



Havering

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

REGULATORY SERVICES COMMITTEE AGENDA

7.30 pm

**Thursday
15 September 2016**

**Havering Town Hall,
Main Road, Romford**

Members 11: Quorum 4

COUNCILLORS:

**Conservative
(5)**

Robby Misir (Chairman)
Melvin Wallace
Ray Best
Steven Kelly
Michael White

**Residents'
(2)**

Stephanie Nunn
Reg Whitney

**East Havering Residents'
(2)**

Alex Donald (Vice-Chair)
Linda Hawthorn

**UKIP
(1)**

Phil Martin

**Independent Residents
(1)**

Graham Williamson

**For information about the meeting please contact:
Richard Cursons 01708 432430
richard.cursons@onesource.co.uk**

Protocol for members of the public wishing to report on meetings of the London Borough of Havering

Members of the public are entitled to report on meetings of Council, Committees and Cabinet, except in circumstances where the public have been excluded as permitted by law.

Reporting means:-

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

Anyone present at a meeting as it takes place is not permitted to carry out an oral commentary or report. This is to prevent the business of the meeting being disrupted.

Anyone attending a meeting is asked to advise Democratic Services staff on 01708 433076 that they wish to report on the meeting and how they wish to do so. This is to enable employees to guide anyone choosing to report on proceedings to an appropriate place from which to be able to report effectively.

Members of the public are asked to remain seated throughout the meeting as standing up and walking around could distract from the business in hand.

AGENDA ITEMS

1 CHAIRMAN'S ANNOUNCEMENTS

The Chairman will announce details of the arrangements in case of fire or other events that might require the meeting room or building's evacuation.

These are the arrangements in case of fire or other events that might require the meeting room or building's evacuation. (Double doors at the entrance to the Council Chamber and door on the right hand corner (marked as an exit).

Proceed down main staircase, out the main entrance, turn left along front of building to side car park, turn left and proceed to the "Fire Assembly Point" at the corner of the rear car park. Await further instructions.

I would like to remind members of the public that Councillors have to make decisions on planning applications strictly in accordance with planning principles.

I would also like to remind members of the public that the decisions may not always be popular, but they should respect the need for Councillors to take decisions that will stand up to external scrutiny or accountability.

Would members of the public also note that they are not allowed to communicate with or pass messages to Councillors during the meeting.

2 APOLOGIES FOR ABSENCE AND ANNOUNCEMENT OF SUBSTITUTE MEMBERS

(if any) - receive.

3 DISCLOSURE OF INTERESTS

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

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

4 MINUTES (Pages 1 - 16)

To approve as a correct record the minutes of the meeting of the Committee held on 25 August 2016 and to authorise the Chairman to sign them.

5 PLANNING APPLICATIONS - SEE INDEX AND REPORTS (Pages 17 - 52)

- 6 **P0701.16 - LANGTONS HOUSE, BILLET LANE, HORNCHURCH** (Pages 53 - 60)
- 7 **L0006.16 - LANGTONS HOUSE, BILLET LANE, HORNCHURCH** (Pages 61 - 66)
- 8 **P0545.16 - 78-80 STRAIGHT ROAD, HAROLD HILL** (Pages 67 - 90)
- 9 **PLANNING OBLIGATIONS/LEGAL AGREEMENTS** (Pages 91 - 94)
- 10 **PLANNING AND ENFORCEMENT APPEALS RECEIVED, PUBLIC INQUIRIES/HEARINGS AND SUMMARY OF APPEAL DECISIONS** (Pages 95 - 120)
- 11 **SCHEDULE OF ENFORCEMENT NOTICES** (Pages 121 - 134)
- 12 **PROSECUTIONS UPDATE** (Pages 135 - 136)
- 13 **CHIEF EXECUTIVE'S REPORT CONTAINING EXEMPT INFORMATION** (Pages 137 - 138)
- 14 **URGENT BUSINESS**

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

Andrew Beesley
Committee Administration
Manager

**MINUTES OF A MEETING OF THE
REGULATORY SERVICES COMMITTEE
Havering Town Hall, Main Road, Romford
25 August 2016 (7.30 - 11.15 pm)**

Present:

COUNCILLORS: 11

Conservative Group Robby Misir (in the Chair) Melvin Wallace, Ray Best, Steven Kelly and +John Crowder

Residents' Group Stephanie Nunn and Reg Whitney

East Havering Residents' Group Alex Donald (Vice-Chair) and Linda Hawthorn

UKIP Group +Lawrence Webb

Independent Residents Group Graham Williamson

Apologies were received for the absence of Councillors Michael White and Phil Martin.

+Substitute members: Councillor John Crowder (for Michael White) and Councillor Lawrence Webb (for Phil Martin).

Councillors Jason Frost, Viddy Persaud, Jody Ganly, Julie Wilkes, John Mylod, Phil Martin, John Glanville and Michael Deon Burton were also present for parts of the meeting.

80 members of the public and a representative of the Press were present.

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

Through the Chairman, announcements were made regarding emergency evacuation arrangements and the decision making process followed by the Committee.

60 DISCLOSURE OF INTERESTS

Councillor Alex Donald declared a personal interest in application P0909.16 Councillor Donald advised that he was a resident on part of the application site.

61 **MINUTES**

The minutes of the meeting held on 4 August 2016 were agreed as a correct record and signed by the Chairman.

62 **P0722.16 - CROW METALS, JUTSUMS LANE, ROMFORD**

The application had previously been reported to Members at the last meeting of the Committee on 4 August 2016. Members resolved to defer determination to allow additional information to be presented. Members had requested further information on the site yard and whether the proposed office would have any impact on the internal vehicle circulation.

Members noted that the application had been called-in by Councillor Viddy Persaud on the grounds that the site and use caused numerous problems to nearby residents including, but not limited to, parking issues in Crow Lane and Jutsums Lane; and general amenity impact.

With its agreement Councillor Viddy Persaud addressed the Committee.

Councillor Persaud commented that there had previously been concerns from officers in 2011 around noise pollution, planning permission had been granted with conditions, at the time there had been assurances from the applicant that lorries would enter the site from Jutsums Lane and depart using Crow Lane. Since those conditions had been added several other businesses had started operating on the site including a skip hire company, a car wash, car sales, a gym and a burger bar all of which had no planning permission. Councillor Persaud also commented that lorries were now forced to park illegally outside of the site and lorry movements were commencing from as early as 5am and the business operating from 7am despite the business being conditioned to operate between the hours of 8am until 6pm. Councillor Persaud advised that the application proposed showed that the business was now expanding upwards as it had exceeded the ground space available and asked that the Committee refused planning permission.

During the debate Members discussed concerns regarding the extent of unrelated breaches to planning permission that were continuing on the site and asked that consideration be given by officers to ensuring that prompt enforcement action be taken.

Members also sought and received clarification of the distance between the application site and neighbouring residential properties and also discussed the merits of installing double yellow lines in the roads serving the application site.

It was **RESOLVED** that planning permission be granted subject to the conditions as set out in the report.

The vote for the resolution to grant planning permission was carried by 10 votes to 1.

Councillor Wallace voted against the resolution to grant planning permission.

63 P0325.16 - 31 HIGH STREET, HORNCHURCH

The application before Members was for the demolition of the former Mecca bingo hall.

The application was deferred at the Committee meeting on 30 June 2016 in order for the applicant to explore the potential for adjusting the demolition proposal, with Members placing particular emphasis on examining the scope of retaining the front facade of the building. An update was given in the report.

In accordance with the public speaking arrangements the Committee was addressed by an objector with a response by the applicant's agent.

The objector commented that the social media site set up to campaign for the building to be preserved had now received over 900 likes and that the supermarket who had purchased the site had done likewise in Harold Hill in 2014 and still no supermarket had been built on the site. The objector also commented that there had been interest shown by Everyman Cinemas in retaining the site in its original form and re-establishing an entertainment venue for use by the public.

In response the applicant's agent commented that there were currently no discount food stores in the Hornchurch area and that for the applicant to deliver discounts to customers then their stores needed to be in a generic layout that prohibited altering existing buildings. The agent concluded by commenting that the proposal would be providing forty jobs, which would pay, above the national wage and that the supermarket would benefit the residents of Hornchurch.

With its agreement Councillor John Mylod addressed the Committee.

Councillor Mylod commented that several concerns had been raised by residents that the demolition of the site was being applied for before a planning application had been submitted. A planning application meeting was due to take place the following week and it was felt prudent that consideration of the item be deferred until after the application meeting to allow residents to see what was planned for the site.

During the debate Members discussed the substance of the Everyman Cinemas interest in the application site and the fact that no recognised heritage bodies had stepped forward in an attempt to save the building in its current form.

Members also sought and received clarification on the consequences of deferral and refusal of the application.

It was **RESOLVED** that planning permission be granted subject to the conditions as set out in the report.

The vote for the resolution to grant planning permission was carried by 7 votes to 1 with 3 abstentions.

Councillor Hawthorn voted against the resolution to grant planning permission.

Councillors Webb, Whitney and Williamson abstained from voting.

64 **P0922.15 - DOVERS CORNER, NEW ROAD, RAINHAM - DEMOLITION OF EXISTING STRUCTURES AND THE PHASED REDEVELOPMENT TO PROVIDE 396 RESIDENTIAL DWELLINGS, CAR PARKING, BICYCLE PARKING, SUBSTATION, PUBLIC OPEN SPACE AND PEDESTRIAN/CYCLE INFRASTRUCTURE WORKS AND IMPROVEMENTS AT DOVERS CORNER INDUSTRIAL ESTATE, RAINHAM TRADING ESTATE AND BOOMES INDUSTRIAL ESTATE, NEW ROAD, RAINHAM**

Consideration of the item was deferred at officer's request to enable officers to receive clarification of affordable housing matters.

Members noted the deferral would give them an opportunity to highlight any material issues they felt were not addressed within the published report and that any such comments should be drawn to officers attention promptly.

A vote for a motion that the report was considered at the meeting was lost by 3 votes to 8.

It was **RESOLVED** that consideration of the item be deferred for the reason above.

The vote for the resolution for the deferral of the item was carried by 8 votes to 3.

Councillors Misir, Best, Crowder, Kelly, Wallace, Donald, Hawthorn and Whitney voted for the resolution to defer consideration of the item.

Councillors Nunn, Webb and Williamson voted against the resolution to defer consideration of the item.

65 **P0489.16 - 25-29 MARKET PLACE, ROMFORD**

The application before members was for a part change of use and conversion of ground, first and second floor retail floorspace, third floor extension, and elevational changes to accommodate an 85 bedroom hotel including a restaurant at 25-29 Market Place, Romford.

In accordance with the public speaking arrangements the Committee was addressed by an objector with a response by the applicant's agent.

The objector commented that the building proposed would overlook neighbouring properties and the courtyard situated below leading to a loss of privacy and amenity. The objector also commented that there would be an elevated noise disruption both during construction and when in operational use.

In response the applicant's agent commented that the proposal would bring back into use the existing upper retail floors and that consultations had taken place with officers regarding the extension and officers had supported the additional massing to the building.

During the debate Members sought and received clarification of the proposed fenestration and delivery arrangements to the building.

Members also discussed the proposed drop off facilities and how the proposal would sit within existing structures in the area.

The report recommended that planning permission be granted however following a motion to propose the refusal of planning permission which was carried by 9 votes to 2.

It was **RESOLVED** that planning permission be refused on the grounds that:

- The absence of a suitable drop-off arrangement for guests and their luggage would create a road safety hazard especially on market days.
- Servicing movements reliant on reversing hazardous to highway and pedestrian safety.
- The extended building by reason of its height and external design and appearance would harm special character and appearance within the Romford Conservation area.

The vote for the resolution to refuse planning permission was carried by 9 votes to 2.

Councillors Misir and Kelly voted against the resolution to refuse planning permission.

66 **P0584.16 - 92-94 NORTH STREET, ROMFORD**

The report before Members detailed an application which sought planning permission for alterations to the existing roof of 92 - 94 North Street to accommodate the formation of a mansard roof. It was proposed by way of internal partitioning to accommodate five residential units in total with the retention of some element of commercial floor-space at ground floor.

In accordance with the public speaking arrangements the Committee was addressed by an objector with a response by the applicant.

The objector commented that the proposal was an overdevelopment of the site and would overlook neighbouring properties leading to a loss of privacy. The objector also commented that there had been no consultation with existing residents and that the proposal offered no additional parking provision.

In response the applicant's agent commented that the application was of a balanced nature and that alterations had been made to the proposed fenestration arrangements to minimise overlooking. The agent concluded by commenting that the proposal would enhance the existing building and complied with planning policies.

During a brief debate Members sought and received clarification regarding the existing parking arrangements in the area.

The report recommended that planning permission be approved however following a motion to refuse the granting of planning permission which was carried by 10 to 0 with 1 abstention.

It was **RESOLVED** that planning permission be refused on the grounds that:

- Cramped overdevelopment of site harmful to quality of future residents' living conditions.
- Complete absence of parking for residents
- Significant lack of usable amenity space
- Poor design and appearance and excessive bulk that created a harmful impact on visual amenity.
- Failure to secure an education contribution by means of a Section 106 agreement.

The vote for the resolution to refuse the granting of planning permission was carried by 10 votes to 0 with 1 abstention.

Councillor Donald abstained from voting.

67 **P0953.16 - WHYBRIDGE INFANTS SCHOOL, FORD LANE, SOUTH HORNCHURCH**

The application before Members sought retrospective planning permission for the existing demountable single classroom (9 metres by 10 metres) to be demolished and replaced with a refurbished demountable portakabin comprising of two classrooms (14.8 metres by 9.8 metres).

The matter was brought before committee as the application site was Council owned and objections had been received.

In accordance with the public speaking arrangements the Committee was addressed by an objector with a response by the applicant's agent.

The objector commented that the proposal would lead to an increase in noise and vibration which would be heard and felt within neighbouring properties. The objector also commented that the existing fencing around the school was unsuitable and could lead to child protection issues and that all issues could be addressed by a scheme of screening and soundproofing.

In response the applicant's agent confirmed that the current fencing was insufficient and that the objector's comments were fair and that the applicant was prepared to discuss improved fencing and screening arrangements.

It was **RESOLVED** that planning be granted subject to the conditions as set out in the report and to include an additional condition requiring submission, agreement, implementation and maintenance of a scheme of boundary treatment designed to reasonably respect the privacy and amenity of dwellings closest to the new building.

68 **P0821.16 - 156 OSBORNE ROAD, HORNCHURCH**

The application before members was for the re-submission of a previously approved application P0183.16 for a single storey rear extension with a pitched roof.

The extension was already under construction and a flank door had been added by the time a site visit had been conducted.

Members noted that the application had been called-in by Councillor Jody Ganly on the grounds that the current construction was in breach of the original planning permission that was granted for the extension. On the original application decision, it stated clearly that no other windows or doors could be added, specifically, to the flank wall and there should be no deviation from the plans. The flank door would affect the neighbour's privacy, and could also lead to the new extension being used as a separate dwelling.

In accordance with the public speaking arrangements the Committee was addressed by an objector with a response from the applicant.

The objector commented that the flank door would lead to a loss of privacy to the neighbouring property and an increased footfall and increased noise. The objector also commented that the additional door and extension could lead to the property being used as two separate dwellings.

The applicant commented that he had been advised by officers that the proposal would fall within the adopted guidelines for a householder extension and was not considered un-neighbourly. The applicant also commented that in response to the comment relating to increased footfall that the door had not been used often and that it was not the main access to the property. The applicant concluded by commenting that the extension was of an open planned design and therefore could not be sectioned off and used as a separate dwelling.

With its agreement Councillor Jody Ganly addressed the Committee.

Councillor Ganly commented that the original planning permission had secured the neighbouring property's privacy by conditioning the permission to not allow windows or doors in the flank wall. Councillor Ganly also commented that the neighbours had concerns that now the extension had an additional door it could be used as two separate properties. Councillor Ganly concluded that the height of the roof of the extension was also in breach of planning conditions.

During the debate Members discussed the possible breach of planning permission and sought and received clarification of the roof height of the extension.

Members also received clarification from the Committee's Legal Adviser on a possible breach of planning permission and its effect on new planning applications.

A motion was proposed to refuse planning permission but this was lost by 3 votes to 5 with 3 abstentions.

It was **RESOLVED** that planning permission be granted subject to the conditions as set out in the report.

The vote for the resolution was carried by 6 votes to 2 with 3 abstentions.

Councillors Misir, Best, Crowder, Wallace, Donald and Whitney voted for the resolution to grant planning permission.

Councillors Kelly and Nunn voted against the resolution to grant planning permission.

Councillors Hawthorn, Webb and Williamson abstained from voting.

69 **P0944.16 - 23 HUGO GARDENS, RAINHAM**

The report before Members detailed an application which sought planning permission for the construction of a three bedroom detached dwelling, which would make adequate provision for off-street parking and private amenity space to the rear.

Members noted that the application had been called-in by Councillor Julie Wilkes on the grounds that:

- The proposal would not be in line with existing structure of buildings and would ruin the natural open space increasing higher density within the area.
- Inadequate parking arrangement and loss of parking for existing residents.

With its agreement Councillor Julie Wilkes addressed the Committee.

Councillor Wilkes commented that the proposal was an overdevelopment of the site by the nature of its depth and width. Councillor Wilkes also commented that the proposal would be detrimental to the amenity of existing properties and would lead to a loss of light and parking to neighbouring properties. Councillor Wilkes concluded by commenting that she had some concerns regarding the planning application form that had been submitted.

During a brief debate Members discussed the Fire Brigade's recommendation that the proposed dwelling be installed with sprinklers and the possible lack of parking provision in the area.

It was noted that the proposed development qualified for a Mayoral CIL contribution of £1,660.00 and it was **RESOLVED** that the proposal was unacceptable as it stood but would be acceptable subject to the applicant entering into a Legal Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended), to secure the following:

- A financial contribution of £6,000 to be used for educational purposes.
- All contribution sums should include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the Legal Agreement prior to the completion of the agreement irrespective of whether the agreement was completed.
- Payment of the appropriate planning obligations monitoring fee prior to the completion of the agreement.

That the Head of Regulatory Services be authorised to enter into a legal agreement to secure the above and upon completion of that agreement, grant planning permission subject to the conditions as set out in the report. The vote for the resolution to grant planning permission was carried by 9 votes to 2.

Councillors Nunn and Whitney voted against the resolution to grant planning permission.

70 **P0979.16 - 5-7 COLLIER ROW ROAD, ROMFORD**

The report before Members detailed an application which sought consent for a change of use from A1 (Retail) to A3 (Restaurant) and the erection of an external flue to the rear elevation.

Members noted that the application had been called-in by Councillor Linda Trew on the grounds that:

- Collier Row had become less and less a retail high street
- Collier Row was evolving into a Cafe/Coffee shop/Restaurant environment
- Vacant shops were unattractive and harmful to the town centre

In accordance with the public speaking arrangements the Committee was addressed by an objector with a response by the applicant's agent.

The objector commented that at present an elderly lady and a mother of a young child lived above the premises and both used the roof terrace for their amenity and that the installation of an external flue could have a detrimental effect on their amenity. The objector also commented that proposal would encourage a greater night time economy to the area which would be detrimental to the area.

In response the applicant's agent commented that there had been no objection to the proposal from Environmental Health or Highways. The agent concluded by commenting that the nearby Tesco and Aldi stores had forced the current occupier of the retail units to reduce opening hours which had led to a loss of staff and operating profits.

During a brief debate Members discussed the changing nature of retail shopping and the Council's policy DC16 which sought to control the number of non-retail uses in a town centre.

The report recommended that planning permission be refused however following a motion to grant planning permission which was carried by 8 votes to 3.

It was **RESOLVED** that it be delegated to the Head of Regulatory Services to grant planning permission subject to conditions as to be decided by the Head of Regulatory Services.

The vote for the resolution to delegate to the Head of Regulatory Services to grant planning permission was carried by 8 votes to 3.

Councillors Misir, Best, Crowder, Kelly, Wallace, Donald Hawthorn and Whitney voted for the resolution to delegate to the Head of Regulatory Services the granting of planning permission.

Councillors Nunn, Webb and Williamson voted against the resolution to delegate to the Head of Regulatory Services the granting of planning permission.

71 **P1129.16 - 41 MANSTON WAY, HORNCURCH- TWO STOREY SIDE EXTENSION AND SINGLE STOREY REAR EXTENSION TO DWELLING TO PROVIDE 2 DWELLINGS**

The Committee considered the report noting that the proposed development qualified for a Mayoral CIL contribution of £1,400 and without debate **RESOLVED** that the proposal was unacceptable as it stood but would be acceptable subject to the applicant entering into a Section 106 Legal Agreement under the Town and Country Planning Act 1990 (as amended), to secure the following:

- A financial contribution of £6,000 to be used for educational purposes
- All contribution sums should include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 Agreement to the date of receipt by the Council.
- The Developer/Owner to pay the Council's reasonable legal costs in association with the preparation of a legal agreement, prior to completion of the agreement, irrespective of whether the legal agreement was completed.
- The Developer/Owner to pay the appropriate planning obligations/ monitoring fee prior to completion of the agreement.

That the Head of Regulatory Services be authorised to enter into a legal agreement to secure the above and upon completion of that agreement that the Committee delegate authority to the Head of Regulatory Services to grant planning permission subject to the conditions as set out in the report.

The vote for the resolution to grant planning permission was carried by 9 votes to 0 with 2 abstentions.

Councillors Nunn and Webb abstained from voting.

72 **P0472.16 - 269 WINGLETYE LANE, HORCHURCH**

The application before Members sought planning permission for an extension and conversion of an existing garage.

Members noted that the application had been called in by Councillor John Glanville on the grounds of:

That there was no clear description as to what the workshop would be used for, which may give rise to noise and other pollution, and the French doors which opened towards the adjacent property could also become a source of noise.

With its agreement Councillor John Glanville addressed the Committee.

Councillor Glanville commented that he had been in receipt of objections from residents who had concerns that the proposal could become one of a commercial use. Councillor Glanville concluded by commenting that due to its proposed size the building could also be converted into a separate living accommodation that would impact on neighbouring properties amenity.

During a brief debate Members discussed condition four of the report which detailed how the proposal was to be only used for incidental use and not for any trade or business or living accommodation.

It was **RESOLVED** that planning permission be granted subject to the conditions as set out in the report.

73 **P0920.16 - 177 AND 179 MAWNEY ROAD, ROMFORD**

The application before Members was for the erection of one three-bedroom house within the rear gardens of 177 and 179 Mawney Road.

Members noted that the application had been called in by Councillor Linda Trew on the grounds that she believed that the proposal represented an over development of the site, and a public nuisance, depending on who the tenants would be as the two neighbouring properties owned by the applicant were currently used for multi occupancy, which included young offenders, necessitating the need for police visits during all times of the day and night. In addition, there were concerns with regard to the access arrangements.

With its agreement Councillor Jason Frost addressed the Committee on behalf of Councillor Linda Trew.

