



## REGULATORY SERVICES COMMITTEE AGENDA

<b>7.30 pm</b>	<b>Thursday 23 June 2011</b>	<b>Havering Town Hall, Main Road, Romford</b>
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Members 11: Quorum 4

**COUNCILLORS:**

**Conservative Group  
( 7 )**

**Residents' Group  
( 2 )**

**Labour Group  
( 1 )**

**Independent  
Residents'  
Group  
( 1 )**

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

Linda Hawthorn  
Ron Ower

Paul McGeary

Mark Logan

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

## **AGENDA ITEMS**

### **1 CHAIRMAN'S ANNOUNCEMENTS**

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

The Chairman will announce the following:

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

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

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

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

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

(if any) - receive.

### **3 DECLARATION OF INTERESTS**

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

### **4 PLANNING OBLIGATIONS / LEGAL AGREEMENTS (Pages 1 - 52)**

### **5 PLANNING AND ENFORCEMENT APPEALS RECEIVED, PUBLIC INQUIRIES / HEARINGS AND SUMMARY OF APPEAL DECISIONS (Pages 53 - 56)**

### **6 SCHEDULE OF ENFORCEMENT NOTICES (Pages 57 - 70)**

### **7 PROSECUTIONS UPDATE (Pages 71 - 72)**

- 8      **P0712.10 - 155 HALL LANE, UPMINSTER** (Pages 73 - 80)
- 9      **P0650.11 - EAST LONDON SUSTAINABLE ENERGY FACILITY LAND WEST OF FAIRVIEW INDUSTRIAL PARK, OFF MARSH WAY, RAINHAM** (Pages 81 - 100)
- 10     **10. A0024.11 - 265 CHASE CROSS ROAD, COLLIER ROW** (Pages 101 - 108)
- 11     **P0615.11 - RAINHAM VILLAGE PRIMARY SCHOOL** (Pages 109 - 120)
- 12     **ALLEGED BREACH OF PLANNING CONTROL AT COUNTY SERVICE STATION, ESSEX GARDENS, HORNCHURCH** (Pages 121 - 126)
- 13     **URGENT BUSINESS**
- To consider any other item in respect of which the Chairman is of the opinion, by reason of special circumstances which shall be specified in the minutes, that the item should be considered at the meeting as a matter of urgency.
- 14     **EXCLUSION OF THE PUBLIC**
- To consider whether the public should now be excluded from the remainder of the meeting on the grounds that it is likely that, in view of the nature of the business to be transacted or the nature of the proceedings, if members of the public were present during those items there would be disclosure to them of exempt information within the meaning of paragraph 9 of Schedule 12A to the Local Government Act 1972; and, if it is decided to exclude the public on those grounds, the Committee to resolve accordingly on the motion of the Chairman.
- 15     **CHIEF EXECUTIVE'S REPORT CONTAINING EXEMPT INFORMATION** (Pages 127 - 128)

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

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## **REGULATORY SERVICES COMMITTEE**

23 June 2011

**Subject Heading:**

**Planning obligations and agreements  
(as of the last 5 years)**

**Report Author and contact details:**

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

## **REPORT**

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

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

### **SUMMARY**

This report updates the position on legal agreements and planning obligations agreed by this Committee during the period 2000-2010.

**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 2010 in the attached table.

**IMPLICATIONS AND RISKS**

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

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

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

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

**BACKGROUND PAPERS**

See attached S106 Agreements – 2000-2010

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## S106 AGREEMENTS – 2000-2011

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

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

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

Planning Ref.	Address	Amount Outstanding	Time Limit on Spending	Trigger Date/s	Position/Status of development	How the funds are being used/where in the Capital Programme?
				and to be fully implemented prior to occupation	ongoing with the Administrator who has indicated that the full amount will be paid upon the sale of the freehold of the building. Purchase now going through and hopefully outstanding sum will be paid upon completion of the sale which should be by the end of this year.	
P1440.97 P0907.98 <u>P0203.00</u> Granted on appeal	Helen Road Sports Ground, Squirrels Heath Lane, Gidea Park	£43,000 New Football Facilities	2 years from date of payment	To be paid within 3 months of Council serving notice requesting the payment. Such a request to be made within 5 years from when the use of the development	Investigations ongoing as to whether this contribution has been received.	

Planning Ref.	Address	Amount Outstanding	Time Limit on Spending	Trigger Date/s	Position/Status of development	How the funds are being used/where in the Capital Programme?
				commences		
P1011.05	Bamber House, Ongar Way, Rainham	£63,641 Education Contribution  AH	To be spent 7 years from date of payment (can be extended if contract entered into)	before occupation of any of the dwelling units save for the affordable housing units	Investigations ongoing as to whether this contribution has been received. Further investigations have revealed that as all the dwelling units were affordable and the council had 100% nomination rights, no education contribution is payable.	
P0617.04	Land at Upper Brentwood Road, adjacent to the railway	Maximum of £98,000, Education Contribution  Affordable Housing (15% of the total number of dwelling units)	To be spent within 5 years from date of payment (can be extended if contract entered into)	prior to the occupation of any of the market units  prior to occupation of more than 50% of the dwelling units	Investigations ongoing as to whether this contribution has been received. Further investigations reveal that no contribution has	

Planning Ref.	Address	Amount Outstanding	Time Limit on Spending	Trigger Date/s	Position/Status of development	How the funds are being used/where in the Capital Programme?
					been paid. The specific education contribution has now been calculated to £61,288.25 The developer, Barratts have agreed to pay and this sum should be paid very soon	
<b>P0206.10</b>	Rushdon Close	Education contribution of £414,854.04  Provision of 74 Affordable housing units	5 years from receipt (can be extended if contract entered into)	Prior to occupation of 1 <sup>st</sup> dwelling unit.  Ongoing	Development has commenced. The highways contribution has been paid. Awaiting trigger for education contribution to be met. Trigger for payment of the education contribution has not yet been reached	
P0884.09	Spring	56 units for affordable	NA	Must be transferred	Development has	

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

**2. CONTRIBUTIONS IDENTIFIED AS PAID**

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
P1664.01	274-310 Havering Road, Romford	£167,126.85 Education	Return due 3 years from date of 2 <sup>nd</sup> contribution	2 <sup>nd</sup> instalment due prior to occupation of 12 <sup>th</sup> house	2 <sup>nd</sup> instalment of £83,564.42 received on 16.08.04.  replacement first cheque received on 16.01.06 (£83,563)	spent	<b>Education</b> - proposed investment in additional places / modernisation at Redden Court secondary school
P0936.00	Land at Roneo Corner (B&Q)	£450,000 (Town Centre)  £15,000 (Public Art)	TC contribution to be spent within 5 years from date of payment  No time limit on public art contribution	Prior to commencement of trading	£465,000 paid on 21.10.02 & £17,660.70 paid on 04.11.02 (indexation)	spent  No time limit on spend	Town centre contribution to spent by Regeneration on TC improvements <b>SP</b>
P1160.00	Frances Bardsley Lower School Site, Heath	£120,000 x 2 Education	If not spent to be returned 3 years from date received	First contribution of £120,000 to be received upon occupation of	First contribution of £120,000 received on	spent	<b>Education</b> - proposed investment in additional

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
	Park Road			38th Market Dwelling  Second contribution to be received upon occupation of 73 <sup>rd</sup> market dwelling	08.06.05.  Second contribution received 01.11.05		places / modernisation at Redden Court secondary school
P2167.02	Tesco Roneo Corner, Hornchurch	£50,000 Town Centre Contribution  £5,000 Traffic Regulation Scheme Contribution	To be repaid within 4 years if not spent	Prior to opening date.	Payment received on 27.09.04	spent	£50,000 spent by <b>Regeneration</b> on District Centre Improvements (Elm Park) in 05/06  <b>MB</b>
P1263.02	438 Upper Brentwood Road (aka Elvet Avenue Coathanger site)	£16,207 Education.  15 units for AH	To be repaid if unspent 4 years from date of payment (if contract entered into extended)	Before the first occupation of any of the units  AH to be provided prior to occupation of 40 <sup>th</sup>	Payment received on 03.12.04	spent	<b>Education</b> - proposed investment in additional places / modernisation at Redden



Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
				open unit			Court secondary school  AH units received
P0326.03	60 - 62 Essex Road, Romford	£30,000 Housing Contribution  7 AH units for Rent	To be repaid if not spent within 4 years	Prior to occupation of 17th dwelling	Payment received on 03.12.04	spent	SS
P1768.00	Tesco's Gallows Corner – extension of existing store	£100,000 Town Centre Contribution; £25,000 pedestrian crossing; £30,000 Toucan crossing; £10,000 Bus Infrastructure Contribution; Green Travel	TC contribution to be repaid with interest 4 years from date of payment.  Pedestrian, bus and Toucan contribution to repaid 3 years from date of payment.	All contributions due prior to opening date.  Pedestrian access from opening date; GTP by 31.12.02 or 2 months prior to Opening Date	£165,000 received on 28.12.05.  Green Travel Plan position to be reviewed.	28.12.08 (pedestrian and bus contribution) Unable to spend as no longer Havering's network. Currently in negotiation with Tesco re –	<b>Regeneration</b> leading: £75,000 of the Town Centre Contribution to be spent on Harold Wood. £25,000 as yet unallocated.  <b>MB</b>  Pedestrian

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
		Plan; pedestrian access; roundabout works following s278 agreement				spending the money on alternative initiative.  Toucan Crossing contribution spent  28.12.09 (TC contribution) Spent	access and roundabout works completed.
P1811.02	140 London Road, Romford	£81,000.92 Education; 12 units of AH	Spend within 3 years from date of payment	Before the disposal of 30 open market units  AH prior to disposal /lease/ rental of 56th Market Residential Unit	£81,000.92 received on 16.01.06	spent	<b>Education</b> - proposed investment in additional places / modernisation at Redden Court secondary school

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
							12 Affordable Housing units received.
P0860.03	Transferry House and Former Brent Works, Wiltshire Avenue	£47,143 Education Contribution 11 AH units  Landscape management plan	Council to spend within 5 years of date of implementation (06.02.04)	Prior to disposal of 30th Open Market Apartment. To notify Council on disposal of 25th and 30th Open Market Apartment.  AH prior to occupation of 20 <sup>th</sup> open market dwelling	Paid 21.04.06	spent	<b>Education</b> - proposed investment in additional places / modernisation at Redden Court secondary school  AH received
P1853.03	Abbs Cross School	£21,440 Education  8 AH units	If unspent after 4 years from date of payment to be repaid + interest (extend if contract entered) on	Not to occupy dwellings until payment received  AH units to be transferred prior to occupation of	Paid on 31.03.05	spent	<b>Education</b> - proposed investment in additional places / modernisation at Redden

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
			demand	12 <sup>th</sup> open market dwelling			Court secondary school  Affordable Housing provided
P1083.02	Lister Avenue/Harold Wood Hospital site	£124,669.53 Education; Affordable Housing (12 units for rent); Highway agreement; £5,000 towards Whiteland's Way Pelican Crossing; Open Space Scheme	Spend contributions within 3 years from date of payment	Education Contribution to be paid and highway agreement to be entered into prior to commencement of development. Social Housing to be transferred before occupation of the 49 <sup>th</sup> open market unit Open Space Scheme to be set up before the disposal or occupation of any	Paid on 22.05.06	22.05.09 – spent	<b>Education</b> - proposed investment in additional places / modernisation at Redden Court secondary school  Affordable Housing units received.

