (building London's neighbourhoods and communities), 7.13 (safety, security and resilience to emergency) and 7.4 (local character) of the London Plan are relevant. National policy guidance set out in Planning Policy Statement 1 'Delivering Sustainable Development' and Planning Policy Statement 3 'Housing' are also relevant.

## **5.2 Principle of Development**

5.2.1 PPS1 encourages a mixture of uses within town centres, which can assist in creating vitality, diversity and a reduction in the need to travel. PPS1 also seeks to ensure that housing is available where jobs are created and encourages the provision of a mixture and range of housing. PPS3 encourages high quality residential development with access to a good range of facilities. Re-use of previously developed land is also encouraged.

5.2.2 The site lies outside, but adjacent to a Site Specific Allocation for Como Street as identified within the Romford Area Action Plan. The site comprises of residential development. The creation of a second floor for residential development is considered acceptable for the locality.

## **5.3 Density and site layout**

5.3.1 The Density Matrix in Policy DC2 seeks to guide higher density of development to those parts of the Borough having good access to public transport. In this instance the application site is considered to be located within an area of predominantly terrace housing, with the density requirement being 55-175 units per hectare.

5.3.2 The proposal achieves a density of some 172 units per hectare on this 0.0058 hectare site, which falls in the upper range of this density and is therefore acceptable.

5.3.3 The Residential Design SPD states that private amenity space and/or communal amenity space should be provided for flats. The Council's guidance does advise that in a predominantly commercial area where a mixed use

development of residential flats above office or retail uses is considered appropriate, the total amenity space area may be reduced, or waived altogether provided that:

- (a) the relationship of the proposed building block to adjoining boundaries and buildings is acceptable,
- (b) flats have an acceptable outlook
- (c) the building mass is appropriate in the streetscene, and
- (d) all other policies and standards are met in full.

5.3.4 In this location, there is no existing or availability for the future provision of dedicated amenity space. Although, it is noted that the existing flats, 1B and 1C Como Street, do not have any amenity space. Given the above, it is considered that there would be insufficient grounds to refuse the application based on a lack of amenity provision.

#### **5.4 Design/impact on street/Garden scene**

5.4.1 Council policy and guidance seeks to ensure that all new developments are satisfactorily located and are of a high standard of design and layout. In this regard, it is important that the appearance of new developments is compatible with the character of the local street scene and the surrounding area. Following a site visit, it is noted that the streetscene has a varied character, with two storey terraced, semi-detached and detached properties in Como Street and adjacent to the junction between Como Street and North Street. No. 111 to 115 North Street comprises of a three storey detached building. In addition, planning permission was granted for the construction of a three storey block of 6 no. two bedroom flats at 9 Como Street (application reference P1461.10). Therefore, it is considered that the creation of a second floor to 1C Como Street would not appear dominant or out of character with the streetscene.

#### **5.5 Impact on amenity**

5.5.1 It is considered that Riverside House would not be adversely affected by the proposal, as it comprises of offices.

5.5.2 It is considered that properties located opposite the site (primarily No.'s 2 and 4 Como Street and 107 North Street) would not be adversely affected by the proposal, as there is a minimum separation distance of approximately 11 metres between the front façade of the application building and the flank of No. 107 North Street.

5.5.3 It is noted that there is a flat above 105 North Street, 1A Como Street, which backs onto the application site. When planning application P1687.10 was determined, Flat 1A Como Street originally featured a secondary lounge window on its rear façade, which was a secondary light source with a single pane window on the north western flank. Planning application P1687.10 was refused, as it was considered that the creation of a first floor window serving a bedroom of 1C Como Street and one second floor window serving a kitchen

of the proposed one bedroom flat on the eastern flank of the application building would be an un-neighbourly development and result in undue overlooking and loss of privacy harmful to the amenity of No. 1A Como Street.

In accordance with Building Regulation application BN/9157/11/1, the secondary lounge window on the rear façade of Flat 1A has subsequently been removed. Also, the window on the north western flank of No. 1C has been enlarged from one pane to three panes. As a result, it is considered that the proposal would not result in any undue overlooking or loss of privacy to No. 1A Como Street.

- 5.5.4 It is considered that the creation of a second floor to 1C Como Street would not result in a significant loss of light to 1A Como Street, as the enlarged lounge window is on the north western flank of the building.

## **5.6 Highway/parking issues**

- 5.6.1 The Highways Authority has no objection to the proposals; however, there are concerns regarding the cumulative effect of future sub-division of housing units and therefore request a Planning Obligation preventing the purchase of parking permits for vehicles is included. The applicant has agreed to enter into a legal agreement to this effect.

- 5.6.2 It is considered that as the proposal would not provide any parking on-site that the occupiers should be restricted from applying for residents parking permits.

## **5.7 Conclusion**

- 5.7.1 The creation of a second floor to form 1 No., one bedroom flat is acceptable in principle. It is considered that the proposal would not be harmful to the character or appearance of the streetscene. It is considered that the proposal would not be materially harmful to residential amenity. Staff consider that the proposal would not create any parking or highway issues subject to the completion of a legal agreement preventing future occupiers of the second floor flat from obtaining residents parking permits. Having regard to all material planning considerations, it is recommended that planning permission be approved.

## **IMPLICATIONS AND RISKS**

### **Financial implications and risks:**

None.



**Legal implications and risks:**

A legal agreement would be needed to restrict access to residential parking permits.

**Human Resources implications and risks:**

None.

**Equalities implications and risks:**

None.

**BACKGROUND PAPERS**

Application forms and plans received 21/12/2011.

1. The planning application as submitted or subsequently revised including all forms and plans.
2. The case sheet and examination sheet.
3. Ordnance survey extract showing site and surroundings.
4. Standard Planning Conditions and Standard Green Belt reason for refusal.
5. Relevant details of Listed Buildings, Conservation Areas, Article 4 Directions.
6. Copy of all consultations/representations received and correspondence, including other Council Directorates and Statutory Consultees.
7. The relevant planning history.

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## SUMMARY

This application relates to the redevelopment of a former residential home at Snowdon Court to provide a residential development of 98 units, comprising 38 sheltered housing units and 60 extra care units. Planning permission was granted in March 2011 for the development under application reference P0086.11. However, the layout of the landscaping and the proposed river works have been revised as the presence of a main sewer in close proximity to the development subsequently became apparent. The principle issues arising are the environmental implications of the revisions, including the resultant impact on the River Ravensbourne, visual impact, effect on the amenity of future occupiers of the development and local residents. These issues are set out in detail in the report below. Staff consider the proposals to be acceptable, subject to a variation of the legal agreement that formed part of the original planning permission P0086.11. It is therefore recommended that planning permission be granted.

## RECOMMENDATIONS

That the proposal is unacceptable as it stands but would be acceptable subject to the applicant entering into a Deed of Variation under Section 106A of the Town and Country Planning Act 1990 (as amended) to vary the legal agreement completed on 29 March 2011, and subsequently varied by Deed of Variation dated 23 February 2012 in respect of planning permission P0086.11 by varying the definition of Planning Permission which shall mean either planning permission P0086.11 as originally granted or planning permission P0086.11, as altered by planning permission under reference P0112.12.

Save for the variation set out above and necessary consequential amendments the Section 106 agreement dated 29 March 2011, as previously varied by Deed of Variation dated 23 February 2012 and all recitals, terms, covenants and obligations in the said Section 106 agreement dated 29<sup>th</sup> March 2011 will remain unchanged.

That upon the expiry of the statutory consultation period (9 March 2012), subject to no new material representations being received, in which case the application will be referred back to Regulatory Services Committee, Staff be authorised to enter into a Deed of Variation to secure the above and upon completion of that agreement, grant planning permission subject to the conditions set out below.

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

Reason: To comply with the requirements of Section 91 of the Town and Country 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 – The development hereby approved shall be constructed using the external materials previously submitted and agreed under condition discharge request application Q0145.11 unless otherwise agreed in writing by the Local Planning Authority.

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 - The hard and soft landscaping shall be completed in accordance with the details previously submitted and approved under condition discharge request application reference Q0320.11. 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 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 – The boundary treatment of the development shall be carried out in accordance with drawing number PL-04 revision A, as previously submitted and approved under application P0086.11, unless otherwise agreed in writing by the Local Planning Authority in conjunction with the Havering Crime Prevention Design Advisor. The boundary treatment shall thereafter be retained in accordance with this drawing unless agreed in writing.

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 – The development shall not be occupied until a full and detailed application for the Secured by Design award scheme has been submitted to the Local Planning Authority, setting out how the principles and practices of the Secured by Design Scheme are to be incorporated, approved in writing by the Local Planning Authority in consultation with the Havering Crime Prevention Design Advisor and implemented on site 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. CCTV – The development shall not be occupied until a scheme showing the details of a CCTV system to be installed for the safety of users and the prevent of crime throughout, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Crime Prevention Design Advisor and implemented on site in accordance with the agreed details.

Reason: In the interest of creating safe 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.

11. External lighting – The development shall not be occupied until a scheme for the lighting of external areas of the development including the access road has been 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.

12. Biodiversity – The development shall be carried out in accordance with the approved biodiversity method statement submitted under condition discharge request application reference Q0145.11 (ELMAW Assessment Ecology Report dated June 2010, received 18.7.11) unless otherwise submitted to and approved in writing by the Local Planning Authority.

Reason: In order to ensure that the proposed development has an acceptable impact on biodiversity and in order that the development accords with the LDF Development Control Policies Development Plan Document Policies DC58 and DC59.

13. Hours of construction - No construction works or construction related deliveries into the site shall take place other than between the hours of 08.00 to 18.00 on Monday to Friday and 08.00 to 13.00 hours on Saturdays unless agreed in writing with the local planning authority. No construction works or construction related deliveries shall take place on Sundays, Bank or Public Holidays unless otherwise agreed in writing by the local planning authority.

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

14. Wheel washing – The development shall be carried out in accordance with the wheel scrubbing/wash down proposals submitted and approved under condition discharge application reference Q0145.11. The approved facilities shall be permanently 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.

15. Construction methodology - The development shall be carried out in accordance with the Construction Method Statement submitted and approved under condition discharge application reference Q0145.11.

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

16. Land contamination - The development shall be carried out in accordance with the reports for contaminated land pursuant to the Environmental Protection Act 1990 Part IIA (Geo –Environmental Ground Investigation Report and Geotechnical Report received 18.7.11) submitted and approved under condition discharge application reference Q0145.11.

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.

17. Sustainability Statement - No occupation of the development shall take place until the developer has provided a copy of the Interim Code Certificate confirming that the development design achieves a minimum Code for Sustainable Homes 'Level 3' rating. The development shall be carried out in full accordance with the agreed Sustainability Statement. Before the proposed development is occupied the Final Code Certificate of Compliance shall be provided to the Local Planning Authority in order to ensure that the required minimum rating has been achieved.

Reason: In the interests of energy efficiency and sustainability in accordance with DC49 Sustainable Design and Construction and Policies 5.2 and 5.3 of the London Plan.

18. Energy Statement - The renewable energy system shall be installed in strict accordance with the details submitted and agreed under condition discharge application reference Q0320.11 unless otherwise submitted to and agreed by the Local Planning Authority.

Reason: In the interests of energy efficiency and sustainability in accordance with DC50 Renewable Energy and Policies 5.1, 5.3 and 5.3 of the London Plan.

19. Sound attenuation - The buildings 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'.



20. Noise of plant and machinery – The development shall be carried out in accordance with the scheme for noise levels of new plant and machinery submitted and approved under condition discharge application reference Q0145.11 (AIRO report dated 30 June 2011) unless otherwise submitted to and agreed in writing by 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'.

21. Ventilation System – Before the development is first occupied suitable equipment to remove and/or disperse odours and odorous material shall be fitted to the extract ventilation system in accordance with details to be previously submitted to and agreed in writing by the Local Planning Authority. Thereafter the equipment shall be properly maintained and operated at all times.

Reason: To protect the amenity of occupiers of nearby properties.

22. Flood Risk - The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated January 2011, project number 10996 compiled by Brand Leonard Limited.

- New buildings with a proposed finished floor level 300mm above the 1 in 1000 year flood level and emergency access routes to roads in Zone 1 with secure routes for emergency vehicles all above the 1000 year flood level (Executive Summary, section 1.5, page 3).
- Paved areas will all be constructed using permeable infiltration paving, subject to detail site investigation (Executive Summary, section 1.6, page 3).
- Remainder of roof areas, not used for rainwater harvesting to have living roofs (Executive Summary, section 1.6, page 3).
- Discharge to the Ravensbourne restricted to approximately 6 litres per second for 100 year storm plus an allowance for climate change with an 80m<sup>3</sup> attenuation tank (Executive Summary, section 1.6, page 3).

Reason: To reduce the risk and impact of flooding to the proposed development, future occupants and third parties.

23. Works to watercourse- The works to the watercourse shall be carried out in accordance with details submitted and approved under condition discharge application reference Q0320.11 unless otherwise submitted to and approved in writing by the Local Planning Authority.

Reason: To reduce the risk and impact of flooding to the proposed development, future occupants and third parties. To ensure the structural integrity of the existing and proposed river channel, thereby reducing the risk of flooding or damage to the watercourse. To ensure that the alterations are developed in a way that contributes to the nature conservation value of

the site in accordance with national planning policy by providing suitable habitats for wildlife.

24. External brick- The external brickwork for the development hereby approved shall be:

Lindfield Yellow Multi Facings – Extra Care building  
First Quality Multi Facing – Sheltered Housing building.

The buildings shall be constructed externally in the approved brick unless otherwise agreed in writing by the Local Planning Authority.

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.

25. Emergency Flood Gate- Prior to the first occupation of the development hereby approved a management strategy for the use of the proposed emergency flood gate for the purposes of fire appliance access shall be submitted to and approved in writing by the Local Planning Authority. The management strategy shall make provision for the car parking spaces in front of this gate to be utilised by staff only and give details of how these spaces would be vacated in the event of a fire. The management strategy shall thereafter be implemented and retained thereafter in accordance with the agreed details.

Reason: In the interests of amenity and in order to ensure that the development provides adequate access arrangements.

## **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. The developer is 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. Thames Water advise that with regard to surface water drainage it is the responsibility of the developer to make proper provision for drainage to ground, water course or a suitable sewer. Where the developer proposes discharge to a public sewer prior approval from Thames Water Developer Services will be required. Furthermore, there are public sewers crossing or

close to this development. The applicant is advised to contact Thames Water in respect of both surface water drainage and works affecting public sewers on 0845 850 2777.

4. Under the Water Resources Act 1991 and the Thames Region Land Drainage Byelaws 1981, the prior written consent of the Environment Agency is required for certain works or structures in, over, under or within 8m of the top of the bank of the River Ravensbourne, designated a 'main river'. This is irrespective of any planning permission granted.

5. Reason for Approval:

The proposal is considered to be in accordance with Policies CP1, CP2, CP8, CP9, CP10, CP15, CP16, CP17, DC2, DC3, DC5, DC6, DC7, DC26, DC32, DC33, DC34, DC35, DC36, DC48, DC49, DC50, DC51, DC53, DC56, DC58, DC59, DC61, DC62, DC63 and DC72 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document as well as the provisions of Policies 3.3, 3.5, 3.7 3.8, 3.9, 3.11, 5.1, 5.2, 5.3, 5.12, 5.13, 5.21, 6.3 , 6.9, 6.10, 6.12, 6.13, 7.1, 7.3 , 7.4, 7.6, 7.19 and 7.21 of the London Plan.

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:-

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

**REPORT DETAIL**

**1. Site Description**

- 1.1 The application site is Snowdon Court, which is a former residential home, situated to the east of Elvet Avenue and on the north side of Squirrels Heath Lane. The buildings on the site have recently been demolished. Whilst the site has a frontage to Squirrels Heath Lane, this provides only pedestrian access, with vehicular access to the site obtained via Elvet Avenue. The site has been vacated. Levels fall slightly from the west towards the centre of the site, then rise again towards the eastern side of the site.
- 1.2 Snowdon Court comprised two, two storey buildings set within landscaped grounds, with a parking area to its western side. To the north and west the site is adjoined by flatted development. On the western side of the site this consists of a four storey block at the junction of Elvet Avenue and an 11 storey building, Mountbatten House, behind. To the northern side is a three

storey flatted block, Nyall Court, which was constructed more recently as part of the 'Railstore' development. To the east of the site runs the River Ravensbourne, further east of which is the David Lloyd leisure centre. South of the site, on the opposite side of Squirrels Heath Lane, is characterised predominantly by semi-detached residential housing.

- 1.3 Work has commenced on site and site clearance works have taken place as well as the construction of footings and foundations.

## **2. Description of Proposal**

- 2.1 Planning permission has previously been granted for the demolition of existing buildings within the site and the erection of two, four storey buildings (application reference P0086.11). The proposed building to the western side of the site will provide a total of 38 sheltered flats, 18 no. 1 bed and 20 no. 2 bed. The block on the eastern side of the site will provide 60 extra care flats, 30 no. 1 bed and 30 no. 2 bed.

- 2.2 Following the grant of planning permission and subsequent to the commencement of works on site it was found that main sewers were not in the location originally envisaged. Whilst this does not affect the position of the proposed building, hardstanding or parking areas within the site, it has resulted in material changes to the proposed landscaping and river works proposed on the eastern side of the site, where the River Ravensbourne runs. Owing to the presence of the sewers the development could not be carried out in accordance with the approved plans or the Flood Risk Assessment approved under the original planning permission.

- 2.3 The location of the sewer has resulted in a re-design of the proposed river works and a scheme that provides less extensive enhancement works to the river than originally envisaged. Nonetheless, the applicants have liaised closely with the Environment Agency to design a scheme that includes betterment to the existing river and its environs. There are considered to be no other material changes to the development originally approved.

## **3. Relevant History**

- 3.1 P0086.11 Demolition of existing Snowdon Court buildings and the erection of two new four storey buildings providing 38 sheltered flats and 60 extra care flats (total 98) with support facilities together with associated external landscaping – approved.

N0032.11 Minor amendment request to P0086.11 to replace brick upstand to balcony with a continuation of the handrail and balustrade to its perimeter. Replace brick soffit with coloured panel (colours to be confirmed). Revision to stairwell windows to block 3 east and south elevations – approved.

N0032.11 Minor Amendment to P0086.11 - addition of window details to elevations - two new store doors - revised balcony design - reduced parapet height - glass canopy to main entrance - addition of balustrade - revised

doors and windows to buggy and bin stores. Raise height of roof – approved.

A Deed of Variation to the Section 106 agreement was subsequently agreed by Regulatory Services Committee in July 2011 to convert 17 of the units from discounted outright sale flats to social rented units.

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

- 4.1 The application has been advertised on site and in the local press as a major development. Neighbour notification letters have also been sent to 417 local addresses. The site notice displayed for this development does not expire until 9 March and, at the time of writing this report, the neighbour notification period has not fully expired. Any representations received will however be read out at the committee meeting.
- 4.2 The Environment Agency advises it has been in discussion with the developer throughout the process of redesigning the river works and are satisfied with the changes proposed. A revised Flood Risk Assessment has not been requested and there is no objection to the revised proposals.

#### **5. Relevant Policies**

- 5.1 Policies CP1, CP2, CP8, CP9, CP10, CP15, CP16, CP17, DC2, DC3, DC5, DC6, DC7, DC26, DC32, DC33, DC34, DC35, DC36, DC48, DC49, DC50, DC51, DC53, DC56, DC58, DC59, DC61, DC62, DC63 and DC72 of the Core Strategy and Development Control Policies Development Plan Document are material considerations.
- 5.2 The Residential Design Supplementary Planning Document is a material consideration as are the Supplementary Planning Documents for Sustainable Design and Construction and for Protecting and Enhancing the Borough's Biodiversity.
- 5.3 Policies 3.3 (increasing housing supply), 3.5 (quality and design of new housing development), 3.7 (large residential developments), 3.8 (housing choice), 3.9 (mixed and balanced communities), 3.11 (affordable housing targets), 5.1 (climate change mitigation), 5.2 (minimising carbon dioxide emissions), 5.3 (sustainable design and construction), 5.12 (flood risk management), 5.13 (sustainable drainage), 5.21 (contaminated land), 6.3 (assessing effects of development on transport capacity), 6.9 (cycling), 6.10 (walking), 6.12 (road network capacity), 6.13 (parking), 7.1 (building London's neighbourhoods and communities), 7.3 (designing out crime), 7.4 (local character), 7.6 (architecture), 7.19 (biodiversity and access to nature) and 7.21 (trees and woodlands) of the London Plan are relevant.
- 5.4 National policy guidance set out in Planning Policy Statement 1 'Delivering Sustainable Development', Planning Policy Statement 3 'Housing', Planning Policy Statement 9 'Biodiversity and Geological Conservation', Planning Policy Statement 22 'Renewable Energy', Planning Policy Guidance Note 24

'Planning and Noise' and Planning Policy Statement 25 'Development and Flood Risk' are also relevant.

