



Havering

LONDON BOROUGH

PLANNING COMMITTEE AGENDA

7.30 pm	Thursday 27 September 2018	Havering Town Hall, Main Road, Romford
----------------	---------------------------------------	---

Members 8: Quorum 4

COUNCILLORS:

**Conservative Group
(4)**

Robby Misir (Chairman)
Carol Smith (Vice-Chair)
Philippa Crowder
Michael White

**Residents' Group
(1)**

Stephanie Nunn

**Upminster & Cranham
Residents Group'
(1)**

John Tyler

**Independent Residents
Group
(1)**

David Durant

**Labour Group
(1)**

Paul McGeary

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

**To register to speak at the meeting please call 01708 433100
Before 5.00pm on Tuesday 25 September 2018**

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

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

Reporting means:-

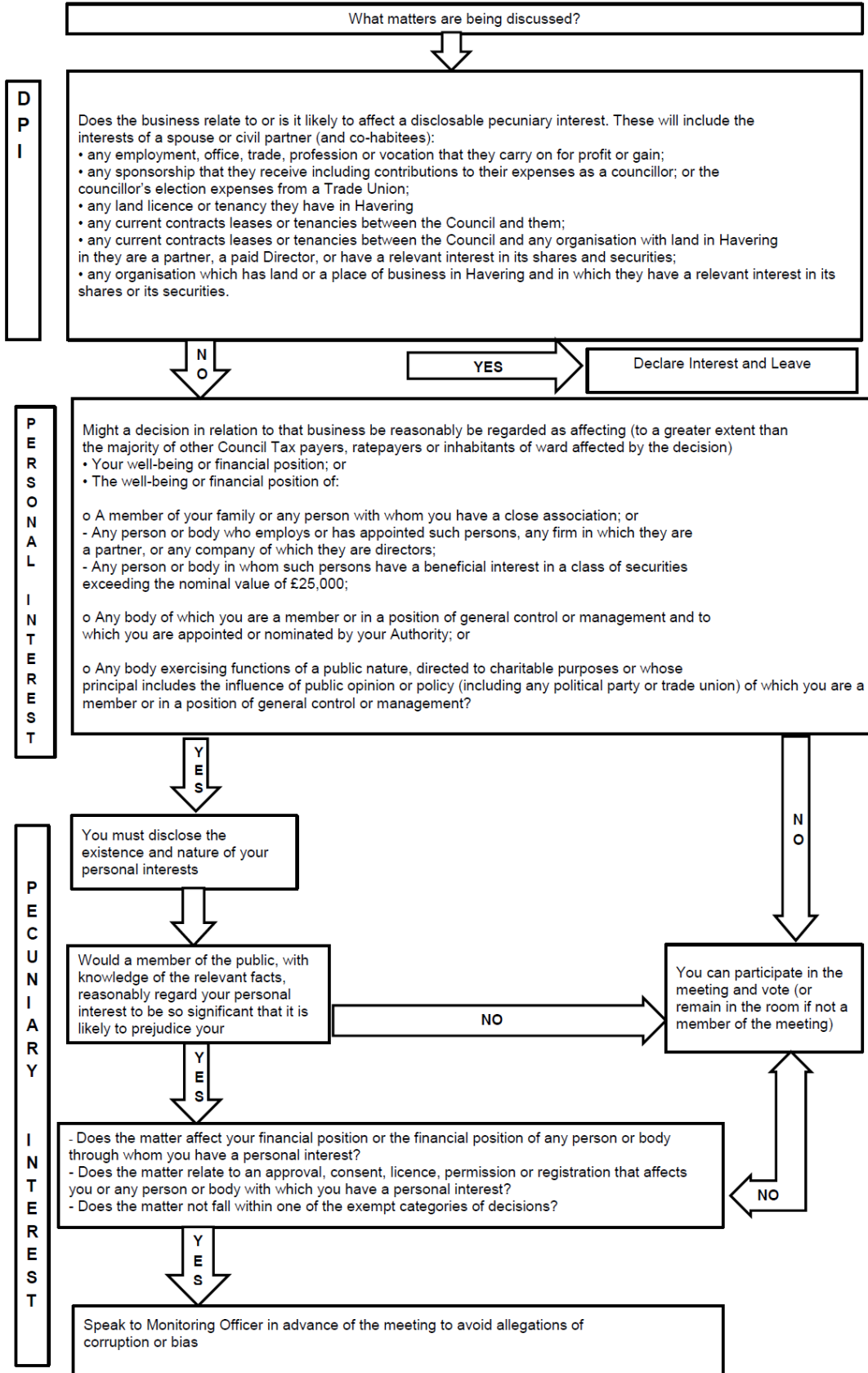
- filming, photographing or making an audio recording of the proceedings of the meeting;
- using any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later; or
- reporting or providing commentary on proceedings at a meeting, orally or in writing,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

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

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

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

DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF



AGENDA ITEMS

1 CHAIRMAN'S ANNOUNCEMENTS

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

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

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

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

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

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

2 APOLOGIES FOR ABSENCE AND ANNOUNCEMENT OF SUBSTITUTE MEMBERS

(if any) - receive.