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
				of the dwelling units			£5,000: MB/DS
P2014.02	Land at Cornlands Farm, Hall Lane, Upminster (No 2)	£39,372.00 Education  £300,000 Housing Contribution	Repay within 5 years if not spent	Upon commencement of Development	Paid on 02.07.04	spent	<b>Education</b> - proposed investment in additional places / modernisation at Redden Court secondary school  SS
P0857.03	150 Church Road, Harold Wood	£28,285.88 Education	5 years from date of payment	Within 28 days of the first Occupation of a dwelling	£29,027.92 paid on 27.09.04	27.09.09 – spent	<b>Education</b> - proposed investment in additional places / modernisation at Redden Court secondary school
P1654.03	63 Main Road	£14,142.94	Repay any	Prior to	Paid on	27.09.09 –	<b>Education</b> -

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
	Rainham	Education	unspent amount 5 years from date payment made.	commencement of development	27.09.04	spent	proposed investment in additional places / modernisation at Redden Court secondary school
P1626.99	Railstore Site, Elvet Avenue, Hornchurch	£102, 000 Education 34 AH units	Any unspent on 5th anniversary of date of payment to be repaid	Upon Commencement of Development	Paid on 03.12.04	03.12.09 – spent.	<b>Education</b> - proposed investment in additional places / modernisation at Redden Court secondary school  AH provided
P0098.03	Land at Brooklands Close, Romford	£69,307 Housing Contribution	Money must be spent by 5th anniversary of payment date	Prior to commencement of proposed development	£69,307.47 paid on 02.03.05	02.03.10 Spent	SS

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
			for payback.				
P1159.03	Land to South of Appleton Way, Hornchurch	£6,285.75 Education	Any unpaid amounts to be repaid on 5 year anniversary.	Before commencement of proposed development	Paid on 05.05.05	05.05.10 Spent	<b>Education</b> - proposed investment in additional places / modernisation at Redden Court secondary school
P0352.05	Appleton Way, Land r/o 34 Station Way, Hornchurch	£7,268 Education	5 years from date of payment (entered if contract entered into)	Prior to commencement of development	Paid £7,267.87 on 29.06.05	29.06.10 Spent	<b>Education</b> - proposed investment in additional places / modernisation at Redden Court secondary school
P1157.03	21-23 North Street, Romford	£25,143 Education Contribution	To spend within 5 years from date of payment	Prior to occupation of 10 <sup>th</sup> residential unit	Education contribution of £26,933 received on	12.04.12 & 23.07.10 Spent	Environmental contribution to be spent as part of

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
		£20,000 Environmental contribution.	To spend within 3 years from date of payment	Prior to first occupation of 18 <sup>th</sup> residential unit	12.04.07 Environmental Contribution received on 23.07.07		<b>Regeneration</b> capital programme for Romford TC. £10K being spent on North Street works (Feb 09)
P1462.04	105-127 Essex Road & 16-178 Marlborough Road, Romford	£23,529 Education	5 years from date of payment (entered if contract entered into)	Prior to commencement of development	Paid £23,529.18 on 01.08.05	01.08.10 Spent	<b>Education</b> - proposed investment in additional places / modernisation at Redden Court secondary school
P0196.05	Gobions School, Havering Road	1. £500,000 Education 2. £690 traffic management order costs	To be spent 5 years from date of payment (extend if contract entered into)	1. to be paid in stages: (1) £125,000 prior to commencement of the development, (2) £125,000 prior to	£125,000 & £4,310 paid on 05.09.05  £690 paid £125,000 paid	07.09.10 - Spent  £4,310 - spent  £690 - spent	<b>MB</b>



Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
		3. £4,310 Highways Contribution  4. 24 units of affordable housing		occupation of 35th open market unit, (3) £125,000 prior to occupation of 70th open market unit (4) £125,000 prior to occupation of the last open market unit 2. prior to occupation of any of the open market units 3. prior to commencement of development	on 07.09.07  £125,000 paid on 23.10.07  <b>£125,000 still outstanding but not yet triggered</b>	07.09.12  23.10.12	<b>MB</b>  AH delivered  <b>Education</b> - proposed investment in additional places / modernisation at Redden Court secondary school
P2192.02	152-162 London Road, Romford	£27,783.02 Education	Any unspent on 5 <sup>th</sup> anniversary of payment to be returned	Prior to commencement of development	£27,783.02 received on 08.12.05.	08.12.10 - Spent	<b>Education</b> - proposed investment in additional places / modernisation at Redden

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
							Court secondary school
P1730.05	129 Essex Road, Romford	£23,607 Education Contribution	To be spent within 5 years from date of payment (can be extended if contract entered into)	Prior to commencement of development	Paid on 20.12.05.	16.12.10 - Spent	<b>Education</b> - proposed investment in additional places / modernisation at Redden Court secondary school
P1185.04	Ferry Lane, Rainham	£99,000 Education Contribution  £3,500 Highways contribution  16 AH units	To be spent 5 years from date of payment (extended if contract entered into)	Prior to occupation of any Dwellings  Before occupation of more than 18 of the dwelling units (excl AH units)	Paid on 19.01.06	19.01.11 - Spent  £3,500 highways contribution spent.	<b>Education</b> - proposed investment in additional places / modernisation at Redden Court secondary school  AH delivered

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
							£3,500: MB
P1514.03	Avon House, Front Lane/Avon Road, Cranham	£15,714 Education Contribution	5 year payback from date of payment	Before sale, let, lease or other disposal of 7th residential Unit	Paid on 31.01.06	31.01.11 - Spent	<b>Education</b> - proposed investment in additional places / modernisation at Redden Court secondary school
P2311.04	329 Front Lane, Cranham	£65,410.81, Education Contribution	To be spent within 5 years from date of payment (can be extended if contract entered into)	Prior to commencement of development	Paid on 24.11.06	24.11.11	<b>Education</b> - proposed investment in additional places / modernisation at Redden Court secondary school
P0011.03	Dolphin site, Dolphin Approach,	£65,000 Variable Messaging	any unexpended sum together	to be paid in 2 equal instalments: (1) to be paid	First instalment received on 20.02.07	20.02.12 & 02.07.12	VMS completed Spring 2007.

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
	Romford - deed of variation	Signs Contribution	with interest to be returned if not spent within 5 years of receipt	within 21 working days of receipt of a written request from the Council (2) within 21 days of receipt of a written request from the Council further to the letting of an approved contract for the system	Second instalment received on 02.07.07		Money spent.
P0416.05	145-149 North Street, Romford	£191,417 Education Contribution  17 AH units for rent or 27 AH units for shared o/ship + contribution of £74,074  s.278 agreement	To be spent within 5 years from date of payment (extended if contract entered into)	Prior to occupation of any market units  Prior to occupation of more than 50% of the market units	Paid on 06.03.07  AH received	06.03.12	<b>Education</b> - proposed investment in additional places / modernisation at Redden Court secondary school

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
P1135.03	Interwood Site, Stafford Avenue, Hornchurch	£72,679 Education Contribution	To be spent 5 years from date of payment (extended if contract entered into)	prior to occupation of any dwelling	Paid on 20.03.07	20.03.12	<b>Education</b> - proposed investment in additional places / modernisation at Redden Court secondary school
P0063.05	Haynes Park Court, Slewins Lane	£32,814.39 Education Contribution	To be spent within 5 years from date of payment (extended if contract entered into)	Prior to commencement of development	Paid on 21.08.07	21.08.12	
P0929.04	Land at end of Brooklands Road, Romford	£32,869.86 Education Contribution  Lay out Hard Court Area and Play Areas	To be spent within 5 years from date of payment (extended if contract entered into)	prior to occupation of any of the dwelling units	Paid on 21.08.07	21.08.12	
P0977.04	1 Suttons	£21,876.26	To be repaid if	Before occupation	Paid on	09.09.12	

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
	Lane, Hornchurch	Education Contribution  s.278 agreement	unspent within 5 years of date of payment (extended if contract entered into)	of any of the dwellings	03.09.07		
P2099.04	Land at Rainham Quarry, Warwick Lane - deed of variation	£5,000 Highway Contribution for maintenance and upkeep of Launders Lane	must refund any money unutilised as at 30.09.2012 to the Owner within 4 weeks of that date	Contribution to be paid promptly following the execution of the agreement	Paid on 20.12.06	30.09.2012	BW
P1285.06	91 Waterloo Road, Romford - unilateral undertaking	£11,000 Guardrail fencing Contribution	To be spent 7 years from date of payment (extend if contract entered into)	prior to the commencement of the development	01.03.07	01.03.14	
P0716.06	Rear of 105 and 113 Essex Road, Romford – unilateral undertaking	£19,053.00 Education Contribution	To be spent within 7 years from date of payment (can be extended if contract entered	Prior to the commencement of the development	13.04.07	13.04.14	<b>Education</b> - proposed investment in additional places / modernisation

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
			into)				at Redden Court secondary school
P2421.06	Rear of 97-103 Essex Road, Romford - unilateral undertaking	£7,000 Highway Contribution £36,618 Education Contribution	To be spent within 7 years from date of payment (can be extended if contract entered into)	prior to the commencement of the development	13.04.07	13.04.14	<b>Education</b> - proposed investment in additional places / modernisation at Redden Court secondary school
P0960.06	Hollywood, Atlanta Boulevard, Romford	£242,532.74 Education Contribution £5,000 CCTV contribution £5,000 River Rom Study Payment	To be spent within 7 years from date of payment (can be extended if contract entered into)	Prior to the commencement of the development	17.04.07	13.04.14	<b>Education</b> - proposed investment in additional places / modernisation at Redden Court secondary school