## **6. Staff Comments**

- 6.1 Planning permission has previously been granted for a residential development of sheltered and extra care housing on this site. This planning application has been submitted in order to gain permission for changes to the landscaping and proposed river works within the site resulting from the discovery of the exact location of sewers crossing the site. In all other respects the proposed buildings and layout remain as per the originally approved plans. Given this, the assessment below focuses solely on the impacts of the revised landscaping and river work proposals. The impacts arising from this relate to environmental implications of the revisions, including the resultant impact on the River Ravensbourne, the visual impact of the revisions and the effect on the amenity of future occupiers of the development and local residents.
- 6.2 In terms of the quality of living environment for future occupiers, Members may recall that the scheme was previously considered to be acceptable in that it provided individual balconies for each unit, with the ground floor units having direct access to amenity space. The proposal includes a hard surfaced seating courtyard for the use of residents and enhanced soft landscaping. This has not changed as a result of the revisions.
- 6.3 The originally approved scheme also made effective use of the sites relationship with the River Ravensbourne with windows and decked areas within the scheme facing out towards the river setting, which was proposed to be enhanced through landscape design and new planting. Although the development no longer proposes the extensive package of enhancement works to the river that were originally proposed, nonetheless it still provides an attractive setting to the development and residents will still benefit from views out towards the river and the use of decked areas. Staff are satisfied therefore that the development will still provide a suitably high quality living environment and make adequate provision for amenity space for future residents. This is considered to conform to the objectives of the residential design SPD, as well as design criteria in Policies DC5 and DC61.
- 6.4 In terms of streetscene impact, Members may recall that visual impact of the buildings was lessened by the setting back of the buildings from the site frontage on to Squirrels Heath and the landscaping works around the building. Staff are satisfied that these merits of the development are not significantly altered by the proposed revised landscape and river works, such that the development would still maintain an acceptable visual impact within the streetscene.
- 6.5 There is considered to be no material harm to neighbouring residential amenity as a result of the revised proposals, particularly as there are no existing residential properties located immediately east of the application site.

- 6.6 In terms of environment impact, the site is adjacent to the River Ravensbourne. The majority of the site (some 60%) is in Flood Zone 1 and therefore at a low risk of flooding. The remainder of the site is within Flood Zones 2 and 3, although no development will actually take place within Flood Zone 3. A revised methodology for forming the realignment of the existing stream has been submitted with this application. The application also proposes extensive soft landscaping and has been designed in close discussion with the Environment Agency.
- 6.7 The proposed landscaping and river works are not as extensive as proposed under the original application. However, this situation is unavoidable due to the location of the sewer, which prevents the construction of the development in its originally approved form. Nonetheless, the scheme still provides works to the river and new landscaping and utilises the opportunities available for environmental enhancement within the development. The developers have liaised closely with the Environment Agency in respect of the revisions to the scheme. The Environment Agency has confirmed that it has no objection to the revised proposals. Staff are therefore satisfied that the proposal meets the requirements of PPS25, as well as the provisions of Policy DC48 of the LDF Core Strategy and Development Control Policies Development Plan Document.
- 6.8 An extended Phase 1 habitat survey of the site was undertaken for the previous application. This included a River Corridor Survey, water vole, bat activity and reptile survey. The survey results indicated that no protected species are likely to be disturbed as a result of the development. This would not change as a result of the proposed revised works. The proposal is therefore judged not to conflict with Policies DC58 and 59 of the LDF Core Strategy and Development Control Policies Development Plan Document.

## **7. Conclusion**

- 7.1 This application has been submitted in order to gain permission for changes to the development approved under application P0086.11. The changes have been necessitated by the position of a main sewer in relation to the site. The application seeks permission for revisions to the landscaping and proposed river works on the eastern side of the site. No other material changes to the previously approved development are proposed.
- 7.2 Staff consider that the impact of the changes are acceptable in terms of their visual impact and on the amenity of future occupiers of the development and that the development would maintain an acceptable impact on the River Ravensbourne and sufficiently maintain and enhance local biodiversity. It is therefore recommended that planning permission be granted subject to a deed of variation of a legal agreement together with the imposition of planning conditions.

## IMPLICATIONS AND RISKS

### **Financial implications and risks:**

None

### **Legal implications and risks:**

Legal resources will be needed to draft the legal agreement

### **Human Resources implications and risks:**

None

### **Equalities implications and risks:**

The proposal will provide sheltered housing and extra care housing for older residents of the Borough. The proposal therefore directly contributes to the Council's equality objectives by providing accommodation tailored towards those households within the Borough who have been identified in the LDF as having special needs.

## BACKGROUND PAPERS

Application form, plans and supporting statements received on 31 January 2012.



**11**
**REGULATORY  
 SERVICES  
 COMMITTEE**
**REPORT**

8 March 2012

<b>Subject Heading:</b>	P1583.11 – 29 Lessington Avenue, Romford – erection of railings to site frontage, surfacing front driveway, provision of window security (Application received: 28 October 2011; revised plans received 2 December 2011; amended details received 13 January and 3 February 2012)
<b>Report Author and contact details:</b>	Helen Oakerbee Planning Control Manager (Applications) helen.oakerbee@havering.gov.uk 01708 432800
<b>Policy context:</b>	Local Development Framework The London Plan National Planning Policy Statements/ Guidance
<b>Financial summary:</b>	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

The proposal relates to an application for the erection of railings to site frontage, surfacing front driveway and provision of window security. Staff consider that the proposal would accord with environmental policies contained in the Local Development Framework Core Strategy and Development Control Policies Development Plan Document and approval is therefore recommended.

## RECOMMENDATIONS

That planning permission is granted subject to the following conditions:

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

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

2. 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. Visibility Splays Pedestrian visibility splays shall be provided 2.1m wide to either side of the vehicular access to the satisfaction of the Local Planning Authority. The approved visibility splays shall be kept permanently unobstructed (with the exception of the approved railings) with no planting or other attachments exceeding 0.6m above ground level within the splay area thereafter to the satisfaction of the Local Planning Authority.

**Reason:** In the interests of Highway safety.

4. Design of Railings The railings to the sliding gates shall align with the fixed railings when in the open position to ensure that no obstruction of the visibility splay occurs.

**Reason:** In the interests of Highway Safety.

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

**Reason:** To insure the scheme has adequate landscaping and to ensure any trees or shrubs planted as part of the landscaping scheme are replaced in accordance with that scheme and that the development accords with Policy DC60 of the LDF Core Strategy and Development Control Policies Development Plan Document and in accordance with Section 197 of the Town and Country Planning Act 1990 and to enhance the visual amenities of the development.

6. Colour of Railings The proposed railings shall be finished in black and thereafter retained.

**Reason:** To ensure that the appearance of the proposed development will harmonise with the character of the surrounding area.

## **INFORMATIVES**

1. While condition 1 above gives the applicant the standard 3 year time limit in which to begin to implement the approved scheme, the applicant is reminded that the requirements of the Enforcement Notice were to ensure that the approved scheme was implemented within 9 months of the Planning Inspectorate decision letter dated 7<sup>th</sup> April 2011, i.e., by 6<sup>th</sup> January 2012. Since this date has now been passed, these works should be undertaken as a matter of urgency, in line with an agreed timetable.
2. INF23 Reason for approval:  
The proposal accords with Policies DC32, DC33, DC61 and DC63 of the LDF Core Strategy and Development Control Policies Development Plan Document.

Note: Following a change in government legislation 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 and Deemed Applications) (Amendment) (England) Regulations, which came into force from 06.04.2008. A fee of £85.00 per submission pursuant to discharge of condition.

## REPORT DETAIL

### Background

The application was deferred from 15<sup>th</sup> December 2011 Regulatory Services Committee to allow officers to discuss with the applicant the concerns raised by the Committee. Specifically this related to Members' concern that the visual impact of the proposed security measures would result in the property looking out of character in the street scene to the detriment of neighbouring amenity in a residential area. The applicant has made changes to the proposed window security measures and the landscaping details. The applicant has indicated that they are not willing to amend the railings/gate details previously submitted as following advice from the Crime Prevention design Advisor raising concerns regarding the effectiveness of the proposed window treatment against forced entry, they feel that the need for the railings is greater to prevent any attempts at forced entry. The changes to the window and landscaping been integrated into the remainder of this report, together with Staff comments on the amended scheme.

### 1. Site Description

- 1.1 The site is comprised of a detached bungalow with side and rear extensions, including a large conservatory. The property appeared vacant at the time of the site visit, however the lawful use of the building is for mixed purposes of residential, a children's after school/holiday club, and place of worship for Friday Masjid (for 1 hour), Ramadan, Eid and Haj. There are two accesses to the highway via gates in the current railings with parking in a single garage and on the forecourt area. At the time of the site visit, the front windows were hidden behind steel cladding and the front forecourt area was mainly concreted over.
- 1.2 The surrounding area is mixed in character; while mainly two-storey residential predominate, the site is directly opposite Crowlands Primary Schools and backs onto Romford Stadium (dog racing track) at the narrow part of its triangular garden.
- 1.3 There are parking restrictions in place including double lines to the bend near the property and residential parking bays in roads connecting to London Road to the north; otherwise there is some unrestricted on-street parking availability.

### 2. Description of Proposal

- 2.1 The proposal is for the erection of railings to the site frontage, surfacing the front driveway and provision of window security.

- 2.2 The proposal involves the erection of front boundary 1.8m high railings on a 0.075m high plinth and a single vehicle access gate to the same height in black with a fleur-de-lis detailing. The front driveway would be re-laid as permeable paving using a resin-bound paving with gravel which would be porous.
- 2.3 There would be planters of between 0.4m and 0.6m wide to the front railings and to the side fencing except where the access is. The landscaping would be kept below 0.6 metres within the visibility splay areas. It is proposed to provide relatively dense planting including outside the visibility splays some evergreen climbers against the railings. Clematis armandii is an evergreen with small leaves, small flowers and pretty flower seed heads. It is relatively fast growing and would be able wind itself around the railings such that it would appear in places to be growing on both sides of the railings.
- 2.4 In respect of window security, as a change to the previously submitted Crimeshield which would have provided a screen either in front or behind the existing windows which would look like tinted glass and would have allowed 60% of light to pass through, the amended proposal is to use Windowshield Barrier. This Barrier is polycarbonate glazing between 200 and 300 times stronger than glass but would be transparent and would appear as a discrete secondary glazing unit. Details submitted indicate that the glass protection would not affect the appearance of the property while protecting the property. It can be cleaned and is scratch resistant.
- 2.5 The applicant indicates that the security measures are necessary as the property has been the subject of stoning and fire bombing attacks which have meant that it has become extremely difficult for the applicant to obtain insurance for the premises.

### **3. History**

- 3.1 P1334.97 – Change of use to after school club Monday to Friday for about 2 hours – granted 6/2/98 for a limited time until 28/2/1999
- 3.2 P0024.99 – Change of use to permanent after school club and holidays for the full day – granted 19/3/99
- 3.3 P2440.06 – Change of use to Use within Class D1 – refused 26/3/07
- 3.4 E0006.07 – Change of Use to D1 for use as a Friday Masjid – refused 10/7/07; subsequent appeal – Certificate Granted
- 3.5 Enforcement Notice served in respect of the hardstanding, steel window casements and front boundary treatment – subsequent Appeal dismissed and the Enforcement Notice upheld with variations 7 April 2011

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

4.1 6 neighbouring and nearby properties were notified of the application. 2 pieces of correspondence have been received objecting to the proposal on the following grounds:

- the spikes on top of the fencing represent a Health and Safety hazard
- the metal mailbox affixed to the outside of the fencing is a hazard to pedestrians, particularly children from the school opposite
- the railings have a severe cage-like appearance and have an adverse impact on visual amenity in the streetscene

An objection was also made on the basis that the application should not have been validated because it was previously rejected and then rejected on appeal.

4.2 The Metropolitan Police Crime Prevention Design Advisor has written to advise that there have been a number of crimes at the application property and he confirms that he has been involved in the consideration of what crime prevention measures may be appropriate in this mainly residential area. He has no specific objections to the proposal.

#### **5. Staff Comments**

5.1 The issues in this case are the principle of the development, the impact of the development in the streetscene and on residential amenity. Policies CP17, DC61 and DC63 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document are relevant. SPD on Designing Safer Places and Policies 7.3 and 7.4 of The London Plan (2011) and PPS1 and Safer Places: The Planning System and Crime Prevention.

##### *Principle of development*

5.2 The proposal is for railings to the front boundary, hardstanding and window treatments to a building which is used for a number of purposes including residential, an afterschool/holiday/club and place of worship (mainly 1 hour per week on Fridays).

5.3 Staff consider that the proposed works associated with this building would be acceptable in principle, subject to detailed consideration below.

##### *Impact in the Street Scene*

5.4 The proposed works, being to the front of the property, would all be visible in the streetscene. The proposed fencing is in the form of 1.8m high black railings on top of a 0.075m plinth with hardstanding and landscaping being

applied to the ground (replacing the existing concrete) and Windowshield Barrier being provided to the windows.

- 5.5 While the railings would be higher than most boundary treatments in the locality, they would be permeable enabling a view of the property behind and would be similar in style to the school railings opposite. This would be supplemented by planting directly to the rear of the railings (except where the gates are located) which would help to soften its impact in the streetscene. Staff therefore consider that the railings would have an acceptable impact on visual amenity whilst at the same time affording a higher than normal level of security to the mixed-use building.
- 5.6 The proposed hardstanding would be porous and bound gravel such that it would overcome concerns raised by the Planning Inspector in considering the recent Enforcement Notice appeal both in respect of drainage of surface water and in that it would be more in keeping with the residential character of the area. This is supplemented by planting to the front and side boundaries which should ensure that the hardstanding does not appear overly excessive or harsh. Staff therefore consider that the proposed hardstanding/landscaping would be appropriate and in character in the locality.
- 5.7 The proposed security window treatment would be visible in the streetscene. According to details submitted, as there has been damage to the windows of the property it is expected that it would be provided to the outside of the windows. It is proposed to provide the transparent thick polycarbonate glazing to the outside of the window with a window surround which would blend with the existing window materials. Staff consider that the proposed security window treatment would overcome the crime issues highlighted whilst not resulting in unsightly or overly large window protection such as external shutters or metal casing which would be out of context in this residential area and to a residential property.
- 5.8 Staff consider that the proposal would have an acceptable impact on visual amenity in the streetscene. Members may place different weight on this issue and decide that the proposals would be unacceptable in terms of visual amenity to the detriment of visual amenity in the streetscene.

#### *Impact on Residential Amenity*

- 5.7 The application site generally appears vacant and unused except for when prayer meetings occur. The large areas of concrete hardstanding to the front and rear of the site and paling fencing and existing metal window protectors makes the property appear to be in use for commercial operations uncharacteristic of this residential area. It is considered that the proposed works would have a generally positive impact on residential amenity.
- 5.8 The use of the building is lawful and the proposal seeks only to provide a suitable front garden to the existing residential property. It is not considered

that the proposed works would have any direct impact on residential amenity, other than in general terms.

### *Highways*

- 5.9 The proposed front boundary treatment would raise no highways or parking issues provided pedestrian visibility splays are provided either side of the vehicular access. A suitable condition can be attached to any grant of planning permission.

### *Secured by Design*

- 5.10 The Crime Prevention Design Advisor has written to advise that 14 crimes have been reported at the application property with 8 of them being criminal damage to windows. It is his view that the proposed measures would provide adequate protection to the property and anyone using it.

## **6. Conclusions**

- 6.1 Staff consider that the proposal which is to overcome crime at the application site while being acceptable in a residential area does achieve this aim without resulting in any harm to visual or residential amenity and would be acceptable in terms of highway safety. Members may place different weight on the issues raised, nonetheless Staff considered that the proposal would be acceptable in terms of its impact in the streetscene, on residential amenity and highways and therefore recommend that planning permission is granted.

## **IMPLICATIONS AND RISKS**

### **7. Financial Implications and risks:**

- 7.1 None

### **8. Legal Implications and risks:**

- 8.1 None

### **9. Human Resource Implications:**

- 9.1 None

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

- 10.1 The proposal would enable those using the property including residential occupiers, the children attending the after-school/holiday club and people



attending the property for prayers on Fridays and during Ramadan, Eid and Haj to do so with a reasonable level of peace and safety.

## **BACKGROUND PAPERS**

1. The planning application as submitted or subsequently revised including all forms and plans.
2. The case sheet and examination sheet.
3. Ordnance survey extract showing site and surroundings.
4. Standard Planning Conditions and Standard Green Belt reason for refusal.
5. Relevant details of Listed Buildings, Conservation Areas, Article 4 Directions.
6. Copy of all consultations/representations received and correspondence, including other Council Directorates and Statutory Consultees.
7. The relevant planning history.

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**REGULATORY  
SERVICES  
COMMITTEE**

8 March 2012

Subject Heading:

**P1451.10: Land to the east of Gooshays Drive, west of Central Park and north of Petersfield Avenue, Harold Hill.**

**Outline application for up to 242 residential dwellings and associated access from Petersfield Avenue and Gooshays Drive. Associated parking, open space, landscaping and demolition of all existing built structures on the site (application received 4.10.10; additional information received 12.8.11; revised Parameter Plan received 16.8.11 and revised Illustrative Masterplan received 2.11.11).**

Report Author and contact details:

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

Policy context:

**Local Development Framework  
London Plan, Planning Policy  
Statements/Guidance Notes**

Financial summary:

**None**

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

Clean, safe and green borough	<input 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 has been submitted on behalf of the Council in respect of land within its ownership on the eastern side of Gooshays Drive, north of Petersfield Avenue. The application seeks outline planning permission for residential development of up to 242 units on the site. All matters are reserved although the proposal sets development parameters and a scale threshold for development. An illustrative masterplan for the development of the site has also been submitted. It is intended that the sale of the site will enable some of the regeneration objectives of the Harold Hill Ambitions Programme and the Council has entered into a legal agreement with the Greater London Authority to secure this.

The principal planning considerations arising from the proposal are the acceptability of building on this area of open space and the principle of residential development, the acceptability of the package of mitigating sports and leisure proposals, the impact of the proposals in terms of design, layout, scale and appearance, landscaping proposals, environmental implications, affordable housing, mix and tenure, parking and highway issues, the impact on local amenity and on community infrastructure.

Staff consider the proposal to be acceptable, subject to no contrary direction from the Mayor for London, the completion of a Section 106 legal agreement and conditions.

**RECOMMENDATIONS**

That the proposal is unacceptable as it stands but would be acceptable subject to

A: That planning permission be granted subject to the conditions set out in this report and no direction to the contrary from the Mayor for London (under the Town and Country Planning (Mayor of London) Order 2008); and

B: That the committee authorise that, subsequent to the granting of planning permission, an agreement under S106 of the Town and Country Planning Act 1990 (as amended), be entered into to secure the following:

- Payment of £210,000 to Transport for London for improved school day bus services to cover 3 no. annual payments;
- Payment of £85,000 to Transport for London for improvements towards the A12 Colchester Road/Gooshays Drive/Gubbins Lane Junction;
- Payment of £100,000 to the Highway Authority towards Highway Improvements on the Borough Network as part of the Harold Hill Ambitions;
- Payment of £150,000 to the Council for pavement improvements as part of the Harold Hill Ambitions;
- Payment of £150,000 to the Council towards new Hilldene Library as part of the Harold Hill Ambitions;
- Payment of £100,000 to the Council towards Myplace as part of the Harold Hill Ambitions;
- Payment of £15,000 to the Council towards Employment Training initiative;
- Payment of circa £1,000,000 to the Council for improvements to Central Park as part of the Harold Hill Ambitions
- Payment of circa £120,000 to the Council for the cost of works in respect of improvements to Dagnam Park (eg drainage/seeding/marketing etc) to provide two new football pitches (cost of the works to established following completion of survey);
- Payment of circa £246,000 to the Council for the cost of works in respect of improvements to Broxhill (eg drainage/levelling/seeding/marketing etc) to provide two new football pitches (cost of the works to established following completion of survey);
- Payment of circa £200,000 to the Council for refurbishments works to the Broxhill Sports Pavilion (cost of the works to established following completion of survey); and
- Provision on site of 15% of the dwelling units as affordable housing, 100% of which will be intermediate affordable housing for shared ownership (as defined in Annex B of PPS 3 June 2011).
- Development to be carried out in accordance with the provisions of the submitted travel plan.
- All contribution sums shall include interest to the due date of expenditure and indexation from the date of the agreement to the date of payment.
- Payment of the Council's reasonable legal fess for preparation of the agreement.

- Payment of the Council's standard Monitoring fees for each Planning Obligation.

Such agreement to be completed at the same time as a contract for sale of the application site is completed.

Subject to recommendations A) and B) above that planning permission be granted subject to the following conditions:

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 in writing by the Local Planning Authority, showing the layout, access, scale, appearance and landscaping as defined in the Town and Country Planning (General Development Procedure) Order 1995 (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 five 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 matters 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. Phases of Development The development shall not commence and no reserved matters submissions or submissions of details to comply with conditions shall be made until a Plan is submitted to and approved in writing by the Local Planning Authority, clearly identifying the different phases of the development to which reserved matters applications and details required pursuant to condition/s shall subsequently be made. No phase of the development shall commence until all relevant reserved matters and details prior to commencement conditions are approved in respect of that phase.