3 DISCLOSURE OF INTERESTS

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

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

4 MINUTES (Pages 1 - 2)

To approve as a correct record the minutes of the meeting of the Committee held on 30 August 2018 and to authorise the Chairman to sign them.

5 APPLICATIONS FOR DECISION (Pages 3 - 6)

See attached document

6 P1015.13 - 63 CRYSTAL AVENUE HORNCHURCH (Pages 7 - 12)

**Andrew Beesley
Head of Democratic Services**

This page is intentionally left blank

**MINUTES OF A MEETING OF THE
PLANNING COMMITTEE
Havering Town Hall, Main Road, Romford
30 August 2018 (7.30 - 8.30 pm)**

Present:

COUNCILLORS: 8

Conservative Group Robby Misir (in the Chair) Carol Smith (Vice-Chair),
Philippa Crowder and Michael White

Residents' Group Stephanie Nunn

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

**Independent Residents
Group** David Durant

Labour Group

An apology for absence was received for the absence of Councillor Paul McGeary.

Councillor Michael Deon Burton was also present for part of the meeting.

2 members of the public 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.

22 **DISCLOSURE OF INTERESTS**

There were no disclosures of interests.

23 **MINUTES**

The minutes of the meeting of the Committee held on 2 August 2018 were agreed as a correct record and signed by the Chairman.

- 24 **P2076.17 - RAINHAM MARSHES SILT LAGOON, COLDHARBOUR LANE RAINHAM - REVISED RESTORATION PLAN FOR THE RAINHAM MARSHES SILT LAGOONS FOLLOWING THE COMPLETION OF THE FORMATION OF THE SILT LAGOONS FROM THAT ORIGINALLY PREPARED FOR EXTANT PERMISSION L/HAV/2819/79, INVOLVING THE RECONFIGURATION OF TOPOGRAPHIC LEVELS**

The Committee considered the report and **RESOLVED** to **GRANT PLANNING PERMISSION** subject to the conditions as set out in the report.

- 25 **P0147.18 - 183 CHERRY TREE LANE, SOUTH HORNCHURCH - PROPOSED SIDE AND REAR EXTENSIONS. CHANGE OF USE TO FORM MIXED USE OF A2 (OFFICE) AND A1 (RETAIL) AT GROUND FLOOR. FORMATION OF SIX BEDROOM HMO OVER FIRST AND SECOND FLOORS**

The Committee was addressed by Councillor Michael Deon Burton.

The Committee considered the report and following a motion, **RESOLVED** to delegate the granting of planning permission to the Assistant Director of Planning.

The resolution was carried by 6 to 0 with 1 abstention.

Councillor Durant abstained from voting.

Chairman

Agenda Item 5

Applications for Decision

Introduction

1. In this part of the agenda are reports on planning applications for determination by the committee.
2. Although the reports are set out in order on the agenda, the Chair may reorder the agenda on the night. Therefore, if you wish to be present for a specific application, you need to be at the meeting from the beginning.
3. The following information and advice only applies to reports in this part of the agenda.

Advice to Members

Material planning considerations

4. The Committee is required to consider planning applications against the development plan and other material planning considerations.
5. The development plan for Havering comprises the following documents:
 - London Plan March 2016
 - Core Strategy and Development Control Policies (2008)
 - Site Allocations (2008)
 - Romford Area Action Plan (2008)
 - Joint Waste Development Plan (2012)
6. Decisions must be taken in accordance with section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004. Section 70(2) of the Town and Country Planning Act 1990 requires the Committee to have regard to the provisions of the Development Plan, so far as material to the application; any local finance considerations, so far as material to the application; and any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Committee to make its determination in accordance with the Development Plan unless material planning considerations support a different decision being taken.
7. Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects listed buildings or their settings, the local planning authority must have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest it possesses.
8. Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development

which affects a conservation area, the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

9. Under Section 197 of the Town and Country Planning Act 1990, in considering whether to grant planning permission for any development, the local planning authority must ensure, whenever it is appropriate, that adequate provision is made, by the imposition of conditions, for the preservation or planting of trees.
10. In accordance with Article 35 of the Development Management Procedure Order 2015, Members are invited to agree the recommendations set out in the reports, which have been made based on the analysis of the scheme set out in each report. This analysis has been undertaken on the balance of the policies and any other material considerations set out in the individual reports.