Councillor Frost commented that some of the details were incomplete on the application. Councillor Frost also commented that the proposal was an overdevelopment of the area and was surrounded on all sides. Councillor Frost also commented that the two surrounding properties, also owned by the applicant, were used as halfway houses and attracting a fair amount of

anti-social behaviour which often led to calls to the police action. Councillor Frost concluded by commenting that the proposal was inappropriate for the area.

During a brief debate Members discussed the proposed development's design which it was felt was out of keeping with other houses in the area.

The report recommended that planning permission be granted however following a motion to refuse the granting of planning permission which was carried by 9 votes to 2.

It was **RESOLVED** that the granting of planning permission be refused on the grounds that:

- Development on the backland site was out of keeping with the surrounding area characterised by properties with long spacious rear garden environments.
- Contrived design out of character and harmful to visual amenity and the rear garden scene.
- Lack of education contribution (S106)

The vote for the resolution to refuse the granting of planning permission was carried by 9 votes to 2.

Councillors Misir and Kelly voted against the resolution to refuse planning permission.

74 **P0907.16 - HACTON PRIMARY SCHOOL, CHEPSTOW AVENUE, HORNCHURCH - EXTERNAL CANOPY MEASURING 39M BY 4M AND UP TO 3.5M IN HEIGHT**

The Committee considered the report and without debate **RESOLVED** that planning permission be granted subject to the conditions as set out in the report.

75 **P0884.16 - RISE PARK INFANTS SCHOOL - SINGLE STOREY EXTENSION TO RECEPTION AREA**

The Committee considered the report and without debate **RESOLVED** that planning permission be granted subject to the conditions as set out in the report.

76 **P0110.16 - MORLAND HOUSE, 12 EASTERN ROAD, ROMFORD - CONSTRUCTION OF A ROOF EXTENSION TO CREATE TWO ADDITIONAL FLOORS COMPRISING OF EIGHT NEW RESIDENTIAL FLATS**

The Committee considered the report noting that the proposed development qualified for a Mayoral CIL contribution of £6,300 and without debate **RESOLVED** that the proposal was unacceptable as it stood but would be acceptable subject to the applicant entering into a Legal Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended), to secure the following:

- A financial contribution of £48,000 to be used for educational purposes.
- All contribution sums should include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- Save for the holders of blue badges that the future occupiers of the proposal would be prevented from purchasing parking permits for their own vehicles for any existing, revised or new permit controlled parking scheme.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the Legal Agreement prior to the completion of the agreement irrespective of whether the agreement was completed.
- Payment of the appropriate planning obligations monitoring fee prior to the completion of the agreement.

That the Head of Regulatory Services be authorised to enter into a legal agreement to secure the above and upon completion of that agreement, grant planning permission subject to the conditions as set out in the report.

The vote for the resolution to grant planning permission was carried by 10 votes to 0 with 1 abstention.

Councillor Webb abstained from voting.

77 **P0909.16 - PHASE 2B, HAROLD WOOD HOSPITAL**

As mentioned previously in these minutes Councillor Alex Donald declared a personal interest in application P0909.16 Councillor Donald advised that he was a resident on part of the application site.

The Committee considered the report and without debate **RESOLVED** that reserved matters permission be granted subject to the conditions as set out in the report.

78 **SUSPENSION OF STANDING ORDERS**

During the discussion of the reports the Committee **RESOLVED** to suspend Committee Procedure Rule 8 in order to complete the consideration of the remaining business of the agenda.

Chairman

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Regulatory Services Committee

15 September 2016

Application No.	Ward	Address
P0157.16	Mawneys	Land at Aldi Storeys, Marlborough Rd, Romford
P0266.16	Havering Park	Rose Mount, 62 Orange Tree Hill, Havering-atte-Bower, Romford
P0643.16	Squirrels Heath	15 Fairholme Avenue, Romford
P0644.16	Squirrels Heath	15 Fairholme Avenue, Romford
P0645.16	Squirrels Heath	15 Fairholme Avenue, Romford
P1232.16	Gooshays	Pyrgo Priory Academy, Settle Road, Romford

OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 15th September 2016

APPLICATION NO. P0157.16
WARD: Mawneys **Date Received:** 29th January 2016
Expiry Date: 25th March 2016

ADDRESS: Land at Aldi Stores
Marlborough Road
Romford

PROPOSAL: Alterations to existing car park layout and provision of additional car parking on adjacent land to serve existing foodstore, together with reinstatement of former community allotment on remainder of adjacent land, associated landscaping and works.

DRAWING NO(S): 8982 TCP 01
8982 TPP 01
17054-P001-B
17054-P002-B
17054-P003-H
5657/ASP2 Rev. F

RECOMMENDATION It is recommended that **planning permission be REFUSED** for the reason(s) given at the end of the report

CALL-IN

The application has been called in to the Regulatory Services Committee by Councillor Jason Frost for the following reasons:

The reason for my requesting the call-in for this application is that, having worked very closely with the developer to ensure the maximum benefit for the residents of the area, I feel that not enough consideration has been duly given to such efforts and would like the Committee to take a view on this.

BACKGROUND

The application was originally presented to the Regulatory Services Committee meeting of 30 June 2016 with a recommendation for refusal. When the officers report was published it was on the basis that the applicant was offering to provide land adjacent to the proposed parking area for use as allotments. However, shortly before the meeting the applicant confirmed that, following concerns raised about maintenance costs associated with the proposed allotments, alternative proposals were being considered. The application was therefore deferred by Members so that clarity could be sought from the applicant regarding the exact nature of the proposals, including what was proposed to be offered by way of community benefit and clarity regarding the case for very special circumstances to justify the development, as well as future proposals for management of the remainder of the land and maintenance proposals.

The applicant has provided additional information and landscape plan that proposes the following works:

- Removal of existing advertisement hoardings on the site;

- Clearance of the land and the removal of existing scrub;
- Provision of a wildflower meadow and grass mix;
- Improvements to the boundary planting; and
- Ecological enhancements.

The applicant has also confirmed that the meadow would be maintained by the applicant in perpetuity and it is likely that this will involve mowing of the meadow twice each year once it is established.

Staff can confirm, following consultation with Havering Parks Service, that the maintenance regime proposed is acceptable in principle and would be sufficient to adequately maintain the meadow.

In addition to the planned improvements to the application site, the applicant has also confirmed that they would be prepared to offer a financial contribution of £12,000 towards the improvement of open space elsewhere within the Borough, thereby delivering a further, wider community benefit.

After consultation with the Parks Development Manager, it has been identified that there are improvement projects that could be carried out within the King Georges Playing Field, which is local to the application site. The suggested improvements have been identified as the provision of a Toro/Sutu Interactive Play Courts (£50,000) and/or improvements to the children's play area (£30,000). The applicant has been asked if they would be prepared to increase the level of contribution proposed so that there is sufficient revenue to meet the cost of either of these improvements. However, the applicant is only willing to make a contribution of £12,000 towards the improvements.

It is Staff's view that the proposed development remains contrary to Green Belt policy as set out in the NPPF. Members will wish to consider however whether the community benefits put forward by the applicant amount to the very special circumstances necessary to justify the development. Staff are not convinced that the benefits proposed outweigh the in principle harm and the harm to Green Belt character arising from the proposal, in particular as the financial contribution offered by the developer is not sufficient to meet the costs of the identified improvements to the local King George Playing Field, so therefore cannot deliver a tangible benefit to the facilities available to the local community. A more substantial financial contribution would have enabled the provision of better local facilities that may have been judged to provide benefits outweighing the harm from the development and therefore constituting the very special circumstances necessary.

Despite the additional information provided and contribution proposed officers are not convinced that the very special circumstances case put forward is sufficient to overcome the in principle harm, and other harm, arising from the development and the proposal is therefore contrary to Policy DC45 and Policy 9 of the NPPF.

The report set out below is the same as that presented to committee on 30 June 2016.

SITE DESCRIPTION

The application site comprises the Aldi foodstore on Marlborough Road, Romford. Aldi foodstore lies approximately 1 mile to the northwest of Romford Town Centre and is to the southwest of the defined 'Minor Local Centre' on Denbar Parade.

The application site is an irregular shape and is 0.92 hectares in size. The land to the southwest of the store lies within the Green Belt. The land is vacant and largely comprises overgrown vegetation with substantial trees and hedgerow planting along its boundaries. This site was historically occupied as an allotment, but the use ceased many years ago.

The application site has a PTAL of 2.

DESCRIPTION OF PROPOSAL

The application proposes alterations to the existing Aldi car park layout and provision of additional car parking on the adjacent Green Belt land to serve the existing foodstore, together with the reinstatement of the former community allotment on the remainder of the Green Belt land. The proposal would also involve associated landscaping and works.

The application comprises two elements - the first element is the reconfiguration of the existing car park and the provision of additional parking spaces to serve the existing Aldi foodstore. The use of approximately 0.15 hectares of Green Belt land to the southwest of the store will facilitate the addition of an additional 56 parking spaces. The existing 14 spaces within the servicing area would be removed plus an additional 4 spaces within the main car park to improve circulation and provide additional parent and child and disabled parking spaces. The proposed changes would result in a net increase from 80 spaces to 118.

The second part of the proposal would be for the reinstatement of the remaining Green Belt land to allotments. Other than the existing vegetation along the boundaries, the land would be cleared of overgrown scrub. The existing pedestrian access along the site's southeast boundary would be used to provide access. No vehicular access would be provided.

It is envisaged by the developer that the land would be cleared and made available to the Council to be used as allotments on the basis of a peppercorn rent. This would be secured by way of a legal agreement in the event of the grant of planning permission.

The developer also proposes the removal of the existing advertisement hoardings.

RELEVANT HISTORY

P0286.10 - Retention of exterior lighting to car park
Apprv with cons 04-06-2010

A0084.09 - 2 No. internally illuminated shop advertisement signs (relocation of signs approved under A0051.08)
Apprv with cons 15-12-2009

CONSULTATIONS / REPRESENTATIONS

Public Consultation:

The proposal was advertised by way of a site notice and in the local press as development which is contrary to the Metropolitan Green Belt Policies of the LDF Core Strategy and Development

Control Policies Development Plan Document. In addition, 78 neighbouring occupiers were directly notified of the application via letter. No representations were received as part of the public consultation process.

Internal Consultees:

Environmental Health - A contamination condition requested in the event of an approval

Highways - Objects to the proposal as it will generate more trips and cause local safety and congestion problems.

RELEVANT POLICIES

LDF

- CP14 - Green Belt
- DC15 - Retail and Service Development
- DC32 - The Road Network
- DC33 - Car Parking
- DC45 - Appropriate Development in the Green Belt
- DC61 - Urban Design
- DC62 - Access

OTHER

- LONDON PLAN - 4.7 - Retail and town centre development
- LONDON PLAN - 4.8 - Supporting a successful and diverse retail sector
- LONDON PLAN - 6.13 Parking
-
- LONDON PLAN - 7.16 Green Belt
-
- LONDON PLAN - 7.4 - Local character
- NPPF - National Planning Policy Framework

MAYORAL CIL IMPLICATIONS

The proposed development is not liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3.

STAFF COMMENTS

The main considerations in this case are the principle of development, Green Belt implications, the impact on the amenities of adjoining residential occupiers and highways, access and parking issues.

GREEN BELT IMPLICATIONS

It is noted that the application site falls within the Metropolitan Green Belt.

Policy DC45 of the Council's Core Strategy and Development Control Policies DPD outlines a list of activities which are considered to be appropriate within the Green Belt. The proposal is for the

creation of a car parking area in association with a food store. This is not within the list of activities deemed appropriate in the Green Belt in accordance with Policy DC45 and the proposal is therefore judged inappropriate in principle.

The proposal would physically extend this use onto a neighbouring property and would further encroach into Green Belt land, which is not considered to be acceptable in this case, given the use is contrary to Policy DC45.

Policy 9 of the National Planning Policy Framework 2012 (NPPF) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The subject proposal is determined to be an inappropriate development as it does not fall within any of the categories of development listed as acceptable within the NPPF. Such development should not be approved unless very special circumstances exist to outweigh the in principle harm and any other harm to the openness of the Green Belt.

In terms of any other harm, Staff consider the proposal to be harmful to the stated aim of the Green Belt to check the unrestricted sprawl of built up areas as it represents an encroachment into this presently undeveloped belt of land and to be potential harmful to openness. Although it will not involve any new buildings, the expanse of hard surfacing and the parking of vehicles will have an urbanising effect on this currently open area. Staff do acknowledge that, in its present condition, there is a reasonable degree of screening from outside the site, but this may change over time and seasonal changes will likely make the development more visible in winter. Additionally, although not explicit in the application, there is potential for the need for lighting and boundary security to the parking area, that is likely to have a further urbanising effect that is detrimental to the open, undeveloped character of the Green Belt at this point.

As part of making a case for very special circumstances the applicant has provided the following information:

- The site contributes little to the purposes of the Green Belt;
- The reinstated allotment will cover the majority of the site and represent an 'appropriate' use;
- Only a small portion of the Green Belt land would be used for car parking;
- The car park will compromise hardstanding and will not contain any new buildings;
- The site is contained by existing landscaping and development will have little visual impact.

The developer also list the following benefits:

- The reinstatement of historic allotments at negligible cost to the community;
- Improvement of degraded land at the entrance to the to the urban area;
- The inclusion of landscape and ecological enhancements;
- The removal of existing advertising hoardings; and
- The resolution of longstanding parking problems for Aldi, its customers and local residents.

Staff note that although the applicant is prepared to reinstate the allotment as part of the application, advice given by the Council Parks Service is that it would only be possible if there is a Horticultural Society that would be prepared to take on the management of the site, as the Council no longer manages allotment sites. At this stage it has not been confirmed whether there are any existing Horticultural Societies within the Borough that would be prepared to take on the

management of the allotment. Letters have been sent to local Societies to see whether there is any interest in running the proposed allotment and the outcome of this will be reported to the Committee.

In terms of parking demand and impact on local congestion, Staff consider that no detailed evidence has been provided with regard to an adverse impact caused by the existing site arrangements on highway safety and congestion. Staff note that the existing parking provision on site is within the range identified in the London Plan. The applicant contends that existing parking provision within the site is inadequate and has submitted a Transport Statement as evidence of this. Evidence has however only been provided of a parking survey that was carried out on one day - Saturday 18/07/15 - which indicates that there were only 4 occasions throughout the day where the car park demand exceeded the 80 car capacity. These were at 11:30 (82), 11:45 (85), 12:30 (83) and 13:00 (82). Staff do not consider that sufficient evidence has been provided of parking and congestion problems at the store to provide the very special circumstances needed to justify the proposal. Additionally the survey was undertaken almost a year ago and there is no evidence as to whether the situation has changed, or whether the opening of a new Aldi supermarket in nearby Collier Row has affected the parking demand.

Staff note also that the new allotments proposed do not have any parking provision nearby and are served only by pedestrian access from the A12. No assessment has been given of likely demand for additional parking by users of the allotments and where they may be likely to park in order to walk to the site.

Officers are not convinced, from the information submitted with the application, that there is a sufficient need for the car park, having regard to the limited findings of the survey, lack of detailed evidence of parking and congestion issues and general compliance of the existing parking provision with the requirement of the LDF. Furthermore there are concerns that, if congestion exists in the locality, the provision of additional parking could encourage further traffic to the store and potentially exacerbate parking locally. Staff are therefore of the opinion that the very special circumstances provided does not justify the in principle, and other harm, arising to the Green Belt.

On this basis, the subject application is not considered to be acceptable in principle and would also have a detrimental impact on the Green Belt.

DESIGN / IMPACT ON STREET / GARDEN SCENE

Policy DC61 states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area. Whilst no new structures are currently proposed on the land, the construction of a car parking area on this presently undeveloped land would create conditions that are visually inappropriate in a Green Belt setting. There is also potential for future associated development, such as boundary treatment and lighting, that could lead to a further urbanising impact on this part of the Green Belt.

IMPACT ON AMENITY

The proposal would not have any significant impact on the residential amenity of neighbouring occupiers due to the nature of the development. The car park would be an extension of the existing car park and is therefore not considered to result in a harmful impact over and above the

existing. The nearest residential properties are the flats situated to the west of the Aldi store.

HIGHWAY / PARKING

The Council's Highways department has objected to the proposal. They note that the site currently has provision for 80 spaces (68 if existing parking provision in the loading area is excluded) and the proposal is to increase this by 36 spaces to 118.

The transport statement essentially presents an argument that for an A1 use of 2,115m², a parking standard of 1 space per 18m² should apply and therefore provide 118 parking spaces. Highways consider that the site has a PTAL of 2 and the parking range, based on London Plan maximum standards, would be between 70 to 105 spaces based on 2,115m² of A1 use. Therefore, the current parking provision of 80 spaces is within this policy range at the moment.

The access to the site from Marlborough Road is constrained with very poor pedestrian visibility splays. In addition, the access is close to the junction of Marlborough Road with Mawney Road, which in turn is close to the junction of Marlborough Road and the A12. At peak times the immediate area regularly becomes congested and Highways are concerned that an increase in parking spaces at this site will attract more trips and put more pressure on the immediate road network and increase the risks associated with the narrow access. The application does not make clear any impacts on the road network, outside the site, which could be created by the proposal.

In conclusion, the site currently appears to provide a level of parking that is within the London Plan policy range for a store of this size and there is a concern that an increase in parking spaces will generate more trips and therefore local safety and congestion problems and so is not in accordance with policy DC32.

OTHER ISSUES

An ecological assessment has been submitted with the application. The vast majority of the site is covered by dense scrub, although there are some areas of grassland, but the survey indicates that the site generally has a low ecological value. Hedgerow will need protection. There is little evidence of protected species. Staff consider that if permission were to be granted suitable conditions could be imposed that would ensure the ecological impact of the development is acceptable.

KEY ISSUES / CONCLUSIONS

The subject application is not considered to be acceptable in principle, as it conflicts with the purposes of including land within the Green Belt and is deemed to be an inappropriate form of development within the Green Belt. It is judged that the very special circumstances case put forward is not sufficient to overcome the in principle harm, and other harm, arising from the development and the proposal is therefore contrary to Policy DC45 and Policy 9 of the NPPF. The proposed use of the land is considered to create conditions which are visually out of keeping with this Green Belt setting and detrimental to the character and appearance of the locality. The proposal will also increase vehicle trips to the site and put more pressure on the immediate road network and increase the risks associated with the narrow access contrary to Policy DC32 of the Council's DPD.

On this basis, the subject application is not considered to be consistent with Policies DC45 and DC32 of the Core Strategy and Development Control Development Plan Document 2008, or with the National Planning Policy Framework 2012. Refusal is recommended.

RECOMMENDATION

It is recommended that **planning permission be REFUSED** for the following reason(s):

1. Reason for refusal - Metropolitan Green Belt

The subject application is not considered to be acceptable in principle, as it conflicts with the purposes of including land within it. The use of the proposal is deemed to be an inappropriate form of development within the Green Belt in accordance with Policy DC45 of Council's DPD, and there are no very special circumstances which would warrant its approval under Policy 9 of the NPPF.

On this basis, the subject application is not considered to be consistent with Policy DC45 of the Core Strategy and Development Control Policies Development Plan Document 2008, or with the National Planning Policy Framework 2012.

2. Refusal non standard Condition

The proposed development by reason of the increase in trip movement, combined with the existing access arrangement and the nature of local traffic conditions, would adversely affect highway safety, both vehicular and for pedestrians using the highway in the vicinity of the site entrance, contrary to the provisions of Policy DC32 of the LDF Core Strategy and Development Control Policies DPD.

INFORMATIVES

1. Refusal - No negotiation

Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: Consideration was given to seeking amendments, but given conflict with adopted planning policy, notification of intended refusal, rather than negotiation, was in this case appropriate in accordance with para 186-187 of the National Planning Policy Framework 2012.

OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 15th September 2016

APPLICATION NO. P0266.16
WARD: Havering Park **Date Received:** 16th March 2016
Expiry Date: 11th May 2016

ADDRESS: Rose Mount
62 Orange Tree Hill
Havering-atte-Bower
Romford

PROPOSAL: Proposed raising of flank gables, raising the roof creating a first floor living space with pitched roof and dormers to front/rear

DRAWING NO(S): SP1608SK1 Rev A
SP1608SK2 Rev A
SP1608SK5 Rev A

RECOMMENDATION It is recommended that **planning permission be GRANTED** subject to the condition(s) given at the end of the report

SITE DESCRIPTION

The application site is a two storey detached dwelling situated on the western side of Orange Tree Hill, set back from the highway by some 37 metres.

The site is located in the Metropolitan Green Belt.

Ground level fluctuates but the general pattern is that the rear gardens of premises on the western side of Orange Tree Hill within the immediate vicinity of Citrus Grove slope down to the south.

DESCRIPTION OF PROPOSAL

The application seeks planning permission for the raising of the flank gable and the raising of the roof to create first floor living space with pitched roof dormers to the front and rear.

The proposal would result in a ridge height increase from 5.2m to 7.6m. The proposed dormers will measure 1.7m in width, 3.3m in depth and 2.4m in height to the top of the dual pitched roofs.

The additional space would be utilised for 3 no. bedrooms, 3 no. en-suite bathrooms and a walk in wardrobe.

RELEVANT HISTORY

None

CONSULTATIONS / REPRESENTATIONS

The proposal was advertised by way of a site notice and in the local press as development which is contrary to the Metropolitan Green Belt Policies of the LDF Core Strategy and Development Control Policies Development Plan Document. Notification letters were sent to 11 neighbouring occupiers and 1 letter of objection was received raising concerns regarding the height of the

proposed roof and its impact on outlook and loss of light to the neighbouring occupier.

Highway Authority - No objection.

Environmental Health - No objection.

RELEVANT POLICIES

LDF

- CP14 - Green Belt
- CP17 - Design
- DC45 - Appropriate Development in the Green Belt
- DC61 - Urban Design
- SPD4 - Residential Extensions & Alterations SPD
- SPD9 - Residential Design SPD

OTHER

- LONDON PLAN - 7.16 Green Belt
-
- LONDON PLAN - 7.4 - Local character
- NPPF - National Planning Policy Framework

MAYORAL CIL IMPLICATIONS

The application is not liable for Mayoral CIL.

STAFF COMMENTS

The main issues in this case are the impact on the character and openness of the Metropolitan Green Belt, the streetscene, the impact on residential amenity and any highway and parking issues.

For the purposes of this application, the Planning Officer's calculations have been used to determine this application.

PRINCIPLE OF DEVELOPMENT

The application site falls within the Metropolitan Green Belt however, this does not preclude extensions to residential properties in principle. National and local policies refer to a presumption against inappropriate development in Green Belt areas.

Chapter 9 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate development in the Green Belt. An exception to this is the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

In addition, Policy DC45 of the LDF Core Strategy states that extensions to existing dwellings will only be permitted when the cubic capacity of the resultant building is not more than 50% greater than the cubic capacity of the original dwelling.