Reason: To ensure that full details of the relevant phase of the development are submitted for approval.

5. Reserved Matters for Each Phase All reserved matters in relation to any phase of the development (as identified in accordance with Condition 4) shall be submitted at the same time.

Reason: Given the sensitive nature of the site it is important that all aspects of the development are considered together.

6. Requirement for Section 106 - Before the development hereby permitted is commenced, arrangements shall be agreed in writing with the local planning authority and be put in place to ensure the following:

- Improvements bus services in the vicinity of the site to provide an additional school day journey;
- Improvements works to the A12 Colchester Road/Gooshays Drive/Gubbins Lane Junction;
- Improvements to the Borough Road network within the Harold Hill area as part of the Harold Hill Ambitions regeneration programme;
- Improvement to pavements within the Harold Hill areas as part of the Harold Hill Ambitions regeneration programme;
- Improved library facilities in the Harold Hill area as part of the Harold Hill Ambitions regeneration programme;
- Improved youth facilities in the Harold Hill area as part of the Harold Hill Ambitions regeneration programme;
- Improved Employment Training initiatives in the Harold Hill area as part of the Harold Hill Ambitions regeneration programme;
- Improvements to Central Park as part of the Harold Hill Ambitions regeneration programme;
- Improvements to Dagnam Park to provide two new football pitches;
- Improvements to Broxhill to provide two new football pitches;
- Refurbishment works to the Broxhill Sports Pavilion;
- Contractual provision which secures the provision of community access to the parking and changing facilities at Drapers Academy or in the absence of such contractual provisions Condition 43 below, which seeks the provision of acceptable changing accommodation and car parking within Dagnam Park.

- Provision on site of 15% of the dwelling units as affordable housing, 100% of which will be intermediate affordable housing for shared ownership (as defined in Annex B of PPS 3 June 2011).
- Development to be carried out in accordance with the provisions of the submitted travel plan.

Reason: The development would otherwise be unacceptable if the improvements sought through the Section 106 agreement were not able to be secured.

7. In Accordance with Parameters The development (including all reserved matters and other matters submitted for approval pursuant to the planning conditions) shall be carried out in accordance with the development parameters as detailed in Section 1.2 of the Design and Access Statement, and the Site Masterplan Supplementary Information received on 2 November 2011, and Drawing Nos:

2874 PARA 01 Development Parameter Plan (revised and received 16.8.11)  
 2874 PARA 02 Parameter Plan – Maximum Building Heights

No application for approval of reserved matters (or other matters submitted for approval pursuant to the planning conditions) which would entail any significant deviation from the parameters and plans shall be made unless otherwise provided for by conditions elsewhere within this permission.

Reason: To ensure that the development is carried out in accordance with the plans and parameters that form the basis for the consideration of the scheme.

8. Materials No phase of development (as identified in accordance with condition 4) shall commence until samples and details of all materials to be used in the external construction of the buildings and surfacing of all external areas have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

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

9. Boundary Treatment No phase of the development (as identified in accordance with Condition 4) shall commence until details of the boundary treatment to that phase of development, demonstrating compliance with an overall site strategy, are submitted to and approved in writing by the local planning authority. No phase of the relevant development site shall be occupied until boundary treatment for that phase has been provided in accordance with the approved details.



Reason: To ensure a satisfactory external appearance and in the interests of creating safer places.

10. Lighting Prior to the commencement of the relevant phase of the development (as identified in accordance with Condition 4) a scheme shall be submitted in writing providing details of all external lighting to that phase, demonstrating compliance with an overall site strategy, and approved in writing by the local planning authority. No phase of the relevant development site shall be occupied until lighting for that phase has been provided in accordance with the approved details.

Reason: In the interests of residential and visual amenity, security and biodiversity.

11. Obscure Glazing Prior to the commencement of the relevant phase of the development (as identified in accordance with Condition 4) a scheme for obscure glazing of appropriate windows shall be submitted to and agreed in writing by the Local Planning Authority. The obscure glazing shall be installed prior to the first residential occupation of each relevant phase, in accordance with the agreed scheme and retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of privacy.

12. Landscaping Prior to the commencement of the relevant phase of the development (as identified in accordance with Condition 4) a scheme of soft and hard landscaping and a phased timetable for its implementation shall be submitted to and approved in writing by the Local Planning Authority before the development of each phase commences. This shall be accompanied by an Arboricultural Implications Assessment detailing all trees to be retained on site and those to be removed and any proposed topping or lopping, together with measures for the protection in the course of development. The scheme shall specify the size, species, and positions or density of shrubs and trees to be planted and the approved scheme shall be undertaken in accordance with the timetable approved in writing by the Local Planning Authority. If within a period of five years from the date of the planting, any tree or shrub or any tree or shrub planted in replacement of it, is removed, up-rooted or destroyed, is diseased or dies, another tree or shrub of the same species and size to that originally planted shall be planted at the same place.

Reason: To ensure the scheme has adequate landscaping and to ensure that any trees or shrubs planted as part of the landscaping scheme are replaced in accordance with that scheme, and that the development accords with Policy DC60 of the LDF Core Strategy and Development Control Policies Development Plan Document.

13. Landscape Management Plan For each phase of the development a landscape management plan, including long term design objectives, management responsibilities, maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, and a timetable for its implementation

shall be submitted to and approved in writing by the Local Planning Authority prior to the first residential occupation of the development or completion of any phase thereof, as appropriate. The landscape management plan shall be carried out as approved and adhered to thereafter.

Reason: To protect/conservate the natural features and character of the area.

14. Protection of Preserved Trees For each phase of the development no building, engineering operations or other development on the site, shall be commenced until a scheme for the protection of trees protected by a Tree Preservation Order on the site has been submitted to and agreed in writing by the Local Planning Authority. Such scheme shall contain details of the erection and maintenance of fences or walls around such trees, details of underground measures to protect roots, the control of areas around the trees and any other measures necessary for the protection of the trees. Such agreed measures shall be implemented and/or kept in place until the approved development is completed to the satisfaction of the Local Planning Authority.

Reason: To protect the trees on the site subject to a Tree Preservation Order, and that the development accords with Policy DC60 of the LDF Core Strategy and Development Control Policies Development Plan Document.

15. Design Principles Any application for reserved matters shall be accompanied by a comprehensive design statement which demonstrates how the development responds to the guidance set out in paragraph 35 of PPS1 and other good practice guides referred to at paragraph 37.

Reason: To ensure the ongoing provision of high quality design, in accordance with Policy DC61 of the LDF.

16. Car Parking- No phase of the development (as identified in accordance with Condition 4 shall commence until details showing the provision of parking for that phase has been submitted to and approved in writing by the Local Planning Authority. The total number of parking spaces on the site shall not exceed 375 and shall ensure a minimum of 1 space per dwelling unless otherwise specifically agreed in writing by the Local Planning Authority.

Reason: To ensure that the total parking provided does not exceed the maximum standard, in accordance with Policy DC33 of the LDF.

17. Cycle Storage No phase of the development (as identified in accordance with Condition 4) shall be occupied until cycle parking is provided in accordance with details to be previously submitted to and approved in writing by the Local Planning Authority in respect of that phase. Cycle parking shall be to the standards set out in Annex 6 of the LDF. Such cycle parking shall thereafter be retained to the satisfaction of the Local Planning Authority.

Reason: To ensure the development takes account on the needs of cyclists, in accordance with Policy DC33 of the LDF.

18. Parking for Users with Disabilities Provision shall be made within the development for a minimum of 24 spaces to be allocated for Blue Badge users.

Reason: In order to ensure the development provides accessible parking for people with disabilities and to comply with the aims of Policy 6.13 of the London Plan July 2011.

19. Vehicle Charging Points Provision shall be made within the development for a total of 40% of the spaces provided with the passive provision of electric vehicle charging points, with a minimum of 20% of parking spaces to be fitted with active provision of electric vehicle charging points

Reason: In the interests of sustainable transport and to accord with Policy 6.13 of the London Plan July 2011.

20. Freight Strategy Prior to the commencement of development a Delivery and Servicing Plan and a Construction Logistics Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of booking systems, consolidated or re-timed trips and provision for secure off street loading and drop off facilities. The development shall then be carried out in accordance with the agreed details.

Reason: In order to ensure the construction of the development does not have an adverse impact on the environment or road network and to accord with Policy 6.14 of the London Plan July 2011.

21. Piling methodology No impact piling shall take place until a piling method statement (detailing the type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water or sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with the relevant water or sewerage undertaker. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: The proposed works will be in close proximity to underground water and sewerage utility infrastructure. Piling has the potential to impact on local underground water and sewerage utility infrastructure.

22. Drainage Strategy Development shall not commence on each phase until a drainage strategy detailing any on and/or off site drainage works has been submitted to and approved in writing by the Local Planning Authority in consultation with the sewerage undertaker for each phase of development. No discharge of foul or surface water from a phase shall be accepted into the public system until the drainage works referred to in the strategy for that phase have been completed.

Reason: The development may lead to sewerage flooding and to ensure that sufficient capacity is made available to cope with the new development and in order to avoid adverse environmental impact on the community.

23. Archaeology Prior to the commencement of any phase of development a programme of archaeological field evaluation and survey shall be undertaken, in accordance with a written scheme of investigation which shall previously be submitted to and approved by the Local Planning Authority. The results of the field evaluation shall inform a mitigation strategy to either conserve archaeological assets or ensure their recording prior to development. The archaeological works shall be carried out by a suitably qualified investigating body acceptable to the Local Planning Authority and the development carried out in accordance with the mitigation strategy.

Reason: Important archaeological remains may exist on this site and the provision of archaeological evaluation must be secured to inform the determination of any detailed planning consent and to accord with the provisions of Policy DC70 of the LDF Core Strategy and Development Control Policies Development Plan Document.

24. Contaminated land Prior to the commencement of any phase of development 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 and approved in writing by 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 site ground conditions. An updated Site Conceptual Model should be included showing all the potential pollutant linkages and an assessment of risk to identified receptors.

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

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

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

c) 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

- d) 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.

25. Community Safety Prior to the commencement of any relevant phase of the development (as identified in accordance with Condition 4), a full and detailed application for the Secured by Design scheme shall be submitted to the Local Planning Authority, setting out how the principles and practices of the aforementioned scheme are to be incorporated. Once approved in writing by the Local Planning Authority in consultation with the Havering Police Crime Prevention Design Advisor, the relevant phase of 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 PPS1, and Policies CP17 and DC63 of the LDF Core Strategy and Development Control Policies DPD, and Policy 7.3 of the London Plan July 2011.

26. Flood Risk The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) and associated documents and the following mitigation measures detailed within the FRA:

- limiting the surface water run-off generated by the 1 in 100 year critical storm taking the effects of climate change into account to Greenfield rates, in order to minimise the risk of flooding off-site;
- Provision of storage on site to attenuate all storm events up to and including the 1 in 1000 year event, taking the effects of climate change into account.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site.

27. Surface Water Drainage No phase of the development (as identified in condition 4) shall begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before

the development is completed. The Scheme shall include the maximisation of Sustainable Drainage Systems within the drainage design.

Reason: To prevent the increased risk of flooding and to improve and protect water quality.

28. Buffer Zone Prior to the commencement of development a scheme for the provision and management of an 8m natural buffer zone alongside the Paines Brook shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments agreed in writing with the Local Planning Authority. The scheme shall include:

- details of the planting scheme (for example native species within the 8m buffer zone)
- details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term
- details of any footpaths, fencing, lighting etc. which should be set back outside the 8m buffer zone as far as possible
- details of how any Japanese knotweed or other invasive species along the river will be managed

Reason: Development that encroaches on watercourses has a potentially severe impact on their ecological value. This is contrary to government policy in PPS1 and PPS9 and to the UK Biodiversity Action Plan. Land alongside watercourses is particularly valuable for wildlife and it is essential this is protected. Article 10 of the Habitats Directive also stresses the importance of natural networks of linked corridors to allow movement of species between suitable habitats and to promote the expansion of biodiversity. Such networks may also help wildlife adapt to climate change.

29. Wheelchair Accessibility and Lifetime Homes All of the dwellings hereby approved shall be built to lifetime homes standards and a minimum of 10% of the homes shall be designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users.

Reason: In the interests of the amenities of future residents and visitors and to ensure that the residential development meets the needs of all potential occupiers and to comply with Policy DC7 of the LDF and Policy 7.3 of the London Plan July 2011.

30. Sustainability Any application for reserved matters shall be accompanied by a sustainability statement, such statement to be approved in writing by the Local Planning Authority prior to the commencement of development of the relevant phase (as identified in accordance with Condition 4). The statement shall outline how the development will meet the highest standards of sustainable design and construction to incorporate measures identified in the London Plan and shall be required to demonstrate that the development will achieve a minimum Code for Sustainable Homes Level 4. The relevant phase of the development shall thereafter be carried out in full accordance with the agreed

Sustainability Statement. Before the proposed development is occupied the Final Code Certificate of Compliance shall be provided to the Local Planning Authority in order to ensure that the required minimum rating has been achieved.

Reason: In the interests of energy efficiency and sustainability in accordance with the Policy DC49 of the LDF, the Councils Sustainable Design and Construction SPD Adopted April 2009 and Policies 5.2 and 5.3 of the London Plan July 2011.

31. Energy Any application for reserved matters shall be accompanied by an Energy Statement, such statement to be approved in writing by the Local Planning Authority prior to commencement of development of any relevant phase thereof (as identified in accordance with Condition 4). The statement shall incorporate an energy demand assessment and shall detail the energy efficiency design measures and renewable energy technology to be incorporated into the final design of the development. The statement shall include details of a renewable energy/low carbon generation system for the proposed development, including consideration of the use of photovoltaics, which will displace at least 20% of carbon dioxide emissions, beyond Building Regulations requirements. The renewable energy generation system shall be installed in strict accordance with the agreed details and be operational to the satisfaction of the Local Planning Authority prior to the occupation of any relevant phase of the development. The development shall thereafter be carried out in full accordance with the agreed energy statement and the measures identified therein. Any change to the approved energy strategy shall require the written consent of the Local Planning Authority.

Reason: In the interests of energy efficiency and sustainability in accordance with Policy DC50 of the LDF, the Councils Sustainable Design and Construction SPD Adopted April 2009 and Policy 5.7 of the London Plan July 2011.

32. Storage of Refuse Prior to the first occupation of each and any phase of the development hereby permitted (as identified in condition 4), provision shall be made for the storage of refuse awaiting collection according to details which shall previously have been agreed in writing by the Local Planning Authority. Unless otherwise agreed in writing these details shall include provision for suitable containment and segregation of recyclable waste. The measures shall be fully implemented in accordance with the agreed details.

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

33. Construction Method Statement No relevant phase of the development (as identified in accordance with Condition 4) shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement

shall be adhered to throughout the relevant construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- v. wheel washing facilities
- vi. measures to control the emission of dust and dirt during construction
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: In the interests of residential amenity and highway safety, and in order that the development accords with policy DC61 of the LDF Development Control Policies Development Plan Document

34. Hours of Construction No construction works or construction related deliveries into the site shall take place other than between the hours of 08.00 to 18.00 on Monday to Friday and 08.00 to 13.00 hours on Saturdays unless agreed in writing with the Local Planning Authority. No construction works or construction related deliveries shall take place on Sundays, Bank or Public Holidays unless otherwise agreed in writing by the Local Planning Authority.

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

35. Wheelwashing Before the commencement of any phase of the development hereby permitted, details of wheel scrubbing/wash down facilities to prevent mud being deposited onto the public highway during construction works of that phase shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be permanently 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 and in order that the development accords with Policy DC61 of the LDF Development Control Policies DPD.

36. Site Waste Management Before the commencement of any phase of the development hereby permitted a detailed Site Waste Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include a detailed strategy for waste management and minimising of waste, including recycling of waste and for managing the associated impacts of construction related traffic.

Reason: In the interests of amenity and sustainability and to reduce the impact of the construction on the local road network.



37. Unit Mix Prior to the commencement of any phase of the development (as identified in condition 4) details of the proposed unit mix for each phase shall be submitted to and approved in writing by the Local Planning Authority. Provision shall be made across the development as a whole for a minimum of 50% of the units to have three or more bedrooms.

Reason: To ensure a satisfactory range and choice of accommodation to create mixed and balanced communities and to accord with Policy DC2 of the LDF Development Control Policies DPD and Policy 3.8 of the London Plan July 2011.

38. Ecology Prior to the commencement of the relevant phase of the development (as identified in condition 4) an ecological management plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall accord with the recommendations of the submitted Ecological Impact Assessment (EclA) and shall include provision for the conservation of bats and protection of nesting birds and mitigation against the impacts of the development. The development shall be carried out in accordance with the approved details.

Reason: In order to ensure protection and enhancement of biodiversity in accordance with Policy DC58 of the LDF Development Control Policies DPD.

39. Environmental Noise The development hereby approved shall be carried out in accordance with the recommendations of the submitted Environmental Noise Assessment.

Reason: In the interests of residential amenity and to accord with Policy DC55 of the LDF Development Control Policies DPD.

40. Restriction of permitted development rights Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 Article 3, Schedule 2, Part 1, Classes A - E, no extensions, porches, outbuildings or other alterations 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.

41. Sport England - Prior to commencement of the development hereby permitted:

(i) a detailed assessment of ground conditions of the land proposed for the new football pitches at Dagnam Park shall be undertaken and submitted to the Local Planning Authority (including drainage and topography) to identify constraints which could affect playing field quality; and

(ii) Based on the results of this assessment to be carried out pursuant to (i) above of this condition, a detailed scheme to ensure that the playing fields will

be provided to an acceptable quality shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England.

The approved scheme shall be complied with in full prior to commencement of the development.

Reason: To ensure that site surveys are undertaken for new or replacement playing fields and that any ground condition constraints can be and are mitigated to ensure provision of an adequate quality playing field and to accord with Policy DC18 and Sport England Policy E4.

42. The development hereby permitted shall not be commenced until a scheme has been submitted to and approved in writing by the Local Planning Authority, after consultation with Sport England, which secures community access to changing facilities and car parking at the Drapers Academy for users of the playing pitches to be provided at Dagnam Park for a period being no more than five years and no less than three years.

Reason: To maximise the opportunity for community use of the facilities and to ensure the provision of equivalent or better management arrangements than that currently provided and to accord with Policy DC18 and Sport England Policy E4

43. In the event that a suitable contractual arrangement to provide community access to the parking and changing facilities at Drapers Academy is not reached, on or prior to the commencement of the development, details shall be submitted to and agreed in writing by the Local Planning Authority which set out alternative arrangements for parking and changing facilities within Dagnam Park. The parking and changing facilities shall be provided prior to the first occupation of the first phase of the development and thereafter permanently retained for that use.

Reason: To maximise the opportunity for community use of the facilities and to ensure the provision of equivalent or better management arrangements than that currently provided and to accord with Policy DC18 and Sport England Policy E4

#### 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. Please contact the StreetCare Service (Traffic and Engineering section) to commence the submission/licence approval process.
2. In aiming to satisfy conditions 15 and 25 above, the applicant should seek the advice of the Borough Crime Prevention Design Advisor. 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

### 3. Reason for Approval:

This decision to grant planning permission has been taken:

(i) having regard to Policies CP1, CP2, CP7, CP8, CP10, CP15, CP17, CP18, DC2, DC6, DC7, DC18, DC20, DC30, DC32, DC33, DC34, DC40, DC48, DC49, DC50, DC51, DC52, DC53, DC55, DC58, DC60, DC61, DC63, DC70, DC72 of the Local Development Framework (LDF) Core Strategy and Development Control Policies Development Plan Document (DPD); Policies 2.18, 3.3, 3.4, 3.5, 3.6, 3.7, 3.8, 3.9, 3.10, 3.11, 3.12, 3.13, 3.19, 5.2, 5.3, 5.6, 5.7, 5.12, 5.13, 5.16, 5.21, 6.1, 6.3, 6.9, 6.10, 6.13, 6.14, 7.3, 7.4, 7.6, 7.8, 7.14, 7.15, 7.18, 7.19, 7.21, 8.2 and 8.3 of the London Plan July 2011; PPS1 (Delivery Sustainable Development), Planning and climate Change (Supplement to PPS1), PPS3 (Housing), PPS5 (Planning for the Historic Environment), PPS9 (Biodiversity and Geological Conservation), PPS10 (Planning for Sustainable Waste Management), PPG13 (Transport), PPG17 (Planning for Open Space, Sport and Recreation), PPS22 (Renewable Energy), PPS23 (Planning and Pollution Control), PPG24 (Planning and Noise) and PPS25 (Development and Flood Risk).

(ii) for the following reasons:

The proposed development is considered to suitably mitigate the loss of playing fields through new sports provision and related facilities. The parameters set as part of the outline scheme would, subject to detailed submissions, result in a development which could achieve a suitably high quality design and landscape and would have an acceptable visual impact. The proposal would contribute to the range and availability of housing within the Borough and has an acceptable level of affordable housing provision based on detailed consideration of the wider regeneration benefits secured through the development and the opportunity to provide for a mixed and balanced local community. The proposed development has a satisfactory environmental impact and no significant adverse impact on local amenity. The proposed development would cause no material harm to the safe and free flow of traffic within the locality.