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
		49 Affordable Housing units  construct riverside access strip and make available to public  Travel Plan		before the occupation of the 25th open market unit			River Rom study payment will contribute to <b>Regeneration</b> led study associated with Rom through TC
P2350.05	54 Butts Green Road, Hornchurch (unilateral undertaking)	£31,670 Education Contribution	To be spent within 7 years from date of payment (can be extended if contract entered into)	prior to commencement of development	Received on 15.08.07	15.08.14	
P1188.06	16 Marks Road/31-33 Mawney Road, Romford	£27,795 Education Contribution  Affordable Housing (9 units)	To be spent within 7 years from date of payment (can be extended if contract entered into)	prior to occupation of any of the open market units  units to be transferred to RSL and ready	Received on 20.08.07	20.08.14	



Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
		Give the Council at least 1 weeks notice of the intended date of commencement of the development		for occupation prior to the occupation of the 9th open market unit			
P0645.05	353-357 South Street & 2 Clydesdale Road	£20,000 Pedestrian Crossing Contribution	10 years from date of receipt	upon commencement of development	Paid on 05.10.06	05.10.16	MB
P0197.03	Frog Island Site, Ferry Lane, Rainham	£50,000 Walkway Contribution £100,000 Public Transport Contribution £100,000 Environment Contribution	Council has 15 years to spend this sum from date of payment	Before plant opens	Environment Contribution paid on 11.07.06  Walkway and transport contribution on 25.09.06	11.07.21 & 25.09.21	<b>Regeneration</b> leading on Walkway and environment contributions. Later committed to Gateway Roundabouts landscaping and Rainham Paths project

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
		Green Travel Plan					
P2303.04	223-241 Hillrise Road, Collier Row	£60,000 Play Area Contribution (virement from Housing to Leisure)  29 AH units for rent	To be spent 5 years from date of payment (extend if contract entered into)	Prior to occupation of first dwelling unit	Available to spend  AH received	-	SP
P0012.05	Hotel Site Markets Link , Romford (Junction of Market Link & Ducking Stool	£16,351.73 Education Contribution  4 AH units  £15,000 Environmental Contribution	No time limit specified	Prior to occupation of first dwelling unit	Paid on 20.09.06	No time limit on spend	<b>Education</b> - proposed investment in additional places / modernisation at Redden Court secondary school  Environmental contribution originally for

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
							Phase 2 of Church path improvements led by <b>Regeneration</b>  <b>£15,000: MB</b>
P1983.04 granted on appeal	117 Butts Green Road, Hornchurch	£34,637.41 Education Contribution	No time limit specified	prior to occupation of any part of the development	Paid on 08.11.06	No time limit on spend	<b>Education</b> - proposed investment in additional places / modernisation at Redden Court secondary school
P1714.02	Brightblades, 29 Oldchurch Road, Romford	£37,044.22 Education £8,000 car park resurfacing , 6 AH units	No time limit specified.	Prior to occupation of the 13 <sup>th</sup> Market House Dwelling AH: prior to occupation of 18 of flats marked in blue	Paid on 05.06.03.	No time limit	<b>Education</b> - proposed investment in additional places / modernisation at Redden Court

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
							secondary school £8,000: MB  AH completed
P1088.03	100 George Street, Romford	£1,600 Converted parking bays	No time limit	Prior to commencement of development	Paid on 27.01.05	No time limit	MB
P1261.02	Manser Works, New Road, Rainham	£25,000 Environment Contribution  AH: 24 units for rent	No time limit	On completion of agreement  No date listed	£25,000 received on 08.04.04	No time limit	Scheme is complete and now in housing management
P1524.00	York Road, Rainham Waste Transfer Station	£1,500 Planting Contribution	No time limit	Within 28 days of date of decision letter by Secretary of State	Paid on 03.02.03	No time limit	Not spent SP
P1590.02	Construction House, Grenfell Avenue	£10,200 Education Contribution	No time limit on spend	Before Occupation of any of the Flats	Paid on 26.01.06	No time limit	<b>Education</b> - proposed investment in additional places / modernisation

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

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
							secondary school
P0096.01	Centre for Manufacturing Excellence – Manor Way, Rainham	£200,000 Bus Link Contribution; Green Travel Plan; £50,000 Public Art contribution  Local labour agreement	Must be used within 36 months of first occupation of development. Public art must be spent 12 months from date of first occupation.	Prior to first occupation.	£156,000 of bus link received on 17.11.03 Remainder received and paid to bus company	spent	Public art discharged by works on roundabouts and lighting scheme  £200,000 received and paid to bus company (spent on extending route 174)
P0233.00 P0234.00 - car park permission	Liberty Shopping Centre, Romford	£50,000 For introduction of variable messaging system  £30,000 Improvement of public lighting	Any sum to be repaid if unspent 3 years after payment dated	Prior to commencement of development	Public art contribution received 15.11.04.  £50,000 & £30,000 also listed as received	spent	

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
		<p>£25,000 public toilets</p> <p>s.38/278 agreement</p> <p>agree with the Council a scheme for the improvement or enhancement of Swan Walk and if agree to implement the scheme</p> <p>shop mobility facility</p>		<p>Within 3 working days after developer enters contract for demolition of existing car park</p> <p>As soon as reasonably practicable</p> <p>Prior to commencement of development</p> <p>Before practical completion of</p>	£25,000 received 19.01.01		

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
		£1,540 bicycle stands  bus shelters  submit scheme for improvement of Westway/street furniture/ submit CCTV scheme and install		development  Within 9 months of commencement date			
P0315.01 and P1057.01	Unit 1A The Brewery, Romford – agreement dated 05.11.01	£10,000 For acquisition of electric scooters & wheelchairs & manual wheelchairs		Prior to the commencement of trading	Paid and spent	spent	
P0233.00	Liberty Centre, Mercury Gardens - deed of variation	£20,000 Public Art Contribution	To be spent within 3 years from date of payment	On or before 30/11/04	£20,000 paid on 15.11.04	spent	Spent on scheme in North Street



Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
P1211.06	51/53 Station Road, Upminster – unilateral undertaking	£65,665.34 Education contribution  £42,000 Highways Contribution	To be spent within 7 years from date of payment (can be extended if contract entered into)	Prior to the commencement of the development. Development commenced Jan 08.	03/03/08  03/03/08	02/03/15  02/03/15	
P1680.04	184 St Mary's Lane, Upminster	£58,142 Education Contribution	To be spent within 5 years from date of payment (extended if contract entered into)	Prior to occupation of first dwelling unit	11/03/08	10/03/13	
P0525.07	Gooshays Gardens and Dewsbury Road	£20,000 Highways Contribution  16 AH dwelling units (10 for rent and 6 for shared ownership) -	To be spent within 7 years from date of payment (can be extended if contract entered into)	prior to the commencement of the development  prior to occupation of 16th Open Market Unit	01/04/08	31/03/15	

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
		Council to receive 64% of the nomination rights					
P2310.05	2 Market Link, Romford	£118,856 Education Contribution  £10,000 Highway Contribution  £10,000 Parking Survey Contribution  Travel Plan	To be spent within 7 years from date of payment (can be extended if contract entered into)	prior to occupation of the dwelling units	14/05/08  14/05/08  14/05/08	13/05/15  13/05/15  13/05/15	MB  BW/MB
P1641.07	Marks Lodge, Cottons Approach	(1) £5,000 Car Park Management Contribution  (2) £210.415 Education Contribution	To be spent within 7 years from date of payment (can be extended if contract entered into)	(1) prior to the commencement of the development  (2) prior to occupation	26/02/08  15/04/09	25/02/15  14/04/16	

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
		(3) £50,000 Highways Contribution		(3) prior to the commencement of the development	26/02/08	25/02/15	
		(4) £100,000 Parks Contribution		(4) prior to the commencement of the open market units	06/05/08	05/05/15	
P1194.06	155-163 New Road, Rainham	£18,322.13 Education Contribution	To be spent within 7 years from date of payment (can be extended if contract entered into)	prior to occupation of any dwelling unit	07/05/08	06/05/15	
		£62,702.00 New Road Contribution				07/05/08	
		22 units for rent to be managed by RSL with nominations reserved for the Council on 14 units		units to be transferred to RSL and ready for letting prior to the occupation of any intermediate housing			

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

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
		sign; CCTV			07.08.07	£377k. 4. SS	
P0238.07	8-12 Junction Road	£45,087 Affordable Housing Contribution	To be spent within 7 years from date of payment (can be extended if contract entered into)	prior to the commencement of the development	10.09.08 £7,587.00 received  1.10.08 £7,500 Received  1.11.08 1.11.09 £7,500 Received  1.12.08 £7,500 Received  1.01.09 £7,500 Received  1.02.09 £7,500	31.01.16	

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

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
			extended if contract entered into)				
P0884.08	Romford Brewery Car park	<p>£10,000 – Highways contribution</p> <p>£10,000 – Roundabout Review Contribution</p> <p>Submit a Revised Graphics Plan</p> <p>Ensure vehicle in/out counts remain linked with existing town centre variable message board</p>	All contributions to be spent within 7 years of receipt (can be extended if contract entered into)	<p>Prior to commencement of the development</p> <p>Prior to commencement of development</p> <p>On going from operational use of the car park</p>	£20,000 – Received on 16.01.09	15.01.16	

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
		loop system					
<b>P0970.08 UU submitted in respect of appeal</b>	105 -109 New Road	11 Affordable housing units  Education Contribution - £72,992  A1306 Contribution - £45,405  Restriction on car park permits issued.	5 Years for receipt (Can be extended if contract entered into)	No later than occupation of 5 <sup>th</sup> Open market unit  Prior to commencement  Prior to commencement	01.06.09  01.06.09	31.05.14  31.05.14	
P1647.07	2-4 Glebe Road, Rainham	£63,800 Education Contribution  £10,000 Highways Contribution	To be spent within 7 years from date of payment (can be extended if contract entered into)	prior to the commencement of the development	20.10.09  20.10.09	19.10.16  19.10.16	
P1489.06	Saddleworth Square, Romford	£29,809.29 Education Contribution	To be spent within 7 years from date of	Prior to the occupation of the dwelling units	21.03.08	20.03.15	