GREEN BELT IMPLICATIONS

Policy DC45 states that extensions, alterations and replacement of existing dwellings will be allowed provided that the cubic capacity of the resultant building is not more than 50% greater than that of the original dwelling.

Staff calculate the original volume of the host premises to be 431m³. The proposed dwelling seems to be in its original form. The proposed changes will result in a volume of 798m³ and therefore an increase of 85%. The development proposed is therefore contrary to the aims of Policy DC45 as it exceeds the 50% threshold stipulated.

It should however be noted that the proposal would not result in an increase to the area of the existing dwelling area. The only changes proposed would be to the roof form and design. The proposal is not considered to have an unacceptable impact on the streetscene or the surrounding area as the existing dwelling is of modest design and smaller than that of the dwellings on either side. The height increase will be slightly higher than the neighbouring dwelling to the south (0.76m) but lower than the dwelling to the north of the subject site (0.7m). The proposed roof design is similar to that of the southern neighbour and would not look out of keeping in the streetscene.

On balance staff accept that the additions proposed are substantial, however are of the opinion that they would not result in any further harm to the Green Belt setting. Staff are of the opinion that the development proposed would not harm the open nature and character of the Green Belt.

IMPACT ON AMENITY

The front and rear building line varies in the locality. The neighbour to the north (Citrus Grove) sits considerably deeper into its plot than the subject property and neighbours to the south.

It is considered that the proposal would not result in a loss of amenity to the neighbour to the north, primarily due to the siting of this dwelling further back into the site. Any flank windows proposed would overlook the front yard of this neighbouring occupier. Although there would be some impact in terms of loss outlook to the first floor main bedroom window in the front elevation, Officers do not consider this to be sufficient to recommend refusal, given the separation distance between the properties and the variation in ground levels.

The proposed changes is not considered to have a materially adverse impact on the neighbour to the south. The property has recently had a similar roof conversion (P1694.11). There will be some loss of light to the ground floor windows in the northern elevation, however these windows are secondary windows to the kitchen/dining room area.

It is not considered that the proposed development would present any undue issues in relation to privacy, overlooking or loss of daylight and overshadowing in accordance with policy DC61, the Residential Design SPD and the Residential Extensions and Alterations SPD.

HIGHWAY / PARKING

It is considered that the proposal would not create any parking or highway issues.

KEY ISSUES / CONCLUSIONS

Staff are of the opinion that the development proposed is not disproportionate when seen within the context of existing development, however recognise that the volume increase is in excess of the 50% stipulated by relevant planning policy. Given that there is judged to be no material harm to the open nature of the Green Belt, as the development is contained in the existing envelope of the host premises, staff recommend approval subject to conditions.

RECOMMENDATION

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

1. SC4 (Time limit) 3yrs

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. Materials (details no samples)

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

Reason:-

Insufficient information has been supplied with the application to judge the appropriateness of the materials to be used. Submission of a written specification prior to commencement will 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. SC32 (Accordance with plans)

The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans (as set out on page one of this decision notice).

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. SC46 (Standard flank window condition)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, no window or other opening (other than those shown on the submitted and approved plan,) shall be formed in the flank wall(s) of the building(s) hereby permitted, unless specific permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

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. SC34B (Obscure with fanlight openings only) ENTER DETAILS

The proposed first floor flank window serving the en-suite bathroom 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.

Reason:-

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

INFORMATIVES

1. Approval following revision ENTER DETAILS

Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: In accordance with para 186-187 of the National Planning Policy Framework 2012, improvements required to make the proposal acceptable were negotiated with the agent via email in May 2106. The revisions involved a reduction in the roof height. The amendments were subsequently submitted on 15/06/16.

OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 15th September 2016

APPLICATION NO. P0643.16
WARD: Squirrels Heath **Date Received:** 29th April 2016
Expiry Date: 24th June 2016

ADDRESS: 15 Fairholme Avenue
ROMFORD

PROPOSAL: PROPOSED GARAGE CONVERSION

DRAWING NO(S): Site Location Plan
PL02
PL03
PL04 Rev.A
PL05
PL06 Rev.A

RECOMMENDATION It is recommended that **planning permission be GRANTED** subject to the condition(s) given at the end of the report

CALL-IN

This application, together with two other applications (Ref: P0644.16 & P0645.16) relating to this site has been called-in to committee by Councillor Damian White on the grounds that the proposal raises concerns in regards to its impact upon neighbouring amenity and also its level of development.

SITE DESCRIPTION

The proposal site is a two storey semi-detached house sited on the northern side of the street. The property has been previously extended to include a two storey side extension consisting of a garage, together with a single storey rear extension and also a loft conversion featuring a rear dormer extension. The property also benefits from an existing outbuilding at the end of the rear garden.

Ground level is fairly flat with off-street parking for three cars parking the front on hardstanding. No trees will be affected.

The surrounding area is predominantly residential and characterised by two storey dwellings.

DESCRIPTION OF PROPOSAL

The applicant is seeking planning permission to convert the existing garage to provide a new dining area and utility room.

Following a subsequent site visit, it is noted that works to the garage conversion have commenced.

RELEVANT HISTORY

P0645.16 - Conversion of existing outbuilding to granny annexe

- Awaiting Decision
- P0644.16 - Proposed conservatory at rear of the property with part rear extension
Awaiting Decision
- P0759.06 - Single and two storey side and single storey rear extension
Apprv with cons 14-06-2006
- P0228.06 - Change of use of garden building to use for mobile catering preparation and storage for party food preparation
Refuse 10-04-2006
- D0011.06 - Certificate of lawfulness for a rear dormer window
PP not required 03-04-2006
- D0062.05 - Certificate of lawfulness for a rear dormer window
PP is required 30-01-2006
- D0051.05 - Certificate of lawfulness for domestic gym/games room with bathroom
PP not required 09-11-2005

CONSULTATIONS / REPRESENTATIONS

Letters of notification were sent to neighbouring properties. Objections were received from three neighbouring properties. A letter of objection was also received from an agent acting on behalf of residents.

The objectors have raised the following concerns:-

- Not in keeping with appearance/character of surrounding area
- Traffic
- Parking

The above concerns are of a material planning consideration and thereby will be investigated accordingly.

Residents also raised concerns in respect of the garage conversion being used for commercial activity to assist the applicants catering business. The applicant has confirmed in writing that the garage conversion is intended to be used ancillary to the main house and already has a shop dedicated for commercial use.

Having sought clarification, the Local Planning Authority must take at face value the assurances of the applicant for the purposes of dealing with this householder application. In the event of planning permission being granted, the imposition of a planning condition may be used to ensure the development is incidental to the main house.

Environmental Health - No objections.

Highways - No objections.

RELEVANT POLICIES

LDF
DC33 - Car Parking

DC61 - Urban Design
SPD04 - Residential Extensions & Alterations SPD

OTHER

LONDON PLAN - 7.4 - Local character

LONDON PLAN - 7.6 - Architecture

NPPF - National Planning Policy Framework

MAYORAL CIL IMPLICATIONS

The development is not CIL liable.

STAFF COMMENTS

During the determination of this application, the applicant has submitted revised plans to retain the existing garage door, seeking to address concerns raised by neighbours.

The application now falls to be determined in its revised form.

DESIGN / IMPACT ON STREET / GARDEN SCENE

The garage conversion would only consist of internal changes and thereby no objections are raised from the visual impact point of view. Thus the development would not harm the character and appearance of the surrounding area.

IMPACT ON AMENITY

The nature of the development does not raise any amenity issues with regards to loss of light, overbearing impact or overlooking. It must be noted that the application relates to a householder development incidental to the main house and therefore is not considered to generate unreasonable levels of noise or disturbance to neighbours.

In light of the above, the development would not result in a material loss of amenity to neighbouring properties.

HIGHWAY / PARKING

Policy DC33 of the Core Strategy and Development Control Policies Development Plan Document requires the application site to provide 1.5 -2 car parking spaces. Although the development involves the loss of one car parking space, 3 car parking spaces would be retained at the front which complies with the requirements of Policy DC33.

The Highways Authority has also confirmed there are no objections.

In conclusion, the development is not considered to adversely affect car parking provisions or severely impact on the use and efficiency of the highway.

KEY ISSUES / CONCLUSIONS

The garage conversion would not harm the character of the surrounding area and is not considered to cause a detrimental impact upon the residential amenities of the surrounding

neighbouring properties.

It is therefore recommended that planning permission be granted.

RECOMMENDATION

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

1. SC32 (Accordance with plans)

The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans (as set out on page one of this decision notice).

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.

2. SC33 (Incidental Use)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 the garage conversion hereby permitted shall be used only for purposes incidental to the enjoyment of the dwelling house and not for any trade or business nor as living accommodation.

Reason:-

To restrict the use to one compatible with a residential area, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

INFORMATIVES

1. Approval following revision ENTER DETAILS

Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: In accordance with para 186-187 of the National Planning Policy Framework 2012, improvements required to make the proposal acceptable were negotiated with Mr Uppal, during a meeting on 16.06.2016. The revisions involved retaining the garage door. The amendments were subsequently submitted on 12.08.2016.

OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 15th September 2016

APPLICATION NO. P0644.16
WARD: Squirrels Heath **Date Received:** 29th April 2016
Expiry Date: 24th June 2016

ADDRESS: 15 Fairholme Avenue
ROMFORD

PROPOSAL: Proposed conservatory at rear of the property with part rear extension

DRAWING NO(S): PL01 Rev.A
PL02
PL06 Rev.A
PL04 Rev.A
PL05 Rev.A
PL03

RECOMMENDATION It is recommended that **planning permission be GRANTED** subject to the condition(s) given at the end of the report

CALL-IN

This application, together with two other applications (Ref: P0643.16 & P0645.16) relating to this site has been called-in to committee by Councillor Damian White on the grounds that the proposal raises concerns in regards to its impact upon neighbouring amenity and also its level of development.

SITE DESCRIPTION

The proposal site is a two storey semi-detached house sited on the northern side of the street. The property has been previously extended to include a two storey side extension consisting of a garage, together with a single storey rear extension and also a loft conversion featuring a rear dormer extension. The property also benefits from an existing outbuilding at the end of the rear garden.

Ground level is fairly flat with off-street parking for three cars parking the front on hardstanding. No trees will be affected.

The surrounding area is predominantly residential and characterised by two storey dwellings.

DESCRIPTION OF PROPOSAL

The applicant is seeking planning permission for the erection of a rear conservatory.

The proposed rear conservatory will project 3m in depth from the existing single storey rear extension at a height slightly lower than the existing rear extension, a sloping roof is proposed at a height of about 2.7m increasing to a maximum height of about 2.95m.

Materials proposed to the roof and elevations are mainly of a glazed lightweight construction set above a dwarf wall measuring at a height of about 1.1m.

RELEVANT HISTORY

- P0645.16 - Conversion of existing outbuilding to granny annexe
Awaiting Decision
- P0643.16 - PROPOSED GARAGE CONVERSION
Awaiting Decision
- P0759.06 - Single and two storey side and single storey rear extension
Apprv with cons 14-06-2006
- P0228.06 - Change of use of garden building to use for mobile catering preparation and storage for party food preparation
Refuse 10-04-2006
- D0011.06 - Certificate of lawfulness for a rear dormer window
PP not required 03-04-2006
- D0062.05 - Certificate of lawfulness for a rear dormer window
PP is required 30-01-2006
- D0051.05 - Certificate of lawfulness for domestic gym/games room with bathroom
PP not required 09-11-2005

CONSULTATIONS / REPRESENTATIONS

Letters of notification were sent to neighbouring properties. Objections were received from three neighbouring properties. A letter of objection was also received from an agent acting on behalf of residents.

The objectors have raised the following concerns:-

- Loss of privacy/overlooking
- Overdevelopment
- Design and appearance
- Overshadowing
- Loss of daylight/sunlight
- Visually intrusive/overbearing
- Unreasonable loss of rear garden space

The above concerns are of a material planning consideration and thereby will be investigated accordingly.

Residents also raised concerns that the development would invite the use of a hotel or commercial activities. This application is for a householder extension, the applicant has confirmed that the extension is intended to be used for purposes incidental to the main house and not for commercial purposes. Having sought clarification, the Local Planning Authority must take at face value the assurances of the applicant for the purposes of dealing with this householder application.

Other concerns were raised relating to the existing extensions, including the single storey rear extension, loft conversion and two storey side extension. However, this this does not form part of the proposal, the application must be assessed upon its individual merits.

Environmental Health - No objections.

RELEVANT POLICIES

LDF

- DC33 - Car Parking
- DC61 - Urban Design
- SPD04 - Residential Extensions & Alterations SPD

OTHER

- LONDON PLAN - 7.4 - Local character
- LONDON PLAN - 7.6 - Architecture
- NPPF - National Planning Policy Framework

MAYORAL CIL IMPLICATIONS

The development is not CIL liable.

STAFF COMMENTS

During the determination of this application, the applicant has submitted revised plans to reduce the overall scale of the proposed conservatory by setting it in from the both shared boundaries.

The application now falls to be determined in its revised form.

DESIGN / IMPACT ON STREET / GARDEN SCENE

The Council's 'Residential Extensions and Alterations' SPD generally permits single storey rear extensions up to a depth of 4m in respect of semi-detached houses. It is noted that the overall depth of the proposed rear conservatory measures 7m from the original back wall of the house and this instance exceeds the generally permitted of 4m as recommended by the above SPD.

However, it must be noted that the SPD also states that 'Conservatories of lightweight construction (no solid flank wall) are visually less intrusive than traditional rear extensions and therefore a more flexible approach to depth may be taken.'

Given that the proposed conservatory is mainly of a lightweight construction, and also considered to be of a modest proportion covering an area of about 10 sqm, staff are of the view that a flexible approach can be taken which would be consistent with the aims and objectives of the above SPD.

It is noted that there is a solid traditional extension which exceeds 4m in depth within the immediate surrounding at No.7 Fairholme Avenue. In this context, the proposed rear conservatory is considered to relate acceptably to the surrounding rear garden environment in terms of design, bulk, scale and massing. There would be no impact on the streetscene.

In light of the above, the proposal would integrate acceptably with the character and appearance of the surrounding area and no objections are raised from the visual impact point of view.

IMPACT ON AMENITY

In terms of single storey rear extensions which exceed the Councils generally permitted depth of 3m in the case of a terrace house or 4m in respect of detached or semi-detached houses, the Council's 'Residential Extensions and Alterations' SPD explains 'Any greater depth required should be within an angle of 45 degrees, taken from the 3 metre or 4 metre dimension on the property boundary, in order to ensure a reasonable level of amenity is afforded to neighbouring properties'.

The proposed rear conservatory will project 3m beyond the existing 4m deep single storey rear extension. Nevertheless, further to revisions, the proposed conservatory will be set in from the shared boundary of No.17 by about 3.3m and about 2.8m on the other side from the shared boundary of No.13. The distance the conservatory is set in from the shared boundaries of both neighbours complies with the 45 degree angle rule as mentioned above. In addition, the mainly lightweight construction of the conservatory would also be less visually intrusive than compared to a traditional rear extension consisting of a solid flank wall.

Given the above circumstances, the proposed rear conservatory would not result in a material loss of amenity in terms of loss of sunlight/daylight, overshadowing, loss of outlook, visual intrusion/overbearing impact or loss of privacy to surrounding neighbours.

HIGHWAY / PARKING

No highways issues arise.

KEY ISSUES / CONCLUSIONS

The proposed rear extension would integrate appropriately with the character of the surrounding area and is not considered to cause a detrimental impact upon the residential amenities of the surrounding neighbouring properties.

It is therefore recommended that planning permission be granted.

RECOMMENDATION

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

1. SC4 (Time limit) 3yrs

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. SC10 (Matching materials)

All new external finishes shall be carried out in materials to match those of the existing building(s) to the satisfaction of the Local Planning Authority.

Reason:-

To safeguard the appearance of the premises and the character of the immediate area, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

3. SC32 (Accordance with plans)

The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans (as set out on page one of this decision notice).

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.

INFORMATIVES

1. Approval following revision ENTER DETAILS

Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: In accordance with para 186-187 of the National Planning Policy Framework 2012, improvements required to make the proposal acceptable were negotiated with Mr Uppal, during a meeting on 16.06.2016. The revisions involved reducing the width of the conservatory away from the shared neighbouring boundaries. The amendments were subsequently submitted on 16.08.2016.

OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 15th September 2016

APPLICATION NO. P0645.16
WARD: Squirrels Heath **Date Received:** 29th April 2016
Expiry Date: 24th June 2016
ADDRESS: 15 Fairholme Avenue
ROMFORD
PROPOSAL: Conversion of existing outbuilding to granny annexe
DRAWING NO(S): Site Location Plan
PL03
PL04
PL02
RECOMMENDATION It is recommended that **planning permission be GRANTED** subject to the condition(s) given at the end of the report

CALL-IN

This application, together with two other applications (Ref: P0643.16 & P0644.16) relating to this site has been called-in to committee by Councillor Damian White on the grounds that the proposal raises concerns in regards to its impact upon neighbouring amenity and also its level of development.

SITE DESCRIPTION

The proposal site is a two storey semi-detached house sited on the northern side of the street. The property has been previously extended to include a two storey side extension consisting of a garage, together with a single storey rear extension and also a loft conversion featuring a rear dormer extension. The property also benefits from an existing outbuilding at the end of the rear garden.

Ground level is fairly flat with off-street parking for three cars parking the front on hardstanding. No trees will be affected.

The surrounding area is predominantly residential and characterised by two storey dwellings.

DESCRIPTION OF PROPOSAL

The applicant is seeking planning permission to convert an existing outbuilding into a self-contained granny annexe including a bathroom, bedroom and living/dining room combined with a kitchen area. There are no external alterations or changes proposed to the outbuilding.

The applicant has confirmed that the proposed granny annexe is intended to be occupied by their mother-in-law.

RELEVANT HISTORY

P0644.16 - Proposed conservatory at rear of the property with part rear extension

- Awaiting Decision
P0643.16 - PROPOSED GARAGE CONVERSION
Awaiting Decision
- P0759.06 - Single and two storey side and single storey rear extension
Apprv with cons 14-06-2006
- P0228.06 - Change of use of garden building to use for mobile catering preparation and storage for party food preparation
Refuse 10-04-2006
- D0011.06 - Certificate of lawfulness for a rear dormer window
PP not required 03-04-2006
- D0062.05 - Certificate of lawfulness for a rear dormer window
PP is required 30-01-2006
- D0051.05 - Certificate of lawfulness for domestic gym/games room with bathroom
PP not required 09-11-2005

CONSULTATIONS / REPRESENTATIONS

Letters of notification were sent to neighbouring properties. Objections were received from two neighbouring properties. A letter of objection was also received from an agent acting on behalf of residents.

The objectors have raised the following concerns:-

- Loss of light and overshadowing
- Character and appearance
- Loss of privacy

The above concerns are of a material planning consideration and thereby will be investigated accordingly.

Residents also raised concerns in respect of the outbuilding being used for commercial activity to assist the applicants catering business. The applicant has confirmed in writing that the conversion is intended to be occupied by their mother-in-law and ancillary to the main house. Having sought clarification, the Local Planning Authority must take at face value the assurances of the applicant for the purposes of dealing with this application. In the event of planning permission being granted, the imposition of a planning condition may be used to ensure the development is incidental to the main house.

Other concerns were raised in respect of trees falling causing a danger to the proposed occupant of the building and also how the development would encourage pest into the rear garden. These concerns are not material planning considerations.

Residents have highlighted that the application should be refused following a previously refused application (Ref: P0228.06) which was dismissed following an appeal decision. It is noted that this previous application sought planning permission for the outbuilding to be used for commercial purposes. The proposal does not seek to convert the existing outbuilding for commercial purposes,

the proposed use is for residential purposes and must be assessed upon its individual merits.

RELEVANT POLICIES

LDF

- DC33 - Car Parking
- DC61 - Urban Design
- SPD04 - Residential Extensions & Alterations SPD

OTHER

- LONDON PLAN - 7.4 - Local character
- LONDON PLAN - 7.6 - Architecture
- NPPF - National Planning Policy Framework

MAYORAL CIL IMPLICATIONS

The development is not CIL liable.

STAFF COMMENTS

It should be noted that the existing outbuilding was allowed a Certificate of Lawfulness (Ref: D0051.05) to be used as a Gamesroom/Gymnasium together with a bathroom. A subsequent site visit revealed the outbuilding to be used for storage. Nevertheless, the use of outbuilding for storage complies with Permitted Development regulations and does not require planning permission.

Staff also acknowledge that the outbuilding was previously used for commercial purposes without planning consent. However, a previous planning application (Ref: P0228.06) was refused for the retention of the commercial use to be associated with the outbuilding, which was also dismissed following an appeal decision by the Planning Inspectorate. It is also noted that an enforcement notice is served on the outbuilding preventing the use of commercial practices.

The assessment of this application must be focused on the proposed use of the outbuilding and not upon the overall scale, bulk, mass and design of the existing outbuilding.

DESIGN / IMPACT ON STREET / GARDEN SCENE

The conversion of the outbuilding would only consist of internal changes and thereby no objections are raised from the visual impact point of view. Thus the development would not harm the character and appearance of the surrounding area.

IMPACT ON AMENITY

The Residential Extensions & Alterations SPD states that outbuildings should not cause undue loss of light to neighbouring properties or adversely affect the living conditions of neighbouring properties. Policy DC61 reinforces these requirements by stating that planning permission will not be granted where the proposal results in unacceptable overshadowing, loss of sunlight/ daylight, overlooking or loss of privacy to existing properties.

The annexe would not provide its occupiers with the normal standards of outlook and private

amenity space expected. However, as it is to be used entirely in an ancillary capacity staff are of the view that these shortcomings are not so great as to justify refusing the application.

The rear garden is bounded by a close boarded fence, together with vegetation which would serve to screen any views from the outbuilding to a considerable amount. Given that the outbuilding is existing and the proposal does not consist of any enlargements or external alterations, the development would not result in any greater loss of light, overshadowing or overbearing impact.

Staff consider that there would be comings and goings to the annexe and increased use of the garden area in a general sense but no more so than an outbuilding in use as a hobby, games and garden room, particularly in the summer months. As such, staff are of the view that the use of the outbuilding proposed as a residential annexe would not give rise to an unacceptable level of noise and disturbance and would be unlikely to give rise to significant adverse impacts.

It is still considered reasonable to impose conditions removing permitted development rights in respect of the insertion of additional windows and openings in the proposed building, to avoid the potential for overlooking and increased noise transmission. It is also considered necessary to impose a condition to remove permitted development rights in Class A for extensions, and in Class E for ancillary buildings and structures as these are the classes that could result in further intensification of use of the curtilage to the possible detriment of neighbouring residents' living conditions and reduction in the amount of amenity space provision. Officers also consider it necessary for this condition to remove the PD rights under Class A Part 2 for fencing and walling as these rights could result in the curtilage being subdivided. In this instance it would also be necessary to include a condition restricting the occupancy of the annexe to purposes connected to the residential use of the main dwelling at 15 Fairholme Avenue, Romford.