4. The applicant is advised that, pursuant to condition 20 above, TfL would recommend using operators committed to best practice, demonstrated by membership of TfL's Freight Operator Recognition Scheme (FORS) or similar.
5. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water will be required. They can be contacted on 0845 850 2777. The developer is also advised to contact Thames Water to discuss details of the piling method statement required under condition 22 above and the drainage condition required under condition 23 above.

6. The development of this site is likely to damage archaeological remains. An archaeological field evaluation will establish the extent and significance of any surviving remains and enable the mitigation of the impact of the development to be planned as part of detailed planning consent.

7. 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.

**REPORT DETAIL**

**1. Site Description**

- 1.1 The application site covers an area of 5.69 hectares and is located on the eastern side of Gooshays Drive, to the immediate north of Petersfield Avenue. To the east, the site is bounded by Paines Brook, which forms the boundary between the site, with Central Park further to the east. The northern section of the site lies within Central Park. To the north of the site is the Harold Hill Leisure Centre. To the west of the site the site is bordered by the Harold Hill Health Centre and the Harold Hill Community Centre.
- 1.2 The site currently consists predominantly of playing fields and open space. To the western side of the site there is the Albemarle Youth Centre and the Citizens Advice Bureau, predominantly single storey buildings, both of which are to be vacated and demolished. Within the site are two existing playing fields, created on terraces separated by embankments. The site also contains disused hard surface tennis courts and large grassed areas, which are suitable for sporting use, eg football. The site, with the exception of a stretch to its western side, is identified within the Local Development Framework as open space.
- 1.3 The site slopes in a west to east direction. It contains mature vegetation which runs principally in two belts west to east across the site. There is also mature vegetation to the eastern side of the site adjacent to Paines Brook and to the southern boundary of the site to Petersfield Avenue. The LDF identifies land alongside Paines Brook, to the east of the site, and near to the eastern boundary of Central Park as a Borough-level Site of Nature Conservation Importance. The majority of the site is within Flood Zone 1, with part in Flood Zone 2. There is a Tree Preservation Order (TPO 2/11) in

respect of a Deodar cedar to the western side of the site, south of the community centre.

## **2. Description of Proposal**

2.1 The proposal is an outline application for up to 242 dwellings on the site, together with car parking, open space, vehicular and pedestrian access and demolition of all existing built structures on the site. Matters of appearance, access, layout, landscaping and scale have all been reserved for later determination.

2.2 The intention of submitting an outline application with all matters reserved is to ensure that any outline planning consent does not unduly constrain the site for any developer who may subsequently bring the site forward for development. However, to ensure a degree of certainty about the resultant development on the site the application seeks to ascertain a number of development parameters. The application is therefore accompanied by a development parameter plan, as well as an illustrative masterplan indicating how development of up to 242 dwellings on the site may be achieved.

### **2.3 Development Parameter Plan:**

2.3.1 The Development Parameter Plan sets out the following principles for development of the site and can be broken down into the following sub-headings:

#### **2.3.2 Land Use:**

- The proposal is for residential development comprising a mix of dwelling types, sizes and tenures.
- A clear zone for the maximum extent of building footprint and for parking and vehicle circulation space is identified on the Parameter Plan.
- The Parameter Plan also indicates areas within the Environment Agency watercourse access strip to be kept free from development and areas where existing vegetation is to be retained.
- The application makes provision for 15% of the total number of units to be provided as affordable housing, all of which will be provided as intermediate i.e. shared ownership accommodation.

#### **2.3.3 Amount of Development:**

- The outline application is for up to 242 residential dwellings. This would comprise up to 193 houses and 49 flats.

- The proposal includes open space provision of 9,680 sq.m. and children's playspace of 730 sq.m. (equivalent to a minimum of 10 sq.m per child)

#### 2.3.4 Scale Threshold Parameters:

- The proposal includes a Building Height Parameter Plan setting out the maximum and minimum width and length of any future building block within the site. No building will exceed three residential storeys (10.5m). The building parameters are set out below:

Scale Threshold Parameter	Maximum (metres)	Minimum (metres)
Building block width	150	5
Building block length	80	5
Building height to ridge	10.5	2.8

#### 2.3.5 Access Parameter and Parking Provision:

- Vehicular access is proposed to be taken from Petersfield Avenue and Gooshays Drive.
- It is proposed that a maximum of 1.55 car parking spaces per dwelling will be provided. Based on a development of 242 houses this would give a maximum parking provision of 375 spaces.
- Cycle parking is proposed at a ratio of 1 space per one and 2 bed dwelling and a minimum of 2 spaces for dwelling of 3 or more bedrooms.

### 2.4 Illustrative Masterplan

- 2.4.1 An illustrative masterplan has been submitted, which provides an indicative layout to show how development of the site may be achieved within the constraints of the proposed development parameters. This has been revised during the course of the application to respond to issues raised regarding the proposed layout.

## 3. Background to Proposals

- 3.1 The application forms part of the Council's overall goal of achieving the transformation of the Harold Hill area, through the Harold Hill Ambitions programme. The Ambitions programme was agreed by the Council in November 2008 and is a major programme of regeneration spanning the next twenty years. A key principle in achieving the objectives of the Harold

Hill Ambitions programme is that it should, as far as possible, be self-financing. This includes the sale of the Council's land to fund new projects

- 3.2 The programme includes the provision of a Learning Village, for which outline planning permission has already been granted, together with improvements to the Hilldene shopping centre and Central Park, new sports facilities at Broxhill, a new library at Hilldene and improvements to roads and pavements. Alongside new built development, the programme aims to provide more social and economic opportunities for local people. However, this needs to be financed through the sale of Council assets and external funding, such as grants.
- 3.3 The capital receipt from the disposal of the application site is critical to the funding and delivery of these major projects. The Council is committed to using the capital receipt from the development of the site to fund the development projects referred to above. The outline planning application will create certainty for developers regarding the development potential of the site, which will maximise the value of the site.
- 3.4 A key aspect of the Harold Hill ambitions programme has been to work closely with local people. Consultation events have taken place in 2007 and 2008 to obtain the views of local residents about the needs of the locality.
- 3.5 In respect of the current proposals, the Council has undertaken consultation with existing users of the site. A public exhibition and consultation on the development proposals was held at Harold Hill library in 2010, which produced 68 formal responses, of which almost half were a measured acceptance of the proposals, with other responses ranging from strong objection to strong support for the proposals. Comments raised were taken into account before the proposals were finalised for submission.

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

- 4.1 Following submission of the planning application, the proposals have been advertised on site and in the local press as a major development. Neighbour notification letters have been sent to 783 local addresses and a copy of the proposals has been made available at Harold Hill library. 18 letters of representation have been received, objecting to the proposals on the following grounds:
  - should not be building on designated open, green space
  - loss of valuable sports pitches
  - will irreparably damage local environment and harm wildlife
  - unacceptable levels of traffic
  - insufficient parking
  - location of access unsafe and will interfere with bus routes
  - scale of development will destroy local character and openness
  - loss of light and privacy
  - additional noise
  - local facilities eg schools and surgeries already overcrowded

- will cause difficulty accessing driveways in Petersfield Avenue, should move access opposite Amersham Road
- headlights shining into residents windows
- this is site of former ancient manor of Gooshays
- additional street litter
- concerns regarding crime and impact on local policing resources

4.4 The Greater London Authority (GLA) has issued a Stage 1 response to the proposals. The response confirms that the proposal is considered to comply with some but not all policies of the London Plan. The GLA considers the application to be generally acceptable in strategic terms, however, the Mayor raised a general concerns regarding the proposed loss of open space. The GLA response considers the identified deficiencies could possibly be remedied through a number of changes.

The following key issues were raised:

Open Space and Sports Pitches: Additional information required in respect of the provision of replacement sports pitches and legal agreement to secure this.

Affordable Housing: Noted that levels of affordable housing are low and no social rented housing is proposed as the receipts from the site are intended to fund local regeneration projects. However, more information on the financial appraisal is required as well as a legal agreement to ensure the profit from the sale of the site is used to deliver the objectives of the Harold Hill Ambitions area.

Housing and Design Standards: Recommended that a housing mix and more information on space standards for the residential units is secured.

Urban Design: Recommended that a more detailed design code be secured as part of this application.

Access: Scheme must include provision for blue badge accessible car parking. Additionally further design information on the layout of wheelchair accessible units is required.

Transport: Proposed level of car parking should be reduced. Financial contributions for bus and junction improvements are required, as well as a more comprehensive travel plan, delivery and servicing plan and construction logistics plan.

Energy and Climate Change: More information on energy efficient measures are required and a commitment to a feasible renewable energy strategy.

4.4.1 Following receipt of this response, additional information has been provided to the GLA and further discussions have taken place. As a result of this a legal agreement dated 25 May 2011 under the provisions of Section 111 of the Local Government Act 1972, section 2 of the Local Government Act



2000 and section 30 and 34 of the Greater London Authority Act 1990 (as amended) has now been completed by the Council and the GLA to ensure that capital receipt from the project is used to fund the regeneration objectives of the Harold Hill Ambitions Programme.

4.4.2 Further changes made following the Stage 1 response include the provision of additional sports facilities at Dagnam Park and agreement that any resolution to approve would be subject to a S106 agreement, which includes the requirement for funding for the new sports facilities; details of the proposed housing mix; the inclusion of blue badge parking provision within the development; the submission of a more comprehensive travel plan and additional energy and climate change information.

4.5 Transport for London raised the following key issues in the initial consultation response:

- car parking should be reduced to a maximum of 308 spaces
- the proposal will place increased pressure on the A12 junction with Gooshays Drive/Gubbins Lane and a financial contribution (£85,000) towards highway improvements will be required
- the proposal would exceed the capacity of the 496 bus route and a financial contribution (£210,000) is required to provide an additional school day journey on the bus network over a three year period.
- walking and cycling proposals are welcomed
- the submitted travel plan needs further revision
- it is recommended that a Delivery and Servicing Plan and Construction Logistics Plan is produced for the site.

4.5.1 Further discussions have taken place between TfL and the applicants transport consultants with further information, including a revised travel plan, having been submitted for consideration.

4.6 Sport England confirm that the proposal is to be considered against criterion E4 of 'A Sporting Future for the Playing Fields of England'. It has raised concern that the proposal would result in a loss of sports pitch provision within the Borough.

4.7 The Environment Agency advises that the development is considered acceptable subject to conditions requiring the development to be carried out in accordance with the submitted Flood Risk Assessment, the submission of a scheme for surface water drainage and the provision and management of an 8m natural buffer zone alongside Paines Brook.

4.8 The Fire Brigade (access) requires access to the houses and flats to comply with relevant legislations. Also, eight additional fire hydrants are required.

- 4.9 Thames Water requires conditions relating to surface water drainage, piling works and the submission of a proposed drainage strategy if permission is granted.
- 4.10 English Heritage advise that the site is partly within an Archaeological Priority Zone and that the proposal may affect remains of archaeological significance. If planning permission is granted a condition is requested requiring a programme of archaeological field evaluation and survey and resultant mitigation strategy to conserve archaeological assets or ensure their recording.
- 4.11 The Highway Authority raise no objection to the proposals but request, in addition to the financial contribution requested by TfL, an additional contribution of £100,000 towards highway improvements on the Borough network as part of the Harold Hill Ambitions programme.
- 4.12 The Borough Crime Prevention Design Advisor requests conditions requiring an application for the Secured by Design Scheme if permission is granted.

## **5. Relevant Policies**

### **5.1 National Planning Policy**

PPS1 (Delivery Sustainable Development), Planning and climate Change (Supplement to PPS1), PPS3 (Housing), PPS5 (Planning for the Historic Environment), PPS9 (Biodiversity and Geological Conservation), PPS10 (Planning for Sustainable Waste Management), PPG13 (Transport), PPG17 (Planning for Open Space, Sport and Recreation), PPS22 (Renewable Energy), PPS23 (Planning and Pollution Control), PPG24 (Planning and Noise), PPS25 (Development and Flood Risk) are material planning considerations.

### **5.2 Regional Planning Policy**

Policies 2.18, 3.3, 3.4, 3.5, 3.6, 3.7, 3.8, 3.9, 3.10, 3.11, 3.12, 3.13, 3.19, 5.2, 5.3, 5.6, 5.7, 5.12, 5.13, 5.16, 5.21, 6.1, 6.3, 6.9, 6.10, 6.13, 6.14, 7.3, 7.4, 7.6, 7.8, 7.14, 7.15, 7.18, 7.19, 7.21, 8.2 and 8.3 of the London Plan are material to consideration of the application.

There is also a range of Supplementary Planning Guidance to the London Plan.

### **5.3 Local Planning Policy**

Policies CP1, CP2, CP7, CP8, CP10, CP15, CP17, CP18, DC2, DC6, DC7, DC18, DC20, DC30, DC32, DC33, DC34, DC40, DC48, DC49, DC50, DC51, DC52, DC53, DC55, DC58, DC60, DC61, DC63, DC70, DC72 of the Local Development Framework (LDF) Core Strategy and Development

Control Policies Development Plan Document (DPD) are material considerations.

In addition, the Residential Design Supplementary Planning Document (SPD), Designing Safer Places SPD, Protecting and Enhancing the Borough's Biodiversity SPD, Protection of Trees During Development SPD and Sustainable Design and Construction SPD are material considerations.

## **6. Staff Comments**

6.1 The issues arising from this application are the principle of development, including the principle of the loss of open space and the justification for new residential development, issues arising from the design and layout of the new development and the acceptability of the proposed development parameters, environmental issues, parking and highway issues, the impact on amenity, affordable housing and the impact on community infrastructure.

### **6.2 Principle of Development**

#### Introduction

6.2.1 The application site is in use as open space. It consists of four distinct areas, referred to in the Open Space Assessment accompanying this application as Areas A-D. Area A contains derelict tennis court and a grassed area and is partly managed by the Council's Parks Service; Areas B & C form part of the Albemarle Youth Centre playing field and each area is marked out for 11-a-side football; Area D was formerly used for archery.

6.2.2 Although part of the site to its western side, where it incorporates the Albermarle Youth Centre and Citizens Advice Bureau, is 'white land' and does not have any specific policy designation, the remainder of the site is allocated on the LDF Proposals Map as 'Parks, Open Spaces, Playing Fields and Allotments' under LDF Policy DC18. The site meets the statutory definition of a playing field.

6.2.3 The proposed loss of this area of open space is therefore subject to the Council's policies relating to open space set out in Policies CP7, DC18 and DC20. It is also subject to the provisions of PPG17 and Sport England's policy on planning applications involving playing fields (A Sporting Future for the Playing Fields of England). The proposal is also subject to the provisions of Policies 2.18, 3.19 and 7.18 of the London Plan.

6.2.4 The land forming part of the application site has recently been the subject of an application for it to be formally declared as a Town Green. Members are advised that this claim has been unsuccessful and the land does not have any formal status as a town or village green. In this respect therefore there is no barrier to development on the land.

#### Acceptability of loss of playing field & replacement facilities

6.2.5 It is acknowledged that the proposal will result in the loss of this area as open space and will result in the loss of sports pitches from the site. The Council has undertaken consultation with all affected users of the facility. In terms of current usage of the sports pitches, the playing field is not available for wider public use/access and is used primarily by users of the Youth Centre on a pre-booked basis. There is one external user of the pitches, the Romford Royals Football Club, which uses the pitches on Sundays for its junior teams.

6.2.6 The importance of playing field provision within the Borough is acknowledged and the application therefore proposes a package of measures to compensate for the loss of playing fields and open space on the application site. These may be summarised as follows:

- Improvement and new facilities at Broxhill to include drainage, reseeding and levelling of the existing open space to create two new football pitches.
- Improved facilities at Central Park including a new skate park, Multi Use Games Area (MUGA), children's play facilities and enhanced walkways.

Following discussions with Sport England the proposals have been further revised to include the following:

- provision of additional sports pitches at Dagnam Park
- improvements to the Broxhill site changing rooms

6.2.7 Romford Royals, who are the current users of the pitches, have written to the Council to confirm that they are happy with the proposal to provide alternative playing facilities at Broxhill.

6.2.8 Policy CP7 sets out the Council's commitment to retaining existing recreation and leisure facilities where a need exists, improving deficiencies in provision, and providing improved opportunities for creative play and physical activity in parks and open spaces.

6.2.9 The proposal ensures that the needs of the existing users of the sports facilities i.e. Romford Royals, will continue to be met by providing alternative facilities at Broxhill. The proposal will also address deficiencies in open space provision by providing new sports pitches at both Broxhill and Dagnam Park and will contribute towards opportunities for creative play and physical activity by enhancing facilities both at Broxhill and through the planned programme of improvements to Central Park. Subject to such alternative facilities being secured the proposal is considered to accord, in principle, with Policy CP7.

6.2.10 Policy DC18 states the Council's intention to retain and enhance all public open space and recreation, sports and leisure facilities. Alternative use of such sites will only be allowed where it is shown they are surplus to requirements. Although priority will be given to other recreation/leisure

uses, where there is no identified need for such a use, other uses may be considered. However, this must be accompanied by an improvement in the quality of open space in the vicinity or to remedying qualitative and quantitative deficiencies in open space elsewhere in the Borough. Policy DC20 provides criteria against which to judge a deficiency in open space provision and local recreational facilities.

6.2.11 In terms of location, the site is within a kilometre of Dagnam Park and within 3.2km of Bedfords Park. The site is also adjacent to Central Park and meets accessibility criteria set out in Policy DC20. Whilst the Gooshays Ward, within which the site is located, has sufficient open space provision there is however a shortfall of allotments and children's play facilities locally. Both of these needs are being addressed by the Council – with new allotments proposed at the former Ingrebourne Primary School and proposed new play space proposed both within the application site and enhanced facilities within Central Park. The proposal is therefore considered to comply with Policy DC20.

6.2.12 Given that there is sufficient open space provision locally, that local deficiencies in play facilities and allotment provision can be met and that the proposal includes replacement sports pitches at Broxhill and Dagnam Park, it is considered that the proposal also meets the test of being 'surplus to requirements' set out in Policy DC18 and that alternative uses of the site may be considered acceptable in principle. The application makes provision for improvements in the quality and quantity of open space within the vicinity of the site by providing new public open space on site, enhanced recreational facilities in Central Park and new sports pitches at Broxhill and Dagnam Park. Whilst the new area at Broxhill is less than the area to be lost from the application site, the quality of sport and recreational facilities will be greater. Staff therefore consider the proposal, considered as a package, to comply with Policies DC18 and DC20.

6.2.13 Turning to national policy guidance, the proposal must be judged against the provisions of PPG17 and the policy of Sport England. Applications which are referable to Sport England are judged against the document 'A Sporting Future for the Playing Fields of England'. Sport England has confirmed that it considers criteria E4 of this document, which requires the replacement of lost sports facilities with others of equal standard, to be relevant.

6.2.14 Extensive consultation regarding the proposals has taken place with Sport England. The application originally proposed the provision of replacement sports pitches at Broxhill, which although previously existing have not been marked out for some four years due to the sloping nature of the land and their propensity to waterlogging. Following an initial response from Sport England, raising objection to the proposals, the package of mitigation measures has been revised and not only includes the significant improvement of the Broxhill pitches, including re-levelling and re-seeding but also the provision of replacement changing facilities at Broxhill and the provision of new playing pitches at Dagnam Park.

6.2.15 Further consultation with Sport England has taken place following the revision to the proposals. However, Sport England maintains a position that the new pitches and facilities at Broxhill cannot be considered as replacement facilities as the site previously contained sports pitches. Sport England has confirmed that it considers the proposed new pitches at Dagnam Park to be replacement pitches but that changing room facilities and parking provision also needs to be provided.

6.2.16 In considering the impact of the development in respect of the provision of sports facilities within the Borough, staff have paid particular regard to the following issues:

- the existing sports pitches at Broxhill have not been marked out for four years due to their sloping nature and consequent waterlogging.
- the proposal would involve re-levelling, installation of drainage and the re-seeding and marking out of two pitches.
- although changing facilities do exist at Broxhill, they have not been used for several years and are in need of upgrading. This would be achieved through the proposals. These refurbishments works will bring the Sports Pavilion as close to FA standards as it is reasonably practicable to do so.
- the proposal also includes the provision of additional pitches at Dagnam Park.
- the users of the current pitch at Gooshays change in the adjacent Albermarle Youth Centre, which is shortly to be demolished. Club users of the Gooshays site will, therefore, no longer have any access to any form of changing facilities and have never benefitted from any formal car parking provision.

6.2.17 In light of this, staff consider that the provision of two new pitches at Dagnam Park, without providing any new parking or changing facilities, would alone be compliant with criterion E4. In addition, the proposal will provide two significantly improved playing pitches and changing room facilities at Broxhill. Compared to retaining the existing situation at Gooshays i.e. playing pitches without dedicated parking or changing facilities, the proposed mitigation package of new pitches at Dagnam Park and Broxhill, together with a new changing pavilion at Broxhill is considered to be acceptable and more than meet the requirement of criterion E4 to replace lost facilities with others of equal standard. Staff are aware of the support for the proposals from the current users of Gooshays, Romford Royals.