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

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
		Highways Contribution - £48,000  Restriction on car parking permits being issued  Enter into a S278 agreement  Submit a viability report and then pay the agreed education contribution	As above       7 years (can be extended if contract entered into)	Prior to commencement  Prior to commencement  Prior to occupation of any dwelling unit	Received on 14.12.09     Agreed £145,000 education contribution received on 04.05.11	13.12.16     03.05.18	
P0750.07	The Lodge Residential	Highways contribution of	7 years from date of payment	Prior to commencement	Received on 16.10.09	15.10.16	

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
	Care home, Lodge Lane, Collier Row	£25,000  Development to be used in perpetuity only for the care of persons who have been diagnosed with dementia and who require high dependency care for their dementia condition		of the development			
<b>P0406.08</b>	Harrow Lodge, Hylands Way	Either 15 aff hsg units with grant or 10 aff hsg units without grant.  Either £218,882	All contributions to be repaid 7 years from	Provide aff hsg units prior to occupation of more than 50% open market units  Prior to first occupation of a			

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
		or £222,406 Education contribution depending on aff hsg option (Index Linked)  £25,000 Hylands Park Contribution (index Linked)	date of payment (can be extended if contract entered into)	dwelling unit  Prior to first occupation of a dwelling unit	Education contribution of £218,882 received on 16.02.10  Hylands Park Contribution of £25,000 received on 16.02.10	To be spent by 15.02.17  To be spent by 15.02.17	
<b>P0082.08</b>	22-26 Osborne Road	£5000 waiting restriction contribution £12,000 highways contribution	7 years from date of payment (can be extended if contract entered into)	Prior to commencement of the development	Waiting Restriction contribution of £5000 received on 29.07.10  Highways contribution of £12,000 received on 29.07.10	To be spent by 28.07.17  To be spent by 28.07.17	
P0368.09	165 – 171	Highways	2 Years from	Prior to	£25,000	To be spent	

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
	Hornchurch Road	Contribution - £25,000  Restriction on the issue of car parking permits	payment of the sum (Can be extended if under contract)	commencement of the development	Highways Contribution received on 17.07.10	by 16.07.12	
<b>P0206.10</b>	Rushdon Close	Highways contribution - £44,400	5 years from receipt. Can be extended if contract entered into	Prior to commencement	£44,400 received on 02/09.10	To be spent by 01/09/15	
<b>P0478.08</b>	25 – 31 South Street, Romford	£12,000 Highways Contribution (Index Linked)  £14,000 Education Contribution (Index Linked)	7 years from date of payment (can be extended if contract entered into)	Upon commencement  Upon commencement  To be provided prior to occupation of more than 3 open market units.	Highways contribution received on 02.12.10  Education contribution received on 02.12.10	To be spent by 01.12..17  To be spent by 01.12.17	

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

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
					19.5.10 £50,000 received on 20.05.11	18.05.17 £50,000 to be spent by 19.05.18	
<b>P2172.07 UU submitted in respect of an appeal and Deed of variation dated 20.10.09</b>	Land Formerly White Hart Public House	£862,621.00 Affordable Housing Contribution – Index Linked to RPI	No Time limit on spend	Prior to commencement of the development – Deed of variation amended trigger for payment to occupation of 12 unit.	£936,802.25 (contribution sum including interest) received on 19.05.11	No time limit on spend.	

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**5**

**REGULATORY  
SERVICES  
COMMITTEE**

**REPORT**

23 June 2011

**Subject Heading:**

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

**Report Author and contact details:**

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

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

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

**SUMMARY**

This report accompanies a schedule of appeals received and started by the Planning Inspectorate and a schedule of appeal decisions between 19 February 2011 and 3 June 2011.

**RECOMMENDATIONS**

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

**REPORT DETAIL**

- 1.1 Since the appeals reported to Members in March 2011, 41 new appeals have been started. These are listed below.

Decisions on 41 appeals have been received during the same period 27 have been dismissed, 9 allowed, 4 quashed and 1 appeal withdrawn by applicant.

- 1.2 Appeals received between 19 February 2011 and 3 June 2011 is on the attached list (mainly dealt with by written representation procedure).

**IMPLICATIONS AND RISKS**

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

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

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

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

**BACKGROUND PAPERS**

List of appeal decisions made between 19 February 2011 and 3 June 2011.

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# 6

## REGULATORY SERVICES COMMITTEE

23 June 2011

## REPORT

**Subject Heading:**

**Schedule of Enforcement Notices**

**Report Author and contact details:**

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

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

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

**SUMMARY**

Attached are schedules detailing information regarding enforcement notices updated since the meeting held on 10 March 2011.

**RECOMMENDATIONS**

For consideration.

**REPORT DETAIL**

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

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

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

The grounds are:

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

**BACKGROUND PAPERS**

Schedule A & B.

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# SCHEDULE A

## CASES AWAITING APPEAL DETERMINATION

ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	DATE OF COMMITTEE AUTHORITY	ENFORCEMENT NOTICE SERVED	APPEAL LODGED
Folkes Farm Folkes Lane Upminster  ENF/317/09/CM	Notice A C/U from residential to commercial use for storage and distribution purposes. Notice B C/U of land for parking and storage of commercial vehicles	Committee 11-03-10	07-10-10	01-11-10
Land at Aveley Marshes Rainham  ENF/431/09/RW	Alleged unauthorised hardstanding Notice A C/U of Use for storage of vehicles and containers Notice B Construction of hardstanding	Committee 26-08-10	14-01-11	14-02-11
83A London Road Romford  ENF/85/07/RT	Alleged unauthorised C/U to a place of worship	Committee 02-12-10	02-03-11	31-03-11
5 Writtle Walk Rainham  ENF/388/10/SX	Alleged non-clearance of conditions	Delegated 23-03-11	18-04-11	19-05-11

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# SCHEDULE B

## ENFORCEMENT NOTICES – LIVE CASES.

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

ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	DATE OF COMMITTEE AUTHORITY	NOTICE ISSUED	NOTICE SERVED	APPEAL LODGED	APPEAL DECISION	COMPLIANCE DATE	COMMENTS
Arnolds Field, Launder Lane, Upminster	Unauthorised landfill development x 2	Committee 24.4.04		29.7.04	Appeal lodged.	Appeal dismissed 27.11.05	1.9.04 30.11.04	Enforcement Notices upheld. Pursuing compliance.
21 Brights Avenue, Rainham	Unauthorised development.	Committee 22.10.04	14.12.04	20.12.04			27.4.05	Enforcement Notice served. Second prosecution 30-09-10. Conditional discharge 2 years. Costs £350.00 . Pursuing compliance
Adj 1 Bramble Cottage, Bramble Lane Upminster	Compound and storage	Committee 27.5.04	13.02.06	13.02.06				Pursuing compliance.
1 Woodlands, Brookmans Park Drive Upminster	2 Notices Development laying of hardstanding. Change of use living on land	Committee 23.2.06	5.5.06	5.5.06	Public Inquiry 06.06.06	Appeal dismissed 01.02.07		No action at present time Notice remains on land.
179-181 Cherry Tree Lane, Rainham	1. Development 2. Use	Committee 30.8.06	27.10.06	30.10.06			1.3.07	Third prosecution fined (A) £5,000 (B) £5,000 Cost £2500 Pursuing compliance
Land at Church Road, Noak Hill Romford	1. Development 2. Use	Delegated	17.7.07	17.7.07		Appeal dismissed		1. Development. Appeal Dismissed. Enforcement Notice varied.  2. Use. Appeal Dismissed. Pursuing compliance
Woodways & Rosewell, Benskins Lane, Noak Hill	Change of Use	Delegated	21.6.07	27.6.07	20.7.07	Appeal dismissed 02-05-2008		Pursuing compliance.
Sylvan Glade Benskins Lane Noak Hill Romford	Change of Use and Development	Delegated	18.9.07	18.9.07	24.10.07	Appeal dismissed		Pursuing compliance

ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	DATE OF COMMITTEE AUTHORITY	NOTICE ISSUED	NOTICE SERVED	APPEAL LODGED	APPEAL DECISION	COMPLIANCE DATE	COMMENTS
Vine Cottage 215/217 North Street Romford	Listed Building Development	Delegated	20-11-07	21-11-07	13-12-07	Enforcement Notice quashed		Further Notice served. 14-07-10. 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
14 Rainham Road Rainham	Alleged operation of car wash without full compliance with planning conditions and unauthorised building  (2 Notices)	Committee 26-06-08	07-11-08	13-11-08	12-01-09 15-12-08	Appeal dismissed		Pursuing compliance
Plot at Benskins Lane (Golf Course) Noak Hill Romford	Alleged change of use – Storage and erection of fence	Committee 07-07-08	01-10-08	02-10-08	07-11-08	Appeal dismissed		Pursuing compliance
Demyns 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	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
15 Kensington Road Romford	Unauthorised extension to rear of house and conversion to flats  (2 Notices)	Committee 15-01-09	06-03-09	06-03-09	30-05-09	Appeal dismissed		Pursuing compliance
Vision Automotive New Road Rainham	Unauthorised extension	Delegated	09-03-09	09-03-09	20-04-09	Appeal withdrawn		Pursuing compliance
Grovelands Garden Centre Clay Tye Road Upminster	Development – Use	Committee 26-02-09	29-04-09	29-04-09		Appeal dismissed		Monitoring

ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	DATE OF COMMITTEE AUTHORITY	NOTICE ISSUED	NOTICE SERVED	APPEAL LODGED	APPEAL DECISION	COMPLIANCE DATE	COMMENTS
137 Marks Road Romford	Use _ Unauthorised conversion to flats	Committee 05-02-09	06-05-09	08-05-09				Enquiries continuing to trace owners
57 Nags Head Lane Brentwood	Development (5 Notices)	Committee 15-01-09	06-03-09	06-03-09	15-04-09	Appeal part allowed/part dismissed		Pursuing compliance after April 2011.
Timbuk2 Folkes Farm Folkes Lane Upminster	Development Notice A  Use Notice B  Use Notice C	Committee 30-04-09	12-04-10	16-05-10 13-05-10	20-05-10	Notice quashed  Notice quashed  Notice quashed		Monitoring
Chanlin Broxhill Road Havering-atte-Bower	Use	Delegated 14-07-09	27-11-09	27-11-09	29-12-09	Appeal dismissed		Pursuing compliance
14 Berwick Road Rainham	Unauthorised fence	Delegated 27-08-09	27-08-2009	02-10-09	12-03-10	Appeal dismissed		Pursuing compliance
118 Mashiters Walk Romford	Development	Delegated 20-08-09	23-12-09	24-12-09	11-08-09	Appeal dismissed		Pursuing compliance
3 Reed Pond Walk Gidea Park Romford	Development	Delegated 24-08-09	23-12-09	24-12-09				Pursuing compliance
111 Albany Road Hornchurch	Development  Use	Delegated 15-10-09 Committee 19-11-09	22-12-09  22-12-0-	22-12-09  22-12-09	03-12-10  03-12-10	Notice quashed  Appeal dismissed		Monitoring  Pursuing compliance
Chapmans Farm Park Farm Road Upminster	Use	Committee 29-10-09	20-01-10	20-01-10	03-03-10	Appeal dismissed	24-03-11	Complied with
11 Wolseley Road Romford	Development	Committee 29-10-09	18-01-10	18-01-10	09-03-10	Appeal dismissed		Pursuing compliance

ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	DATE OF COMMITTEE AUTHORITY	NOTICE ISSUED	NOTICE SERVED	APPEAL LODGED	APPEAL DECISION	COMPLIANCE DATE	COMMENTS
222 Havering Road Romford	Development	Committee 29-10-09	18-01-10	18-01-10	25-02-10	Appeal dismissed		Pursuing compliance
179-181 Cherry Tree Lane Rainham	Use	Delegated 03-08-10	28-01-10	29-01-10				Pursuing compliance
29 Reed Pond Walk Gidea Park Romford	Development	Delegated 10-02-10	26-02-10	01-03-10	01-04-10	Appeal dismissed		Pursuing compliance
30 Robin Close Collier Row Romford	Development	Delegated 14-12-10	08-03-11	08-03-11				
Polkes Farm Polkes Lane Upminster	Use x 2	Committee 11-03-10	07-10-10	07-10-10	01-11-10			See schedule A
The Former Brook Street Service Station Colchester Road Harold Wood	Use & Development	Delegated 01-07-10	22-07-10	23-07-10	26-08-10	Temporary Permission given		Monitoring
29 Lessington Avenue Romford	Development	Committee 29-04-10	27-07-10	28-07-10	01-09-10	Appeal dismissed		Pursuing compliance
222 Moor Lane Cranham Upminster	Development	Delegated 18-08-09	15-09-20	15-09-10			13-02-11	Notice complied with
Complete Steel Spiisbury Road Harold Hill Romford	Use	Delegated 21-07-10	10-09-10	10-09-10	06-10-10	Notice quashed		Monitoring

ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	DATE OF COMMITTEE AUTHORITY	NOTICE ISSUED	NOTICE SERVED	APPEAL LODGED	APPEAL DECISION	COMPLIANCE DATE	COMMENTS
Land off Church Lane Noak Hill Romford	Development	Committee 15-07-10	10-09-10	10-09-10				Pursuing compliance
Moorings Garage Southend Arterial Road Hornchurch	Notice A. Use  Notice B .Development Withdrawn  Notice C. Development Withdrawn	Committee 29-04-10	01-10-10	01-10-10	28-10-10	Appeal dismissed		Pursuing compliance
5 Crammerville Walk Rainham	Development	Committee 29-04-10	09-07-10	09-07-10			07-10-10	Notice complied with
25 Lessington Avenue Romford	Development	Committee 20-04-10	37-07-10	28-07-10	01-09-10	Appeal dismissed		Pursuing compliance
Complete Steel Ltd Spilsby Road Harold Hill	Use	Delegated 21-07-10	10-09-10	10-09-10	06-10-10	Notice quashed		Monitoring
Land off Church Road Noak Hill Romford	Development	Committee 15-07-10	10-09-10	10-09-10				Pursuing compliance
39 Benets Road Hornchurch	Use	Committee 26-08-10	29-11-10	29-11-10	09-12-10	Appeal dismissed		Pursing compliance
3 Crown Cottage Hog Hill Road Collier Row Romford	Development	Committee 09-09-10	29-11-10	29-11-10	15-12-10	Appeal dismissed		Pursuing compliance



ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	DATE OF COMMITTEE AUTHORITY	NOTICE ISSUED	NOTICE SERVED	APPEAL LODGED	APPEAL DECISION	COMPLIANCE DATE	COMMENTS
3 Percy Close Harold Hill Romford	Development	Delegated 14-10-10	20-01-11	20-01-11				Pursuing compliance
Three Horseshoe Farm Noak Hill Road Harold Hill Romford	Development	Committee 08-04-10	10-01-11	10-01-11				Pursuing compliance
83A London Road Romford	Use	Committee 02-12-10	04-03-11	04-03-11	26-03-11			See Schedule A
Aveley Marshes New Road Rainham	Use/Development	Committee 26-08-10	14-01-11	14-01-11	11-02-11			See schedule A
9 Bridge Close Romford	Use	Delegated 29-03-11	12-05-11	13-05-11				Pursuing compliance
5 Writtle Walk Rainham	Use	Delegated 14-01-11	18-04-11	18-04-11	19-05-11			See schedule A
13 Bridge Close Romford	Use	Delegated 31-03-11	12-05-11	13-05-11				Pursuing compliance

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# 7

## **REGULATORY SERVICES COMMITTEE**

23 June 2011

**Subject Heading:**

**Prosecutions update**

**Report Author and contact details:**

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

## **REPORT**

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

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

### **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 are no Prosecutions to be reported 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

# REPORT

23 June 2011

**Subject Heading:**

P0712.10 – 155 Hall Lane, Upminster

Single storey rear conservatory  
(Received 19 May 2010)

**Report Author and contact details:**

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

**Policy context:**

Local Development Framework

**Financial summary:**

None

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

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

## SUMMARY

This application seeks full planning permission for a single storey conservatory to the rear of an existing single storey element. The property is within the Metropolitan Green Belt.

The planning issues include the principle of development, design, green belt issues, amenity issues, street scene and rear garden impact and finally parking and highway matters. These issues are set out in detail in the report below. Staff consider the

proposals to be acceptable, subject to the satisfactory completion of a Section 106 Agreement and conditions.

**RECOMMENDATIONS**

That the proposal is unacceptable as it stands but would be acceptable subject to the applicant entering into a Deed of Variation under Section 106A of the Town and Country Planning Act 1990 (as amended) to vary the legal agreement completed on 19th August 1993 in respect of planning permission P0536.93 to allow for a redefinition of the residential curtilage of the property

That planning permission be granted subject to the following conditions.

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

Reason:-

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

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

Reason:-

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

**INFORMATIVES**

1. Reason for Approval:

The proposal is considered to represent inappropriate development, in principle, within the Metropolitan Green Belt. However, it is considered that there are

very special circumstances to justify the development proposed and that the proposal would therefore be in accordance with the provisions of PPG2. The proposal is also considered to be in accordance with the aims and objectives of Policies DC61 and DC33 of the LDF Core Strategy and Development Control Policies Development Plan Document.

**REPORT DETAIL**

**1. Site Description**

- 1.1 The application site comprises of a two storey detached dwelling which has a painted rough render appearance with a tiled roof. There is parking for six vehicles, four on a hard standing and two in the double garage to the front of the property. No trees are affected by this development.
- 1.2 The site is bounded by a high wooden fence to No.153 Hall Lane and by a mesh fence, trees and shrubbery to the northern boundary. The ground level slopes downhill from east to west in the rear garden. The surrounding area is characterised by single and two storey detached properties.
- 1.3 The site of 155 Hall Lane itself comprises of the house, a garden area to the rear within the residential area, a plot of land to the north of the house and garden and a further area of land to the west extending behind the rear gardens in River Drive. Both these sections of land to the north and west of the dwelling are within the Metropolitan Green Belt. There is no boundary treatment separating these areas and furthermore these areas are used for garden type uses continuous with the residential garden immediately to the rear of the house.

**2. Description of Proposal**

- 2.1 The application seeks planning permission for a single storey rear conservatory.
- 2.2 The single storey rear conservatory which measures approximately 5.5m wide, 4.5m deep with a gable end projection which projects an additional 0.8m from the centre of the conservatory.
- 2.3 The development is to be finished in UPVC and glass and provides additional accommodation in the form of a conservatory.

**3. Relevant History**

- 3.1 ES/HOR 12/52 – House & garage – Approved.  
L/HAV 2348/73 – Extension to house & swimming pool – Approved.  
L/HAV 2601/73 – Additional vehicular access – Approved.  
1278/76 – Extension of curtilage of dwelling house garden –Refused.

1060/77 – Hard standing for cars – Approved.  
1662/78 – External w.c. – Approved.  
518/81- Greenhouse – Refused.  
519/81 – Rear Extension – Approved.  
PE.463 – Refused.  
P1879.89 - Detached garage - Refused.  
P1339.90 - Domestic garage - Refused.  
P0113.91 - Rear single storey extension - Approved.  
P0871.91 - Detached garage - Withdrawn.  
P0536.93 - Single storey side extension - Approved (Section 106 signed).  
P1020.05 – Outline application for one detached dwelling house – Refused.

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

4.1 Notification letters were sent to 8 neighbouring properties. No letters of representation have been received.

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

5.1 Policies DC33 (car parking) and DC61 (urban design) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document are material planning considerations, as is the Residential Extensions and Alterations Supplementary Planning Document.

5.2 Planning Policy Guidance Note 2 (PPG2) (Green Belts) is also a material consideration.

#### **6. Staff Comments**

6.1 Due to the unusual nature and planning history of the site, the proposal raises concerns as to the potential impact upon the Metropolitan Green Belt. The issues to be considered in this case are the principle of development: design/street scene issues, impact upon the Metropolitan Green Belt and amenity implications.

#### **6.2 Background**

6.2.1 There is extensive planning history on the site in relation to the construction of a garage. Two applications P1879.89 and P1339.90 were refused planning permission because the proposed development would adversely affect the character of the Green Belt at this point and no special circumstances demonstrated to warrant a departure from the Green Belt Policies.

6.2.2 Planning permission was granted in 1993 under planning reference P0536.93 for a single storey side extension to form a garage and store.

6.2.3 A legal agreement was signed in conjunction with this approval. The S106 stipulated the following:



- The approved scheme to be constructed in strict accordance with the plans.
- Not to erect any building, fence or any structure on the land hatched in blue on plan attached to the S106.
- To construct the hard standing within 6 months of this agreement.
- Finally to remove, the existing hard standing shown edged in green on the plan and to replace with grass.