On balance and subject to safeguarding conditions officers are of the view that the use of the building as a proposed annexe would be in accordance with provisions of Policy DC61 and the Residential Extensions & Alterations SPD.

HIGHWAY / PARKING

The development is not considered to adversely affect car parking provisions or impact on the use and efficiency of the highway.

KEY ISSUES / CONCLUSIONS

The proposed development would demonstrate clear connections with the main dwelling and its use would be entirely in an ancillary capacity to No.15 Fairholme Avenue. The development would have no impact to the established rear garden setting and officers are of the opinion that the proposal would not result in an undue impact on the amenity of neighbouring residents.

As such the proposal is considered to be in accordance with the provisions of Policy DC61 and the Residential Extensions & Alterations SPD and it is recommended that planning permission is granted.

RECOMMENDATION

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

1. SC4 (Time limit) 3yrs

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. SC32 (Accordance with plans)

The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans (as set out on page one of this decision notice).

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.

3. SC31 (Use as part of main dwelling)

The outbuilding hereby permitted shall be used only for living accommodation as an integral part of the existing dwelling known as 15 Fairholme Avenue, Romford and shall not be used as a separate unit of residential accommodation at any time.

Reason:-

The site is within an area where the Local Planning Authority consider that the sub-division of existing properties should not be permitted in the interests of amenity, and that the development accords with Development Control Policies Development Plan Document Policy DC61.

4. Removal of PD Rights

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development (England) Order 2015(as amended) Article 3, Schedule 2, Part 1, Classes A and E and Part 2, Class A, no extensions, outbuildings, walls, fences or other means of enclosure shall be erected 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 order that the annexe approved remains ancillary to the main dwelling, in the interests of amenity, to enable the Local Planning Authority to retain control over future development, and in order that the development accords with Policy DC61 of the Development Control Policies Development Plan Document.

5. SC46 (Adapted flank and rear window condition)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), no window or other opening (other than those shown on the submitted and approved plan,) shall be formed in the flank or rear 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

INFORMATIVES

1. **Approval - No negotiation required**

Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.

OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 15th September 2016

APPLICATION NO. P1232.16
WARD: Gooshays **Date Received:** 3rd August 2016
Expiry Date: 28th September 2016

ADDRESS: Pyrgo Priory Academy
Settle Road
Romford

PROPOSAL: Single storey modular building for a temporary period

DRAWING NO(S): Location Plan - Drawing No. PPA/1.100
Proposed Block Plan - Drawing No. PPA/2.02a
Ground Floor - Drawing No. PPA/3.02
Elevations - Drawing No. PPA/3.03

RECOMMENDATION It is recommended that **planning permission be GRANTED** subject to the condition(s) given at the end of the report

BACKGROUND

In 2009 outline planning permission was granted (ref: P0682.09) for an education campus or learning village comprising a primary school, secondary school, college and special educational needs school on land to the east and west of Settle Road. Reserved matters comprising details of layout, scale, appearance and landscaping for the secondary school (Drapers Academy) were approved in 2010 (ref: P0817.10) and the school opened in 2012. Full planning permission was then granted in 2016 (ref: P1572.15) for a primary school on site and construction with regard to this is programmed to be completed in December 2017. The primary school (an additional school to Pyrgo Academy), given the need for primary school places in the Borough, nevertheless started operating in September 2015 with a two form entry reception being housed within part of Drapers Academy.

SITE DESCRIPTION

Pyrgo Priory Academy is located on the western side of Settle Road in Harold Hill. The school site is located on the outskirts of suburban Harold Hill, with Dagnam Park located to the north. The nearest residential properties to the school are those located on Dagnam Park Drive and Settle Road to the south and east. The area to which this application relates is located to the north and west of the main Pyrgo school building, to the east of the school playing fields. The site forms part of the Metropolitan Green Belt.

DESCRIPTION OF PROPOSAL

Planning permission is sought for a single storey modular building for a temporary period. The modular building would comprise five rooms together with toilet facilities. The building would measure 30m by 12m and is proposed with a shallow pitched roof, 2.7m to eaves and 3.4m to ridge. The modular building is proposed with a panel finish with timber cladding relief.

It has been suggested that the building would provide additional accommodation to support two bulge classes at the school. The impact of increased birth and migration rates has resulted in an

unprecedented demand for primary school places in this area (Harold Hill) and as of September 2016 there was an identified deficit in capacity totalling, across all year groups, 346 pupil places. The two bulge classes proposed to be housed within this modular building would partial help meet this deficit, providing accommodation for up to 60 pupils.

Temporary planning permission is sought for seven years, on the basis of a seven year period representing the complete duration a pupil would be at primary school (reception through to Year 6). The temporary building would after this time, if progression with the learning village (application ref: P0682.09) has not in the mean-time progressed further, be removed and the site reinstated to its current condition.

Following site inspection, staff note that works with regard to this development have already commenced.

RELEVANT HISTORY

P1572.15 - Construction of a new primary school providing 2,232 sq m (GEA) of educational floor space (use class D1) comprising primary school facilities, grassed playing pitch and outdoor play facilities, together with associated works, including access, car parking and landscaping arrangements.

Apprv with cons 29-03-2016

P1653.14 - Extension of the period of time for submission of reserved matters and implementation of planning permission P0682.09 (Outline planning permission for the phased redevelopment of existing buildings and associated development for the purpose of a new Learning Village) in order to allow for the implementation of phases 2-4 of the proposal.

Awaiting Decision

P0853.14 - Single Storey extension

Apprv with cons 22-08-2014

P0682.09 - Outline planning application for the phased redevelopment of existing buildings for the purposes of a new Learning Village of up to a total of 26,381sq.m Class D1 floorspace (total maximum building footprint of 18,010 sq.m). Creation of new vehicular access off Dagnam Park Drive and internal site highway infrastructure, drop-off facilities and car parking areas comprising up to 506 spaces. Provision of sports facilities and associated hard and soft landscaping including the creation of a civic heart on Settle Road.

Apprv with cons 24-12-2009

P0384.09 - New hard surfacing to form external play area with seating and external sunshade on timber supports.

Apprv with cons 15-05-2009

P0668.07 - Single Storey detached children centre incorporating an office, counselling rooms, WC's and external courtyard

Apprv with cons 21-05-2007

P0410.02 - Replacement perimeter fencing of a green palisade style.

Apprv with cons 27-04-2002

CONSULTATIONS / REPRESENTATIONS

Anglian Water - No comments received.

EDF Energy - No comments received.

Essex and Suffolk Water - No objection.

Highway Authority - No objection.

Historic England - No objection.

London Borough of Havering Environmental Health - No comments received.

London Fire Brigade - No objection.

National Grid - No comments received.

Sport England - No comments to make.

Thames Water - No comments received.

UK Power Networks - No comments received.

Public consultation: 66 properties were directly notified of this application. The application was also advertised by way of site notice and press advert. At the time of writing no letters of representation had been received. Should any letters of public representation subsequently be received Members will be orally updated.

RELEVANT POLICIES

LDF

CP08 - Community Facilities

CP10 - Sustainable Transport

CP14 - Green Belt

CP15 - Environmental Management

CP16 - Biodiversity and Geodiversity

CP17 - Design

DC26 - Location of Community Facilities

DC27 - Provision of Community Facilities

DC29 - Educational Premises

DC32 - The Road Network

DC33 - Car Parking

DC45 - Appropriate Development In The Green Belt

DC55 - Noise

DC60 - Trees and Woodland

DC61 - Urban Design

DC62 - Access

Landscaping SPD

LONDON PLAN

3.16 - Protection and enhancement of social infrastructure

- 3.18 - Education facilities
- 6.1 - Strategic approach
- 6.3 - Assessing effects of development on transport capacity
- 6.11 - Smoothing traffic flow and tackling congestion
- 6.12 - Road network capacity
- 6.13 - Parking
- 7.4 - Local character
- 7.6 - Architecture
- 7.15 - Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes
- 7.16 - Green Belt
- 7.21 - Trees and woodland
- 8.3 - Community Infrastructure Levy

National Planning Policy Framework
National Planning Practice Guidance

MAYORAL CIL IMPLICATIONS

Not applicable.

STAFF COMMENTS

The NPPF, at paragraph 6, states that the purpose of the planning system is to contribute to the achievement of sustainable development. Specifically in relation to educational facilities (paragraph 72), it is noted that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- give great weight to the need to create, expand or alter schools; and
- work with school promoters to identify and resolve key planning issues before applications are submitted.

Replicating this, policy 3.18 of the London Plan details that development proposals which enhance education and skills provision will be supported, including new build, expansion of existing or change of use to educational purposes.

The applicant has suggested that the modular building proposed to be installed would provide additional teaching accommodation for the Pyrigo Priory Academy and in doing so offer much needed additional capacity for primary school places in the Harold Hill area. Whilst ideally staff would like to see more permanent solutions coming forward to tackle the identified short-fall in primary school provision in the area, it is accepted that the works are on-going in respect of an additional/replacement primary school on the eastern side of Settle Road and the uncertainty as to the overall learning village means that making such commitments is difficult. In consideration of this, staff have no principle objection to this development coming forward on a temporary basis. The application would support Havering in offering school places to meet the needs of existing and new communities and the Government attaches great importance to this.

From a design and visual perspective, the modular building would be largely non-descript, although the provision of timber cladding does help to improve its appearance. The building would be located on a small grassed amenity area, in front of the school reception area. The building would however be largely screened given the wrap-around nature of the school buildings as existing. To facilitate the development six trees would however need to be removed from the grassed amenity area. These trees, whilst of varying qualities and sizes, are not nevertheless the subject of preservation orders.

Staff, on balance, consider that the proposed location of the building to the rear of the school is logical and it is considered that the visual impact would be relatively limited.

Policy DC61 of the LDF, in part, details that planning permission will not be granted where a proposal results in unacceptable overshadowing, loss of sunlight/daylight, overlooking or loss of privacy and/or unreasonable effects on the environment by reason of noise impact, hours of operation, vibration and fumes between and within developments. In view of the proposed location of the modular building, and the distance to nearby residential properties, it is not considered that the development would give rise to significant amenity impacts.

GREEN BELT IMPLICATIONS

This site forms part of the Metropolitan Green Belt. As detailed within the NPPF, at paragraph 79, the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. As provided by paragraph 89 of the NPPF, a Local Planning Authority should regard the construction of new building as inappropriate in the Green Belt. Exceptions to this are:

- buildings for agriculture and forestry;
- provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or
- limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

Staff consider that the modular building proposed as part of this application could be considered as a temporary extension to the school and as such could be acceptable under exemption three as detailed above. In respect of this, for a temporary period, staff do not consider that the development would undermine the purpose of the Green Belt or the reason this land is included in the designation (the Green Belt). Whilst there would be an impact on openness, the modular building is considered of a modest scale and it is not considered that the building would appear

disproportionate or overly-dominate in terms of its relationship to the existing school buildings.

Staff note the very special circumstances which have been put forward by the applicant, in the form of the current demand for primary school places in Harold Hill, and consider that, in any respect, this need does clearly outweigh the limited harm to the Green Belt by reason of inappropriateness, and the other harms identified and discussed above.

HIGHWAY / PARKING

Staff acknowledge that the modular building, and provision of up to 60 additional pupils, would likely generate additional vehicle movements to and from the site and additional activity. This is however an established school site and it is not considered that any such increase would be sufficient to warrant refusal. Sufficient car parking provision exists to accommodate the increased numbers of staff within the existing school car park and the Highway Authority has raised no objection on highway efficiency or safety grounds.

KEY ISSUES / CONCLUSIONS

There is clear policy support within the NPPF, London Plan and Havering LDF for education facilities. Whilst this application seeks to install temporary accommodation, it is considered that adequate justification exists for this in context of the immediate demand for school places in the Borough. Although the design value of a modular building is limited, for a temporary period, staff do not consider that these are categorically unacceptable. The modular building would be largely contained by the existing school buildings and as such would not have a significant visual impact or presence.

Staff do not consider that the development would undermine the Green Belt designation and subject to a suitable condition seeking to ensure the site is restored to its current condition it is not considered that there would be any long term impact on openness. Accordingly, it is recommended, in the circumstances, that planning permission be granted for a temporary period.

RECOMMENDATION

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

1. Accordance with plans

The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans (as set out on page one of this decision notice).

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.

2. Temporary permission (31 August 2023)

The permission hereby granted shall be for a limited period only, expiring on 31 August 2023, by which the use of the temporary buildings shall be discontinued. Within six months of this date the temporary buildings themselves, hardstanding and associated fencing shall be removed and the site reinstated to its former condition to the satisfaction of the Local Planning Authority.

Reason:-

To enable the Local Planning Authority to retain control, to ensure that the planning permission granted is temporary in nature, to ensure that the site is restored in accordance with the details submitted and to comply with Development Control Policies Development Plan Document Policy DC61 and guidance with regard to appropriate Green Belt outlined in the National Planning Policy Framework.

INFORMATIVES

1. **Approval - No negotiation required**

Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.

**REGULATORY
SERVICES
COMMITTEE**

REPORT

15 September 2016

Subject Heading:

P0701.16 - Langtons House, Billet Lane -
An extension to the existing electrical
enclosure and air source heat pumps.
(received 27/05/16)

Ward:

St Andrew's

Lead Officer:

Helen Oakerbee
Planning Manager

Report Author and contact details:

Adèle Hughes
Senior Planner
adele.hughes@havering.gov.uk
01708 432727

Policy context:

Local Development Framework
The London Plan
National Planning Policy Framework

Financial summary:

None

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

Havering will be clean and its environment will be cared for	[x]
People will be safe, in their homes and in the community	[]
Residents will be proud to live in Havering	[]

SUMMARY

This matter is brought before committee as the application site is Council owned.
This proposal relates to Langtons House, Billet Lane, Hornchurch. Planning

permission is sought for an extension to the existing electrical enclosure and two air source heat pumps, which have both been carried out.

In all respects, the extension and air source heat pumps are considered to accord with the relevant policies contained in the LDF Core Strategy and Development Control Policies Development Plan Document and The London Plan. Retrospective approval of the application is therefore recommended, subject to conditions.

RECOMMENDATIONS

It is recommended that planning permission is granted subject to the following conditions:

1. Accordance with plans - The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans as listed on page 1 of this decision notice approved by the Local Planning Authority.

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.

INFORMATIVES

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

REPORT DETAIL

1. **Site Description:**
 - 1.1 This proposal relates to Langtons House, a Council owned, Grade II listed 18th century house and public gardens located in Billet Lane, Hornchurch. The site is located in the Langtons Conservation Area. There are residential properties on the majority of the perimeter of the site. There is vehicular access to the site from Billet Lane. Langtons House is owned and managed by the London Borough of Havering. The buildings and gardens are used as a public park and wedding venue.

2. **Description of development:**

- 2.1 Retrospective planning permission is sought for an extension to the existing electrical enclosure to the north of Langtons House attached to the kitchen wing. The extension has a width of 4.65 metres, a depth of 1.15 metres and a height of 2.57 metres. The existing electrical enclosure was constructed in the post war era and was too small for the required equipment. The materials consisted of brick with a slate roof and lead flashing.
- 2.2 Retrospective planning permission is also sought for two air source heat pumps, which are approximately 0.5m from the western end of the existing bothies and behind the existing garden wall. The heat pumps have a width of 1 metre, a depth of 0.36 metres and a height of 1.35 metres. A concrete slabbed base has been provided. The heat pumps are required to provide heating to the existing bothies and the new greenhouse in a sustainable way.

3. **Relevant History:**

- 3.1 There is extensive planning history; although the most relevant applications are as follows:

L0006.16 - Listed Building Consent for an extension to the existing electrical enclosure and air source heat pumps - to be determined.

Q0111.15 - Discharge of Condition 2 of P1162.11 - Discharged in full.

Q0093.15 - Discharge of Conditions 3, 4, 5 and 6 of L0005.14 - Discharged in full.

Q0092.15 - Discharge of Conditions 3, 4, 5 and 6 of L0004.14 - Discharged in full.

L0014.14 - New surface materials to Stable Yard; Additional works to the Billet Lane pedestrian entrance; Changes to surface materials to immediate context to Langtons House including new Portland stone door step to the entrance of the house; new hard surfaces within the Gardens to paths; reopened entrance to brick wall adjoining stable block; new external lighting; new park furniture; new park signage - Approved.

P1536.14 - New surface materials to Stable Yard; Additional works to the Billet Lane pedestrian entrance; Changes to surface materials to immediate context to Langtons House including new ramp to south elevation door; new hard surfaces within the Gardens to paths; reopened entrance to brick wall adjoining stable block; new external lighting; new park furniture; new park signage - Approved.

P0486.14 - Proposals for demolition of existing toilet block, repairs to walls and repairs and refurbishment to Bath house. New door access to Billet Lane - Withdrawn.

P0485.14 - Proposals for demolition of the existing stores. Existing garage converted into café with external alterations. Repairs and reroofing to the Orangery. Works to existing bothies. New openings in garden wall - Approved.

L0008.14 - New lighting to be positioned within the confines of Langtons Gardens - Withdrawn.

L0005.14 - Proposals for demolition of existing toilet block, repairs to walls and repairs and refurbishment to Bath house. New door access to Billet Lane - Approved.

L0004.14 - Proposals for demolition of existing stores and replacing new public toilets and bin store. Existing garage converted into a café. Repairs and reroofing to Orangery, works to existing bothies, new workshop, new greenhouse and new openings in garden wall - Approved.

4. Consultations/Representations:

4.1 The application has been advertised in a local newspaper and by way of a site notice, as the proposal relates to a listed building. The occupiers of 68 neighbouring properties were notified of this proposal. One letter of objection was received with detailed comments that have been summarised as follows:

- The heat pumps are close to residential properties and may result in noise and disturbance, particularly at night.
- Queried details of sound insulation.
- Would prefer the heat pumps to be located adjacent to the electrical enclosure.

4.2 In response to the above comments, planning application P0701.16 seeks consent for an extension to the existing electrical enclosure and air source heat pumps and the assessment of this application includes its impact on residential amenity. The remaining issues will be addressed in the following sections of this report.

4.3 Historic England - The proposal is unlikely to have a significant effect on heritage assets of archaeological interest.

4.4 Environmental Health - No objection. Following site observations, it is considered that there is no requirement for a noise assessment to be produced. Also, Staff consider that the noise levels witnessed on site are so low, that they do not result in material harm to residential amenity. No objection in relation to land contamination or air quality matters.

4.5 The Highway Authority has no objection.

5. **Relevant policies:**

- 5.1 Policies CP18 (Heritage), DC61 (Urban Design) and DC67 (Buildings of Heritage Interest) of the LDF Core Strategy and Development Control Policies Development Plan Document are considered material.
- 5.2 Policies 7.4 (Local Character) and 7.8 (Heritage Assets and Archaeology) of the London Plan are relevant.
- 5.3 Chapters 7 (Requiring good design) and 12 (Conserving and enhancing the historic environment) of the National Planning Policy Framework are relevant.

6. **Staff Comments**

- 6.1 This proposal is put before the Committee owing to the site being Council owned and an objection being received. The issues arising in respect of this application are the impact on the Langtons Conservation Area, the streetscene, amenity issues and parking and highways implications.

7. **Heritage**

- 7.1 Policy DC68 states that the character of Conservation Areas will be preserved or enhanced. Planning permission for development within a Conservation Area will only be granted where: it does not involve the demolition of a building that makes a positive contribution to the character or appearance of the area, it preserves or enhances the character of the Conservation Area and is well designed and it does not involve the loss of trees which contribute towards the character of the Conservation Area. Policy DC67 advises that planning permission involving listed buildings or their setting will only be allowed where there is no adverse impact. Government policy contained within the National Planning Policy Framework advises that there should be a presumption in favour of the conservation of designated heritage assets and the more significant the designated heritage asset, the greater the presumption in favour of its conservation should be.
- 7.2 Staff consider that the materials and brick bond of the extension match those of the existing electrical enclosure. It is considered that the height and proportions of the extension to the electrical enclosure are relatively modest and do not detract from the value of the heritage asset. The air source heat pumps are relatively modest in size and are partly screened by the western elevation of the bothies and the garden wall. Whilst the air source heat pumps are not historically typical with regards to setting, they are relatively modest in scale, sensitively located in the context of the wider house and grounds and would provide a sustainable energy source to the existing bothies and greenhouse. The extension to the existing electrical enclosure and two air source heat pumps are therefore considered to be acceptable in heritage terms and accord with both national and local planning policies.

8. Design/impact on street/Garden scene

8.1 It is considered that the extension to the existing electrical enclosure does not adversely affect the streetscene, as it is located to the north of Langtons House attached to the kitchen wing and is partly screened by the double gates leading to the rear of the site. Staff consider that the materials of the extension match those of the existing electrical enclosure. It is considered that the height and proportions of the extension to the electrical enclosure are relatively modest.

7.3 Staff consider that the air source heat pumps are not harmful to the streetscene, as they are located to the rear of the site, are partly screened by the western elevation of the bothies and the garden wall and are relatively modest in size.

9. Impact on amenity

9.1 Environmental Health have concluded there is no requirement for a noise assessment to be produced. Also, Staff consider that the noise levels witnessed on site are so low, that they do not result in material harm to residential amenity and as such, no conditions are required in respect of noise levels from the heat pumps. It is considered that the extension to the electrical enclosure and air source heat pumps have not resulted in material harm to neighbouring amenity, as they are contained within the grounds of Langtons House and as such, are well separated from neighbouring properties.

10. Highway/parking issues

10.1 The extension to the electrical enclosure and the heat pumps do not create any highway or parking issues. The Highway Authority has no objection to the proposal.

11. Mayoral CIL

11.1 The application is not liable to Mayoral CIL.

12. Conclusion

12.1 Having regard to all relevant factors, Staff are of the view that the extension to the electrical enclosure and air source heat pumps are acceptable. It is considered that the extension to the existing electrical enclosure and the air source heat pumps, preserve the value of the heritage asset, do not adversely impact on the streetscene or have resulted in a significant loss of amenity to neighbouring occupiers. It is considered that the extension and heat pumps have not created any adverse highway or parking issues. The extension and heat pumps are considered to be acceptable in all other respects and it is therefore recommended that retrospective planning permission be granted subject to conditions.

IMPLICATIONS AND RISKS

Financial implications and risks:

None.

Legal implications and risks:

This application is considered on its merits independently of the Council's interest as applicant and owner of the site.

Human Resources implications and risks:

None.

Equalities implications and risks:

The Council's planning policies are implemented with regard to Equalities and Diversity.

BACKGROUND PAPERS

Application forms and plans received 27/05/2016.