Non-material considerations

11. Members are reminded that other areas of legislation cover many aspects of the development process and therefore do not need to be considered as part of determining a planning application. The most common examples are:
 - Building Regulations deal with structural integrity of buildings, the physical performance of buildings in terms of their consumption of energy, means of escape in case of fire, access to buildings by the Fire Brigade to fight fires etc.
 - Works within the highway are controlled by Highways Legislation.
 - Environmental Health covers a range of issues including public nuisance, food safety, licensing, pollution control etc.
 - Works on or close to the boundary are covered by the Party Wall Act.
 - Covenants and private rights over land are enforced separately from planning and should not be considered.

Local financial considerations

12. In accordance with Policy 6.5 of the London Plan (2015) the Mayor of London has introduced a London wide Community Infrastructure Levy (CIL) to fund CrossRail.
13. Other forms of necessary infrastructure (as defined in the CIL Regulations) and any mitigation of the development that is necessary will be secured through a section106 agreement. Where these are necessary, it will be explained and specified in the agenda reports.

Public speaking and running order

14. The Council's Constitution allows for public speaking on these items in accordance with the Constitution and the Chair's discretion.
15. The items on this part of the agenda will run as follows where there are registered public speakers:

- a. Officer introduction of the development
- b. Registered Objector(s) speaking slot (3 minutes)
- c. Responding Applicant speaking slot (3 minutes)
- d. Ward Councillor(s) speaking slots (3 minutes)
- e. Officer presentation of the material planning considerations
- f. Committee questions and debate
- g. Committee decision

16. The items on this part of the agenda will run as follows where there are no public speakers:

- a. Where requested by the Chairman, officer presentation of the main issues
- b. Committee questions and debate
- c. Committee decision


Late information

17. Any relevant material received since the publication of this part of the agenda, concerning items on it, will be reported to the Committee in the Update Report.

Recommendation

18. The Committee to take any decisions recommended in the attached report(s).

This page is intentionally left blank

 Havering LONDON BOROUGH	Planning Committee 27 September 2018
---	---

Application Reference:	P1015.18
Location:	63 Crystal Avenue Hornchurch
Ward:	Hacton
Description:	Proposed annexe at rear of garden to provide ancillary accommodation.
Case Officer:	Aidan Hughes
Reason for Report to Committee:	A Councillor call-in has been received which accords with the Committee Consideration Criteria.

1. SUMMARY OF KEY REASONS FOR RECOMMENDATION

- 1.1 The proposed outbuilding to be used as an annexe is acceptable and not out of keeping with the locality. Furthermore, the scale and siting of the outbuilding to be used as an annexe is not judged to result in material harm to neighbouring amenity. No material amenity issues or parking and highway issues are considered to result.

2 RECOMMENDATION

- 2.1 That the Committee resolve to GRANT planning permission subject to
- The prior completion of a legal agreement to secure the following planning obligations:
 - That the residential annexe hereby approved shall be permanently retained as an annexe to the existing dwelling at 63 Crystal Avenue and shall not be sub-divided or sold off separately from the main dwelling.
 - The Developer/Owner pay the Council's reasonable legal costs in association with the preparation of a legal agreement, prior to completion

of the agreement, irrespective of whether the legal agreement is completed.

- The Developer/Owner to pay the appropriate planning obligation/s monitoring fee prior to completion of the agreement.
- 2.2 That the Head of Planning is delegated authority to negotiate the legal agreement indicated above.
- 2.3 That the Head of Planning is delegated authority to issue the planning permission and impose conditions and informative to secure the following matters:

Conditions

1. SC04 – Time Limit of 3 years to implement.
2. SC10C – Materials as per application form.
3. SC32 – Accordance with plans.
4. SC46 - Standard Flank Window Condition.
5. SC83 Annex Condition – no subdivision of the plot and no future provision of additional access.
6. SC84 Annex Condition – Occupiers restricted to immediate family members of occupiers of main dwelling.
7. SC85 Annex Condition - Not to be used as a separate unit of accommodation.

Informatives

1. INF29 Approval following revision
- 2.4 That, if by 4 months of the decision date the legal agreement has not been completed, the Head of Planning is delegated authority to refuse planning permission.

3 PROPOSAL AND LOCATION DETAILS

Proposal

- 3.1 Planning permission is sought for a proposed detached annexe within the rear garden to provide ancillary accommodation.
- 3.2 The applicant has provided a written statement stating that the annexe will be occupied by the applicant's father who is disabled and requires easy access without stairs.

Site and Surroundings

- 3.2 The application site is located within Crystal Avenue. The site contains a two storey semi-detached dwelling and is finished in a mixture of face brick and painted render.