6.2.4 In granting planning permission, it was acknowledged that the proposed attached garage which is located on the north side of the dwelling was within the Green Belt. However, the proposal included the removal of the existing hard standing and the Council was of the view that with the removal of the existing hard standing to the north of the dwelling, the provision of the new attached garage would be acceptable as there would be less harm to the Green Belt Land and the legal agreement would enable control over the extent of the residential curtilage and further buildings.

### **6.3. Green Belt Implications**

- 6.3.1 National and local policies refer to a presumption against inappropriate development in Green Belt areas. Paragraph 3.4 of PPG2 states that “limited extension, alteration or replacement of existing dwellings” is not inappropriate providing the advice in Paragraph 3.6 is heeded. Paragraph 3.6 states that extensions should “not result in disproportionate additions over and above the size of the original building”. These views are reinforced in Policy DC45 of the LDF Development Control Policies Development Plan Document.
- 6.3.2 Planning Policy Guidance Note 2 Green Belts (PPG2) at paragraph 3.4 states that the construction of new buildings inside a Green Belt is inappropriate unless it is for one of a limited number of specified purposes, including along with other things: agriculture and forestry; essential facilities for outdoor sport and outdoor recreation. The proposal relates to an extension to the existing property but would have the effect of extending the residential curtilage of the property as it is on land which has been excluded from the residential curtilage of the dwelling by the Section 106 legal agreement. The proposed conservatory is outside a residential curtilage and it would not fall within the above purposes and therefore would fail to comply with the above guidance. The proposal is consequently judged to be inappropriate in principle in the Green Belt.
- 6.3.3 In order to justify inappropriate development within the Green Belt, the applicant is required to demonstrate very special circumstances. Very special circumstances will only exist where the harm by virtue of the inappropriateness and any other harm, such as visual impact, is clearly outweighed.
- 6.3.4 Before assessing the very special circumstances case, an assessment of any other harm arising from the proposal needs to be carried out. This is set out below.

**6.4 Design/Impact on Street scene**

- 6.4.1 It is considered that the single storey rear conservatory would be designed in sympathy with the existing dwelling. The proposal will not be visible from the street but will be noticeable within the rear garden environment and from the Green Belt.
- 6.4.2 No other objections are raised from the visual impact point of view and it is considered the development complies with guidance.

**6.5 Impact on Amenity**

- 6.5.1 It is noted the depth and height of the extension is greater than Council guidelines however due to the extensive width of the rear garden, staff are of the view the proposal would not impact on the amenity of the adjacent neighbours and furthermore no loss of privacy would therefore result.

**6.6 Very Special Circumstances:**

- 6.4.1 It has been established earlier in this report that the proposal is inappropriate development in the Green Belt as assessed against PPG2 and DC45. Staff therefore need to consider whether the in principle harm to the Green Belt is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.
- 6.4.2 The applicant has submitted a statement advising the Council that the proposal would permit the occupiers to enjoy the garden and wildlife all year round. The applicant is of the view the proposal would not impact on the amenity of the adjacent neighbours. Furthermore, the additional space would allow his severely disabled wheelchair bound mother to benefit from the additional space and improve her quality of life. Staff appreciate the comments forwarded in relation to the special circumstances. However, in themselves, they are not judged to be sufficiently special or unique to justify the development.
- 6.4.3 The layout of this dwelling is unusual in Green Belt terms as the dwelling itself is outside of the Green Belt, but the garage to which the conservatory would be attached, is located within the Green Belt. Although not strictly applicable policy wise given this Green Belt/non-Green Belt split, in volume terms the existing and proposed extensions would add 179 cubic metres to the dwelling, which comprises a cumulative volume of 130% of the original volume of the dwelling. This is substantially beyond the 50% threshold identified by Policy DC45, albeit that only part of the dwelling is located within the Green Belt.
- 6.4.4 Staff consider the circumstances of this particular application to be somewhat unique, given that the existing dwelling is partly within and partly outside of the Green Belt and that the residential curtilage of the dwelling has been defined through the use of a legal agreement. Whilst the development is inappropriate in principle within the Green Belt and does increase the volume of development to 130% of the original volume of the dwelling, given the particular site

conditions Staff consider that no actual harm to the character and openness of the Green Belt would arise in this instance..

6.4.5 Staff consider that there would be no material harm to the character and openness of the Green Belt due to the relatively modest size and scale of the conservatory extension and its position to the rear of the existing garage and its limited projection beyond the rear of the existing dwelling. The conservatory does not extend any further north than the flank wall of the existing garage and so does not represent an incursion into the undeveloped Green Belt land directly to the north of the application site. When viewed from outside the site to the north the conservatory would not encroach into the currently open character of the Green Belt and Staff consider that it would not materially detract from the objectives of the original legal agreement to retain openness to the northern side of the site. The conservatory would not be readily visible from outside the site to the east and south as it is screened by the existing house and garage. Staff therefore conclude that, by virtue of the existing building line set by the existing dwelling and garage, the location of the proposed conservatory in relation to this and lack of encroachment into the northern part of the site beyond the current building line, that no material harm to the character and openness of the Green Belt.

6.4.6 There remains an 'in principle' conflict with the provisions of PPG2, as the proposal is for development outside of a residential curtilage and is inappropriate in principle. The acceptability of this proposal is therefore a matter of judgement. However, on balance, Staff consider that given the particular circumstances of the site and in the absence of demonstrable harm to the character and openness of the Green Belt arising from the proposal, that there are very special circumstances in this case to justify the grant of planning permission, subject to a variation of the original legal agreement. Members are however invited to exercise their judgement in relation to this proposal.

## **6.5 Highway/parking issues**

6.5.1 Policy DC33 of the LDF Core Strategy and Development Control Policies Development Plan Document is relevant. The proposal would not create any highway or parking issues. There is space for four vehicles on a hard standing and a double garage, which is deemed to be sufficient.

6.5.2 No objections are therefore raised to the development from the highway point of view.

## **7. Conclusion**

7.1 It is considered that the single storey rear conservatory has been designed in sympathy with the existing dwelling and it will not have an unsatisfactory relationship to neighbouring occupiers. There are no material adverse parking or highways implications as a result of this proposal. Although the Green Belt aspects of this case are a matter of judgement, for the reasons outlined above, Staff consider that the proposal can be supported, subject to the variation of the

legal agreement. However, Members are invited to apply their judgement in this respect.

**IMPLICATIONS AND RISKS**

**Financial implications and risks:**

None.

**Legal implications and risks:**

This application is considered on its merits and subject to the variation of the Section 106 Agreement.

**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**

**9**

**REGULATORY  
SERVICES  
COMMITTEE**

**REPORT**

23 June 2011

**Subject Heading:**

**P0650.11 – East London Sustainable Energy Facility Land west of Fairview Industrial park, off Marsh Way, Rainham**

**Extension of time limit of U0004.06 – Construction of sustainable energy facility comprising the erection of gasification power generation plant and associated building and plant (Application received 11<sup>th</sup> February 2011, re-registered on 1<sup>st</sup> April 2011)**

**Report Author and contact details:**

**Simon Thelwell  
Planning Control Manager  
Telephone: 01708 432685  
Simon.thelwell@havering.gov.uk**

**Policy context:**

**London Plan; Local Development Framework**

**Financial summary:**

**No financial impact to the Council.**

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

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

**SUMMARY**

In June 2006 a proposal was presented to Members for a new Sustainable Energy Facility that would create energy by utilising a synthetic gas produced from Solid Recovered Fuel (SRF) mainly sourced from the neighbouring Frog Island facility using a process known as gasification. Havering were consultees to the application with the decision falling to the LTGDC as the determining Authority. At that time Members resolved to raise an objection to the proposals on the grounds of the cumulative impact of pollution on the health of local residents and that the siting and design of the structures would have significant adverse impacts to the river frontage.

These objections were relayed to the LTGDC who subsequently resolved to grant planning permission subject to conditions and the prior completion of a S106 legal agreement. The S106 agreement was subsequently signed in July 2008 and planning permission granted.

A further application to vary details was submitted in 2009 to allow alterations to the original scheme to vary the power generation equipment to which no objections were raised.

This application is seeking approval to extend the time limit for the implementation of the 2008 planning consent which imposed a standard 3 year time limit on the commencement of development. A further three years is sought. The submission seeks no changes to the scheme as approved in 2008.

Staff recommend that as there have been no significant change in circumstances since the original approval in 2008, that the extension of time sought be approved subject to a legal agreement to reflect this application and to make LBH party to the agreement instead of the LTGDC and no contrary direction from the Mayor for London.

**RECOMMENDATIONS**

- A. That the Committee resolve that, the application is considered unacceptable as it stands but it would be acceptable subject to:
- a) No direction to the contrary from the Mayor for London;
  - b) The prior completion of a S106 legal agreement to ensure that the provisions of the original S106 relating to U0004.06 are applicable to this application and to make the London Borough of Havering party to the agreement which would cover all of the planning obligations in the planning permission under references U0004.06:
    - A total financial contribution of £100,000 to cover:

- i) improved public access to riverside areas;
  - ii) environmental improvements and landscaping in the vicinity of the site;
  - iii) improvements to public transport provision to the area;
  - iv) a contribution to a base line study to be undertaken by the Havering PCT of the impact of air pollution on respiratory problems within the local population (under 15s) and to monitor impact once plant is up and running.
- To implement, review and maintain a staff travel plan throughout the life of the development and,
  - That no development under the permission is to commence until a contract with the East London Waste Authority (Shanks) for the supply of solid recovered fuel primarily from the Frog Island Bio-MRF (MBT) facility to the power generation plant has been signed and evidence of this provided;
  - The planning permission not be implemented prior to the developer providing conclusive evidence to the Council that all of the necessary authorisations required by the Environment Agency have been secured.
  - That SRF can only be taken from the Jenkins Lane Bio-MRF in circumstances where the Frog Island facility has been closed, totally or partially for maintenance or to maintain the operational capacity of the plant;
  - To specify the limited circumstances where SRF can be brought to the site from sources within the ELWA area other than the Frog Island and Jenkins Lane Bio-MRFs to maintain the necessary input for power generation.
  - To use reasonable endeavours to secure a conveyor link between the plant site and Frog Island; to regularly review the proposal to secure a conveyor link and to regularly report to the local planning authority with details.

**CONDITIONS:**

1. SC04 – 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. No buildings hereby permitted shall be first occupied until provision shall be made within the site for the approved number of car parking spaces. Thereafter the car parking spaces shall be made permanently available for use for car parking and for no other purpose, unless otherwise agreed in writing by the Local Planning Authority.