6.2.18 The Council has worked on a revised package of proposals in consultation with Sport England, which will include new pitches at Dagnam Park and changing facilities. These proposals are being finalised at the time of writing this report but Staff are expecting that they will be sufficient for Sport

England to withdraw its current objection to the proposals. Members will be updated in respect of this position at the meeting. Members are however advised that, subject to Sport England withdrawing its objection, the application would not require referral to the Secretary of State.

- 6.2.19 Having regard to these factors, staff consider that the proposed package of replacement facilities would comply with Sport England criterion E4 and that the proposal is acceptable in this respect. It is understood that the package of works proposed to the Broxhill centre is not considered to be necessary from Sport England's perspective. However, Staff consider that these proposed works are an essential element of the community regeneration proposals envisaged by the Ambitions project and are recommending that these works are retained within the development proposals.
- 6.2.20 In terms of regional planning guidance, it is considered that the proposals, subject to securing the planned package of additional sports and recreational facilities, would be compliant in principle with Policies 2.18, 3.19 and 7.18 of the London Plan. The proposed levels of play space within the site also meets the requirements of Policy 3.6 the London Plan.
- 6.2.21 It is proposed that the provision of the new sports pitches at Broxhill and associated works and the new sports pitches at Dagnam Park be achieved through S106 agreement. The Section 106 agreement would be completed at the same time as the Council enters into any agreement to sell the land, for reasons which will be explained elsewhere in this report.
- 6.2.22 In terms of the other improvements proposed, the provision of open space and play space within the site can be secured as it forms part of the proposed development parameters for the site. The proposed range of improvement works to Central Park is proposed to be secured through a legal agreement, which has been completed by the Council and the GLA, and requires the Council to spend the capital receipt from the development on identified regeneration initiatives, subject to the specific obligations contained within the agreement.
- 6.2.23 The proposed development will enable the Council to achieve a wide range of regeneration benefits within this part of Harold Hill and presents the opportunity for the Council to achieve significant local improvements, including improved sports facilities at Broxhill, in addition to that proposed at Dagnam Park, enhanced facilities in Central Park, improvements to local shopping centres and local streetscape works. Although the loss of open space is compliant with policy criteria, Staff consider in any case that the significant regeneration opportunities arising from this development are sufficient to outweigh the impact of any loss of open space that will result from this development.

#### Principle of Residential Development

- 6.2.24 The proposed development of the site for residential purposes is a critical element of the Harold Hill Ambitions project as the disposal of the site will

provide essential funding for the delivery of the major proposals which form part of the project. Non-leisure/recreational uses of the site can be accepted provided it is justified under the terms of Policy DC18. As set out in paragraph 6.2.11 Staff consider the requirements of Policy DC18 to be met.

6.2.25 In terms of the need for residential development, Policy 3.3 of the London Plan July 2011 sets a minimum target for Havering of 970 new homes per year (compared to 535 in the recently superseded London Plan).

6.2.26 At present, the Havering Annual Monitoring Report 2008/2009 (AMR) indicates that the former London Plan target will be met in 2011/2012 but this is reliant on a number of larger allocated sites within the Borough coming forward for redevelopment. Furthermore, predictions within the AMR indicate that the (then) anticipated annual targets of the Draft Replacement London Plan are unlikely to be met. The proposal therefore represents a substantial windfall site, which will assist the Borough in meeting the increased housing targets of the London Plan. The proposal will also increase the range and choice of housing locally, contributing to the objectives of Policy CP1 and Policy 3.8 of the London Plan.

#### Demolition of Existing Buildings

6.2.27 The site is predominantly open space but does contain some buildings, which are the Albemarle Youth Centre and the Citizens Advice Bureau. These are single/two storey buildings, which are not of any special architectural or local historical value. The demolition of the existing buildings from the site is therefore acceptable in principle.

### 6.3 **Design and Layout**

#### Density

6.3.1 The density of the development proposed is set by the proposed development parameters. These provide for a development of up to 242 houses, consisting of up to 193 houses and up to 49 flats. The development provides 9,680 square metres of open space and children's play space of 730 square metres. The site density has been calculated in accordance with guidance in PPS3 and is 46 dwellings per hectare. This is within the range of 30-50 dwellings per hectare considered acceptable in this locality under Policy DC2. The proposed density level is also considered to comply in principle with Policy 3.4 of the London Plan July 2011. Staff consider that the density proposed, together with the proposed amounts of open space and play space, would enable a development which would accord with the Residential Design SPD.

6.3.2 Staff have considered whether the proposed density of the development is realistic, given the various constraints of the site, and whether this would produce a development that achieves a suitably high standard of design quality and amenity. To this end, particular consideration has been given to the indicative design and layout of the development, including the illustrative



masterplan and the submitted Design and Access statement. These issues, together with matters relating to the appearance and scale, bulk and massing of any subsequent development are considered further below.

### Layout

6.3.3 The layout of the site is a reserved matter. However, the application is accompanied by an illustrative masterplan and Design and Access statement indicating how development of the site to achieve up to 242 units may be achieved.

6.3.4 The layout of the site relies on a number of design principles. Firstly, the site constraints, which require a buffer strip free from development to the east of the site adjacent to Paines Brook and the retention and enhancement of key landscape features within the site. Secondly, the need to provide permeability and connectivity through the site and to adjacent areas. Thirdly retaining key views through and into the site.

6.3.5 The resultant illustrative layout indicates how the following key design principles may be achieved:

- a primary vehicular and pedestrian access through the site (from Petersfield Avenue and Gooshays Drive)
- parking provision equivalent to 1.55 spaces per dwelling
- perimeter blocks to the development of appropriate scale
- an area of formal open space
- enclosed outdoor space for houses and communal amenity areas for flats
- a Sustainable Urban Drainage (SUDS) corridor
- permeability through the site.

6.3.6 Staff consider that the illustrative layout generally demonstrates how these key principles could be achieved through the development of the site. There are a number of areas within the layout where there is considered to be the potential for tight relationships between blocks. Staff have however sought further assurances regarding this and are satisfied that the development could be carried out so as to achieve acceptable levels of residential amenity. It is acknowledged that the development, as indicated on the illustrative layout, creates some relationships between dwellings that are not commonly found in established residential areas within the Borough. However, this is considered to be acceptable in principle as the development is to some extent 'self contained' and would not affect an established local character or existing residential amenity. Providing suitable amenity is provided for future residents judgement can be applied with regard to the layout of the development. Furthermore, the illustrative masterplan relies heavily on courtyard style housing, L-shaped buildings with windows facing solely on to their own private courtyards. These allow for higher densities than other types of dwellings that have more traditional layouts and amenity areas. However, if the courtyard style housing is not carried through to a detailed application for development it could result in a drop in achievable development density.

6.3.7 The illustrative masterplan shows a range of amenity areas. In some instances they can be relatively constrained, particularly in terms of garden depth. The Council has recently adopted a Residential Design SPD. This does not seek to prescribe garden sizes but rather to ensure that amenity space is functional and well laid out. Staff consider that despite the limited size of some plots, each dwelling would be capable of having adequate private amenity space, which is also supplemented by the open space and play space within the development and the adjacent Central Park. Staff therefore consider that the illustrative masterplan shows that it is possible to achieve a number of key design principles, but that owing to the reliance on a particular development type (i.e. the courtyard housing), if this were omitted from any future detailed schemes it would need to be further demonstrated that the maximum number of 242 units proposed could be acceptably achieved.

#### Scale, Bulk and Massing

6.3.8 The design parameters for the site restrict the maximum building block width to 150m and maximum building block length to 80m. The building heights are capped at three storeys, although the Design and Access statement indicates that dwellings would be two storeys and apartments three storeys. The Design and Access statement indicates that that there would be apartments, terraced housing, semi-detached and detached housing and courtyard housing within the development.

6.3.9 The character of the Harold Hill area is drawn from a range of residential styles. Development immediately south and west of the site in Petersfield Avenue and Gooshays Drive is largely two storey semi-detached or terraced housing, but there are also many examples of flatted development, of at least three storeys locally. Staff are therefore satisfied that, subject to the proposed thresholds for block length, width and depth and controls over storey height, that the proposed development would be acceptable in respect of scale, bulk and massing.

#### Design

6.3.10 The detailed design of the scheme is a reserved matter. The Design and Access statement sets out housing typologies, indicating a mix of three storey apartment blocks, terraced, detached and semi-detached housing and courtyard style housing. There is no detailed design code at this stage other than principles of scale (2 to 3 storeys), the provision of a private front yard to all dwellings, the provision of private open space of varying sizes and type, and the suggested use of pitched roofs and masonry/rendered facades. It is considered that matters of design could be acceptably addressed at reserved matters stage.

#### Appearance

6.3.11 The appearance of the proposed development is also a reserved matter. The Design and Access statement sets out the design principles for the

development and how this will influence the final forms of the development. Matters of appearance can be addressed as reserved matters stage although Staff will be keen to ensure that the appearance of new development reflects the existing character of the locality.

### Landscaping

6.3.12 An arboricultural statement and landscape and visual impact assessment has been submitted with the application.

6.3.13 The arboricultural statement includes a tree survey covering 194 individual trees, 20 groups and 2 woodlands within the site. Of these, 74 were considered to be of A or B grade i.e. desirable for retention. These principally run in two belts across the site in an east/west direction and, to a lesser extent, along the eastern boundary of the site. The illustrative masterplan for the site indicates that these trees could be retained within any proposed development of the site.

6.3.14 Given the outline nature of this application, the arboricultural statement recommends that once a detailed layout for the site is finalised an Arboricultural Implications Assessment (AIA) will need to be produced to specifically detail those trees to be retained and those to be removed and to identify any necessary protection measures. It is recommended that the AIA be secured through a planning condition.

6.3.15 The landscape and visual quality assessment has informed the masterplanning of the development which, as a result, achieves the following:

- the proposed retention of Category A & B trees to the southern and eastern site boundaries and running east/west across the site (between the existing health centre and Central Park play area)
- the retention of the preserved Deodar Cedar tree, which is a distinctive local landscape feature to the western side of the site (south of the existing community centre)
- a publicly accessible landscape buffer between Paine's Brook and the opportunity for habitat enhancement and SUDS proposals
- the opportunity for additional landscaping of the site, particularly to its northern boundary.

6.3.16 Staff acknowledge that the development of this area of open space will create a markedly different character from that which exists at present. It is also acknowledged that there will be difficulties in developing a site where there are at least 74 trees proposed for retention, not least because it will be desirable to retain these in areas of public open space rather than within private garden areas. However, Staff are encouraged by the detailed landscape and visual assessment that has been carried out and the demonstration within the masterplan that the site can be developed whilst retaining key landscape features and trees of most value. The site masterplan has been revised in response to concerns raised by the

Council's Landscape Officer that it would potentially harm the Deodar cedar. The proposed access road from Gooshays Drive has been realigned so that it does not encroach into the root protection zone of this tree. Subject to conditions requiring details of landscaping, controls over the extent of built form within the site and the AIA referred to in paragraph 6.3.14 above, Staff are satisfied that the site is capable of development without materially harming the key landscape features that are an intrinsic part of the character of the existing site and that it would comply with Policy DC60 and SPD for Protection of Trees during Development.

#### Open Space Provision

- 6.3.17 Policy DC21 of the LDF requires new major residential developments to include provision for adequate open space at the rate of 1.84 hectares per thousand population but states that where it is not possible to include the facilities within the development site the Council will require the facilities to be provided nearby.
- 6.3.18 This would equate to a requirement for 1.05 hectares of open space to be provided within the development. The proposed development makes provision for a minimum of 0.88 hectares of open space within the scheme together with an additional 1,660 sq.m. of children's play space.
- 6.3.19 The site is however located adjacent to Central Park and it is considered that this would compensate acceptably for a nominal shortfall in open space provision within the site. The proposed development also provides for the provision of new football pitches at Broxhill and Dagnam Park and capital receipt from the development will be used partly for the improvement of facilities within Central Park, which is considered to accord in principle with the provisions of LDF Policy DC21. The amount of play space provision is consistent with the requirements of Policy 3.6 of the London Plan and associated supplementary planning guidance.

#### Accessibility and Safer Places

- 6.3.20 The application is also accompanied by a Safer Places statement, which identifies where the principles of 'Safer Places' has been incorporated into the design of the scheme and follows from initial discussions which took place with the Borough Crime Prevention Design Advisor. The strategy focuses on the location of access points, providing natural surveillance of the site and creating active frontages onto areas of public realm. Car parking is arranged to maximise overlooking from neighbouring dwellings and consideration has been given to the lighting and landscaping of the site. A condition can be imposed to ensure that any future development adheres to the principles of 'Safer Places' by requiring that it meets 'Secured by Design' standards.
- 6.3.21 All of the dwellings are proposed to be built to lifetime homes standards, which can be secured through condition. 10% of the homes will be designed to be wheelchair accessible or easily adaptable for residents who

are wheelchair users. Again, this can be secured by condition and will ensure the development complies with Policy DC7 of the LDF and Policy 7.3 of the London Plan.

#### 6.4 **Environmental Issues**

##### Flood Risk and Impact on Paines Brook

6.4.1 The site lies to the immediate west of Paines Brook, which is judged to be the primary source of flood risk to the site. A detailed Flood Risk Assessment has been submitted with the application. The majority of the site is within Flood Zone 1. Residential buildings within the development will only be located within Flood Zone 1, as set out in the submitted Parameter Plan. This would comply in principle with the 'sequential' test set out in PPS25. Parts of the site fall within Flood Zone 2 but will only be used for ancillary development, such as roads and parking. A specific modelling exercise has been undertaken for this site to provide a more detailed estimate of flood risks to the site. Based on this modelling, the FRA provides recommendations on the Finished Floor Levels within the development. A range of SUDS measures have also been proposed within the development and it is proposed, as indicated on the Parameter Plan, to maintain a minimum 8m buffer strip from Paines Brook.

6.4.2 The Environment Agency has confirmed that it has no objection to the proposals subject to it being carried out in accordance with the submitted Flood Risk Assessment, the submission of a scheme for surface water drainage and the provision and management of an 8m natural buffer zone alongside Paines Brook. It is considered that these requirements could be secured by condition and that, subject to this, the development would accord with PPS25 and LDF Policy DC48, as well as Policies 5.12 and 5.13 of the London Plan.

6.4.3 It should be noted that Thames Water requires conditions relating to surface water drainage, piling works and the submission of a proposed drainage strategy if permission is granted.

##### Ecology and Bio-Diversity

6.4.4 To the immediate east of the site lies the Carters Brook and Paines Brook Borough Grade II Site of Importance for Nature Conservation (SINC). There is also a Local Nature Reserve and other SINC's within 1km of the site.

6.4.5 An Ecological Impact Assessment (EclA) has been undertaken based on the results of an extended Phase 1 Habitat Survey of the site, desk-based studies, species surveys for badgers, bats, water voles, otters, breeding birds and reptiles, a botanical survey and a Great crested newt assessment.

6.4.6 In terms of the impact on habitat, there is potential for adverse impact during the construction phases, particularly to the Paines Brook designated SINC and human damage to retained vegetation. The EclA therefore

recommends appropriate mitigation measures, subject to which it concludes that these effects would not be significantly adverse.

- 6.4.7 The development has the potential to result in temporary significant adverse impacts on nesting birds although the most significant impacts could be avoided if vegetation/habitat managements takes place outside nesting season.
- 6.4.8 The EclA suggests that there are likely to be localised impacts on the bat population at a site specific level, most likely from lighting from street lights shining on tree lines. The EclA recommends that as long as light is directed away from tree lines it is unlikely there will be any significant adverse impacts.
- 6.4.9 No evidence of any other protected species were found on the site. Staff consider that the ecological impact of the development would be likely to be predominantly temporary, during the construction phase of the development, or in the case of the impact on the local bat population, restricted to impacts at site level only and not to the local bat population as a whole. Subject to planning conditions requiring a site ecological management plan it is considered that the proposal would be acceptable in principle and would comply with LDF Policy DC58 and Policy 7.19 of the London Plan.
- 6.4.10 There is scope within the development for site landscaping and management that would potentially enhance the bio-diversity of the site as a whole and would be compliant in principle with LDF Policy DC59.

#### Archaeology/Heritage

- 6.4.11 A Cultural Heritage Assessment has been submitted with the application. The site lies adjacent to the location of the medieval manor of Gooshays and is partly within an archaeological priority area. Policy 7.8 of the London Plan July 2011 and DC70 of the LDF are relevant. Potential heritage assets within the site comprise evidence of the medieval manor house, remains of structures associated with the 17<sup>th</sup> century and Georgian phases of Gooshays, fishponds, terraces and a trackway. These could all be at least partially impacted on by groundworks associated with the proposed development
- 6.4.12 English Heritage (GLAAS) advise that the site is partly within an Archaeological Priority Zone and that the proposal may affect remains of archaeological significance. If planning permission is granted a condition is requested requiring a programme of archaeological field evaluation and survey and resultant mitigation strategy to conserve archaeological assets or ensure their recording. Staff consider that subject to such a condition the development would be acceptable in principle and would comply with Policy 7.8 of the London Plan and Policy DC70 of the LDF.

#### Air Quality

- 6.4.13 The Air Quality Assessment (AQA) assesses existing local air quality and predicted air quality based on a worst case scenario, focussing on traffic impacts and the use of a biomass boiler. In terms of traffic the likely increase in vehicle movement is such that the impacts on air quality are judged to be insignificant. The impact of a biomass boiler (if used within the development) is also assessed and found to be within acceptable levels.
- 6.4.14 The AQA notes there could be some short term impact on local air quality conditions through dust and it is suggested that conditions be imposed to ensure measures are put in place to minimise any adverse effects.

#### Environmental Noise

- 6.4.15 The existing local noise environment has been measured over a typical weekday period. Based on the illustrative masterplan the submitted Environmental Noise Assessment indicates the development to fall within Noise Exposure Category C of PPG24 and recommends several glazing and background ventilation specifications as a minimum to meet the requirements of PPG24.

#### Contaminated Land

- 6.4.16 A Desk based Phase I Environmental Review has been undertaken and submitted with the application. It concludes that there is low potential for significant contamination of soil and/or groundwater. The report recommends a Phase II assessment be carried out and an asbestos survey. Staff therefore consider the development accords in principle with LDF Policy DC53 and Policy 5.21 of the London Plan and conditions can be imposed to ensure the necessary assessments are undertaken.

#### Waste Management

- 6.4.17 A Framework Site Waste Management Plan has been submitted with the application and sets out measures for dealing with waste generated from the demolition, construction and operational phases of the development. The study indicates that with careful management the impact of waste can be minimised. In respect of traffic impacts a number of measures are suggested, including dedicated haulage routes and controls over delivery of material etc.
- 6.4.18 It is recommended that a condition be imposed so that a more detailed strategy for waste management, associated impacts of construction traffic and recycling can be required at reserved matters stage.

#### Sustainability & Renewable Energy

- 6.4.19 The proposals indicate that the development would achieve Code for Sustainable Homes level 4. The Renewable Energy Reports submitted with the application demonstrates that there will be a 20% reduction in carbon dioxide emissions. In addition, the development will be designed to Lifetime

Homes standards and there will be a package of SUDS implemented within the development and the substantial retention of ecological features within the site.

6.4.20 The proposals are considered to be consistent in principle with LDF Policies DC49 and DC50.

## 6.5 **Parking and Highway Issues**

6.5.1 A Transport Assessment (TA) has been undertaken and submitted with the application. It has tested and found to be acceptable the proposed two points of vehicular access to the development, one from Petersfield Avenue and one from Gooshays Drive.

6.5.2 The development proposes parking at a ratio of no less than 1.5 spaces per dwelling and cycle parking of one space per 2 bed or less dwellings and 2 spaces per larger dwellings.

6.5.3 The TA concludes that the proposed development will not unacceptably harm the functioning of the local transport or highway networks and that parking provision will be sufficient to prevent increased demand for on street parking locally. A framework travel plan has also been submitted as part of the planning application.

6.5.4 TfL have been consulted on the proposals. In terms of highways impact, TfL do not object to the proposal in principle but request a contribution of £85,000 towards improvements to the A12 Colchester Road/Gooshays Drive/Gubbins Lane junction. This can be secured through a legal agreement.

6.5.5 In terms of bus impact, the proposal is considered to affect the capacity of bus route 496 during morning and afternoon peaks, requiring improvement of the bus service. TfL have requested a financial contribution of £210,000 for these improvements comprising three annual payments for an enhanced school time bus service. This can also be secured through legal agreement.

6.5.6 With regard to car parking, TfL consider the proposals to be unacceptable. The development proposes up to 375 parking spaces. However, TfL considers the amount of parking to be excessive and that it should be reduced to a maximum of 308 spaces to accord with London Plan policy 6.13.