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**REGULATORY
SERVICES
COMMITTEE**

REPORT

15 September 2016

Subject Heading:

L0006.16 - Langtons House, Billet Lane - Listed Building consent for an extension to the existing electrical enclosure and air source heat pumps. (received 28/04/16)

Ward:

St Andrew's

Lead Officer:

Helen Oakerbee
Planning Manager

Report Author and contact details:

Adèle Hughes
Senior Planner
adele.hughes@havering.gov.uk
01708 432727

Policy context:

Local Development Framework
The London Plan
National Planning Policy Framework

Financial summary:

None

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

Havering will be clean and its environment will be cared for	[x]
People will be safe, in their homes and in the community	[]
Residents will be proud to live in Havering	[]

SUMMARY

This matter is brought before committee as the application site is Council owned. This proposal relates to Langtons House, Billet Lane, Hornchurch. Listed building

consent is sought for an extension to the existing electrical enclosure and two air source heat pumps, which have both been carried out.

In all respects, the extension and air source heat pumps are considered to accord with the relevant policies contained in the LDF Core Strategy and Development Control Policies Development Plan Document and The London Plan. Retrospective approval of the application is therefore recommended, subject to conditions.

RECOMMENDATIONS

It is recommended that the application and all relevant documentation be forwarded to the Secretary of State for determination in accordance with Section 12 of the Listed Building Act 1990 and regulation 13 of the Planning (Listed Building and Conservation Areas) Regulations 1990 and that should the Secretary of State be minded to grant Listed Building Consent that the conditions and Reason for Approval below be considered in respect of such consent:

1. Accordance with plans - The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans as listed on page 1 of this decision notice approved by the Local Planning Authority.

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.

INFORMATIVES

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

REPORT DETAIL

1. Site Description:

- 1.1 This proposal relates to Langtons House, a Council owned, Grade II listed 18th century house and public gardens located in Billet Lane, Hornchurch. The site is located in the Langtons Conservation Area. There are residential properties on the majority of the perimeter of the site. There is vehicular access to the site from Billet Lane. Langtons House is owned and managed

by the London Borough of Havering. The buildings and gardens are used as a public park and wedding venue.

2. Description of development:

2.1 Listed building consent is sought for an extension to the existing electrical enclosure to the north of Langtons House attached to the kitchen wing. The extension has a width of 4.65 metres, a depth of 1.15 metres and a height of 2.57 metres. The existing electrical enclosure was constructed in the post war era and was too small for the required equipment. The materials consisted of brick with a slate roof and lead flashing.

2.2 Listed Building consent is also sought for two air source heat pumps, which are approximately 0.5m from the western end of the existing bothies and behind the existing garden wall. The heat pumps have a width of 1 metre, a depth of 0.36 metres and a height of 1.35 metres. A concrete slabbed base has been provided. The heat pumps are required to provide heating to the existing bothies and the new greenhouse in a sustainable way.

3. Relevant History:

3.1 There is extensive planning history; although the most relevant applications are as follows:

P0701.16 - Extension to the existing electrical enclosure and air source heat pumps - to be determined.

Q0111.15 - Discharge of Condition 2 of P1162.11 - Discharged in full.

Q0093.15 - Discharge of Conditions 3, 4, 5 and 6 of L0005.14 - Discharged in full.

Q0092.15 - Discharge of Conditions 3, 4, 5 and 6 of L0004.14 - Discharged in full.

L0014.14 - New surface materials to Stable Yard; Additional works to the Billet Lane pedestrian entrance; Changes to surface materials to immediate context to Langtons House including new Portland stone door step to the entrance of the house; new hard surfaces within the Gardens to paths; reopened entrance to brick wall adjoining stable block; new external lighting; new park furniture; new park signage - Approved.

P1536.14 - New surface materials to Stable Yard; Additional works to the Billet Lane pedestrian entrance; Changes to surface materials to immediate context to Langtons House including new ramp to south elevation door; new hard surfaces within the Gardens to paths; reopened entrance to brick wall adjoining stable block; new external lighting; new park furniture; new park signage - Approved.

P0486.14 - Proposals for demolition of existing toilet block, repairs to walls and repairs and refurbishment to Bath house. New door access to Billet Lane - Withdrawn.

P0485.14 - Proposals for demolition of the existing stores. Existing garage converted into café with external alterations. Repairs and reroofing to the Orangery. Works to existing bothies. New openings in garden wall - Approved.

L0008.14 - New lighting to be positioned within the confines of Langtons Gardens - Withdrawn.

L0005.14 - Proposals for demolition of existing toilet block, repairs to walls and repairs and refurbishment to Bath house. New door access to Billet Lane - Approved.

L0004.14 - Proposals for demolition of existing stores and replacing new public toilets and bin store. Existing garage converted into a café. Repairs and reroofing to Orangery, works to existing bothies, new workshop, new greenhouse and new openings in garden wall - Approved.

4. Consultations/Representations:

4.1 The application has been advertised in a local newspaper and by way of a site notice, as the proposal relates to a listed building. The occupiers of 56 neighbouring properties were notified of this proposal. Two letters of objection were received with detailed comments that have been summarised as follows:

- The heat pumps are close to residential properties and may result in noise and disturbance, particularly at night.
- Queried details of sound insulation.
- Would prefer the heat pumps to be located adjacent to the electrical enclosure.
- It is noted that the concrete base for the heat pumps has been laid and the heat pumps have been delivered to the site.

4.2 In response to the above comments, planning application P0701.16 seeks consent for an extension to the existing electrical enclosure and air source heat pumps and the assessment of this application includes its impact on residential amenity. Comments that the application is retrospective are not material planning considerations.

4.3 Historic England - The proposal is unlikely to have a significant effect on heritage assets of archaeological interest.

5. Relevant policies:

5.1 Policies CP18 (Heritage), DC61 (Urban Design) and DC67 (Buildings of Heritage Interest) of the LDF Core Strategy and Development Control Policies Development Plan Document are considered material.

5.2 Policies 7.4 (Local Character) and 7.8 (Heritage Assets and Archaeology) of the London Plan are relevant.

5.3 Chapters 7 (Requiring good design) and 12 (Conserving and enhancing the historic environment) of the National Planning Policy Framework are relevant.

6. **Staff Comments**

6.1 This proposal is put before the Committee owing to the site being Council owned and objections being received. The main issues in this case are the impact of the extension to the existing electrical enclosure and the air source heat pumps on the appearance and historic character of the Listed Building.

7. **Listed Building Implications**

7.1 Policy DC67 advises that an application for listed building consent will only be allowed where it does not adversely affect a listed building or its setting. Government policy contained within the National Planning Policy Framework advises that there should be a presumption in favour of the conservation of designated heritage assets and the more significant the designated heritage asset, the greater the presumption in favour of its conservation should be.

7.2 Staff consider that the materials and brick bond of the extension match those of the existing electrical enclosure. It is considered that the height and proportions of the extension to the electrical enclosure are relatively modest and do not detract from the value of the heritage asset. The air source heat pumps are relatively modest in size and are partly screened by the western elevation of the bothies and the garden wall. Whilst the air source heat pumps are not historically typical with regards to setting, they are relatively modest in scale, sensitively located in the context of the wider house and grounds and would provide a sustainable energy source to the existing bothies and greenhouse. The extension to the existing electrical enclosure and two air source heat pumps are therefore considered to be acceptable in heritage terms and accord with both national and local planning policies.

7.3 Subject to no contrary direction from the Secretary of State it is recommended that listed building consent be granted.

8. **Conclusion**

8.1 Having regard to all relevant factors, Staff are of the view that the extension to the existing electrical enclosure and the air source heat pumps are acceptable. For the reasons set out in the report, Staff consider that a grant of Listed Building Consent can be given subject to referral to the Secretary of State. Local Authorities within London do not have delegated powers to grant Listed Building Consent on authority owned buildings.

IMPLICATIONS AND RISKS

Financial implications and risks:

None.

Legal implications and risks:

This application is considered on its merits independently of the Council's interest as applicant and owner of the site.

Human Resources implications and risks:

None.

Equalities implications and risks:

The Council's planning policies are implemented with regard to Equalities and Diversity.

BACKGROUND PAPERS

Application forms and plans received 28/04/2016.

REGULATORY SERVICES COMMITTEE

15 September 2016

REPORT

Subject Heading:

P0545.16 Proposed erection of an apartment block comprising 19 no. units plus car parking, landscaping and associated development

(Application received: 04-04-2015
Revised Plans Received: 10-08-2016)

Ward:

Heaton

Lead officer

Simon Thelwell
Projects and Regulation Manager

Report Author and contact details:

Peter Fletcher
peter.fletcher@havering.gov.uk
01708432605
Local Development Framework

Policy Context:

The London Plan
National Planning Policy Framework
National Planning Policy Practice
Guidance

Financial summary:

None

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

Havering will be clean and its environment will be cared for [x]
People will be safe, in their homes and in the community [x]
Residents will be proud to live in Havering [x]

SUMMARY

This report considers an application for the erection of a single apartment block for 19 one and two-bed flats on a brownfield site at Straight Road, Romford. Planning permission has previously been granted for a mixed-use redevelopment of the site comprising retail on the ground floor and residential above over two additional floors. The current proposal is for a part three and part two-storey building over a larger area of the site.

The site lies with the residential area of Harold Hill in a prominent corner location. It was previously in commercial use and is considered appropriate for redevelopment for residential purposes. The proposed development is considered acceptable in terms of its scale and appearance and in all other material respects. The grant of planning permission is recommended subject to the prior completion of a S106 planning obligation and planning conditions.

RECOMMENDATIONS

1. That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable fee would be £29,220 (subject to indexation). This is based on the creation of 1461 square metres of new gross internal floorspace.
2. That the proposal is unacceptable as it stands but would be acceptable subject to the applicant entering into a planning obligation under S106 of the Town and Country Planning Act 1990 (as amended), to secure the following:
 - A financial contribution of £114,000 to be used for educational purposes in accordance with the policies DC29 and DC72 of the LDF Core Strategy and Development Control Policies Development Plan Document and the Planning Obligations Supplementary Planning Document.
 - A review of the viability of the development if not commenced within two years of the date of the permission to assess whether there has been any improvement in market conditions such that affordable housing could be provided on site or a financial contribution towards the provision of affordable housing off-site in accordance with LDF Core Strategy and Development Control Policies Development Plan Policies DC6 and DC72.
 - All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.

- The Developer/Owner to pay the Council's reasonable legal costs associated with the Legal Agreement prior to the completion of the agreement irrespective of whether the agreement is completed.
- Payment of the appropriate planning obligations monitoring fee prior to the completion of the agreement.
- That the Head of Regulatory Services be authorised to enter into a planning obligation to secure the above and upon completion of that obligation, 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 (as set out on page one of this decision notice).

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.

3. *Car parking* - No dwelling unit shall be occupied until the car/vehicle parking area shown on approved drawing 150610-SR 20-201 Rev P3 has been completed, and thereafter, the area shall be kept free of obstruction and permanently made available for the parking of vehicles associated with the development 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 permitted shall not be commenced until samples of all materials to be used in the external construction of the buildings, including balcony balustrades, has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed with the approved materials.

Reason: Insufficient information has been supplied with the application to judge the appropriateness of the materials to be used. Submission of samples prior to commencement will 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.

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 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: Insufficient information has been supplied with the application to judge the appropriateness of the hard and soft landscaping proposed. Submission of a scheme prior to commencement will ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61. It will also ensure accordance with Section 197 of the Town and Country Planning Act 1990.

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 submitted to and agreed in writing by the Local Planning Authority.

Reason: Insufficient information has been supplied with the application to judge how refuse and recycling will be managed on site. Submission of this detail prior to occupation in the case of new building works or prior to the use commencing in the case of changes of use will protect the amenity of occupiers of the development and also the locality generally and ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

7. *Cycle storage* - Prior to first occupation of the development 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: The details supplied with the application propose storage facilities for cycle parking that is not convenient for all occupants. The submission of this detail prior to occupation in the case of new building works is in the interests of providing a wide range of facilities for non-motor car residents and sustainability in an appropriate location within the site in accordance with Policy DC36 of the LDF Development Control Policies Development Plan Document.

8. *Boundary treatment* - The development hereby permitted shall not be commenced until details of proposed boundary treatment have been submitted to and approved in writing by the Local Planning Authority. The approved

boundary treatment shall be installed prior to occupation of the development and retained thereafter in accordance with the approved plans.

Reason: Insufficient information has been supplied with the application to judge the appropriateness of any boundary treatment. Submission of this detail prior to occupation in the case of new building works or prior to the use commencing in the case of changes of use will protect the visual amenities of the development, prevent undue overlooking of adjoining property and ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

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

Reason: Insufficient information has been supplied with the application to judge whether the proposals meet Secured by Design standards. Submission of a full and detailed application prior to commencement is in the interest of creating safer, sustainable communities and to reflect guidance in Policies CP17 and DC63 of the Core Strategy and Development Control Policies Development Plan Document and the NPPF.

10. *External lighting* - Prior to the first occupation of any dwelling unit external lighting shall be installed in accordance with a scheme of lighting that has been submitted to an approved in writing by the Local Planning Authority. The scheme shall include details of the extent of illumination together with precise details of the height, location and design of the lights. The external lighting shall be retained thereafter for the lifetime of the development.

Reason:-

Insufficient information has been supplied with the application to judge the impact arising from any external lighting required in connection with the building or use. Submission of this detail prior to occupation in the case of new building works will protect residential amenity and ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

11. *Hours of construction* - All building operations in connection with the construction of external walls, roof, and foundations; site excavation or other external site works, including any works of demolition; works involving the use of plant or machinery; the erection of scaffolding; the delivery of materials; the removal of materials and spoil from the site, and the playing of amplified music shall only take place between the hours of 8.00am and 6.00pm Monday to

Friday, and between 8.00am and 1.00pm on Saturdays and not at all on Sundays and Bank Holidays/Public Holidays.

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

12. *Vehicle Cleansing* - Before the development hereby permitted is first commenced, vehicle cleansing facilities to prevent mud being deposited onto the public highway during construction works shall be provided on site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be retained thereafter within the site and used at relevant entrances to the site throughout the duration of construction works. If mud or other debris originating from the site is deposited in the public highway, all on-site operations shall cease until it has been removed. The submission will provide;

- a) A plan showing where vehicles will be parked within the site to be inspected for mud and debris and cleaned if required. The plan should show where construction traffic will access and exit the site from the public highway.
- b) A description of how the parking area will be surfaced, drained and cleaned to prevent mud, debris and muddy water being tracked onto the public highway;
- c) A description of how vehicles will be checked before leaving the site – this applies to the vehicle wheels, the underside of vehicles, mud flaps and wheel arches.
- d) A description of how vehicles will be cleaned.
- e) A description of how dirty/ muddy water be dealt with after being washing off the vehicles.
- f) A description of any contingency plan to be used in the event of a breakdown of the wheel washing arrangements.

Reason: Insufficient information has been supplied with the application in relation to vehicle washing facilities. Submission of details prior to commencement will ensure that the facilities provided 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. It will also ensure that the development accords with the Development Control Policies Development Plan Document Policies DC32 and DC61.

13. *Construction methodology* - The development hereby permitted shall not be commenced until a scheme has been submitted to and approved in writing by the local planning authority making provision for a Construction Method Statement to control the adverse impact of the development on that phase on the amenity of the public and nearby occupiers. The Construction Method statement shall include details of:

- a) parking of vehicles of site personnel and visitors;
- b) storage of plant and materials;
- c) dust management controls

- d) measures for minimising the impact of noise and, if appropriate, vibration arising from construction activities;
- e) predicted noise and, if appropriate, vibration levels for construction using methodologies and at points agreed with the local planning authority;
- f) scheme for monitoring noise and if appropriate, vibration levels using methodologies and at points agreed with the local planning authority;
- g) siting and design of temporary buildings;
- h) scheme for security fencing/hoardings, depicting a readily visible 24-hour contact number for queries or emergencies;
- i) details of disposal of waste arising from the construction programme, including final disposal points. The burning of waste on the site at any time is specifically precluded.
- j) Details of the method of demolition of existing buildings and structures and the removal/recycling of materials.

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

Reason: Insufficient information has been supplied with the application in relation to the proposed construction methodology. Submission of details prior to commencement will ensure that the method of construction protects residential amenity. It will also ensure that the development accords the Development Control Policies Development Plan Document Policy DC61.

14. *Vehicle access* - All necessary agreement, notice or licence to enable the proposed alterations to the Public Highway shall be entered into prior to the commencement of development.

Reason: It is essential to ensure that all permissions are in place before commencing on site. This is to ensure the interests of the travelling public are maintained and to comply with policies of the Core Strategy and Development Control Policies, namely CP10, CP17 and DC61.

15. *Pedestrian Visibility Splay* - Prior to the first occupation of the development a 2.1 by 2.1 metre pedestrian visibility splay shall be provided 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. The visibility splay shall be retained through the lifetime of the development.

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

16. *Land contamination* - The development hereby permitted shall not be commenced until the developer has submitted for the written approval of the Local Planning Authority (the Phase I Report having already been submitted to the Local Planning Authority):

a) A Phase II (Site Investigation) Report if the Phase I Report confirms the possibility of a significant risk to any sensitive receptors. This is an intrusive site investigation including factors such as chemical testing, quantitative risk assessment and a description of the 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: Insufficient information has been supplied with the application to judge the risk arising from contamination. Submission of an assessment prior to commencement will ensure the safety of the occupants of the development hereby permitted and the public generally. It will also ensure that the development accords with Development Control Policies Development Plan Document Policies DC54 and DC61.

17. *Electric vehicle charging points* - None of the residential units hereby permitted shall be occupied until provision has been made for 20% of the parking spaces within the development to be served by electric vehicle charging points, with the potential for this to be expanded by a further 20%.

Reason: Insufficient information has been supplied with the application to demonstrate what level of provision is to be made for electric vehicle charging

points. Provision prior to occupation will ensure that the development adequately incorporates measures to allow the use of electric vehicles by future occupiers in accordance with policy 6.13 of the London Plan.

18. *Renewable energy* - The renewable energy system for the development shall be installed in accordance with details previously submitted to and agreed in writing by the Local Planning Authority and shall be made operational prior to the residential occupation of the development. Thereafter, it shall be permanently retained.

Reason: In the interests of energy efficiency and sustainability in accordance with Policy DC50 of the LDF Development Control Policies Development Plan Document.

19. *Wheelchair user dwellings* - At least two of the dwellings hereby approved shall be constructed to comply with Part M4(3)(2)(a) of the Building Regulations - Wheelchair User Dwellings. The remainder of the ground floor dwellings hereby approved shall be constructed to comply with Part M4(2) of the Building Regulations - Accessible and Adaptable Dwellings.

Reason: In order to comply with Policy DC7 of the Local Development Framework and Policy 3.8 of the London Plan

20. *Noise insulation* - The noise level in rooms of the development hereby permitted shall meet the noise standard specified in BS8233:2014 for internal rooms. Details shall be submitted to the Local Planning Authority prior to first occupation of the development to demonstrate that this has been achieved.

Reason: In order to comply with Policies CP15, DC55 and DC 61 of the Local Development Framework Development Control policies Development Plan Document.

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

Reason: In order to comply with Policy 5.15 of the London Plan

22. *Balcony screens* – The first floor flat in the south-east corner of the development annotated as 1.07 on drawing no. 150610-SR 20-201 Rev P3, shall not be occupied until screening panels to a minimum height of 1.7 metres have been erected along the south facing part of the balcony in accordance with details that have previously been submitted to and agreed in writing by the Local Planning Authority. The panel shall be erected in accordance with the approved details and retained in position for the lifetime of the development.

Reason: Insufficient information has been supplied with the application to demonstrate how the potential for overlooking of rear garden areas of adjoining properties would be adequately mitigated. The agreement and implementation of appropriate level of screening prior to occupation is considered necessary

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

Informatives

1. *DMO Statement* - Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015. In accordance with paragraph 186-187 of the National Planning Policy Framework 2012, improvements required to make the proposal acceptable were negotiated by e-mail and telephone between 11th June 2016 and 9th August 2016 with Ed Heynes of Jillings Heynes Planning Ltd and Dan Bukin of F3 Architects. The revisions involved design and layout changes, including changes to the height of sections of the building. The amendments were subsequently submitted on 10th August 2016.

2. *Mayoral CIL* - The proposal is liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be £29,220 (subject to indexation). CIL is payable within 60 days of commencement of development. A Liability Notice will be sent to the applicant (or anyone else who has assumed liability) shortly and you are required to notify the Council of the commencement of the development before works begin. Further details with regard to CIL are available from the Council's website.

3. *Planning obligation* - The planning obligation required has been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the obligations are considered to have satisfied the following criteria:-

- (a) Necessary to make the development acceptable in planning terms;
- (b) Directly related to the development; and
- (c) Fairly and reasonably related in scale and kind to the development.

4. *Temporary use of the highway* - If any construction materials are proposed to be kept on the highway during construction works then they will need to apply for a license from the Council. If the developer requires scaffolding, hoarding or mobile cranes to be used on the highway, a licence is required and Streetcare should be contacted on 01708 434343 to make the necessary arrangements.

5. *Access* - Planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted, considered and agreed. If new or amended access is required (whether temporary or permanent), there may be a requirement for the diversion or protection of third party utility plant and it is recommended that early involvement with the relevant statutory undertaker takes place. The applicant must contact Engineering Services on 01708 433751 to discuss the scheme and commence the relevant highway approvals process. Please note that unauthorised work on the highway is an offence.

6. *Highway works* - The grant of planning permission does not discharge the requirements of the New Roads and Street Works Act 1981 and the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works of any nature) required during the construction of the development.

7. *Secured by Design* - In promoting the delivery of safer, stronger, sustainable places the Local Planning Authority fully supports the adoption of the principles and practices of the Secured by Design Award Scheme and Designing against Crime. Your attention is drawn to the free professional service provided by the Metropolitan Police Designing Out Crime Officers for North East London, whose can be contacted via DOCOMailbox.NE@met.police.uk or 0208 217 3813. They are able to provide qualified advice on incorporating crime prevention measures into new developments.

8. *Construction* - The Council encourages the developer to apply the principles of the "Considerate Constructors Scheme" to the contract for the development.

9. *Sustainable development* - The Council wishes to encourage developers to employ sustainable methods of construction and design features in new development. The applicant's attention is drawn to the Council's 'Sustainable Construction Strategy' a copy of which is attached. For further advice contact the Council's Energy Management Officer on 01708 432884.

10. *Street naming and numbering* - Before occupation of the residential/commercial unit(s) hereby approved, it is a requirement to have the property/properties officially Street Named and Numbered by our Street Naming and Numbering Team. Official Street Naming and Numbering will ensure that that Council has record of the property/properties so that future occupants can access our services. Registration will also ensure that emergency services, Land Registry and the Royal Mail have accurate address details. Proof of having officially gone through the Street Naming and Numbering process may also be required for the connection of utilities. For further details on how to apply for registration see:

<https://www.havering.gov.uk/Pages/Services/Street-names-and-numbering.aspx>

REPORT DETAIL

1. **Site Description**

1.1 The site which amounts to about 0.165 hectares lies on the east side of Straight Road at its junction with Farringdon Avenue in Harold Hill. The site was previously occupied by a car wash facility, car sales and a taxi business, but all buildings and structures have now been removed.