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

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

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

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

**Reason:** In accordance with Section 197 of the Town and Country Planning Act 1990 and to enhance the visual amenities of the development.

5. No goods or materials shall be stored on the site in the open without the prior consent in writing of the Local Planning Authority.

**Reason:** In the interests of visual amenity.

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

**Reason:** The Local Planning Authority consider it essential that the whole of the development is carried out and that no departure whatsoever is made from the details approved, since the development would not necessarily be acceptable if partly carried out or carried out differently in any degree from the details submitted.

7. The development hereby approved shall not be commenced until a report on potential contamination of the site has been prepared by an appropriately qualified person and submitted to and approved in writing by the LPA. The report shall include:



- i) a survey of the scale and nature of any contamination;
- ii) an assessment of potential risks to the public, buildings (existing or proposed) or the environment, including adjoining land and the water environment; and
- iii) details of any remedial measures necessary to make the site suitable for the proposed use or development.

The development hereby approved shall not be commenced until remedial measures have been carried out as approved and completed to the satisfaction of the Local Planning Authority.

If during development works any contamination should be encountered which was not previously identified and is either from a different source or of a different type to that identified in the original approved survey then revised remedial measures shall be submitted to and approved by the local planning authority, and those measures shall be carried out as approved prior to the first occupation of the development.

If during development works any contamination should be encountered in areas previously expected to be free from contamination, remedial measures shall be carried out in accordance with the approved details prior to the first occupation of the development.

**Reason:** To protect those engaged in construction and the occupation of the development from potential contamination.

- 8. The development hereby approved shall not be commenced until details of the site surface and foul drainage systems have been submitted to and approved in writing by the local planning authority. The drainage system shall be constructed in accordance with the approved details.

**Reason:** To prevent the pollution of the water environment.

- 9. The development shall not be carried out unless in accordance with the environmental standards, mitigation measures, requirements and methods of implementing the development contained in the Environmental Statement and appendices thereto, submitted in support of the approved planning application U0004.06 produced by Enzygo Limited, unless and to the extent that such standards, measures, requirements and methods are altered by the express terms of this permission and the approved strategies, frameworks, protocols and other documents submitted or to be submitted pursuant to it.

**Reason:** To ensure the development is carried out in accordance with the assessment carried out as part of the environmental statement and the mitigation measures proposed therein.”

- 10 The development shall be carried out in accordance with the environmental standards, mitigation measures, requirements and methods of implementing the development contained in the environmental statement relevant to the development and appendices thereto, submitted with the planning application, the development specification and framework and any Regulation 19 of Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 submission documents, unless and to the extent that such standards, measures, requirements and methods are altered by the express terms of this permission and the approved strategies, frameworks, protocols and other documents to be submitted pursuant to it.

**Reason:** To ensure the development is carried out in accordance with the assessment carried out as part of the environmental statement and the mitigation measures proposed therein.

11. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

**Reason:** To prevent the contamination of ground water as piles may create pathways for contamination that pose a risk to groundwater resources.

12. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given only for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

**Reason:** To prevent the contamination of ground water as the site is on historic landfill and this may mobilise contaminants.

13. The development hereby approved shall not commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include details of how the scheme shall be maintained and managed after completion

**Reason:** To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system.

14. External artificial lighting within 40m of any surrounding sites of interest for nature conservation (including Rainham Creek, Lower Beam River and the Inner Thames Marshes) shall be directed away from the area and shall be focused with cowlings.

**Reason:** To minimise light spill from the new development into these sites of interest for nature conservation.

15. The development hereby approved shall not be commenced until a detailed method statement for the removal or long term management of giant hogweed present on the site has been submitted and approved in writing by the Local Planning Authority. The method statement should include proposed measures to prevent its spread during any operations relating to the proposal, such as mowing, strimming or soil movement. Any soils brought to the site shall be free of the seeds/root/stem of any invasive plant covered under the Wildlife and Countryside Act 1981 (as amended). Development shall proceed only in accordance with the approved method statement.

**Reason:** Giant Hogweed is an invasive plant, the spread of which is prohibited under the Wildlife and Countryside Act.

16. The development hereby approved shall not be commenced until details of a vegetated Buffer Zone 16 metres wide alongside the Thames, and a vegetated Buffer Zone 5 metres wide alongside the pond to the east of the site and the ditch running in parallel to the Thames has been submitted to and approved in writing by the Local Planning Authority. Thereafter the buffer zones shall be implemented in accordance with the approved details to the satisfaction of the local planning authority. The buffer zones shall be measured from the top of the bank and shall be free of structures, hard standing, car parks and fences in order to avoid problems such as fragmentation of the buffer; the introduction of non-native species into the buffer; and pressure for inappropriate bank retention works.

**Reason:** To maintain the character and ecology of the watercourses and provide undisturbed refuges for wildlife using the river corridor and to retain access to the watercourse for the Environment Agency to carry out its functions and to protect the river environment.

17. No development hereby approved shall be commenced until a watervole survey has been carried out on all riparian and wetland habitats and submitted to the local planning authority for its approval. The survey shall:
- (a) identify presence/absence; population size, etc
  - (b) assess the development's impact on the watervole population.
  - (c) produce a mitigation strategy if a population is present.

Thereafter mitigation measures shall be carried out in accordance with the approved mitigation strategy.

**Reason:** The habitat of water voles is protected under the Wildlife and Countryside Act 1981 and therefore development must not impact on their habitat. Any encroachment within this zone should ensure that this species is not present.

18. Prior to the commencement of development details of the construction of storage facilities for oils, fuels or chemicals shall be submitted to and approved in writing by the Local Planning Authority. The construction of any such facilities shall be carried out in accordance with the approved scheme before first occupation of the development pursuant to the use hereby permitted.

**Reason:** To prevent pollution of the water environment.

19. No development approved by this permission shall be commenced until the Local Planning Authority is satisfied that adequate sewerage infrastructure will be in place to receive foul water discharges from the site. No buildings (or uses) hereby permitted shall be occupied (or commenced) until such infrastructure is in place.

**Reason:** To prevent pollution of the water environment.

20. Details, including drawings as appropriate setting out the means by which any groundwater encountered during site construction works is to be disposed of, including any appropriate mitigation methods, shall be submitted to the local planning authority for approval. The dewatering of the site shall be carried out in accordance with the approved details.

**Reason:** To prevent pollution of the water environment.

21. The development hereby permitted shall not be commenced until such time as a survey of the existing river wall, to establish the following information has been submitted to, and approved in writing by, the Local Planning Authority.

- The structural integrity and stability of the wall, including, if needed, intrusive investigation and or testing of the wall and any buried element.
- Supporting structural calculations.
- A proposal of works needed to raise the defences in the future by 600mm above the current flood defence level if needed to address future climate change.

**Reason:** To establish the condition of the existing river wall to both inform the assessment of needed remedial and or replacement works and the detailed design for any construction close to the flood defence. In addition to preventing the increased risk of flooding to third parties, to the site itself and to prevent any detrimental effect on water quality or biodiversity.

22. The development hereby permitted shall not be commenced until such time as a proposal of the works necessary to bring the defences up to the life expectancy of the development (60 years for commercial) has been submitted to and approved in writing by, the Local Planning Authority. The recommendations of the proposal shall be completed before the development is operational.

**Reason:** To ensure the safety of the facility and occupants for the lifetime of the development.

23. No works shall be commenced on the site until calculations, details and drawings of all works within 16 metres of the River Thames have been submitted to the Local Planning Authority for its prior approval. The works shall be carried out in accordance with the approved details

**Reason:** To maintain the integrity of the flood defences of the River Thames

24. A horizontal access strip 16 metres wide adjacent to the River Thames, Ingrebourne and Havering New Sewer shall be left free from any permanent development, including fences and other obstructions.

**Reason:** To retain access to the watercourse for the Environment Agency to carry out its functions and to protect the river environment.

25. The development hereby approved shall not commence until a flood management strategy fully detailing flood warning and evacuation plans has been submitted to and approved by the Local Planning Authority. The strategy shall be implemented in full accordance with the approved details before first occupation of the development.

**Reason:** To minimise risks from tidal flooding.

## **INFORMATIVES**

Under the Water Resources Act 1991 and the Thames Region Land Drainage Byelaws 1981, the prior written consent of the Environment Agency is required for certain works or structures in, over, under or within 16 metres of the top of the bank of the River Thames, designated a 'main river'. This is irrespective of any planning permission granted. Please contact Ian Blackburn (0207 091 4013) for further details.

### **Reason for Approval:**

The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies CP11, CP15, DC50, DC52 and DC55 of the Core Strategy and Development Control Policies Development Plan Document and the policies of the Joint Waste Development Plan Document.

The proposed development would provide a waste management solution for locally generated wastes in accordance with government guidance in PPS 10 and the London Plan. In particular it would accord with the proximity principle and subregional self-sufficiency. It would generate electricity from a renewable resource in a manner on type of locality advocated in PPS22. It would meet the objectives of the Landfill Directive and government policy on waste. It would achieve these objectives in a manner that would be both sustainable and have insignificant environmental impact. The proposals comply with the Havering LDF preferred options document and London Plan policy sustainable waste management and renewable energy, which set out a positive approach to these issues, including self sufficiency for the ELWA sub-region in waste management. It is considered that the proposals are also acceptable in accordance with policies CP11, CP15 and DC50.of the Core Strategy and Development Control Policies Development Plan Document.

**AND**

- B. That the Head of Development and Building Control in conjunction with the Assistant Chief Executive for Legal and Democratic Services be given delegated authority to negotiate and agree the precise wording of conditions with the Environment Agency to address any issues the Environment Agency may raise in respect in particular to flood risk.

## **REPORT DETAIL**

### **1.0 Background**

- 1.1 The development of the East London Sustainable Energy Facility (ELSEF) on land at the Ford Motor Company Limited complex, adjacent to the Fairview Industrial Estate, in Rainham was approved by the LTGDC on 14 September 2006, subject to planning conditions and the completion of S106 legal agreements, despite objections from Havering. The S106 Agreement was completed between the LTGDC, the landowners and the planning permission was subsequently formally granted by the LTGDC on 2 July 2008. This scheme was based on a process of electricity generation from the combustion of synthetic gas to generate steam, which in turn would be used in a condensing steam turbine to produce electrical power.
- 1.2 A variant of this original scheme was subsequently granted planning permission in August 2010 (ref U0017.09) using the same fuel and material input to the facility but based on an alternative power generation equipment and technology, consisting of gas engines instead of the steam turbine. Havering raised no objections to these changes.