6.5.7 Staff acknowledge the issues raised by TfL in respect of parking and that parking levels exceed that set out in table 6.2 of Policy 6.13 of the London Plan, which gives maximum parking standards of 2 - 1.5 spaces for 4 bed units, 1.5-1 spaces for 3 bed units and less than 1 space for 1-2 bed units. It is however noted that the policy is intended to take a flexible approach to parking so that provision is commensurate with the level of accessibility by private car consistent with the overall balance of the transport system at the local level. Table 6.2 does not presently reflect PTAL levels, which are



stated to be addressed by parking standards to be set out in the forthcoming SPG on Housing. The draft SPG for Housing is now out for public consultation and provides two options for assessing parking as part of the consultation process. Option 1 is as per table 6.2 of the London Plan, whereas option 2 is based on PTAL zones and the number of habitable rooms per hectare. In an area of suburban character within a PTAL zone of 0-1 option 2 indicates that parking should be at a standard of less than 2 spaces per unit. .

- 6.5.8 In terms of the LDF, the site is identified as having a PTAL rating of 2-1 and within a suburban location. Policy DC2 would therefore anticipate residential development on this site providing parking at a standard of 2-1.5 spaces per unit. Given also the mix of units proposed and the predominance of dwellinghouses within the site, the Council's Highway Engineers consider it appropriate that parking be provided to the levels set out in Policy DC2.
- 6.5.9 Having regard to the location of the site, although there are opportunities for walking, cycling and use of public transport locally, it is considered that demand for parking at the site is likely to be high, particularly in view of the mix and number of dwellings compared to flats within the development. There is concern regarding the potential increased demand for on street parking and resultant congestion if insufficient parking were provided within the development. Given the inherent flexibility within Policy 6.13 Staff do not consider the proposal to be materially unacceptable in respect of car parking provision, having regard to the PTAL of the site, and consider the proposal for up to 1.5 spaces to be consistent with Policy DC2 of the LDF. Furthermore, given the outline nature of the proposals it is considered that imposing a limit of a maximum of 1.5 spaces per unit would enable further consideration of whether reduced levels of car parking are justified when more detailed proposals are submitted. The proposals are also considered to be consistent with the alternative approach taken to parking standards (option 2) in the Mayor's draft Housing SPG.
- 6.5.10 Although concerns about the impact of the development on the A12/Gubbins Lane/Gooshays Drive junction are noted TfL have not objected to the proposal on these grounds and it is considered that the proposed planning obligation of £85,000 to be paid to TfL could be used to carry out any necessary junction improvements. The Council's Highway Engineers have also requested a planning contribution of £100,000 to be used towards highway improvements on the Borough network as part of the Harold Hill Ambitions Programme. It is not therefore considered to be demonstrated that there are material highway grounds for reducing the amount of parking within the development.
- 6.5.11 It is proposed that 5% of parking spaces within the development be allocated for Blue Badge users. This can be secured through condition. It is also proposed that a minimum of 20% of parking spaces will be fitted with active provision of electric vehicle charging points and up to a total of 40%

of the spaces will be provided with the passive provision of electric vehicle charging points. This too can be secured through condition.

6.5.12 The proposed two points of access to the development are considered to be acceptable in principle, although this will be subject to the detailed design being agreed by the Council's Highway Engineers through the technical approval process.

## 6.6 **Affordable Housing**

6.6.1 Policy DC6 of the LDF states that the Council will aim to achieve 50% of all new homes as affordable and will seek a tenure split of 70:30 between social housing and intermediate forms. This policy reflects the targets for the provision of affordable housing which were set out in Policy 3A of the superseded London Plan. The current London Plan seeks a tenure split of 60:40 and requires the amount of affordable housing provision to be determined strategically at local level.

6.6.2 The development includes the provision of 15% (36) of the units as affordable, all of which would be intermediate. A detailed financial appraisal has been submitted to justify this approach.

6.6.3 The primary driver for the proposed disposal and redevelopment of the site is to generate sufficient funding to achieve the objectives of the Harold Hill Ambitions project. The Ambitions project includes a number of regeneration measures including a new library and youth centre, improvements to local parks, shopping areas and to roads and pavements.

6.6.4 The financial appraisal demonstrates that the proposed scheme cannot support the provision of affordable housing to policy level and would not achieve the funding required to support the Harold Hill Ambitions project.

6.6.5 It is considered, in view of the specific regeneration benefits and local facilities that would be enabled by the proposals that the amount of affordable housing proposed within the development is justified. The Council have entered into a legal agreement with the GLA, which commits the Council to using the net capital receipt from disposal of the site to provide a range of regeneration initiatives. Staff are therefore satisfied that the proposal would be acceptable and the provision for affordable housing within the development is justified in this case.

6.6.6 The tenure split of the development proposes that all of the affordable units be provided as intermediate units. No social rented units are included. In principle, this conflicts with Policy 3.11 of the London Plan July 2011 and Policy DC6 of the LDF.

6.6.7 However, the Socio Economic Statement submitted with the application demonstrates that the Gooshays Ward has a lack of tenure diversification, with some 42% of social rented housing provision compared to 14% across the Borough as a whole and 26% across London. Additionally, there are

other affordable housing developments anticipated to come forward in the locality at Hilldene, although no planning applications for these have yet been submitted.

- 6.6.8 It is noted that the London Plan Housing SPG (paragraph 18.9) allows for the provision of a higher level of intermediate housing than may otherwise be required in areas where there is significantly high proportion of social rented provision compared to the London average. Additionally, Policy 3.9 of the London Plan states that a more balanced mix of tenures should be sought in all parts of London, particularly in some neighbourhoods where social renting predominates and there are concentrations of deprivation. Given the high proportion of social rented units locally it is considered therefore that the proposal would maintain the objective of creating mixed and balanced communities and that the tenure split is therefore acceptable in principle.
- 6.6.9 In terms of housing mix, the development provides up to 242 dwellings, consisting of up to 194 houses and 48 flats, which is an 80/20 split. The mix comprises a range of 1, 2, 3 and 4 bed units, predominantly focussing on 2 and 3 bed units, with 50% of all units being 3 bed plus units. The proposal is therefore considered to satisfy in principle Policy 3.8 of the London Plan.
- 6.6.10 Policies CP2 and DC2 of the LDF provides that the design and layout of new housing should be determined foremost by the range of housing types and tenures need to be meet local and sub-regional housing need. At this time, the Council will have regard to the Havering Housing Need Survey Update and the GLA's Housing Strategy. The proposed dwelling mix is considered to be acceptable.

## 6.7 **Impact on Amenity**

- 6.7.1 The nearest existing residential properties to the site are those in Petersfield Avenue (nos.2-20), which face towards the southern site boundary. There are also residential properties further east of the site in Petersfield Avenue and to the west of the site in Gooshays Drive and off of Gooshays Gardens. The site also borders non-residential properties, including the Harold Hill Community Centre and health centre.
- 6.7.2 Whilst the proposed development will change the character of the site, it will create new residential development of between 2 and 3 storeys high. In terms of the relationship of this to the nearest dwellings in Petersfield Avenue, the development would be on the opposite side of the road giving a minimum separation distance of 28m. Including the proposed retention of the majority of the tree screening to the southern site boundary, it is considered this distance combined with the maximum three storey height of development would be sufficient to maintain an acceptable degree of amenity for residents living opposite the site in Petersfield Avenue. The distances between facing buildings would be consistent with the character and pattern of development locally and it is not considered material loss of light or privacy would occur.

- 6.7.3 It is noted that residents have expressed concern regarding the indicated location of an access onto Petersfield Avenue. From a highway perspective it is preferable not to locate the access directly opposite the junction of Petersfield Avenue with Amersham Road and staff are satisfied, given the distance from the access and facing windows of the houses opposite, as well as the well lit nature of Petersfield Avenue that there would not be material harm from headlight glare to justify refusal.
- 6.7.4 In terms of dwellings in Gooshays Drive, these are set much further away from the site than the Petersfield Avenue properties and are separated from the site by the highway and either by the greensward to Gooshays Gardens or the existing community buildings adjacent to the site. Staff do not therefore consider material harm to residential amenity in Gooshays Drive to occur.
- 6.7.5 In terms of the adjacent community buildings, given these are non-residential use it is considered that development on the site could be achieved without material harm to these properties. Although there could be some disruption caused during construction work, including to a day nursery, which operates close to the site, this would not constitute material grounds for refusal of the application and impact could be reduced through planning conditions.
- 6.7.6 There are some areas within the illustrative masterplan where new development is shown relatively close to the boundary with the existing community buildings, for example dwellings backing on to the southern boundary of the community centre and one unit tight to its eastern boundary. These are detailed design issues that would need to be explored further when detailed proposals for development of the site are available to ensure that the relationship of new dwellings with existing buildings is acceptable and provides a suitable level of residential amenity.
- 6.7.7 Other issues raised in representation relate to increased noise and litter. The proposal is for residential development and it is not therefore anticipated that the proposal would result in unacceptably intrusive levels or type of noise that would justify refusal of the application. Similarly, the potential for increased litter would not constitute material grounds for refusal in this case given the residential nature of the development proposed.

## 6.8 **Community Infrastructure**

- 6.8.1 The proposed development is for up to 242 units and so would have implications for local community facilities, for example healthcare provision and education facilities. The Council has no specific planning policies in respect of healthcare provision and would expect such issues to be resolved through liaison with the NHS Trust.
- 6.8.2 In respect of education, the SPG for Educational Needs Generated by New Housing Development would usually require a financial contribution towards the cost of providing additional school places.

- 6.8.3 The submitted Viability Assessment assumed planning obligations totalling £2.36m, including within that a specific contribution towards education provision within the Borough. However, it is now apparent that other planning obligations not specifically covered within the original Viability Assessment will be required, which affects the capability of the scheme to provide a separate education contribution and remain sufficiently viable to meet the objectives of achieving sufficient capital receipt to fund local regeneration projects.
- 6.8.4 The proposal will generate significant monies to the Council through a planning obligation and it is considered, in view of the wider objectives of the Harold Hill Ambitions project, which includes improvements to educational facilities through, for example, the new learning village, that it is justified in this case for the Council to target Section 106 income towards the identified regeneration aims of the Harold Hill Ambitions project rather than setting aside a specific proportion solely for new educational facilities. In addition to S106 contributions towards a new library, sports facilities and pavement improvements, there will also be a contribution towards local employment training. Staff therefore consider that the absence of an education contribution as required by the SPG is specifically justified in view of the financial contribution the development as a whole will make to the Harold Hill Ambitions Programme and local regeneration objectives.
- 6.8.5 Members will note that this report proposes granting planning permission in advance of the completion of a Section 106 agreement. This is an outline planning application submitted by the Council. The Council is unable to enter into a Section 106 agreement with itself and there are currently no interested parties in respect of the sale and development of the land. In these circumstances it is considered that planning permission could be granted prior to the completion of a Section 106 agreement, subject to the Section 106 agreement being entered into by a purchaser of the land at the same time as the sale of the land is completed. The Council is able to ensure that arrangements relating to the Section 106 are in place before the land is sold and development on site commences and so this is considered to be a satisfactory arrangement having regard to the particular circumstances of this development.

## **7. Conclusion**

- 7.1 The proposal is for outline development of up to 242 units on land east of Gooshays Drive and north of Petersfield Avenue. The capital receipt from the development is intended to be used to undertake the regeneration projects forming part of the Harold Hill Ambitions programme.
- 7.2 The site is currently used as open space. However, it is considered that residential development on the site is justified, particularly in the light of the Council's commitment to providing replace sport and leisure facilities at Broxhill and Dagnam Park. The objection to the proposals from Sport England is noted and has been thoroughly considered. Staff consider the revised package of replacement pitches and changing facilities are sufficient

to mitigate the loss of the pitches from the site. On the basis that development on the site is justified, the proposed residential use is acceptable in principle and would contribute towards the Borough meeting its longer term housing. The proposal would offer significant opportunities for regeneration in this part of the Borough, which are considered to outweigh the impact of the loss of open space in this part of Harold Hill. Furthermore, the proposal is considered to accord with planning policy criteria in respect of open space provision.

- 7.3 Whilst the development is in outline form with all matters reserved, development thresholds are proposed and there is an illustrative site masterplan. Staff are satisfied that, in principle, the site can accommodate up to the maximum quantum of development proposed, whilst providing a development of suitably high quality and impact on local character. However, there are elements within the illustrative masterplan which are dependent on the particular design solutions proposed and if a detailed submission veers away from this approach further justification of the acceptability of detailed proposals is likely to be necessary. The indicated development height of 2 to 3 storeys is acceptable.
- 7.4 The overall design principles of the development are acceptable, including the provision of accesses from Petersfield Avenue and Gooshays Drive, the landscaping, connectivity and open space strategies. It will need to be demonstrated how these will be carried through to the detailed design phase of any proposed development.
- 7.5 The development provides 15% affordable housing, all at intermediate level. It is considered the amount and tenure of affordable housing provision is acceptable in this case, given the wider regeneration objectives of the proposed development and the socio-economic profile of the Gooshays ward. The proposal also makes significant financial contributions through planning obligation towards a range of local community improvements and opportunities. These improvements are secured through a legal agreement between the Council and the Greater London Authority.
- 7.6 The proposal is considered to be acceptable in respect of all other material issues, including parking and highway issues, impact on amenity and environmental effects.
- 7.7 Subject to planning conditions and the requirement for a Section 106 agreement, in addition to the legal agreement which has already been completed by the Local Planning Authority and the Greater London Authority, Staff consider the proposal to be acceptable and recommend that planning permission is granted.

## IMPLICATIONS AND RISKS

### **Financial implications and risks:**

The capital receipt from the development will be used to fund regeneration objectives forming part of the Harold Hill Ambitions Programme.

### **Legal implications and risks:**

Legal resources will be required for the completion of a legal agreement.

### **Human Resources implications and risks:**

None.

### **Equalities implications and risks:**

The disposal of this site for redevelopment represents a critical element of the Council's ability to achieve the objectives of the Harold Hill Ambitions programme. Harold Hill Ambitions is intended to regenerate an area with relatively high levels of social deprivation and will provide new social, leisure and economic opportunities for local people. The Ambitions project is based around extensive community involvement and is intended to respond to the specific needs of local people.

## BACKGROUND PAPERS

Application form, plans and documents received 4.10.10, additional and revised details received 12.8.11, 16.8.11 and 2.11.11

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# Agenda Item 13

## Regulatory Services Committee

8 March 2012

Item 13

### OUTSIDE STATUTORY PERIOD

<b>Page No.</b>	<b>Application No.</b>	<b>Ward</b>	<b>Address</b>
1-7	P0911.11	Hylands	28 Harrow Drive, Hornchurch
8-16	P1111.11	Upminster	Forest View Nursery, St Mary's Lane, Upminster
17-23	P0028.12	St Andrews	121 North Street, Hornchurch

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**REGULATORY SERVICES COMMITTEE**

**8th March 2012**

**OUTSIDE STATUTORY PERIOD**

<b>APPLICATION NO:</b>	<b>P0911.11</b>	
<b>WARD :</b>	Hylands	<b>Date Received:</b> 14th June 2011
<b>ADDRESS:</b>	28 Harrow Drive Hornchurch	
<b>PROPOSAL:</b>	Single storey front extension, single/two storey, side/rear extensions and single/two storey rear extensions Revised plans received 19.12.2011	
<b>DRAWING NO(S):</b>	P.01 P.02 P.03 Rev A P.04 Rev B P.05 Rev B (Revised) P.06 Rev B (Revised) P.07 Rev B (Revised) P.08 Rev B (Revised)	
<b>RECOMMENDATION :</b>	It is recommended that <b>planning permission be GRANTED</b> subject to conditions given at the end of the report.	

**CALL-IN**

The application has been called in by Councillor Galpin as she considers the proposal raises neighbourliness and streetscene issues.

**SITE DESCRIPTION**

The subject dwelling is a substantial and previously extended detached house on the east side of Harrow Drive. There is an attached double garage located on the northern side of the dwelling and ample off-street parking available at the property. The surrounding area comprises mixed residential properties and the land is fairly level. No trees will be affected by the development.

**DESCRIPTION OF PROPOSAL**

Planning permission is sought for a single storey front extension, single/two storey, side/rear extensions and single/two storey rear extensions.

In the front facade an extension will be constructed to provide an extended hall and wc which will be 1.9m deep for a width of 3.1m and will then step back 300mm and extend a further 1.970m. It will have a gabled roof 3.8m high.

The existing garage on the northern side of the property will be rebuilt leaving a separation gap to the boundary of 1m (slightly more than at present). It will have a width of 5.160m and is to be built to about the same front building line as the existing garage. With a depth of 14.2m, it will project about 3.2m beyond the rear wall of the existing study projection to a width of 5.210m for the rear elevation. It will return 2.4m with a width of 8.330m. It will then step out 300mm for a width of 4.1m, 1.9m deeper than the existing rear wall of the lounge on the southern side of the property.

A first floor extension will be formed above the garage to the same width but with a depth of 8m

**REGULATORY SERVICES COMMITTEE**

**8th March 2012**

**OUTSIDE STATUTORY PERIOD**

which will be provided with a gable to the front elevation to the ridge height of the existing property and hipped roof to the rear. A 4.5m high hipped roof will be constructed over the single storey element on this side.

At the rear, roughly in the centre of the property, a first floor will be constructed which will be 5.560m wide by 3.790m deep which will be provided with a hipped roof to the ridge height of the original property.

The single storey element to the rear on the southern side of the property will be provided with a hipped roof 3.5m high with a 3.9m high, mono-pitched roof being provided to the single storey element in the centre.

In the front elevation garage doors will be provided with one window above.

The rear elevation will have two sets of French doors with sidelights and three windows and the first floor will have six windows. No additional windows will be constructed in the south facing elevation but one window will be constructed at ground level in the north facing elevation which will serve a utility room.

An internal re-arrangement will take place inside the property and the proposed development will provide two additional bedrooms.

**RELEVANT HISTORY**

Building Control records are copied below:

1841/54 - Private garage

8666/78 - Kitchen modification and new cloakroom

7307/85 - Rear extension

Available planning history:

L/HAV/1539/87 - Two storey side extension and garage - Approved

P0151.11 - Two storey side and rear extensions and single storey side extension Refused

**CONSULTATIONS/REPRESENTATIONS**

The application has been advertised by the direct notification of surrounding residential properties.

Letters of objection have been received from four adjoining neighbours and a local Councillor. Their comments are summarised below:

\* The HM Land Registration Form omits to show extensions previously built at No.28, the property has in fact been considerably extended from the original footprint which has changed drastically the original appearance of the property by increasing the width when viewed from the front streetscene;

\* The proposed development would create an over-developed house in the context of its immediate surroundings, it will further erode the original spacious separation to the northern boundary and the resultant property will appear cramped within the site, again to the detriment of the streetscene and the character of the area;

\* when viewed in the rear garden environment, the extensive proposed enlargements will appear bulky, dominating and incongruous;

\* The proposed development would, by reason of its excessive depth, height and position close

## **REGULATORY SERVICES COMMITTEE**

**8th March 2012**

### **OUTSIDE STATUTORY PERIOD**

to the boundary of the writer's property, be intrusive, overbearing, dominating, unneighbourly and out of character for the area resulting in loss of amenity and sunlight to the private patio area. The writer also points out that the plans show a square building to the rear of their garage next to No.28, this is in fact a small greenhouse situated on the patio area;

\* The site plan indicates that the private amenity area is situated outside the back door of the writer's property and would be unaffected by this proposal. In fact the patio area is to the south of the property and would be hugely affected. An extension in excess of 3m has already been built alongside this area and the proposed further extension in excess of 2m would create an unacceptable reduction in daylight and sunlight and be considerably intrusive. It would extend the whole length of the patio area and appear dominating, intrusive and overbearing;

\* The bungalow to the south of the property, No.26 would also suffer from loss of amenity;

\* Supporting information shows the streetscene to the north of No.28, referring to the separation between adjacent dwellings. The recently constructed extension to the north did not interfere with light and amenity and the writer's property does sit approximately 2m back from this development as shown in picture 4;

\* The property will look more like a Residential Home than private dwelling house;

\* The writer suffers from ill-health and a further extension will dramatically impact on his amenities;

\* This application does not remove the reasons for refusal of the last application;

\* The writer's husband suffers from ill health and can ill afford the stress the proposed substantial, lengthy building work would impose on him, together with the intrusion on the quiet enjoyment of the garden and home;

\* It is clear from the Council's previous reasons for refusal, this marginally revised scheme in no way addresses the fundamental issue that the bulk and massing of the proposed property is vastly out of scale with the prevailing streetscene and rear garden scene;

\* The minor concession on the northern elevation fails to deliver a proposal which merges acceptably in any way with the neighbouring properties. The question of the "excessive depth, height and position close to the boundaries of the site" remains unanswered by this proposal and will thus continue to represent an unacceptable impact upon the appearance of the area and, significantly, the amenity of its neighbours;

Two letters have also been received from a local Councillor objecting to the proposal on the grounds that this resubmission has not altered in any degree, it seems that the boundary of the extension on the side of No.34 has been brought in slightly. This development continues to be out of character and over-development for the site, a complete monster.

The Councillor goes on to discuss health problems of the immediate neighbours.

Concern is also expressed that the property will be converted into a care home. However, in response to the last comment, any future use or development cannot be taken into account during assessment of this application.