- 3.3 There is parking in the garage and on the drive to the front of the property. The surrounding area is characterised by single and two storey semi-detached dwellings.
- 3.4 The application site and the unattached neighbour are separated by a gated access to the garages to the rear of the properties along this section of Crystal Avenue and to the street at the rear.

Planning History

- 3.4 The following planning decisions are relevant to the application:

ES/HOR 1562/53 – 3 houses – Approved.

P1724.07- Two storey side extension and single storey front/side and rear extension - Approved.

4 CONSULTATION RESPONSE

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

- 4.2 The following were consulted regarding the application:

- 4.3 Highways: No objection to the proposal, as long as the building stays ancillary to the main household.

5 LOCAL REPRESENTATION

- 5.1 10 neighbouring properties were notified about the application and invited to comment.

- 5.2 The number of representations received from neighbours, local groups etc in response to notification and publicity of the application were as follows:

No of individual responses: 1 which objected.

- 5.3 The following Councillor made representations:

Councillor Ray Morgon wishes to call the application in on the grounds that the proposal is not in keeping with the surrounding area.

Representations

- 5.4 The following issues were raised in representations that are material to the determination of the application, and they are addressed in substance in the next section of this report:

Objections

- Loss of privacy.
- It is a bungalow in the back garden, facing neighbouring property.

- Light pollution to rear facing windows of neighbouring dwellings.
- Additional noise pollution created by new annexe.
- Impact on water table.

Non-material representations

5.5 The following issues were raised in representations, but they are not material to the determination of the application:

- Comments regarding consent given for approved extensions. (Officer comment: this is not material consideration for this application as they are two different forms of development. The previous application was assessed and granted permission and does not form part of the consideration of the current application).
- There is no requirement for additional space and this is for commercial gain (Officer comment: The application should be considered on its own merits regardless of the previous extensions to the property. The building is stated as being required as an annexe to the existing dwelling and if any material change of use occurs this matter would need to be investigated separately).

6 MATERIAL PLANNING CONSIDERATIONS

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

- The visual impact arising from the design and appearance of the wall on the area.
- The impact of the development on neighbouring amenity
- Highways and parking issues

6.2 Physical Impacts of the proposed annexe

- The Council does not have a policy specifically referring to residential annexes, however the Residential Extensions and Alterations SPD refers to provision of outbuildings.
- There are a number of detached buildings nearby, in particular a substantial outbuilding to the rear of the unattached neighbour to the north and therefore an outbuilding of the scale proposed would not appear visually incongruous.
- Staff consider that the annexe would integrate satisfactorily in the rear garden environment, mindful of various outbuildings and garage within the immediate area, as it is single storey and its height would be mitigated by its modest eaves height and the hipped roof design. Therefore the building would not appear disproportionate in relation to the main residence or the other outbuildings nearby.

- Staff consider that the proposed development would not unacceptably impact on the water table within the local area as the site does not fall within a flood zone area.

6.3 Impact on Amenity

- The proposed building is stated to be used as an annexe to the main dwelling. The plans indicate that the annexe would provide a lounge, bedroom and en-suite. No kitchen facilities are shown within the building.
- Staff are satisfied that, whilst the annexe is substantial, it would be unlikely to be occupied by anyone other than people closely associated with the occupants of the main house and who would therefore be content to share the remaining curtilage area to No.63 Crystal Avenue and live closely overlooked by those in the main house. It is noted that the layout of the annexe and the relationship to the adjacent access road could allow future sub-division. The issue of occupancy and future subdivision could be satisfactorily controlled by conditions and the obligation contained within the recommended legal agreement.
- In terms of noise and disturbance the proposal does have the potential to increase levels of activity within this rear part of the application site. However, given that it is a one bedroom unit, stated to be used as an annexe and situated at the far end of the garden it is not considered the proposal would give rise to levels of noise and disturbance which would be materially harmful to neighbouring residential amenity.
- 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.
- Nevertheless 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 under Class A Part 2 for fencing and walling as these rights could result in the curtilage being subdivided again. An obligation within the legal agreement would prevent the independent occupation and sale of the annexe.
- Subject to safeguarding conditions and the provision of a legal agreement officers are of the view that the proposed annexe would be in accordance

with provisions of Policy DC61 and the Residential Extensions & Alterations SPD.

6.4 Parking and Highway Implications

The application site presently has off street parking for three vehicles to the frontage. The Highways Department have not objected so long as the building stays ancillary to the main household.

7 Conclusions

All other relevant policies and considerations have been taken into account. Planning permission should be approved subject to conditions and a Section 106 Legal Agreement for the reasons set out above. The details of the decision are set out in the RECOMMENDATION.