- 1.2 To the east of the site is a terrace of two storey dwellings in Appledore Close with an area of green space between the rear boundary and Farringdon Avenue. To the south and west of the site there are also two-storey dwellings. The property immediately to the south is separated from the site by a public footway that leads from Straight Road to Appledore Close.
- 1.3 The scale of residential development in the locality is mainly two-storey, but there are some three-storey developments in the vicinity, including the Masefield Crescent local centre where there is two floors of flats above the retail units, the flats to the north between Mimosa Close and Straight Road and those close to Gallows Corner. Further to the east is the Harold Hill Industrial Area.

2. Description of proposal

- 2.1 The development proposed entails the redevelopment of the site to accommodate 19 flats in a single two and three-storey building. The accommodation would comprise 15 two-bed and 4 one-bed units.
- 2.2 The building would be located on the western side of the site with the main frontage along Straight Road, but turning to front onto Farringdon Avenue for a small section along the northern boundary. There would be a single access from Farringdon Avenue to a car parking area to the rear of the building. There would be provision for 19 car parking spaces, including two disabled spaces. Refuse storage facilities would be provided close to the site entrance and cycle storage on the southern boundary. Entrance to the flats would be provided from the rear of the building.
- 2.3 The proposed building would be predominantly three-storey with two-storey elements at the northern and southern ends. The frontage along Straight Road would be staggered and comprise a number of sections differentiated by the use of a variety of materials. These include different facing bricks, stone cladding, timber cladding and render. There would also be metalwork in the form of balconies and balustrades.
- 2.4 The building would be flat roofed, with a height that would be 4 metres lower compared with the previously approved building, but with greater site coverage of about 50 square metres, mainly on the northern part of the site. With the exclusion of any retail element from the proposals there would be a reduction in site parking and the building would not extend as far into the site. The sole access would be from Farringdon Avenue, in the same location as previously approved.
- 2.5 Amenity space would be mainly in the form of balconies and terraces without any communal external space. The ground floor flats would have external amenity space, mainly along the site frontage. The flats would meet the minimum space standards set out in the 'Housing Standards Minor alterations to the London Plan Policy 3.5 and Table 3.3 which correspond to the Nationally Described Space Standards.

2.6 Solar voltaic panels are proposed on some of the roof surfaces to meet the requirements of the London plan for renewable energy.

3. **Relevant History**

3.1 P0355.15 - Demolition of existing buildings and structures and redevelopment of site for three-storey building comprising ground floor retail unit and 9 no. 1,2 and 3-bed apartments over two storeys above, together with ancillary car parking, cycle storage and commercial and landscaped areas P1087.14 - Variation of condition 2 (approved plans) and condition 22 (opening hours) - approved.

3.2 P1087.14 - Demolition of existing buildings and structures and redevelopment of site for three-storey building comprising ground floor retail unit and 9 no. 1, 2 and 3-bed apartments over two storeys above, together with ancillary car parking, cycle storage and commercial and landscaped areas - approved

4. **Consultations/Representations**

4.1 The application has been publicised through site notice and newspaper advert and neighbours notified. There have been seven representations in response, six against and a petition of 84 signatures in favour.

Objections are raised as follows:

- Height and intrusive nature of the development;
- Over development and out of keeping with area;
- Loss of light to adjoining properties;
- Overlooking;
- Inadequate parking;
- Four storeys too high;
- Out of character with the area;
- Too high at four stories;
- Concerns that not in keeping with Harold Hill regeneration objectives;
- Development should be kept within existing "brownfield site" boundary

Letter and petition raises the following matters in support:

- Area in need of new homes, especially one and two-bed properties for younger people.

The issues raised in the representation are addressed within the report.

Consultation Responses

4.2 Public Protection - no objection subject to conditions relating to contaminated land and noise insulation.

- 4.3 Streetcare (Refuse) - no objections
- 4.4 Thames water - requests fitting of petrol/oil interceptors, piling method statement; no objections in terms of sewerage infrastructure
- 4.5 Environment Agency - no comments
- 4.6 Streetcare (Highways) - The site has a PTAL of 2 so 1-1.5 parking spaces per unit required and 19 spaces would be acceptable. Cycle parking is not conveniently placed and should be relocated, servicing arrangements acceptable. Conditions requested to cover pedestrian visibility splays, vehicle access and vehicle cleansing during construction.
- 4.7 London Fire Brigade (Water) no additional hydrants required
- 4.8 Metropolitan Police Designing Out Crime officer - raises concerns but these have been addressed in revised plans or can be addressed through conditions
- 4.9 London Fire and Emergency Planning Authority - fire access to be in accordance with Building Regulations

5. **Relevant Policies**

5.1 Local Development Framework (LDF)

- Core Strategy and Development Control Policies Development Plan Document (DPD) Policies: CP1 (Housing Supply); CP9 (Reducing the need to travel); CP10 (Sustainable Transport); CP15 (Environmental management); CP17 (Design); DC2 (Housing Mix and Density); DC3 (Housing Design and Layout); DC6 (affordable housing); DC21 (Major developments and open space, recreation and leisure facilities) DC29 (Education Premises); DC32 (The road network); DC33 (Car Parking); DC34 (Walking); DC35 (Cycling); DC40 (Waste Recycling); DC49 (Sustainable Design and Construction); DC53 (Contaminated Land); DC61 (Urban Design); DC62 (Access); DC63 (Delivering Safer Places); DC72 (Planning obligations)
- Evidence base to the Planning Obligations SPD
- Residential Design SPD
- Designing Safer Places SPD
- Sustainable Design and Construction SPD

5.2 London Plan

Policies: 3.3 (increasing housing supply), 3.4 (optimising housing potential); 3.5 (quality and design of housing developments), 3.6 (Children and young people's play and informal recreation); 3.8 (Housing Choice); 3.9 (Mixed and

balanced communities); 3.11 (Affordable housing targets); 3.12 (Negotiating affordable housing on individual private residential and mixed use schemes); 3.13 (Affordable housing thresholds); 5.2 (Minimising Carbon dioxide emissions); 5.3 (Sustainable design and construction); 6.13 (Parking); 5.13 (Sustainable drainage); 5.21 (Contaminated land); 6.9 (Cycling); 6.10 (Walking); 6.13 (Parking) 7.3 (Designing out crime); 8.2 (planning obligations)

- Parking Standards Minor Alterations to the London Plan
- Housing Standards Minor alterations to the London Plan
- Housing SPG
- Shaping Neighbourhoods: Play and Informal space SPD

5.3 National Policy Documents

- Nationally described space standards
- National Planning Policy Framework
- National Planning Practice Guidance

6. **Staff Comments**

Principle of the development

- 6.1 The site lies within the urban area of the borough where Policy CP1 of the LDF Core Strategy and Development Control Policies DPD seeks to provide new homes by prioritising the development of non-designated sites outside town centres and the Green Belt, in particular brownfield land for housing. It also seeks to ensure that such land is used efficiently. LDF Policy DC11 requires that where non-designated commercial sites become available for development their redevelopment should be for housing. Planning permission for the redevelopment of this site for a mixed use scheme, involving retail use on the ground floor and residential above was granted in 2015.
- 6.2 One of the core principles of the NPPF is that brownfield sites should be reused effectively and that housing applications should be considered in the context of the presumption in favour of sustainable development. Residential redevelopment of the site would make a positive contribution to meeting the Borough's housing targets. In light of these factors the proposed development is considered acceptable in principle.
- 6.3 The site is considered to be in a sustainable location in terms of access to services, including public transport. However, an important element of sustainable development is securing good design that contributes positively to the area. In accordance with the guidance in the NPPF planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area. This

is reinforced by the core principles of the NPPF which include seeking a high quality of design and a good standard of amenity for existing and future occupants.

- 6.4 The issues for consideration in this case are the design and appearance of the building, the standard of accommodation, the impact on nearby residential properties and parking and highway matters.

Scale, Density and Site Layout

- 6.5 The proposed density of development is 115 units per hectare. The site has a PTAL of 2 and the area is considered to be suburban in character. The density matrix in LDF Policy DC2 indicates a density of 30-50 units per hectare; however, as the development comprises flats a range of 50-80 units is indicated. Policy 3.4 Table 3.2 of the London Plan indicate that for the number of habitable rooms per unit proposed a density range of 50-95 would be appropriate. Parking is indicated at 1-1.5 spaces per unit for flatted development in Policy DC2.
- 6.6 The proposed development is above the indicated range, however, density is only one measure of acceptability and there are other relevant considerations, including the design and layout, impact on the character and appearance of the area and whether there is an acceptable relationship with adjoining properties. The layout and scale of new developments should also make efficient use of brownfield land. To achieve this there should be a design led approach to determining densities so that residential developments achieve densities appropriate to their accessibility to public transport, and the local context with regard to the principles of good design. This accords with the principles set out in the NPPF.
- 6.7 The approved mix-use scheme for the site had a nominal residential density of 75 units per hectare. The building footprint was smaller in area given the need to provide adequate parking for both the retail and residential parts of the site. In this case it will be a matter of judgement for members as to whether a higher density is acceptable. Staff consider that the development would make efficient use of the brownfield site, whilst retaining a degree of spaciousness in accordance with NPPF principles. It would have an acceptable relationship with its surroundings and provide parking in accordance with development plan policies. It would also provide an acceptable level of accommodation for future residents.

Design/Impact on the streetscene

- 6.8 The application site lies within a residential area where the majority of the buildings are of a domestic scale, the majority being two-storey, but with some three-storey development along Straight Road, especially in Shenstone Gardens and Marlowe Gardens close to Gallows Corner. The proposed building would be higher than those adjoining the site, but it would be set back from these boundaries. Towards the southern boundary the new building would be two-storey to help make the transition from the two-storey scale of no.70 Straight Road. This transition would also be less marked due to a 7.5 metre

gap between the properties. The three-storey part of the building would be set back from the road frontage to respect the existing building line along Straight Road. Therefore, whilst the development would appear larger in scale in the streetscene it would read as a separate building that is set away from the neighbouring properties and is not considered out of place on this prominent corner site. The nearest building to the east at 12 Appledore Close is also two-storey and would be over 15 metres away from the new building.

- 6.9 The building would be have a contemporary design but finished in traditional facing brick. It would address the street with first and second floor balconies overlooking Straight Road and Farringdon Avenue. At ground floor whilst there would not be direct access from the street there would be doors in the street elevation to access amenity areas. There would also be a low fence and shrub landscaping along the highway boundary.
- 6.10 The building would be lower than that previously approved but cover a greater footprint, extending to the Farringdon Road frontage. Changes made to the design of the building during the application process have reduced the scale of the development so that it sits more comfortably within the streetscene. Originally parts of the building were proposed to be four storey and elements of the building at the road junction and at the southern end have been reduced to two-storey so as to reduce the visual prominence of the building block and the appearance of bulk. The proposed building, whilst larger in footprint, would not have a significantly greater impact compared with that permitted, given that it would be much lower in height.
- 6.11 The National Planning Practice Guidance states that good quality design is an integral part of sustainable development. The guidance in the NPPF is that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. LDF Policy DC61 requires that new buildings complement or improve the character of the area and respect the scale, massing and height of the surrounding physical context. Staff consider as a matter of judgement that the design and appearance of the development would make a positive impact on the character and appearance of the area. The development would represent significant improvement over the previous commercial use of the site.
- 6.12 The overall design and impact of the development on the area will be a matter for members to judge in relation to the guidance in the NPPF and the LDF Development Control Policies. Should members judge that the proposal would be harmful to the streetscene and character of the area this would amount to a material objection to the application.

Impact on amenity

- 6.13 The main impacts from the development would arise from the scale of the proposed building and the intensity of the use. Concerns have been raised about overlooking and overshadowing, and the visual impact of the scale of the development.

- 6.14 There is the potential for overlooking of adjoining gardens from windows of the first and second floor flats and from balconies. However, subject to screens on terraces and balcony areas there would be no overlooking of the garden of the nearest properties in Straight Road. The gardens of the properties in Appledore Close would be overlooked to some degree from windows of habitable rooms, mainly bedrooms, in the northern part of the development. The nearest part of the adjoining garden in Appledore Close would be about 16 metres away from the relevant windows. In these circumstances it is judged that there would be no serious overlooking issues.
- 6.15 Concerns have also been expressed by some local residents about potential overshadowing and loss of sunlight given the height of the proposed building. In response the applicant has submitted an assessment that demonstrates that there would be no significant overshadowing of or loss of light to garden areas at times when these are most likely to be in use. The height of the building has also been reduced. Overall Staff consider that there would be no material adverse impact on adjoining residents.

Amenity space

- 6.16 Amenity space for the proposed flats is proposed in the form of balconies, terraces and garden areas for the ground floor units. There is no communal amenity space proposed at ground floor level. The guidance in the Residential Design SPD is that the space should be both private and usable. The balconies and terraces are above the minimum size of 5m² recommended in the SPD and can be considered private subject to screening panels and would also be usable. The ground floor space would also be usable, although privacy would be limited as there would be some overlooking from first and second floor balconies and from the street. However, frontage space is generally considered to offer an acceptable form of amenity space which new occupiers would be aware of in advance. The amount of amenity space would, therefore, be acceptable for the scale and type of development proposed.

Parking and Highway Issues

- 6.17 The proposed access to the new parking area to the rear of the development would be from Farringdon Avenue, close to the existing access point. There is an existing cross-over and there are no highway objections. It is proposed to provide 19 parking spaces, including 2 disabled which amount to one space per unit. This level of parking would be in accordance with the relevant LDF and London Plan policies. The servicing arrangements are also considered to be acceptable. Any works to the highway would require agreement with Streetcare (Highway Authority).

Contamination and ground conditions

- 6.18 An assessment of ground conditions has been submitted with the planning application. This identifies a potential risk of contamination linkages being realised during the development of the site. The report recommends further

intrusive investigations to quantify the risks. An appropriate condition is recommended to address this.

Designing out crime

- 6.19 LDF Policy DC63 seeks to ensure that new developments are designed to discourage crime and adopt the principles and practices of the 'Secured by Design' award scheme. Following revision to the layout no objections are raised by the Designing out Crime Officer, subject to conditions to address secured by design issues, fencing and the lighting of car parking and other external areas.

Infrastructure impact of the development

- 6.20 Regulation 122 of the Community Infrastructure Levy Regulations 2010 (CIL Regulations) states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:

- (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.

- 6.21 Policy DC72 of the Council's LDF states that in order to comply with the principles as set out in several of the policies in the Plan, contributions may be sought and secured through a Planning Obligation. Policy 8.2 of the Further Alterations to the London Plan states that development proposals should address strategic as well as local priorities in planning obligations.

- 6.22 In 2013, the Council adopted its Planning Obligations Supplementary Planning Document which sought to apply a tariff style contribution to all development that resulted in additional residential dwellings, with the contributions being pooled for use on identified infrastructure.

- 6.23 There has been a recent change to the effect of the CIL Regulations in that from 6th April 2015, Regulation 123 of the CIL Regulations states that no more than 5 obligations can be used to fund particular infrastructure projects or infrastructure types. As such, the SPD, in terms of pooling contributions, is now out of date, although the underlying evidence base is still relevant and up to date for the purposes of calculating the revised S106 contributions.

- 6.24 The evidence background to the SPD, contained in the technical appendices is still considered relevant. The evidence clearly show the impact of new residential development upon infrastructure – at 2013, this was that each additional dwelling in the Borough has a need for at least £20,444 of infrastructure. Therefore, it is considered that the impact on infrastructure as a result of the proposed development would be significant and without suitable mitigation would be contrary to Policy DC72 of the LDF and Policy 8.2 of the London Plan.

- 6.25 Furthermore, evidence clearly shows a shortage of school places in most parts of the Borough – (London Borough of Havering Draft Commissioning Plan for

Education Provision 2015/16-2019/20). The Commissioning report shows need for secondary places and post-16 places which due to their nature would serve all parts of the Borough. The Commissioning report identifies that there is no spare capacity to accommodate demand for primary and early year's school places generated by new development. The cost of mitigating new development in respect to all education provision is £8,672 (2013 figure from Technical Appendix to SPD). On that basis, it is necessary to continue to require contributions to mitigate the impact of additional dwellings in the Borough, unless the development is within an area of the Borough where there is a surplus of school places.

- 6.26 Previously, in accordance with the SPD, a contribution of £6000 per dwelling was sought and it is considered that in view of the supporting evidence it would, therefore be necessary to require a contribution to be used for educational purposes. Separate monitoring of contributions would take place to ensure that no more than 5 contributions are pooled for individual projects. It is considered that a contribution equating to £6,000 per dwelling would be appropriate.
- 6.27 The proposed new dwellings would result in additional demands on education provision such that a financial contribution is needed in accordance with policies DC29 and DC72. There would be 19 units and a charge of £114,000 is considered necessary to make the development acceptable in accordance with these policies and which would need to be secured through a S106 Planning Obligation.

Affordable Housing

- 6.28 LDF policy DC6 and London Plan Policy 8.2 require that new housing development should provide affordable units. Policy 8.2 sets out the Mayor's priorities for planning obligations, placing the highest strategic priority on contributions to affordable housing and transport infrastructure. In determining the level of contribution account must be taken of the Mayoral CIL charge. It should also be recognised that other benefits sought through S106, such as education contributions and infrastructure improvements may limit affordable housing provision.
- 6.29 Policy DC6 requires that for schemes of 10 units and above the target is to achieve 50% of the new units as affordable, subject to viability considerations. No offer of affordable units has been made and a viability appraisal has been submitted with the planning application that seeks to demonstrate that the development could not support any affordable housing and remain viable. The appraisal has been independently reviewed and the advice to the Council is that there would be a surplus sufficient to enable an off-site contribution to be made. However, following a further submission setting out revised costings it has been established that the development would not remain viable if a contribution towards affordable where to be made. The revised costings have been independently assessed and Staff consider that the conclusion are soundly based. The Council's consultants have recommended that there should be a review mechanism covered in the S106 Obligation should the development not be commenced within two years from the date of a planning

permission to assess whether there has been an improvement in market conditions such as to make a payment viable.

- 6.30 The guidance in the NPPG is that where an applicant is able to demonstrate to the satisfaction of the local planning authority that the planning obligation would cause the development to be unviable, the local planning authority should be flexible in seeking planning obligations.
- 6.31 This is particularly relevant for affordable housing contributions which are often the largest single item sought on housing developments. These contributions should not be sought without regard to individual scheme viability. In accordance with the guidance Staff consider that it has been satisfactorily demonstrated that the scheme cannot support any affordable housing contribution and remain viable.
Other matters
- 6.32 The Mayor's supplementary planning guidance - Shaping Neighbourhoods: Play and informal recreation, seeks to secure good quality playspace in new developments in accordance with London Plan Policy 3.6. The level of provision should be based upon the expected number of children generated by the scheme. For this site the toolkit indicates that for the proposed unit mix between 1-2 children would be expected, with one being under 5. This gives a requirement for 16m² of playspace or 8m² if there is a locally lower threshold. No playspace is proposed as part of this development.
- 6.33 The SPG indicates that where there is playspace within 100m an off-site contribution may be acceptable. In this case there is open space within 100m and there is limited space within the development. In view of the very small child yield and the existence of space nearby a contribution would normally be acceptable. However, whilst a charge could be made in accordance with LDF Policy DC72 there is no adopted charging mechanism. On this basis, no contribution is sought.

7. Mayor's Community Infrastructure Levy (CIL)

- 7.1 All new floorspace is liable for Mayoral CIL. As the site has now been cleared of all buildings there is no existing floorspace than can be offset against the CIL liability. The new build would amount to 1461 square metres and the CIL rate is £20 per square metre giving a CIL liability of £29,220, subject to indexation.

8. Conclusions

- 8.1 The main issues arising are whether the redevelopment of the site for housing would be acceptable in principle and whether the scale of the development would have an acceptable impact on the character and appearance of the area and on the amenities of neighbours.
- 8.2 Development plan policies and the guidance in the NPPF seek to secure the appropriate redevelopment of brownfield sites within the urban area, in particular to meet an identified housing need. The NPPF also seeks to secure

the sustainable redevelopment of such sites. The proposed redevelopment of the site would be acceptable in principle in accordance with these policies.

- 8.3 The proposed scale of the development is also considered acceptable in terms of the impact on the character and appearance of the area. As a matter of judgement Staff consider that the proposed new building would make a positive contribution to the local streetscene and represent a significant improvement over the former commercial usage of the site and would also help to meet housing need in the Borough. The development is also considered sustainable in terms of its design and proposals for sustainable energy. The site is also close to local services and bus routes to Romford Town Centre.
- 8.4 There are matters of judgement for members as set out in the report in particular in relation to the scale and design of the development and the impact this would have on the area. In reaching a conclusion on these matters regard need to be had to the previous permission for the redevelopment of the site. On balance Staff consider that the proposed development would be in accordance with the relevant development plan policies and the guidance in the NPPF and the grant of planning permission is recommended accordingly.

IMPLICATIONS AND RISKS

Financial implications and risks:

None

Legal implications and risks:

Legal resources will be required to prepare and complete the S 106 legal agreement. The S106 contribution is lawfully required to mitigate the harm of the development, and comply with the Council's planning policies. Officers are satisfied that the contribution required is compliant with the statutory tests set out in the CIL Regulations relations to planning obligations

Human Resources implications and risks:

None

Equalities implications and risks:

The Council's planning policies are implemented with regard to equality and diversity.

BACKGROUND PAPERS

1. Application form and supporting documents received 4th April 2016 and revised plans received 10th August 2016.

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REGULATORY SERVICES COMMITTEE

15 SEPTEMBER 2016

REPORT

Subject Heading:

Planning obligations and agreements

Report Author and contact details:

Simon Thelwell
Projects and Regulations Manager
01708 432685

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

- Havering will be clean and its environment will be cared for [X]
- People will be safe, in their homes and in the community [X]
- Residents will be proud to live in Havering [X]

SUMMARY

Details of S106 agreements can be found as a download from our web page at www.havering.gov.uk/planning. This report updates the position on legal agreements and planning obligations agreed by this Committee during the period 2000-2016

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 2016.

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.