### **RELEVANT POLICIES**

Policies DC33 and DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.

Residential Extensions and Alterations SPD.

### **STAFF COMMENTS**

A previous application, reference P0151.11, was refused planning permission on 31st March 2011.

## **REGULATORY SERVICES COMMITTEE**

**8th March 2012**

### **OUTSIDE STATUTORY PERIOD**

The scheme now proposed has:

- \* altered the gabled roof at first floor level on the northern side to a hip;
- \* provided a 1m separation from the northern boundary instead of about 600mm;
- \* reduced the width of the first floor rear extension in the centre of the property from 6.930m wide to 5.560m.
- \* reduced the length of the first floor on the southern side from 4.090m to 3m and provided a hipped roof over the single storey element below;

The acceptability of these changes is discussed later in the report.

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

Harrow Drive is an attractive road of very mixed size and design residential properties, with many dwellings being set within generally spacious plots.

The subject dwelling lies on the east side of Harrow Drive, between a two storey house to the north, No.34 and a bungalow to the south, No.24 (note numbering anomaly). The subject dwelling was originally a modest, detached, gabled property with a two storey front projection and a small detached hipped roof building to the side, separated by a small picket gate. It is noted that the property in its original form measured approx 12.7m wide by 5.5m deep with a two storey, front forward projection of 1.3m on the southern side.

Subsequent extensions to the property in the form of a single storey side/rear extension on the northern side of the property, a single storey rear extension on the southern side, a two storey side extension on the northern side and an attached garage on the northern side have completely transformed the scale and character of the building and in particular its relationship to both the street scene and neighbouring properties.

Members' attention is drawn in particular to a previous application, reference P0151.11, which was refused planning permission on 31st March 2011. At the time when considering visual impact, it was considered that the proposed development would, by reason of its height, bulk and mass, appear as an unacceptably dominant and visually intrusive feature in the street and rear garden scene, harmful to the appearance of the surrounding area.

The current proposal increases the boundary separation on the north side from about 0.6m to a full 1m and the first floor component above the rebuilt garage would have a hipped roof in contrast to the gable roof previously proposed. At first sight, the current scheme is very similar and it is open to Members to give consideration to a further refusal on the same basis as before.

On the other hand, viewed from the street, it could be argued that achieving a full boundary separation of 1m in combination with a hipped roof, significantly increases the perception of space between the subject dwelling and neighbouring buildings. The impression of space is further reinforced by the neighbouring substantial double garage incorporating a shallow pitched roof. It is noted no changes are proposed to the southern flank of the property and a separation distance of 3.43m is maintained to the southern boundary.

Although an attractive road, Harrow Drive does not lie within an area of special character and no special planning controls apply. The road comprises a very varied mix of properties and separation distances between properties. Guidance advises that for detached houses, the approach taken for two storey side extensions will depend on the architectural style of the house, its relationship to neighbouring dwellings and the character of the street. Side extensions

**REGULATORY SERVICES COMMITTEE**

**8th March 2012**

**OUTSIDE STATUTORY PERIOD**

to detached houses may be constructed to the full height of the existing building, provided they appear as an integral part of the original house rather than an unrelated addition. It goes on to say that detached houses should not be extended up to side boundaries since this would involve closing the characteristic spacing between dwellings and leave no access to the rear.

Viewed from the street, the relationship between the subject dwelling and its neighbours is not now out of character with its surroundings and Staff consider that the proposal as revised brings the development within the realms of acceptability.

When viewed in the rear garden environment, it was considered the previous application would have resulted in development that would have appeared bulky, dominating and incongruous, to the detriment of the property itself and the surrounding area.

The current application differs in that the single storey element close to the southern boundary incorporates a hipped roof instead of a gabled roof and the first floor component is 1m less deep. The first floor roughly in the centre of the property will now be 5.560m wide instead of 6.930m and the single storey element on the northern side will now be 5.2m wide instead of 5.6m.

On balance, staff consider the general bulk of the development in the rear elevation has also been reduced sufficiently to overcome previous concerns.

Having regard to the above, Staff consider that the development as revised has addressed previously identified visual impact concerns. The design, bulk and scale of the development is considered acceptable and will not now cause harm to the surrounding area.

#### **IMPACT ON AMENITY**

Dealing firstly with the bungalow property to the south, No.24, this property has an approximate separation from the party boundary of 1.3m and the proposed development on the southern side of the property will be approximately 3.43m further away. This bungalow has two windows in the flank wall facing the subject dwelling, one is an obscure glazed window which serves the bathroom, therefore less weight will be attached to any loss of light and the second window is a secondary source of light to the kitchen. Objection therefore cannot be raised to any loss of sunlight that may occur to the flank windows of this property.

As the proposed development close to this neighbour has now been reduced by 1m depth at first floor level with a hipped roof provided, it is considered previous concerns regarding bulk and overall visual impact upon this property have now been satisfactorily addressed.

No.34, to the north of the subject dwelling is a two storey property. Site visit reveals this property is set away from the common boundary by about 5.5m has a 1.6m high approx screen hedge. It has an attached double garage with a small green house to the rear. No flank windows will be affected by the proposals.

The development on this side is now to be approx 400mm further away and the flank gable roof form replaced with a hipped roof. Staff consider these changes help to reduce the bulk of the proposed development and its potential impact upon the patio area and general outlook of this neighbour.

Staff recognise that this neighbour will continue to be affected by the development however, given the separation distance and the particular relationship between the two properties, any

**REGULATORY SERVICES COMMITTEE**

**8th March 2012**

**OUTSIDE STATUTORY PERIOD**

adverse impacts are deemed to be modest and within acceptable limits.

It is noted that a flank window is proposed at ground level facing this neighbour which serves a utility room. In the event of planning permission being granted, a condition is suggested to ensure this window is obscure glazed with top hung fanlight opening only to protect this neighbour's privacy.

Having regard to the above, Staff consider the scheme as revised to have satisfactorily addressed neighbourliness concerns and no objections are raised to this aspect of the development.

**HIGHWAY/PARKING**

Two additional bedrooms will be provided to the property, however, present parking arrangements will remain, therefore no highway issues arise.

**KEY ISSUES/CONCLUSIONS**

For the reasons discussed above, the proposal is now considered to be in accordance with Policies DC33 and DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document and Residential Extensions and Alterations SPD.

Approval of planning permission is now recommended, subject to conditions.

DATE PASSED TO DC MANAGER: 8th February 2012

**RECOMMENDATION**

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

1. SC4 (Time limit) 3yrs
2. SC10 (Matching materials)
3. SC32 (Accordance with plans)
4. SC46 (Standard flank window condition)
5. SC34B (Obscure with fanlight openings only) ENTER DETAILS

The proposed window in the north facing flank wall of the extension hereby permitted which serves the utility room, shall be permanently glazed with obscure glass and with the exception of top hung fanlight(s) shall remain permanently fixed shut and thereafter be maintained to the satisfaction of the Local Planning Authority.

Reason:-

In the interests of privacy, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

- 1 The proposed development is considered to be in accordance with the aims, objectives and provisions of the Residential Extensions and Alterations SPD and Policy DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.



**REGULATORY SERVICES COMMITTEE**

**8th March 2012**

**OUTSIDE STATUTORY PERIOD**

Note: Following a change in government legislation a fee is now required when submitting details pursuant to the discharge of conditions, in order to comply with the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations, which came into force from 06.04.2008. A fee of £85 per request (or £25 where the related permission was for extending or altering a dwellinghouse) is needed.

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**REGULATORY SERVICES COMMITTEE**

**8th March 2012**

**OUTSIDE STATUTORY PERIOD**

<b>APPLICATION NO:</b>	<b>P1111.11</b>	
<b>WARD :</b>	Upminster	<b>Date Received:</b> 22nd July 2011
<b>ADDRESS:</b>	Forest View Nursery St Marys Lane Upminster	
<b>PROPOSAL:</b>	Replacement of existing buildings for koi fish breeding and sale  Additional flood risk assesment received 07.11.2011	
<b>DRAWING NO(S):</b>	Location Site Plan PL-5034_32A PL-5034_02A PL-5034_23B PL-5034_34A PL-5034_24B	
<b>RECOMMENDATION :</b>	It is recommended that <b>planning permission be GRANTED</b> subject to conditions given at the end of the report.	

**CALL-IN**

No.

**RECOMMENDATION**

That planning permission is granted for the reasons set out in this report.

**SITE DESCRIPTION**

Forest View Nursery is located on the southern side of St Mary's Lane close to its junction with Ockendon Road. The site comprises 0.73ha. It had been a traditional nursery since before 1939 until 2000 when it was sold and acquired by the present owners. Plants are still sold on the site but the main interests are the breeding and wholesale of Koi Carp. There are a number of buildings on the site; an office building, a number of storage buildings; shop with nursery buildings containing a number of fish tanks for breeding purposes, a shed, toilet block; shed for water features and a caravan. The buildings are set 60m back on the southern side of St Mary's Lane.

The site is within the Metropolitan Green Belt and also forms part of the Thames Chase Community Forest. Part of the site is within a Flood Zone 3 however, this does not extend to where the replacement building is proposed.

**DESCRIPTION OF PROPOSAL**

The Council is in receipt of a planning application seeking permission to demolish a number of buildings which would be replaced by the proposal for purposes of koi fish breeding and sale.

The building would cover a floor area of 286sq metres, measuring 23m in depth and 12m in width. There would also be a small entrance porch, measuring 2m by 5m. The building would have a pitched roof, measuring 4.2m in height to the top of the ridge, 2.6m to the eaves.

## **REGULATORY SERVICES COMMITTEE**

**8th March 2012**

### **OUTSIDE STATUTORY PERIOD**

The building would have timber cladding on the outside with rooflights to the western and eastern elevations. The internal layout would comprise an office, a filtration & servicing and display of stock room, a counter an area with fish tanks, area where kois are displayed and bred and an ancillary sales area.

#### **RELEVANT HISTORY**

ES/HOR/164/59 - Private garage and new crossover - Approved  
ES/HOR/59 - 2 semi detached - bungalows - Refused  
P2152.03 - Retention of mobile home of the site - Approved  
P1804.06 - 1No dwelling - Withdrawn  
P1370.07 - 1 No Dwelling (for use with nursery) - Approved  
P1582.08 - 1 No. dwelling (for use with nursery) - Refused  
P1583.08 - Replacement of existing buildings with commercial building A1 (shop) - Refused  
P0288.09 - 1 no. dwelling (for use with nursery) Approved.  
P1457.09 - Replacement of existing buildings - use class A1 - Application withdrawn.

#### **CONSULTATIONS/REPRESENTATIONS**

Notification letters were sent to 8 neighbouring properties and the application advertised by means of a site and press notice, as development in the Green Belt. No representations have been received.

Environment Agency - No objections; conditions and informatives recommended.

Highway Authority - No objections; informative recommended.

Environmental Health - No objections; condition recommended.

#### **RELEVANT POLICIES**

Policies CP14 (Green Belt), CP17 (design), DC32 (road network), DC33 (car parking), DC45 (appropriate development within the Green Belt) and DC61 (urban design) of the Core Strategy and Development Control Policies Development Plan Document are material considerations.

Policies 1.1B and 7.16 of The London Plan (2011) and PPG2 (Green Belts) are also material considerations.

#### **STAFF COMMENTS**

The issues to be considered in this case are the principle of development, impact on the openness and appearance of the Green Belt, the design and impact on the street scene, the impact of the development on neighbouring amenity and parking / highway issues.

#### **PRINCIPLE OF DEVELOPMENT**

The site is within the Metropolitan Green Belt where, in accordance with PPG2, new development is considered to be unacceptable in principle unless it is for one of the exceptions set out in paragraph 3.4 of the PPG.

The main activities at the application site involves the breeding of Koi fish which is considered to fall within the list of exceptions as set out in PPG2, being agriculture. The design and access statement states that the application site, Koi Logic, has already been accepted in principle as an agricultural use. The agricultural use has been established at Forest View since 1939 when

## **REGULATORY SERVICES COMMITTEE**

**8th March 2012**

### **OUTSIDE STATUTORY PERIOD**

the use was for a nursery and subsequently turned into the Koi farming enterprise sometime after 2000. Fish farming is defined in the General Permitted Development Order (GPDO) and the Planning and Compensation Act 1991 sec.14 as meaning "the breeding, rearing or keeping of fish or shellfish whilst the definition of agriculture "includes horticulture, fruit growing, seed growing, dairy farming, the keeping and breeding of livestock.

The proposal is for a new replacement building which will be utilised for breeding and selling of koi fish however in addition, the building would also be used for sale of other fish and ancillary goods used for keeping of the fish. Whilst the main use of the building is for agricultural purposes and considered to be appropriate as set out in PPG2, it is important to consider whether the retail sale of other goods also proposed to be accommodated in the replacement building is ancillary to the agricultural use in order to establish its appropriateness.

In support of demonstrating that the retail sale of other goods will be ancillary to the agricultural use of the business, the applicants have submitted financial information indicating a breakdown of Koi sales and ancillary sales for 2007 until 2011. Evident from the information submitted is that approximately 75% of sales are from Koi fish with ancillary sales at approximately 25%. Ancillary goods include the following:

- Filters
- Pipes
- Test kits
- Air pumps
- Water pumps
- Medication
- Water improvement products
- Nets and bowls

The applicant has further submitted a drawing indicating the proposed layout of the floorspace. The building would have a small office area, a filtration / servicing area and display of stock, a counter, an ancillary sales area, fish tanks and an area for breeding and displaying of koi fish.

Whilst the proposed building would have large areas of ancillary goods displayed, Staff noticed upon site inspection that the ancillary goods naturally take up a large area within the building compared to the actual koi fish tanks and breeding areas. As evident from the financial figures, this does not mean the ancillary goods are the main part of the business.

It was further noticed upon site inspection that the majority of the other existing buildings (which would be retained) are used for breeding of koi fish (approximately 32,220 Gallons of koi fish tanks). These buildings take up the majority of built space on the site and Staff are therefore satisfied that the breeding of koi fish is the main use on the site.

It is acknowledged that the proposed building would incorporate a percentage of retail goods. In light of the above circumstances, Staff are of the opinion that these goods would be ancillary elements and that the main use of the site for Koi fish breeding still forms the majority of turnover and therefore the main business of the application site. Notwithstanding the retail element of the proposal, it is considered that the use of the site for agricultural purposes is an appropriate use as identified in the definition of PPG2.

### **GREEN BELT IMPLICATIONS**

The applicant states that Koi Logic at Forest View Nursery are reaching a stage where some

**REGULATORY SERVICES COMMITTEE**

**8th March 2012**

**OUTSIDE STATUTORY PERIOD**

enhancement redevelopment is required. Buildings that are functional are needed to be refurbished or replaced. The applicant has two options in order to expand their business which is to either enhance the site by means of repair and refurbishment to the existing buildings or to demolish existing buildings and replace with new buildings. The proposal is to rebuild and replace 2 existing buildings with a building which is smaller in footprint and volume.

The Design and Access Statement indicates the proposed building would replace buildings nr 2, 3, 4, 5, 6, 7 and 9. In granting permission for a new dwelling on the site (Ref: P0288.09), buildings 2, 3, 4, 5 and 6 were proposed to be demolished to accommodate the replacement dwelling. Members should however note that the removal of these buildings were not considered as a direct trade off for the replacement dwelling. Rather, they were simply shown to be removed in order to be able to physically accommodate the dwelling in its proposed location on the site. Confirmation was received from the agent that the applicant is committed to implementing the permission to construct the dwelling. The Council is further in receipt of a Building Regulations application and an application to discharge conditions for this application.

By means of background information, the proposed 4-bedroom dwelling would have a footprint of approximately 97.2sq.m with a total residential curtilage of 300sq.m. The L-shaped chalet bungalow was shown to replace 4 buildings along with 2 smaller greenhouses. These buildings (shown as buildings 1-4) have been increased in footprint and the greenhouses (buildings 5 & 6) added. History shows that no planning permission has ever been obtained for these alterations.

As mentioned above, Members should note that although this application indicated the removal of these buildings, determining the acceptability of the proposal did not rely on their removal as such as the application was determined against the principles of PPS7. The proposal was considered to comply with the tests set out in PPS7 in respect of functional requirements in connection with the agricultural use and was therefore acceptable.

In light of the above, for the purposes of assessing this application and the impact on the openness of the Green Belt, the removal of buildings 2, 3, 4, 5, 6, 7 and 9 will be taken into consideration as being directly replaced by the new proposal. Buildings 2, 3, 4, 5, 6, 7 and 9 have a combined floor space of 495.9sq metres and a combined volume of 1075.9 cubic metres.

The replacement building will have a footprint of 286.2sq metres and a volume of 970 cubic metres (9.8% decrease in volume).

The proposal would therefore clearly be materially smaller compared to the 7 buildings it replaces with a 209.7sq.m decrease in footprint and 105.9 cubic metre decrease in volume. Staff takes notice of the fact that the existing buildings are in need of refurbishment and in order to expand the business, refurbishment / replacement of the buildings are required. This application therefore relies on the above mentioned buildings on the site to be removed as the proposed building will be a direct replacement. An appropriate planning condition can be imposed to require the removal of these buildings.

The site has dense vegetation with mature trees to the rear of the site. The proposal will be viewed against the backdrop of those mature trees and being approximately 60m from the edge of the highway, any potential impact on the open character and appearance of the Green Belt would be reduced.

The proposal would result in a net reduction in terms of the footprint and volume of buildings on the site. Notwithstanding, the proposal would present an agglomeration of buildings on a centralised position on the site and the proposal is arguably more visible due to its increase in height compared to the lower buildings it would replace. On balance, Staff are of the view that the replacement building may still be harmful to the openness of the Green Belt and the

## **REGULATORY SERVICES COMMITTEE**

**8th March 2012**

### **OUTSIDE STATUTORY PERIOD**

applicant is therefore required to put forward a case for very special circumstances to demonstrate how these circumstances will outweigh the potential harm to the open character and appearance of the Green Belt.

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

The building would have an agricultural appearance having timber cladding and appropriate materials can be agreed to blend in with the character and appearance of the Green Belt.

The proposal would be replacing the existing dilapidated buildings and therefore represent an overall improvement of the general appearance of the site. The building would be approximately 60m from the edge of St Mary's Lane and Staff noticed upon site inspection that the boundaries of the site is screened by means of dense vegetation in the form of mature trees. The proposal would therefore have limited views from the street scene which also reduces its visual impact on the appearance of the Green Belt.

Given the above circumstances, Staff are of the opinion that the proposal would not have any harmful impact on the character and appearance of the street scene. It is further considered that due to the location, appearance of existing buildings and proposed design and use of materials, the development would not be harmful to the character of the local area. The proposal would therefore be compliant with the aims and objectives of Policy DC61 of the LDF in this respect.

#### **IMPACT ON AMENITY**

The proposal would not change the use of the site. The proposal is however for the expansion and improvement of the existing business and would introduce additional items for the retail sale of ancillary goods. Whilst there may be an increase in the number of customers visiting the site on a daily basis, Staff are of the opinion that this would not give rise to a significant increase in noise and disturbance over and above the current circumstances. The building would remain in the same location as the existing buildings, approximately 32m from the nearest residential dwelling at Nursery House towards the north. The activities associated with the business are not considered to be particularly noisy and the proposal is therefore considered to be acceptable in this respect and there would be no requirement to control opening hours by means of a condition.

#### **HIGHWAY/PARKING**

Policy DC33 of the LDF DPD is relevant. The site currently provides 28 parking spaces for customers with an additional disabled parking bay. The proposal would not alter this arrangement. The proposal is further for a replacement building and the general activities on the site would not intensify to a degree which would justify additional parking spaces over and above the existing.

The proposal would therefore not have any impact on parking or highway issues and it is considered that the current parking arrangement is sufficient, compliant with Policy DC33 of the LDF.

#### **OTHER ISSUES**

Very Special Circumstances

In support of their Very Special Circumstances (VSC), the applicant puts forward 4 arguments:

## REGULATORY SERVICES COMMITTEE

8th March 2012

### OUTSIDE STATUTORY PERIOD

- Competition
- Established business (planning for growth)
- Dilapidation
- Overall decrease of floor space on site

The applicant makes reference to two other similar uses which sell ancillary retail goods, namely Latchford Farm Aquatics along St Mary's Lane and Spice Pits Farm (also known as Tisbury Fish Farm) along Church Road, Noak Hill. Both sites are in the Metropolitan Green Belt. Staff noted that both these premises sell fish with ancillary retail goods, i.e. filters, fish food, water pumps and other reptiles and animals.

Staff acknowledge that the current proposal is to upgrade and expand an existing business and that the proposals are necessary to keep up with modern day trends at similar sites. According to recent Ministerial advice on "Planning for Growth" local planning authorities should support enterprise and facilitate housing, economic and other forms of sustainable development. Appropriate weight should be given to the need to support economic recovery and applications that secure sustainable growth should be treated favourably (consistent with policy in PPS4).

Staff are satisfied that improvements at the application site are necessary to either maintain competition with other similar sites as mentioned above or to increase the level of trade. The proposal would be at an existing business and therefore also consistent with the Ministerial advice on Planning for Growth and Policy PPS4.