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**REGULATORY
SERVICES
COMMITTEE**
15 SEPTEMBER 2016

REPORT

Subject Heading:

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

Report Author and contact details:

Simon Thelwell
Projects and Regulations Manager
01708 432685

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

Havering will be clean and its environment will be cared for [X]

People will be safe, in their homes and in the community [X]

Residents will be proud to live in Havering [X]

SUMMARY

This report accompanies a schedule of appeals received and started by the Planning Inspectorate and a schedule of appeal decisions between 28 May 2016 and 19 August 2016

RECOMMENDATIONS

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

REPORT DETAIL

1. Since the appeals reported to Members in June 16, 36 new appeals have been received. 22 appeals have been started. Decisions on 31 appeals have been received during the same period 20 have been dismissed, 7 allowed, 1 withdrawn, 1 part allowed and part dismissed and 2 notices quashed

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

LIST OF APPEAL DECISIONS MADE BETWEEN 28-MAY-16 AND 19-AUG-16

APPEAL DECISIONS - PLANNING					
Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p>P1446.14 37 Homeway Romford <i>Single storey rear extension (retrospective) and front bay window</i></p>	Written Reps	Refuse	Delegated	The development, by reason of its depth, bulk and mass, appears 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 DPD. The development, by reason of its position and proximity to No.39 Homeway, appears as a dominating and unneighbourly development which results in overlooking and loss of privacy which would have a serious and adverse effect on the living conditions of the occupiers of this neighbouring property, contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.	<p>Dismissed</p> <p>The development proposed is a single storey rear extension that has been substantially constructed. The extension is taller, and extends further back, than the rear projections of either of the neighbouring properties and takes up the full width of the appeal property dominating the rear of the property. Furthermore the height, length and proximity to the boundary, the extension results in it having an oppressive and dominating effect on the rear garden area and the outlook from the rear of the neighbouring property.</p>
<p>P1754.14 The Pompadours Edenhall Road Romford <i>Demolition of the existing pub "The Pompadours", and the construction of 25no. new residential units</i></p>	Written Reps	Approved with Agreement	Committee	The proposed development would, by reason of the three-storey height and bulk of the built form on the corner of Hilldene Avenue and Edenhall Road and its overall cramped and excessively dense layout, have an unacceptably harmful impact on the streetscene and on the character and appearance of the area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD and the guidance in the National Planning Policy Framework. The proposed development is excessively dense and results in an unacceptably cramped layout of the site, leading to a tight relationship between the new dwellings, creating potential for interlooking between them as well as a	<p>Dismissed</p> <p>The Inspector found that the flats would have a poor outlook, limited communal garden area and the areas provided at ground floor would not be sufficiently private. These factors combined lead to the conclusion that the building would not provide suitable living conditions for future occupiers. The Inspector found that the proposal would not harm the character and appearance of the area.</p> <p>The Council considered that financial contributions are required for the provision of affordable housing, education and carbon dioxide offsetting. The Inspector found that the requirement for an Education contribution would not comply with the CIL regulations as</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 28-MAY-16 AND 19-AUG-16

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				<p>rear garden environment that is of insufficient form and quality to meet the needs of occupiers, thereby detrimental to the amenity of the future residents of the proposed development, contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD, the London Plan Housing SPG and the Residential Design SPD.</p> <p>In the absence of a legal agreement to secure contributions towards the demand for school places arising from the development, affordable housing and carbon dioxide off-setting, the proposal fails to satisfactorily mitigate the impact of the development, contrary to the provisions of Policies DC6, DC49, DC50 and DC72 of the Development Control Policies DPD and Policies 3.12, 5.2 and 8.2 of the London Plan.</p>	<p>the Inspector was not satisfied that it would be directly related to the development or fairly and reasonably related in scale and kind. The contributions towards affordable housing and parking management were CIL compliant</p>
<p>133.15 67 Butts Green Road Hornchurch <i>Proposed demolition of existing dormant (derelict building) and replacement with 5 two bed new build flats with associated parking, boundary treatment and amenity area.</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed building would, by reason of its design, height, excessive depth, scale, bulk, mass and prominent siting, appear incongruous, dominant and visually intrusive in the streetscene 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>The layout, proportions and size of the communal and private amenity space for the flats would result in an unacceptably cramped layout and poor quality of amenity space provision which is materially harmful to the amenity of future occupiers contrary to Policy DC61</p>	<p>Dismissed</p> <p>The Inspector found that the proposed development would cause unacceptable harm in regard to each of the main issues except on highway safety however this did not outweigh the overall harm identified.</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 28-MAY-16 AND 19-AUG-16

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 99</p>				<p>of the LDF Development Control Policies DPD and the Residential Design SPD. The proposed layout of the development and relationship with footpaths and amenity areas would result in substandard accommodation for future residents through lack of privacy. As a result, the development represents an over-development of the site contrary to Policies DC2, DC3, DC4 and DC61 of the LDF Core Strategy and Development Control Policies DPD and London Plan Policy 3.5.</p> <p>The boundary treatment would, by reason of its position and close proximity to the northern boundary of the site, fail to provide the required pedestrian visibility splays of 2.1m by 2.1m on either side of the access, which would be to the detriment of pedestrian and highway safety and Policy DC32 of the LDF Core Strategy and Development Control Policies Plan Document.</p> <p>In the absence of a legal agreement to secure contributions towards the demand for school places arising from the development, the proposal fails to satisfactorily mitigate the infrastructure impact of the development, contrary to the provisions of Policy DC72 of the Development Control Policies DPD and Policy 8.2 of the London Plan.</p>	
	<p>P0900.15 144 Corbets Tey Road Upminster <i>Alterations including part</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed 1.8m high boundary wall on the eastern boundary, by reason of its height appear as an unacceptably dominant and visually intrusive feature in the streetscene harmful to the</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 28-MAY-16 AND 19-AUG-16

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p><i>demolition and conversion of existing detached bungalow into 2 semi-detached bungalows and construction of new 1x3 bed detached dwelling.</i></p>				<p>appearance of the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD. The layout of the development would, by reason of the siting of the dwellings, proportions and proximity to the boundaries of the plot, combined with the angled boundary, give rise to a cramped appearance and overdevelopment of the site contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD and the Residential Extensions and Alterations SPD. In the absence of a legal agreement to secure contributions towards the demand for school places arising from the development, the proposal fails to satisfactorily mitigate the infrastructure impact of the development, contrary to the provisions of Policies DC29 and DC72 of the Development Control Policies DPD and Policy 8.2 of the London Plan.</p>	<p>Although the development would utilise an existing building and was in a sustainable location, these benefits did not outweigh the harm identified.</p>
<p>P0881.15 2 Netherpark Drive Romford <i>Demolition of existing bungalow and replace with 2No 4 bedroom detached chalet style bungalows with associated parking and amenity.</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed development would, by reason of its design, layout and orientation, result in development which does not appropriately respond to the building forms and patterns of development in the surrounding area and would thereby have an inappropriate and unacceptable appearance in the streetscene which would neither maintain or enhance the special character of the Gidea Park Special Character Area contrary to Policy DC61</p>	<p>Dismissed The Inspector agreed with the conclusions of the Council in regard to the effect of the proposal on the character and appearance of the surrounding area, with particular regard to the Gidea Park Special Character Area.</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 28-MAY-16 AND 19-AUG-16

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				and DC69 of the LDF Core Strategy and Development Control Policies DPD.	
<p>P0585.15 Bramble Fishing Lake Bramble Lane Upminster <i>Variation of Conditions 3, 11 and 12 of P0507.14 - 3 - to permit Hours of Use to 21.00 - 08.00 hours</i> 11 - to permit parking for 3 cars 12 - number of persons fishing to decrease to 6</p>	Written Reps	Approve With Conditions	Delegated	<p>Use of the lake by anglers shall only take place between the hours of 08:00 and 21:00 on any day.</p> <p>Reason:-</p> <p>To enable the Local Planning Authority to retain control in the interests of amenity, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61. The car parking spaces hereby permitted shall be limited to 3 vehicles, be provided prior to the first use of the upgraded lake and thereafter shall be kept permanently available for the parking of vehicles.</p> <p>Reason:-</p> <p>In the interest of amenity and highway safety. The number of persons using the fishing lake shall be limited to 6 at any one time.</p> <p>Reason:-</p> <p>To enable to the Local Planning Authority to retain control over the future</p>	<p>The appeal was allowed in part. The Inspector concluded that Condition 3 should remain and that it is both necessary and reasonable in order to safeguard the amenities of the occupiers of Bramble Farm. However the Inspector found in favour of the appellants in relation to Conditions 11 & 12. Those conditions were amended to accord with the thrust of the original planning permission (ref: P0507.14) granted in 2014</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 28-MAY-16 AND 19-AUG-16

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				use of the lake, in the interests of amenity.	
<p>P0791.15 Raphael School Park Lane Hornchurch <i>Demolition of existing buildings and erection of 4 two storey 4-bedroom houses with integrated garages; 2 two storey buildings to provide 6 1-bedroom flats and 4 2-bedroom flats with ancillary parking and bike and bin store.</i></p>	Written Reps	Refuse	Delegated	<p>The proposal would decrease the quantity of primary and secondary school places within the Borough to the detriment of the education of residents and contrary to Policy DC29 (Educational Premises) and Policy DC27 (Provision of Community Facilities) of the Core Strategy and Development Control Policies Development Plan Document.</p> <p>The proposed development with its prominent front facing gables, dormer windows and partially hipped roof ends would be seen as a piecemeal collection of buildings with no relationship to the existing built form and would be detrimental to the harmony of the streetscene and contrary to Policy DC61 (Urban Design) of the Core Strategy and Development Control Policies Development Plan Document.</p> <p>The proposed development would cause a substantial and unacceptable loss of daylight and sunlight to habitable rooms in extensions to the rear of 1 Malvern Road and 2 Clifton Road to the detriment of the amenity of occupiers of those properties and contrary to Policy 61 (Urban Design) of the Core Strategy and Development Control Policies Development Plan Document.</p> <p>No private amenity space is provided for the first floor flats which would be</p>	<p style="text-align: center;">Dismissed</p> <p>The Inspector agreed with the findings of the Council concerning the loss of the school and the proposal was therefore in conflict with policies of the LDF which seek to protect community facilities. The proposal would not harm the living conditions of existing occupiers and would provide dwellings some of which would be affordable. However, the scheme would harm the character and appearance of the area, would not provide acceptable living conditions for future occupiers and was in conflict with policies of the LDF which seek to protect community facilities.</p> <p>On the issue of a legal agreement, the Inspector stated that a planning obligation may only constitute a reason for granting planning permission for a development if the obligation is: (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. The Inspector found that the requirement for an Education contribution would not comply with the CIL regulations as the Council had not clearly identified whether the requirement for places directly related to the development. The contributions towards affordable housing and parking management were CIL compliant</p>

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LIST OF APPEAL DECISIONS MADE BETWEEN 28-MAY-16 AND 19-AUG-16

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 103</p>				<p>detrimental to the amenity of future residents and contrary to Policy 3.5 (Quality and Design of Housing Developments) of the London Plan (Further Alterations 2015) and Policies DC3 (Housing Design and Layout) and DC61 (Urban Design) of the Havering Core Strategy and Development Control Policies Development Plan Document. The location of the proposed bin store is poor and contrary to policies DC3 (Housing Design and Layout) and DC34 (Walking) of the Core Strategy and Development Control Policies Development Plan Document In the absence of a legal agreement to secure affordable housing and contributions towards the demand for school places arising from the development and alterations to local parking management, the proposal fails to satisfactorily mitigate the infrastructure impact of the development, contrary to the provisions of Policy DC72 of the Development Control Policies DPD and Policy 8.2 of the London Plan.</p>	
	<p>P1211.14 Land junction of 45 Park Lane and 2 Malvern Road Hornchurch <i>New build of 1no. pair of semi-detached 3-bedroom houses with double garages and boundary wall.</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The development would result in the loss of land that is used in association with an educational facility, for which no acceptable justification or replacement provision has been made, contrary to Policies DC27 and DC29 of the Local Development Framework (Core Strategy - Development Control, Development Plan Document).</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 28-MAY-16 AND 19-AUG-16

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				In the absence of a legal agreement to secure contributions towards the demand for school places arising from the development, the proposal fails to satisfactorily mitigate the infrastructure impact of the development, contrary to the provisions of Policy DC72 of the Development Control Policies DPD and Policy 8.2 of the London Plan.	
<p>Y0014.16 143 Hillview Avenue Hornchurch <i>Single storey rear extension with an overall depth of 6 metres from the original rear wall of the dwelling house, a maximum height of 4 metres and an eaves height of 2.5 metres</i></p>	Written Reps		Delegated	The proposal would not constitute permitted development because the proposal is not a stand-alone single storey rear extension and forms part of a "wrap around" side and rear extension which takes up more than half the width of the property.	<p style="text-align: center;">Allowed</p> <p>The Inspector considered whether the proposal complied with all of the limitations in paragraph A.1 of Schedule 2, Part 1 of the GPDO notably part (J) of paragraph A.1 which indicates that development is not permitted by class A where the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse. This was the matter in dispute and the Inspector made reference to recent case law from 2016. On this basis of this interpretation, it was concluded that the development would not extend beyond the side wall of the original dwelling. The Inspector found that prior approval was not required for the demolition of part existing rear extension and new 6m extension.</p>
<p>P1204.15 7 Stanley Close Hornchurch <i>Removal of existing porch and replacement with a two storey front extension, incorporating a shower room at ground floor with an extended</i></p>	Written Reps	Refuse	Delegated	The proposed development would, by reason of its excessive depth, height, bulk and mass, disrupt the visually harmonious appearance of the terrace within which the subject dwelling is located and appear as an unacceptably dominant and visually intrusive feature in the streetscene harmful to the appearance of the surrounding area	<p style="text-align: center;">Dismissed</p> <p>The Inspector agreed with the Council and concluded that the proposal would unduly harm the character and appearance of the host dwelling, the wider terrace of dwellings, and the street scene.</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 28-MAY-16 AND 19-AUG-16

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<i>bedroom at first floor.</i>				contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.	
P1036.15 91A Front Lane Upminster <i>Proposed loft conversion with dormer windows</i>	Written Reps	Refuse	Delegated	The proposed development, by reason of its rear dormer within the return of the roof slope, in combination with the existing dormer on the rear roofslope, is considered to be unacceptable in terms of an over-developed, intrusive and top heavy appearance within the roofscape of this property, 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;">Dismissed</p> The Inspector agreed with the findings of the Council that two rear dormers would form an incongruous and discordant feature dominating and significantly altering the roof scape.
Page 10 P1821.15 7 Freshfields Avenue Upminster <i>Two storey rear extension</i>	Written Reps	Refuse	Delegated	The proposed development would, by reason of its 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 DPD. The proposed two storey rear extension would, by reason of its excessive depth and height, be an intrusive and unneighbourly development as well as having an undue enclosing effect on the amenities of adjacent occupiers, contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.	<p style="text-align: center;">Allowed with Conditions</p> The Inspector found that the proposed extension would not appear excessive in size or cramped and would not detract from the character or appearance of the host dwelling. The extension would not be seen from the street and the layout of the area would result in it being visible from the rear of a very small number of dwellings. It was also found that the proposal would not unacceptably detract from the living conditions of the occupiers of neighbouring dwelling

LIST OF APPEAL DECISIONS MADE BETWEEN 28-MAY-16 AND 19-AUG-16

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p>P1497.15 101 Benhurst Avenue Hornchurch <i>Erection of first floor single storey roof extension to existing footprint</i></p>	Written Reps	Refuse	Delegated	The proposed development would, by reason of its bulk, mass, design, together with lack of subservience and setback, unbalance the appearance of this semi-detached pair of houses and appear as an unacceptably dominant and visually intrusive feature in the streetscene, harmful to the appearance of the surrounding area contrary to Residential Extensions and Alterations Supplements Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.	<p style="text-align: center;">Dismissed</p> <p>The Inspector agreed that the proposed extension would harm the character and appearance of the building and in turn the street scene</p>
<p>P1574.15 10 Morecambe Close Hornchurch <i>Single storey rear extension</i></p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 106</p>	Written Reps	Refuse	Delegated	The proposed rear extension would, by reason of its excessive depth along the shared boundary, height and position close to the boundaries of the site, be an intrusive and unneighbourly development as well as having an adverse effect on the amenities of the adjacent occupier, No.8 Morecambe Close, contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.	<p style="text-align: center;">Dismissed</p> <p>The Inspector agreed that the proposed extension would unacceptably overshadow and result in loss of sunlight and daylight to the occupiers of the adjoining property in Morecambe Close.</p>
<p>P1144.15 39 Ennerdale Avenue Hornchurch <i>Construction of new dwelling with private amenity and off street car parking.</i></p>	Written Reps	Refuse	Delegated	The proposed development would, by reason of its size, scale and design, appear as a visually dominant and excessive side extension 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. The proposal is not considered to provide adequate internal amenity to meet the needs of future occupants due to the shortfalls in the design of the	<p style="text-align: center;">Dismissed</p> <p>The Inspector found the proposal would provide a reasonable amount of internal living space. However it would cause harm to the character and appearance of the area. In light of the findings on character and appearance there was no necessity to consider the lack of a legal agreement for education contribution.</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 28-MAY-16 AND 19-AUG-16

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				<p>internal spaces. This is contrary to Policy DC61 of the Core Strategy and Development Control Policies Development Plan Document and the Department for Communities and Local Government.'Technical housing standards - nationally described space standards' March 2015.</p> <p>In the absence of a legal agreement to secure contributions towards the demand for school places arising from the development, the proposal fails to satisfactorily mitigate the infrastructure impact of the development, contrary to the provisions of Policies DC29 and DC72 of the Development Control Policies DPD and Policy 8.2 of the London Plan.</p>	
<p>P1430.15 Burwood Gardens Rainham Double Storey Side Extension</p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed development would, by reason of its irregular design, excessive width, bulk and mass, and its lack of subservience visually unbalances the appearance of this semi-detached house and would result in a dominant and visually intrusive feature in the streetscene harmful to the character 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 Development Plan Document.</p>	<p>Allowed with Conditions</p> <p>The Inspector found that although it would be large, the proposed extension would respect and be visually subservient to the host dwelling. It would respect the character and improve the appearance of the host property and the street scene.</p>
<p>P1902.15 6 Lewis Road Hornchurch Retrospective planning</p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The boundary fencing would, by reason of its excessive depth, height, orientation and relationship with No.8 Lewis Road, Hornchurch, be an intrusive and</p>	<p>Allowed with Conditions</p> <p>The Council was concerned about the impact of the fence upon the neighbours to the north having regard to the change in levels.</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 28-MAY-16 AND 19-AUG-16

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<i>permission for retention of boundary fence and raised patio area</i>				unneighbourly development which will overshadow, overbear and dominate the outlook and harm the amenity of this neighbour. The development is therefore contrary to the Residential Extension and Alteration Supplementary Planning Document and Policy DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.	Although there was some impact arising from one panel, it was not considered to give rise to any significant adverse effect upon the property to the north given its limited extent and the fact that the garden has a generally open outlook. The Council raises no objections to the raised patio itself, nor to any impact upon the living conditions of the occupiers of the neighbouring property to the south
P0686.15 Units 2-5 & 7-10 Stafford Industrial Estate Hillman Close Hornchurch <i>Removal of Condition 1</i> P0547.13.	Written Reps	Refuse	Delegated	The metal storage container, by reason of its design and appearance, combined with its siting in a prominent location, is a visually intrusive feature that is not suitable on a permanent basis, harmful to the character of the locality and nearby residential amenity and outlook, contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.	<p style="text-align: center;">Dismissed</p> The Inspector agreed that the size, siting and incongruous and appearance of the container has a harmful effect on the character and appearance of the area. The retention of the container on a permanent basis was not desirable and it was not appropriate to vary the condition.
P1332.15 151 Avon Road Upminster <i>New Class A1 shop kiosk style unit on vacant land adjoining 151 Avon Road</i>	Written Reps	Refuse	Committee	The proposed single storey addition by reason of its scale and design is a weak visual addition to the main building, the discordant relationship of which would harm visual amenity and the streetscene, contrary to Policy DC61 of the Core Strategy and Development Control Policies Development Plan Document. The proposal, would result in the loss of an existing open area which, by reason of its setting for the adjacent three storey parade, would result in a cramped visual impact, harmful to the spacing of the junction and the character of the streetscene, contrary to Policy DC61 of	<p style="text-align: center;">Dismissed</p> The Inspector was not satisfied that the proposal would address the harm to the character and appearance of the shopping parade or to the open nature at the junction as found in the previous appeal decisions. It was concluded that visual incongruity and harmful impact on the spaciousness of the junction would still occur.

LIST OF APPEAL DECISIONS MADE BETWEEN 28-MAY-16 AND 19-AUG-16

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				the Core Strategy and Development Control Policies Development Plan Document.	
P1878.15 73 Heather Way Romford <i>Single and two storey rear and side extensions</i>	Written Reps	Refuse	Delegated	The proposed side and rear extensions would, by reason of its excessive scale, bulk, mass and inappropriate design, appear as an unacceptably dominant and visually intrusive feature to the property and adjoining terrace, harmful to the character and appearance of the surrounding area, contrary to the Residential Extension and Alteration Supplementary Planning Document and Policy DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.	<p style="text-align: center;">Dismissed</p> The Inspector agreed with the Council and concluded that the proposal would unduly harm the character and appearance of the host dwelling, the wider terrace of dwellings, and the street scene.
P1316.15 24 Mungo Park Road Rainham <i>Single storey rear extension</i>	Written Reps		NON DETERMINATION		<p style="text-align: center;">Allowed with Conditions</p> The appeal was against the failure of the Council to determine the application for a rear extension that had already been built within the prescribed 8 week time period. The application was brought before the Council's Regulatory Services Committee on 3rd December 2015. Members resolved to defer the application to explore the parking implications of the proposal. The application was subsequently considered again at Committee on 28th January 2016. Members deferred the application for a second time to explore the parking implications; the occupation of the building; and the impact on neighbours amenity.

LIST OF APPEAL DECISIONS MADE BETWEEN 28-MAY-16 AND 19-AUG-16

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 110</p>					<p>on 30th June 2016 and Members were invited to resolve what decision they would have made if the Council still had the ability to determine that application. The Committee decided not to contest the appeal subject to a condition ensuring that the extension shall not be used as self-contained accommodation</p> <p>In assessing the proposal, on the impact on living conditions of existing occupiers, the Inspector found that the appeal property already benefited from a single storey rear extension adjacent to the boundary with number 22 Mungo Park Road (no 22). The appeal proposal is situated to the northern side of the existing extension and consequently it does not cause a loss of light or privacy to no 22 which lies to the south. The extension is situated 5m from the boundary with the adjacent school and there is extensive screening along the common boundary. Consequently the proposal does not have a harmful effect on the users of the school.</p> <p>On the parking issue, the Inspector noted Council car parking standards as set out in Policy DC33 and Annex 5 of the DPD are based on the location of the property and not the number of bedrooms. The proposal for an additional bedroom would not, therefore, alter the requirement under the standards. The parking situation was an existing one and as the proposal would only increase the number of bedrooms, any effect of the proposal on highway safety would be minimal.</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 28-MAY-16 AND 19-AUG-16

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
					<p>Finally an application for a full award of costs against the London Borough of Havering was allowed as the Inspector found that that unreasonable behaviour resulting in unnecessary or wasted expense had been demonstrated and the award of costs therefore was justified.</p>
<p>P1508.15 28 Squirrels Heath Lane Romford <i>New detached house and garage</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed development would, by reason of its height, scale, bulk, mass, siting and proximity to the boundaries of the site, appear as an incongruous and unacceptably cramped over-development of the site, to the detriment of local character and the streetscene contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.</p> <p>The proposed development would, by reason of its height, roof form, scale, bulk, mass, siting, combined with its position close to the boundaries of the site, give rise to a cramped appearance and appear a dominant, overbearing, unneighbourly and visually intrusive feature in the rear garden environment harmful to the amenity of adjacent occupiers contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.</p> <p>In the absence of a mechanism to secure a planning obligation towards the infrastructure costs of new development the proposal is contrary to the provisions of the Havering Planning Obligations Supplementary Planning Document and Policy DC72 of the LDF Core Strategy</p>	<p style="text-align: center;">Dismissed</p> <p>The Inspector agreed with Council in regard to the effect of the proposal on the character and appearance of the area and its effect on the living conditions of the existing occupiers of neighbouring properties. Given the harm found in relation to the first two issues, the matter of the contribution towards education provision was not considered.</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 28-MAY-16 AND 19-AUG-16

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				and Development Control Policies DPD.	
<p>P1922.15 97 Abbs Cross Lane Hornchurch <i>1 storey side/front extension and vehicle crossing for parking on front</i></p>	Written Reps	Refuse	Delegated	The proposed side extension would, by reason of its width, elevated position and close proximity to the highway, appear as an unacceptably dominant and visually intrusive feature in the streetscene harmful to the appearance of the surrounding area and contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.	<p>Allowed with Conditions</p> <p>The Inspector found that given the proportions of the scheme, it would not be an overly dominant or visually intrusive feature, and it would appear subordinate to the host property.</p>
<p>P1547.15 28 Mill Park Avenue Hornchurch <i>Single and two storey side extension</i></p>	Written Reps	Refuse	Delegated	The proposed development would by reason of its height and position close to the boundaries of the site, result in light loss and be an intrusive and unneighbourly development as well as having an adverse effect on the amenities of the neighbour at No. 26 Mill Park Avenue, Hornchurch. The development is therefore considered to be unneighbourly and contrary to Residential Extensions and Alterations Supplementary Planning Document and Policy DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.	<p>Dismissed</p> <p>The Inspector agreed with the Council and found that the harm to the living conditions of occupants of the neighbouring dwelling in Mill Park Avenue by reason of loss of light and loss of outlook would be unacceptable.</p>
<p>P1882.15 13 Burges Close Hornchurch <i>Loft conversion to include rear and side dormers and front velux windows</i></p>	Written Reps	Refuse	Delegated	The proposed rear dormer extension by reason of its bulk, scale, mass and design cannot be satisfactorily accommodated within the roof space of the subject dwelling and is intrusive in appearance. The development is considered to cause unacceptable harm to the character and appearance of the	<p>Dismissed</p> <p>The Inspector concluded that the new rear dormer would appear as a discordant element. It would cause significant harm to the character and appearance of the appeal dwelling and the local area.</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 28-MAY-16 AND 19-AUG-16

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				subject building and the Emerson Park Policy Area and therefore conflicts with the aims of Policy DC61 of the Councils LDF Core Strategy and Development Control Policies DPD and 'Residential Extensions and Alterations' SPD. It furthermore conflicts with the National Planning Policy Framework to secure high quality design that maintains or enhances the character and appearance of the local area.	
P1901.15 28 Meadway Romford <i>Provision of a two storey rear extension and external alterations to the right facade.</i>	Written Reps	Refuse	Delegated NON DETERMINATION		<p style="text-align: center;">Dismissed</p> The Inspector found that the proposed extension would increase the floor space of the dwelling by over 50 per cent and would extend virtually across the whole width of the property. The extension would dominate the host property rather than appear subservient to it. The proposal would, therefore, be harmful to the character and appearance of the host property and would fail to preserve the character and appearance of the Gidea Park Conservation Area.
P1860.15 32 The Ridgeway Gidea Park Romford <i>New three bedroom dwelling with extensions and alterations to existing dwelling</i>	Written Reps	Refuse	Delegated	The proposal, by reason of its massing and its proximity to the boundary of the site with Repton Drive is considered to be detrimental to the character of the surrounding area and contrary to Policy DC61 (Urban Design) of the Core Strategy and Development Control Policies Development Plan Document. The proposed access to the parking to the front of the existing house is considered to be unsafe to pedestrians and road users and contrary to policies DC32 (The Road Network) and DC61	<p style="text-align: center;">Allowed with Conditions</p> The Inspector found the proposal would not be materially at odds with the local pattern of development or detrimental to the spacious character of the area. The proposal would not be detrimental to highway safety, including to pedestrians, subject to the repositioning of the pillar box immediately outside the site. The Inspector found the contribution required would fail to meet the tests set out in the 2010 CIL Regulations.

LIST OF APPEAL DECISIONS MADE BETWEEN 28-MAY-16 AND 19-AUG-16

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				<p>(Urban Design) of the Core Strategy and Development Control Policies Development Plan Document. In the absence of a legal agreement to secure contributions towards the demand for school places arising from the development, the proposal fails to satisfactorily mitigate the infrastructure impact of the development, contrary to the provisions of Policies DC29 and DC72 of the Development Control Policies DPD and Policy 8.2 of the London Plan.</p>	

TOTAL PLANNING =

LIST OF APPEAL DECISIONS MADE BETWEEN 28-MAY-16 AND 19-AUG-16

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
APPEAL DECISIONS - ENFORCEMENT					
Description and Address	Appeal Procedure			Reason for Refusal	Inspector's Decision and Comments
ENF/168/15/ 262 Straight Road Romford	Hearing				<p style="text-align: center;">Dismissed</p> <p>The Inspector found that on the basis of evidence supplied the tenants on the balance of probabilities all six units were equipped with cooking facilities and thus amounted to self-contained flats when the enforcement notice was issued. The Inspector also concluded that the lawful use of No 262 as a Class C4 HMO did not occur as an interim stage between use of the property as a single dwelling house and the establishment of the six self-contained units. It follows that conversion to the latter was likely to have been a breach of planning control. The appeal on ground c failed.</p> <p>The appellant put forward an argument that lesser steps would overcome the breach of planning control. It was considered that the solution to remedy the breach of control as argued by the appellant would not fulfil the statutory purpose of the notice and, moreover, would fall outside the scope of the appeal and the powers available to Inspector. Finally the six months was judged to be a more reasonable compliance period as alterations required to comply with the notice were extensive and could only reasonably be commenced once the property had been largely vacated.</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 28-MAY-16 AND 19-AUG-16

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p>ENF/529/14/ 17 Keats Avenue Romford</p>	<p>Hearing</p>				<p style="text-align: center;">Quashed</p> <p>It was noted that officers had visited the property however no cooking facilities were found in the units where accessed was gained. Evidence of cooking facilities in three of the studio units were only made by third parties after the notice had been served. Such facilities only remained in place in one of the units at time of the site visit conducted by the Inspector. The Council provided evidence in the form of a letter asking the tenants of the appeal site to remove their cooking facilities from their flats by the day before the Hearing. It was sent by the management company looking after the building and raised suspicion as to how the property was being used at that time. The Council attributed weight to this in support of its case for enforcement action. However, the Inspector found that the letter does not of itself amount to reliable evidence that there were, as a matter of fact, cooking facilities within each unit at the time it was sent.</p> <p>The Inspector considered that the case presented by the Council was not supported by conclusive evidence and needed to be underpinned by a more persistent and thorough investigation. At the Hearing the Council sought to draw a parallel between the ground (b) argument; That the breach of planning control alleged in the enforcement notice had not occurred as a matter of fact, and an appeal in similar case in the London Borough of Brent. The Inspector considered that evidence in the Brent appeal was markedly different to that presented in relation</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 28-MAY-16 AND 19-AUG-16

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p>ENF/529/14/ 17 Keats Avenue Romford</p>	<p>Hearing</p>				<p style="text-align: center;">Quashed</p> <p>this appeal.</p> <p>The Appellant produced little in the form of relevant evidence countering the allegation with assertions that self-containment has not occurred. The onus of proof is firmly on the Appellants to demonstrate on the balance of probabilities that the matters stated in the notices had not in fact occurred when they were issued. The Inspector made clear that if the local planning authority has no evidence of its own, or from others, to contradict or otherwise make the Appellants' version of events less than probable, there is no good reason to dismiss an appeal. The Inspector concluded on the balance of probabilities that the matter stated in the notice had not occurred at the time it was issued and that, instead, it is more likely than not that appeal site was in use as a HMO.</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 28-MAY-16 AND 19-AUG-16

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p>ENF/214/15/ 52 Sevenoaks Close Romford</p>	<p>Hearing</p>				<p style="text-align: center;">Quashed</p> <p>It was noted that officers had visited the property but the case presented was not supported by conclusive evidence and needed to be underpinned by a more persistent and thorough investigation in the view of the Inspector. The Council's case for there having been six self-contained flats in the appeal property was based on the supposition that all the tenants were likely to cook in their rooms or, alternatively, that undisputed facilities present in all units were sufficient in themselves to preclude genuine HMO use. No other party aside from the Council claimed in any evidence that any of the six units contained equipment for heating food before or at the time that the notice was issued. Nor was there any evidence when the Inspector visited the property that such equipment had been introduced subsequently. At the Hearing the Council sought to draw a parallel between the ground (b) argument and an appeal in similar case in the London Borough of Brent. The Inspector considered that evidence in the Brent case was markedly different to that presented in relation this appeal.</p> <p>Although the Appellant produced little in the form of relevant evidence countering the allegation with assertions that self-containment has not occurred. The Inspector concluded on the balance of probabilities that the matter stated in the notice had not occurred at the time it was issued and that, instead, it is more likely than not that appeal site was in use as a HMO.</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 28-MAY-16 AND 19-AUG-16

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
TOTAL ENF =	3				

LIST OF APPEAL DECISIONS MADE BETWEEN 28-MAY-16 AND 19-AUG-16

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
Summary Info:					
Total Planning =		27			
Total Enf =		3			
Appeals Decided =		31			
Appeals Withdrawn or Invalid =		1			
Total =		30			
	Dismissed		Allowed		
Hearings	1	3.33%	2	6.67%	
Inquiries	0	0.00%	0	0.00%	
Written Reps	19	63.33%	8	26.67%	

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REGULATORY SERVICES COMMITTEE

15 SEPTEMBER 2016

REPORT

Subject Heading:

Schedule of Enforcement Notices

Report Author and contact details:

Simon Thelwell
Projects and Regulations Manager
01708 432685

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

- Havering will be clean and its environment will be cared for [X]
- People will be safe, in their homes and in the community [X]
- Residents will be proud to live in Havering [X]

SUMMARY

Attached are schedules detailing information regarding Enforcement Notices updated since the meeting held on 30 June 2016

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.

SCHEDULE A

CASES AWAITING APPEAL DETERMINATION

ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	ENFORCEMENT NOTICE SERVED	APPEAL LODGED
Land at 56 Linley Crescent Romford ENF/527/14/	Without planning permission , the material change of use of the premises into six self-contained studio flats with one communal kitchen	29-01-16	08-03-16
79 Sheffield Drive Romford ENF/72/15/	Without planning permission, the material change of use of the premises into six self-contained studio flats with one communal kitchen	29-01-16	08-03-16
53 Sheffield Drive Romford ENF/71/15/	Without planning permission, the material change of use of the premises into six self-contained studio flats with one communal kitchen	29-01-16	08-03-16
Unit 9 Stafford Industrial Estate, Hillman Close Hornchurch ENF/518/14/	Without benefit of planning permission, operational development comprising metal storage container in car parking area at front of the property	15-04-16	16-05-16

ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	ENFORCEMENT NOTICE SERVED	APPEAL LODGED
7 Boundary Road Romford ENF/77/15/	Without planning permission , the material change of use from a single family dwellinghouse (class C3) to a hostel (class C1)	14-04-16	16-05-16
12 Morris Road Harold Hill Romford ENF/152/15/	Without planning permission , the material change of use of the premises into six self-contained studio flats with one communal kitchen	09-06-16	08-07-16
Yungs Farm 30 Marys Lane Upminster ENF/472/15/	Alleged use of outbuilding as residential accommodation	02-08-16	12-08-16
29 Roslyn Gardens Gidea Park Romford	Without planning permission, the erection of a 2-storey side extension and a roof extension.	27-07-16	23-08-16

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	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. (2) Earth works and ground works including laying of hardcore.	28.6.01 Delegated	6.9.01 31-05-02	10.9.01 31-05-02	6.11.01 Grounds (a) and (g)	Allowed 14.2.03 Notice quashed temporary planning permission granted Dismissed and extended the compliance to 15 months	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.
Land junction of Lower Bedford's Road (Vinegar Hill) and Straight Road, Romford	(1) Unauthorised residential use and operations. (2) Erection of fencing and construction of hardstanding	Delegated Authority “	9.11.01 “	9.11.01 “	21.12.01 “	Allowed 14.2.03 Notice quashed temporary planning permission granted for 1 year. Dismissed and extended the compliance to 15 months	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.
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	Temporary planning permission granted until 30-04-2013. 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.
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 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.
Arnolds Field, Lauanders Lane, Upminster	Unauthorised landfill development x 2	Committee 24.4.04		29.7.04	Appeal lodged.	Appeal dismissed	Enforcement Notices upheld. Pursuing compliance.

ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	DATE OF COMMITTEE AUTHORITY	NOTICE ISSUED	NOTICE SERVED	APPEAL LODGED	APPEAL DECISION	COMMENTS
21 Brights Avenue, Rainham	Unauthorised development.	Committee 22.10.04	14.12.04	20.12.04			Enforcement Notice served. Second prosecution 30-09-10. Costs £350.00. Pursuing compliance
179-181 Cherry Tree Lane, Rainham	1. Development 2. Use	Committee 30.8.06	27.10.06	30.10.06			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	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	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	Further appeal lodged 13-02-14 Part allowed/part dismissed 26/03/15
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 Cummings 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
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
179-181 Cherry Tree Lane Rainham	Use	Delegated 03-08-10	28-01-10	29-01-10			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
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	New application submitted P0398.16 – Monitoring
Land off Church Road Noak Hill Romford	Development	Committee 15-07-10	10-09-10	10-09-10			Pursuing compliance

ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	DATE OF COMMITTEE AUTHORITY	NOTICE ISSUED	NOTICE SERVED	APPEAL LODGED	APPEAL DECISION	COMMENTS
5 Writtle Walk Rainham	Use	Delegated 14-01-11	18-04-11	18-04-11	19-05-11	Appeal Dismissed	Prosecuted, pursuing compliance
1a Willoughby Drive Hornchurch	Use	Committee 14-08-11	14-10-11	21-10-11			No action at present time Notice remains on land.
Folkes Farm (Field) Folkes Lane Upminster	Development	Delegated 22-12-11	23-12-11	23-11-11			Pursuing compliance
Cranham Hall Farm The Chase Cranham Upminster	Use x 5 Development x7	Committee 17-11-11	15-03-12	15-03-12	13-04-12	Appeal Dismissed	Pursuing compliance
80 Skins Lane east of Church Road Harold Wood Romford	Development	Delegated	14-05-12	15-05-12	14-06-12	Appeal Dismissed	Pursuing compliance
72 Crow Lane Romford	Use	Committee 19-07-12	28-08-12	28-08-12	19-09-12	Appeal dismissed	Prosecuted –pursuing compliance
14A Lower Mardyke Avenue Rainham	Development	Delegated	28-08-12	28-08-12			Pursuing compliance
2-8 Upminster Road South Rainham	Development	Committee 14-09-12	14-09-12	20-09-12			Pursuing compliance

ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	DATE OF COMMITTEE AUTHORITY	NOTICE ISSUED	NOTICE SERVED	APPEAL LODGED	APPEAL DECISION	COMMENTS
Welstead Place Benskins Lane Noak Hill Romford	Development/Use	Delegated	23-05-13	23-05-13	04-07-13	Appeal allowed	Pursuing compliance
76 Lower Bedford Road Romford	Development	Committee 06-06-13	12-08-13	12-08-13	19-08-13	Appeal dismissed	Pursuing compliance
Lakeview Caravan Park Cummings Hall Lane Noak Hill Romford	Development/Use	Committee 27-06-13	13-09-13	13-09-13	21-10-13	Appeal allowed	Pursuing compliance
32 Lake Rise Romford	Development	Delegated	23-10-13	23-10-13	27-11-13	Appeal dismissed	Pursuing compliance
Upminster Court Hax Lane Upminster	Development	Committee 24-10-13	23-12-13	13-12-13	23-12-13	Appeal part allowed/part dismissed	Notice complied with
Hogbar Farm West Lower Bedfords Road Romford	Development/Use	Delegated	12-02-14	13-02-14	13-03-14	Notice quashed	Temporary planning permission granted for 3 years expiring 28-07-18
Hogbar Farm East Lower Bedfords Road Romford	Development/Use	Delegated	12-02-14	13-02-14	13-03-14	Appeal dismissed	Notice to be complied with by 28-07-17
14 Rainham Road Rainham	1. Breach of conditions 2. Development	Committee 14-11-13	15-01-14	16-01-14	13-02-14	Appeal part allowed/part dismissed	Pursuing compliance
3 Austral Drive Hornchurch	Development	Committee 03-10-13	23-12-13	23-12-13	30-01-14	Appeal dismissed	Pursuing compliance

ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	DATE OF COMMITTEE AUTHORITY	NOTICE ISSUED	NOTICE SERVED	APPEAL LODGED	APPEAL DECISION	COMMENTS
38 Heaton Avenue Romford	Development	Committee 03-10-13	17-01-14	20-01-14			Notice complied with
Prime Biomass Unit 8 Dover's Corner New Road Rainham	Use	Delegated	11-03-14	11-03-14			Monitoring
Folkes Farm Folkes Lane Upminster	Use Notice A	Delegated	24-04-14	24-04-14			Pursuing compliance
Folkes Farm Folkes Lane Upminster	Use Notice B	Delegated	24-04-14	24-04-14			Pursuing compliance
Folkes Farm Folkes Lane Upminster	Use Notice C	Delegated	24-04-14	24-04-14			Pursuing compliance
Folkes Farm Folkes Lane Upminster	Use Notice D	Delegated	24-04-14	24-04-14			Pursuing compliance
1 Spinney Close Rainham	Development	Committee 17-07-14	26-08-14	26-08-14			Pursuing compliance
Leprechauns Gerpins Lane Upminster	Development	Delegated	26-08-14	26-08-14	29-08-14	Appeal Dismissed	High court challenge dismissed , Pursuing compliance
Land at Aveley Marshes Rainham	Use	Committee 30-01-14	22-09-14	22-09-14	27-10-14		Notices withdrawn 14/04/15/ Seeking further Legal advice

ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	DATE OF COMMITTEE AUTHORITY	NOTICE ISSUED	NOTICE SERVED	APPEAL LODGED	APPEAL DECISION	COMMENTS
Tyas Stud Farm r/o Latchford Farm St Marys Lane Upminster	Use/Development	Delegated	05-12-14	05-12-14	15-01-15		Monitoring
Land at Yard 3 Clockhouse Lane Collier Row Romford	Use/Development	Delegated	14-01-15	15-01-15	16-02-15	Appeal dismissed	Pursuing compliance
203 Upper Rainham Road Hornchurch	Use/Development	Committee 28-01-15	23-02-15	23-02-15	30-03-15	Appeal dismissed	Pursuing compliance
Guyners Grill 24 Eastern Road Romford	Use	Delegated	22-10-15	22-10-15			Pursuing compliance
11 Northumberland Avenue Gidea Park Romford	Development	Delegated	13-07-15	14-07-15			Pursuing compliance
17 Keats Avenue Harold Hill Romford	Use	Delegated	02-10-15	02-10-15	04-11-15	Appeal allowed	Notice quashed
262 Straight Road Harold Hill Romford	Use	Delegated	02-10-15	02-10-15	04-11-15	Appeal dismissed	Notice complied with.

ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	DATE OF COMMITTEE AUTHORITY	NOTICE ISSUED	NOTICE SERVED	APPEAL LODGED	APPEAL DECISION	COMMENTS
52 Sevenoaks Close Harold Hill Romford	Use	Delegated	02-10-15	02-10-15	04-11-15	Appeal allowed	Notice quashed
Temporary Telecommunications Base Station, Grass verge adjacent to Hacton Lane., Hornchurch	Development	Delegated	22-12-15	22-12-15	19-01-16	Appeal withdrawn	Pursuing compliance
56 Linley Crescent Romford	Use	Delegated	29-01-16	29-01-16	08-03-16		See Schedule A
79 Sheffield Drive Harold Hill Romford	Use & Development	Delegated	29-01-16	29-01-16	08-03-16		See Schedule A
53 Sheffield Drive Harold Hill Romford	Use & Development	Delegated	29-01-16	29-01-16	08-03-16		See Schedule A
Unit 9 Stafford Industrial Estate, Hillman Close Hornchurch	Use	Delegated	15-04-16	15-04-16	16-05-216		See Schedule A
7 Boundary Road Romford	Use	Delegated	14-04-16	14-04-16	16-05-16		See Schedule A
201B Crow Lane	Use & Development	Delegated	18-05-16	18-05-16			Pursuing compliance

ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	DATE OF COMMITTEE AUTHORITY	NOTICE ISSUED	NOTICE SERVED	APPEAL LODGED	APPEAL DECISION	COMMENTS
1a Ferndale Road	Use	Delegated	05-07-16	05-07-15			Pursuing compliance
52 Station Road Upminster	Use/Development	Delegated	10-06-16	10-06-16			Pursuing Compliance

REGULATORY SERVICES COMMITTEE

15 SEPTEMBER 2016

REPORT

Subject Heading:

Prosecutions update

Report Author and contact details:

Simon Thelwell
Projects and Regulations Manager
01708 432685

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

- Havering will be clean and its environment will be cared for [X]
- People will be safe, in their homes and in the community [X]
- Residents will be proud to live in Havering [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 have been no prosecutions this quarter

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

REGULATORY SERVICES COMMITTEE

15 SEPTEMBER 2016

REPORT

Subject Heading:

Schedule of complaints

Report Author and contact details:

Simon Thelwell
Projects and Regulations Manager
01708 432685

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

- Havering will be clean and its environment will be cared for [X]
- People will be safe, in their homes and in the community [X]
- Residents will be proud to live in Havering [X]

SUMMARY

The attached schedule lists the complaints received by the Planning Control Service regarding alleged planning contraventions for the period 4 June 2016 and 26 August 2016

RECOMMENDATIONS

That the report is noted and the actions of the Service agreed.

REPORT DETAIL

Prior to this meeting, Members have been emailed the schedule listing the complaints received by the Planning Control Service over alleged planning contraventions. Since the matter was last reported to this Committee on the 30 June 2016 some 224 complaints have been received

There have been 17 reported unauthorised Traveller encampments this quarter. All Complaints have since been resolved.