As mentioned earlier in this report, Staff noticed upon site inspection that the current buildings are not in a particularly good condition and fairly dilapidated. Their replacement would further aid in improving the overall business not only in terms of its general appearance, but also in terms of customer experience and its attractiveness to customers.

Members may wish to give consideration to the combined impact of the removal of buildings 2, 3, 4, 5, 6, 7 and 9 from the site. Although it appears that many of the older buildings on the site have no planning permission, the combined footprint of these buildings are 495.9sq.m with a combined volume of 1075.9 cubic metres. In removing all of these buildings and replacing them with the current proposal, the site benefits from an overall reduction in the footprint of buildings of 209.7sq.m. Although it is acknowledged that the proposed building would be higher compared to the existing buildings on the site, the overall combined reduction in floor space would be beneficial in terms of the general impact on openness of the Green Belt.

In Staff's opinion, the site would benefit from the dilapidated buildings being replaced. In implementing planning permission P0288.09 in combination with the current proposal, the site would see an overall improvement both in term of its appearance and a reduction in the overall foot print of buildings on the application site. In the event that planning permission reference P0288.09 is not implemented, Staff recommend a condition to require the removal of buildings 2, 3, 4, 5, 6, 7 and 9. The retail sale of goods can also be conditioned to remain directly associated and ancillary to the breeding of fish on the premises.

Contributing to the acceptability of the proposal is the landscaping and dense vegetation to the boundaries of the site which would screen the proposal from wider views. The site also has mature trees towards the rear which would serve as a backdrop to the proposed building. The building would therefore not have a significant harmful impact on the Green Belt when all of the above circumstances are taken into consideration.

The above is considered to comprise sufficient very special circumstances to justify the material

## REGULATORY SERVICES COMMITTEE

8th March 2012

### OUTSIDE STATUTORY PERIOD

harm as a result of the proposed building. The proposal would therefore be acceptable in Green Belt terms and in respect of Policy DC45 of the LDF.

A Flood Risk Assessment was submitted with the proposal and the Environment Agency were consulted. No objections have been raised although a condition has been recommended requiring the submission of details relating to compensatory flood storage works, which can be imposed should planning permission be granted.

#### **KEY ISSUES/CONCLUSIONS**

The proposal is for a replacement building in the Green Belt with the addition of retail sale of ancillary goods for Koi breeding / keeping. The proposal is not considered to be inappropriate in Green Belt terms provided that the retail sale of other goods remain an ancillary element to the main agricultural use of Koi breeding. The replacement building is considered to potentially have a harmful impact on the openness of the Green Belt being in a centralised position on the site and being higher compared to the existing buildings. Staff are however of the opinion that the very special circumstances put forward by the applicant is sufficient to overcome the potential harm to the openness of the Green Belt and that overall, the proposal would be acceptable in Green Belt terms. The proposal is not considered to be harmful to the character and appearance of the street scene or neighbouring amenity. There are no parking or highway issues. The development is therefore considered to comply with the aims and objectives of Policies CP13, DC33, DC45 and DC61 of the LDF and with Government guidance as set out in PPG2 and PPS4 and in terms of Ministerial advice for "planning and growth". The application is therefore recommended for approval, subject to conditions.

#### **RECOMMENDATION**

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

1. S SC4 (Time limit) 3yrs
2. M SC09 (Materials)
3. M SC11 (Landscaping)
5. S SC25 (Open storage)
9. S SC58 (Storage of refuse)

4. Non standard condition

Prior to the commencement of development, an assessment of the net change in available floodplain storage as a result of the development up to the 1 in 100 year (1%) fluvial floodplain level inclusive of climate change of 7.118mAODN, shall be submitted to and approved, in writing, by the Local Planning Authority. If the assessment shows that the development results in a net loss of floodplain storage, a scheme for the provision and implementation of compensatory flood storage works on a level for level basis shall be submitted to and approved, in writing, by the Local Planning Authority. The scheme shall be constructed and completed before occupancy of any part of the proposed development.

Reason

To ensure that there is no loss of floodplain storage volume and that the development remains dry in the event of flooding for the adequate protection of the occupants.



**REGULATORY SERVICES COMMITTEE**

**8th March 2012**

**OUTSIDE STATUTORY PERIOD**

**6. Non standard condition**

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.

**7. Non standard condition**

The building hereby approved shall be used only for the purposes of retail sales to the public of goods and products directly to be associated and ancillary to the breeding of koi carp fish on the premises and for no other purpose including any other retail use

**REGULATORY SERVICES COMMITTEE**

**8th March 2012**

**OUTSIDE STATUTORY PERIOD**

within use class A1 of the Town and Country Planning (use classes) Order 1987.

Reason:

In order to retain control over any future uses of the site not forming part of this application and in order to restrict the use of the building to one compatible with the surrounding rural area which is within the Metropolitan Green Belt.

**8. Non standard condition**

Within 1 month of the works for which permission is hereby granted commence, the buildings indicated as Building 2, Building 3, Building 4, 5, 6, Building 7 and Building 9 as indicated on Drawing Nr PL-5034\_41 and dated July 2011 (within the Design and Access Statement), shall be demolished and removed from the site entirely and no replacement buildings apart from those granted as part of this planning application and planning permission P0288.09 shall be erected on the site without prior consent in writing from the Local Planning Authority.

Reason:

To retain the open character and appearance of the Green Belt.

**2 INFORMATIVE:**

1. Reason for approval:

The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies CP13, DC33, and DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document. The proposal is contrary to the aims, objectives and provisions of Policy DC45 as there would be harm to the openness of the Green Belt however, due to sufficient very special circumstances the proposal would be acceptable and in accordance with the provisions of Government Guidance contained within PPG2.

2. The applicant is advised that any advertisement signage to the building hereby approved would require separate advertisement consent.

3. Flood Defence Consent may be required for any works within 9 metres of the watercourse, please contact Roger Webster on 01473 706771, roger.webster@environment-agency.gov.uk to discuss the requirements for the site.

We recommend that the details of the plan highlighted in (5.9) of the FRA are agreed with the Planning Authority and their Emergency Planners. We also recommend that the occupiers of the site are registered on our Flood Warning System.

Note: Following a change in government legislation a fee is now required when submitting details pursuant to the discharge of conditions, in order to comply with the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations, which came into force from 06.04.2008. A fee of £85 per request (or £25 where the related permission was for extending or altering a dwellinghouse) is needed.

**REGULATORY SERVICES COMMITTEE**

**8th March 2012**

**OUTSIDE STATUTORY PERIOD**

<b>APPLICATION NO:</b>	<b>P0028.12</b>	
<b>WARD :</b>	St Andrew's	<b>Date Received:</b> 10th January 2012
<b>ADDRESS:</b>	121 North Street Hornchurch	
<b>PROPOSAL:</b>	Change of use from car park to hand car wash.	
<b>DRAWING NO(S):</b>	1051/02 B 1051/03 B 1051/01	
<b>RECOMMENDATION :</b>	It is recommended that <b>planning permission be GRANTED</b> subject to conditions given at the end of the report.	

### **CALL-IN**

The application has been called in by Councillor Mylod on the basis that the car wash is situated on one of the busiest points for traffic in Hornchurch. The site experiences high levels of traffic with cars queuing on the one way system, and to get into the petrol station. This car wash only exacerbates the situation.

### **SITE DESCRIPTION**

The application site comprises the car park of a public house on North Street, directly north of the site is the railway bridge for the Romford to Upminster branch line. East and west of the site are rows of commercial property with residential units above. South of the site is a petrol station. The site is designed as a minor local centre.

### **DESCRIPTION OF PROPOSAL**

Permission is sought for the retention of the car wash business with associated timber structure which have been installed on site without the benefit of planning permission.

Vehicles enter the site from North Street and exit via Billet Lane, following the movement of traffic. The plans submitted show that two cars can be cleaned at any one time. The layout indicates that there is space for 6 cars with the car wash itself with 4 further parking spaces.

This application is a resubmission following the refusal of P1441.11, where the sun canopy and hoardings around the site have been removed.

The timber structure measuring 2.4m high, 4.8m wide and 1.5m deep is located centrally within the site. This serves as a customer waiting area.

The site has an open layout with car washing taking place within the car park, there are no sectioned off areas.

The applicant has indicated that the operation would service approximately 200 cars per week, or 2.5 cars per hour. It is proposed to retain the operation with hours of use between 8:00-19:00 Monday to Saturdays and 09:00-16:00 on Sundays.

### **RELEVANT HISTORY**

P1441.11 - change of use from car park to hand car wash, installation of a timber cabin and sun

**REGULATORY SERVICES COMMITTEE**

**8th March 2012**

**OUTSIDE STATUTORY PERIOD**

canopies - refused. 1-12-2011

**CONSULTATIONS/REPRESENTATIONS**

Neighbour notification letters were sent to 63 properties. 16 representations were received, stating the following objections:

- application is retrospective, to grant planning permission would be unfair
- causes severe traffic problems due to back log of vehicles
- site is an eyesore
- pub does not have adequate parking
- impact on pedestrians
- out of character for the 'gateway' to Hornchurch
- opening hours are outside of normal business hours for the area
- noise reduces residential amenity
- there are enough existing car wash facilities in Hornchurch
- cars access the car park are an obstruction to traffic
- mess and dirt from the car wash
- does not create employment
- are they paying taxes?

**RELEVANT POLICIES**

DC32 (the road network), DC33 (car parking), DC51 (water supply, drainage and quality), DC52 (air quality), DC55 (noise) and DC61 (urban design) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document are material planning considerations.

Policies 5.15 (water use and supplies) and 6.13 (parking) of the London Plan

**STAFF COMMENTS**

The issues for staff to consider include the principle of development, impact upon the streetscene and amenity, the highway and parking.

Principle of Development.

The site is designated as a part of a minor local centre, this includes properties:

North Street, 88-112, 118-124, 128-142 (evens)  
Billet Lane 152-163 (odds) and the Chequers PH.

DC16 states that A1-A5 uses are acceptable. A car wash does not fall within the above uses, however, it would make use of an existing area of hard standing currently used as a parking area for a public house.

The proposal would utilise part of the parking area. On this basis staff raise no objection to the proposed use in principle subject to it having an acceptable environmental impact.

This application is a resubmission, following the refusal of P1441.11, which was refused for the following reasons:

1. The free standing sun canopy, by reason of its height, bulk and position close to the highway,

## **REGULATORY SERVICES COMMITTEE**

**8th March 2012**

### **OUTSIDE STATUTORY PERIOD**

appears as an unacceptably dominant and visually intrusive feature in the streetscene harmful to the appearance of the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.

2. The car wash utilises the entire car park and makes no provision for the existing public house. Were the public house to reopen this would result in a lack of car parking causing an unacceptable overspill of vehicles onto the adjoining roads to the detriment of highway safety and residential amenity and contrary to Policies DC32, DC33 of the LDF Core Strategy and Development Control Policies DPD.

3. The sun canopy by reason of its positioning on the southern boundary results in a severe restriction in visibility to vehicles exiting onto Billet Lane to the detriment of highway and pedestrian safety contrary to Policy DC32 of the LDF Core Strategy and Development Control DPD.

This resubmission omits the sun canopy and only seeks permission for part use of the car park, leaving 6 spaces for the public house.

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

The site is on a highly prominent junction which acts as a gateway into the town centre. Since the previous refusal, the sun canopy and boundary enclosure have been removed from the site.

Representations received state that the site is an 'eyesore' and contrary to the gateway setting, with cars being washed in the open and with the metal poles which line the boundary edge in place still. At the time of writing the report, Staff have requested that these metal poles are removed from site, which the applicant has confirmed.

In terms of views, the car has park has an open character, although the principle views of the site are of the public house when viewed from the north, looking towards the town centre. The rear of the public house has a commercial character, where one would typically expect vehicles, and as such as a hand car wash, there is no large machinery involved, Staff consider that the use of washing cars would be no more visually harmful than the lawful use of the site as a car park. It is recognised that the process of washing would be visually discordant in streetscene terms, and Members may wish to exercise their judgement in this respect.

The timber cabin which serves as a customer waiting area is set to the centre of the site, but back from the edge of the highway. This is visible in the streetscene, but is considered to be less intrusive in nature due to its minimal depth and height. Staff consider this is fairly minor in nature and not harmful to the locality.

There is an existing sign located to the southern boundary of the site facing the petrol station, this however, does not form part of this application and would require consent in its own right.

Staff note on the site visit to the car wash that the car park appears to have been increased in height with the creation of a concrete verge, in order allow water to drain off north. Staff consider that this appears quite minor in appearance, and whilst more permanent in its impact, it is located to the boundary edge and does not materially change the character or appearance of the car park.

#### **IMPACT ON AMENITY**

The site has a commercial character with an established public house. The site also forms part

## **REGULATORY SERVICES COMMITTEE**

**8th March 2012**

### **OUTSIDE STATUTORY PERIOD**

of a minor local centre; where there are a mixture of commercial uses at ground floor, these typically have residential accommodation at first floor and above. The proximity of the hand car wash to these residential properties clearly has the potential to result in some disturbance from vehicular noise, spraying equipment and people's voices. The impact of the proposed use must therefore be carefully judged against the ambient levels of noise already present in the locality.

Most of the noise generated locally is from passing traffic coming from the busy North Street one way system and petrol station to the south. There is the branch line from Romford to Upminster to the south and a range of commercial premises at ground level. Staff are of the view that ambient noise levels in the locality are already fairly high. Representations received have objected partly on noise grounds, where the jet washes and water pumps create excessive noise levels, which in combination with vehicle movements across the site result in a harmful impact to neighbouring residents.

Where on average, it is proposed that 2.5 cars would be washed per hour, this is not considered to be a substantial amount which would be harmful given the overall levels of traffic in the area.

There is currently no control over the site, which this application seeks to regularise. As a hand car wash, one would not expect to find large machinery or equipment, which could result in additional noise and disturbance; Staff therefore recommend a condition to be attached which restricts all equipment, other than non-powered hand tools.

Representations received object to the opening hours which do not concur with surrounding opening hours. However, Staff consider that in this location, where the site is surrounded by a mixture of commercial uses the hours proposed of 08:00-19:00 Monday to Saturday and 09:00-16:00 on Sundays are acceptable. As a comparison, the Co-operative food store opposite the site, although a retail use is open between 06:00-23:00 Monday-Sunday. A condition, restricting the business to these hours of use is attached.

As an additional safeguard to amenity a temporary planning permission of one year is recommended in order that the use can be monitored over that period.

### **HIGHWAY/PARKING**

Policy DC33 states that the existing public house has a parking requirement of 1 parking space per 10 square metres. Highways have stated that 16 parking spaces are required for the public house.

The previous scheme utilised the entire car park, leaving the public house with no allocated parking. This resubmission seeks to address these concerns by utilising only part of the car park for the hand car wash, leaving the public house with 6 car parking spaces.

Representations received from the Highways Authority continue to recommend refusal of the application due to the reduced parking level for the public house.

The public house is located to the north of the town centre, in a minor local centre, and is surrounded by a mixture of commercial uses. It is considered that in this instance, it would not be unusual for public houses or other service uses to not have allocated off street parking. Additionally, the applicant has requested operating hours until 19:00 Monday-Saturday and 16:00 on Sundays, after which the entire car park would be available. Public houses are generally busier in the evenings, when the car wash would not be in operation, and Staff consider that the proposals would be acceptable on this basis, although Members may still wish

## **REGULATORY SERVICES COMMITTEE**

**8th March 2012**

### **OUTSIDE STATUTORY PERIOD**

to exercise their judgement on this point.

Staff note that the London Plan (adopted July 2011) recommends far lower levels of parking over the current adopted 2008 LDF, where table 6.2 for Policy 6.13 (parking) states that unless for disabled people, no additional parking should be provided for use classes A2-A5 in town centre locations. While this site is located outside of Hornchurch Town Centre, it is located within a minor local centre adjacent to the town centre and is in a highly accessible location, where this policy is considered relevant.

It is also noted that there are a number of Council operated car parks in the vicinity including Billet Lane (Queens Theatre) (94 spaces), North Street (Nalgo) (55 spaces), Appleton Way (48 spaces), Fentiman Way (133 spaces) and the Keswick Avenue (48 spaces). There are also a number of other car parks in the locality such as the Bingo Hall on the High Street. This provision is considered acceptable, in what Staff consider to be a sustainable and accessible location. The site is also highly accessible by public transport, with several bus stops in the vicinity and Emerson Park rail station directly to the north.

Customers enter the car wash from the existing access on the North Street one way system and exit on Billet Lane where traffic travels north. This is an established entrance and exit for the public house. The applicant has removed the hoarding and sun canopy which previously restricted visibility; Staff now consider that with the removal of these items, the proposals would be acceptable to passing traffic. It is worth nothing that the representation from Highways does not object to the access or impact on visibility.

In terms of pedestrian impact the site is essentially a roundabout with a one way traffic system running around the outside. The main pedestrian links to and from the town centre towards Emerson Park to the north are located to the outside pathways across the highway. Staff consider that there would be no adverse impact to pedestrian movement, where the site is contained within the car park.

#### **OTHER ISSUES**

The Environment Agency has not raised any objection to the proposals and suggest that a condition is attached, which requires details of the disposal of foul and surface water.

It is proposed to operate the car park into the evenings, which in the winter months, during the one year temporary consent would be dark. Staff consider that it is necessary to attach a condition which restrict the installation of any external lighting, without the prior consent of the Council.

Representations received state that the site does not create employment and raises the issue of whether the operators are paying tax. In terms of employment, the submitted details state that there are 2 full time and 2 part time staff. Given the number of cars passing through on an hourly basis (2.5 cars on average), this would seem to be an appropriate amount. Staff consider that this is not a reason to recommend refusal of the application.

The car wash business is neither considered to detract from the business potential of the public house, where the car park is available in the evenings and the majority of clientele are likely to live within walking distance. The issue of business rates and tax is not a planning matter, but it would be for the applicants to ensure that they are paying the correct levels of tax.

## REGULATORY SERVICES COMMITTEE

8th March 2012

### OUTSIDE STATUTORY PERIOD

#### **KEY ISSUES/CONCLUSIONS**

In conclusion, Staff consider that the proposal would be acceptable. Although a non-confirming use, it is located on an area of existing hard standing in use as a public house car park.

Since the refused application, the applicants have removed the sun canopy, hoarding and made provision for 6 parking spaces to be retained for the public house during the proposed hours of operation.

Staff are satisfied with the hours of operation proposed and the layout of the car wash business. It is recognised that there is a highways objection relating to the lack of parking for the public house, but in this central location, near other commercial uses and, public car parks and transport links, there would be no adverse impact upon the highway, Members may wish to exercise their judgement on this.

Having regard to the location of the application site and the existing ambient noise levels in the locality staff are of the view that the proposal would not be materially harmful to amenity. Notwithstanding this staff recommend that permission is granted initially on a temporary basis only to enable the use to be monitored.

#### **RECOMMENDATION**

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

**1. SC16 (Temporary permission) INSERT DATE**

This permission shall be for a limited period only expiring on 7th March 2013 on or before which date the use hereby permitted shall be discontinued, and the site reinstated to its former condition to the satisfaction of the Local Planning Authority.

Reason:

In order to allow the Local Planning Authority to monitor the use over the year period in the interests of residential amenity.

**2. SC32 (Accordance with plans)**

**3. Non standard condition**

The use hereby approved shall not be commenced until a scheme to dispose of foul drainage has been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented as approved.

Reason:-

To protect the quality of the water environment and in order that the development accords with Policy DC51 of the LDF Development Control Policies Development Plan Document.

**4. Non standard condition**

Vehicles shall not be washed or otherwise cleaned on the site outside the hours of 0800 and 1900 Monday to Saturdays and 0900 and 16:00 on Sundays and Bank/Public Holidays without the prior consent in writing of the Local Planning Authority. Outside of these hours the spaces used for the car wash shall be made available to the public house.



**REGULATORY SERVICES COMMITTEE**

**8th March 2012**

**OUTSIDE STATUTORY PERIOD**

Reason:-

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

**5.** Non standard condition

No external lighting shall be provided on the site unless permission has first been obtained in writing from the Local Planning Authority.

Reason:-

To minimise the impact of the development on the surrounding area in the interests of amenity, and that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61.

**6.** Non standard condition

Other than non-powered portable hand tools, no mechanical equipment shall be used for the washing or cleaning of vehicles unless agreed in writing in advance except by the local planning authority.

Reason:-

In order that the car wash can operate without causing noise and disturbance to nearby occupiers, in accordance with Policy DC55 of the Havering Local Development Framework.

**3** The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies DC32, DC33, DC45, DC51, DC55 and DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.

Note: Following a change in government legislation a fee is now required when submitting details pursuant to the discharge of conditions, in order to comply with the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations, which came into force from 06.04.2008. A fee of £85 per request (or £25 where the related permission was for extending or altering a dwellinghouse) is needed.

**4** 1. The applicant will require a Trade Effluent Discharge Consent from the sewerage undertaker before any operation takes place. Please note that car washing run off is considered as trade effluent and needs permission.

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