### **2. Site Description**

- 2.1 The application site is approximately 2.95 hectares in area and located on the northern bank of the Thames and is currently used by the Ford Motor

Company Limited as part of its vehicle holding centre. The site extends westwards as far as the Beam River; beyond which is the Ford works. To the east is the Flogas LPG bottling depot and the southern part of the Fairview Industrial Park. Adjacent to the depot on the east side of the site and approximately 100m away, is the Shanks East London (Bio-MRF) which processes waste from the boroughs of Havering and Barking and Dagenham as part of a contract with the East London Waste Authority (ELWA).

- 2.2 The site lies approximately 1.8km from the centre of Rainham, with the nearest residential properties at Creekside, some 1.4 km away. Larger areas of industrial land, Rainham Sewage Treatment Works, CEME, the A13, CTRL and C2C railways are located between the site and Rainham Village. To the south of the site across the Thames are the industrial areas of Belvedere in the London Borough of Bexley, beyond which are residential areas some 2.3 km away.
- 2.3 Access to the site is through Fords car compound via a private roadway; access can also be gained from Marsh Way, but the entrance is currently obstructed with concrete slabs.
- 2.4 The site is located within the Rainham Employment Area and is identified as a Strategic Industrial Location.

### **3. Description of Proposal**

- 3.1 Approval is sought to extend the time limit for the implementation is sought is for the construction of a power generation plant that would utilise a synthetic gas produced from a solid recovered fuel (SRF) using a process known as gasification. The facility is designed to generate about 18 MW of electricity and operate on a 24 hours per day 7 days a week basis. The delivery of fuel by road would be between 08.00 and 18.00 hrs Monday to Friday, and between 9:00 and 14:00 on Saturdays. Other deliveries and export of residuals would be 7 days a week. The proposed facility comprises:

- A gas island comprising the gasifier and gas cleaning plant and associated storage silos;
- Associated process and storage plant including condensers, cooling tower, chemical, gas and water storage tanks, effluent treatment plant, heat exchangers and electrical switch gear;
- Buildings housing a pelletiser, pelletiser storage area, steam turbine and boilers;
- A visitor centre;
- A conveyor system between the development site and the Shanks East London (Bio-MRF) on Frog Island;
- A site office and maintenance building; and
- Operational and visitor parking areas, circulation space and a weighbridge together with the extension of Frog Lane from Marsh Way

to the operational area of the facility.

The facility would take between 12 and 18 months to construct, following that there would need to be a period of about 6 months for commissioning.

- 3.2 The solid recovered fuel from the mechanical biological treatment plant at Frog Island, which typically would comprise of a mixture of paper, textile, wood and some plastic would be pelletised to form the fuel for the power generation plant. The bulk of the fuel feedstock will be provided by the Shanks East London (Bio-MRF) approximately 100m to the east of the proposed gasification facility with the balance of the fuel supply material being supplied via the Shanks' plant at Jenkins Lane, in Newham. This plant also manages waste collected in the ELWA area and produces SRF of the appropriate technical specification for use as a fuel in the proposed gasification facility. During periods of maintenance at the primary fuel source location it will be necessary to import a greater proportion of the fuel source from the Jenkins Lane facility. In the very unlikely event that both these sources become unavailable for short periods suitable material would be sought from elsewhere in the ELWA or London to ensure that power generation is not interrupted. The SRF would be transported to the site either by a conveyor system across adjoining land or by road via Creek Way and Marsh Way. Any material from Jenkins Lane would be transported by road via the A13.
- 3.3 The process of turning the fuel into electricity can be summarized as follows: The fuel material would be delivered to the plant un-pelletised where it would then be mixed with hydrated lime before pelletising. The pellets would be stored from where there would be a continuous conveyor system to transfer the material to the gasification process. The process transfers heat to the fuel which is turned into a synthetic gas composed of mainly nitrogen, carbon dioxide, carbon monoxide and hydrogen. There would be solid by-product arising from the process, including ash, know as char. The char would be removed from the gas, cooled and stored in silos before being taken off-site for disposal at a suitably licensed landfill site.
- 3.4 The synthetic gas would then be cooled and cleaned by a series of processes which would leave a small quantity of surplus liquor that cannot be reused in the process. This would be neutralized and treated biologically before being discharged to sewer. The gas would then be burned in a boiler plant to generate steam which would be used in a condensing steam turbine to generate electricity. The by-products of the combustion process would be discharged to the atmosphere via a 34 metre high stack.
- 3.5 In the event of emergencies or shut down it would be necessary to divert the synthetic gas to a ground flaring system, with the combustion emissions going directly to atmosphere.
- 3.6 The facility would comprise a number of buildings and structures, the centre piece being the gasification plant. In response to the riverside setting of the facility the proposed layout ensures that a single building fronts and gives



definition to the riverside boundary of the site and presents a single architectural solution to the river rather than a series of fragmented facilities. The architectural treatment and the palette of materials used would be common to all the buildings and structures where possible. The riverside and administration buildings would have rendered block work plinths at ground floor level and be clad on upper levels in stucco embossed mill finish aluminum trapezoidal metal cladding. Windows and louvers would be in gray or aluminium. Roofs would be of a similar aluminium finish to the cladding.

- 3.7 Subject to the agreement of the adjoining landowner, an elevated conveyor system would be constructed between the plant and Frog Island in order to transport the SRF from the Frog Island facility. The conveyor would be supported by a series of stilts about 6 metres above ground level and enclosed in a galvanized steel mesh a further 2 metres higher.

#### **4. Consultations and Representations**

- 4.1 The application has been advertised as a major application by reason of the size and nature of the proposals for which the extension of time would apply. The application was advertised by press notice, site notices and letters to neighbouring properties. No letters of representation have been received.

- 4.2 The following consultee responses have been received:

- **London Borough of Bexley** – No objection
- **London Fire Brigade** – Advise of the need for three additional fire hydrants.
- **LFEPA** – No objection
- **National Air Traffic Service (NATS)** – No safeguarding objections
- **Thames Water** – Advises that it is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. Recommends that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage.
- **Mayor for London** – Advise that the application is strongly supported in strategic planning terms. It is requested that some further information should be provided relating to energy recovery, exportation of heat and flow diagrams to show the waste products from the process. The safeguarding of land for a riverside path should be maintained and car and cycle parking requirements should be in accordance with the draft replacement London Plan.
- **Natural England** – No comments, but would expect the Local Planning Authority to assess and consider the possible impacts arising from the proposal when determining the application.
- **Environment Agency** – No objections subject to updated conditions being imposed..
- **Streetcare/Highways** – No objection

- **Health and Safety Executive** - Does not raise any objections on safety grounds against the granting of planning permission.

**5. Planning History**

- 5.1 There is an extensive history of planning applications in the near vicinity. Of most relevance to this application are:

P1969.05. - Construction of sustainable energy facility comprising the erection of gasification/power generation plant and associated buildings and plant - withdrawn following resolution to refuse.

U0004.06 - Construction of sustainable energy facility comprising the erection of gasification power generation plant and associated building and plant – Approved

U0017.09 – Variation of conditions 6 and 9 to planning permission U0004.06 to allow minor amendments to the power generation strategy and ancillary plant and equipment – Approved

**6. Relevant Policies**

Havering LDF Policies

CP3 – Employment  
CP11 – Sustainable Waste Management  
CP15 – Environmental Management  
CP17 – Design  
DC9 – Strategic Industrial Locations  
DC33 – Car Parking  
DC48 – Flood Risk  
DC49 - Sustainable Design and Construction  
DC50 – Renewable Energy  
DC52 – Air Quality  
DC53 – Contaminated Land  
DC55 – Noise

Consolidated London Plan Policies

4A.1 – Tackling Climate Change  
4A.3 – Sustainable Design and Construction  
4A.7 – Renewable Energy  
4A.12 – Flooding  
4A.13 – Flood Risk Management  
4A.19 – Improving Air Quality  
4A.21 – Waste Strategic Policy and Target  
4A.22 – Spatial Policies for Waste Management  
4A.23 – Criteria for the Selection of Sites for Waste Management and Disposal

4A.27 – Broad Locations Suitable for Recycling and Waste Treatment Facilities.

National Guidance

PPS10 – Planning for Sustainable Waste Management

PPS22 – Renewable Energy

PPS23 - Planning and Pollution Control

PPS25 – Development and Flood Risk

**7. Staff Comments**

- 7.1 The acceptability of the development of a gasification plant in this location has previously been established and currently has planning permission. The proposals seek to extend the time limit for the implementation of that development. In looking at the principle of the development the dual considerations of sustainable waste management and renewable energy were fully assessed in both the original report to Havering's Regulatory Services in its function as consultee and the report to the LTGDC Planning Committee who were the determining Planning Authority at the time. Copies of both reports are appended.
- 7.2 The support for the principle of the development detailed in the previous reports has been strengthened further since the grant of the original consent by the relevant policies of the LDF and the consolidated London Plan and the Draft Climate Change Mitigation and Energy Strategy, all of which seek to promote renewable energy technologies.
- 7.3 Policy DC50 indicates that proposals for the development of renewable energy facilities will be acceptable subject to provisos related to design and impact balanced against the benefits of achieving diverse and sustainable energy supplies and reducing greenhouse effects.
- 7.4 Policy 4A.7 of the London Plan requires Boroughs to identify broad areas where the development of specific renewable energy technologies is appropriate and the Draft Climate Change Mitigation and Energy Strategy encourages the conversion of waste into low carbon energy in waste-to-energy plants.
- 7.5 The original advice to members, that the relevant guidance makes it clear that allocated industrial areas are appropriate locations for renewable energy schemes, is unchanged. The use would be similar in nature to other industrial developments and staff's view that the principle that this is an appropriate site for this renewable energy use remains unchanged.
- 7.6 Turning to the principle of sustainable waste management the level of Policy support for the proposal has also strengthened since the original consent was granted. Policy DC9 accepts that Strategic Industrial Locations are suitable locations for waste uses subject to being consistent with the policies set out in the Joint Waste Development Plan Document and Core Policy

CP11. This in turn is supported by Policy 4A.27 of the Consolidated London Plan which sets out broad locations which would be suitable for recycling and waste treatment facilities.

- 7.7 The gasification of processed waste is still a relatively new technology in the field of waste management. However, it is identified as being important to achieving waste management targets for limiting landfill in PPS10 and the London Plan in particular. The Council has accepted the principle of utilising new waste technologies when approving the Frog Island facility. This gasification proposal would provide the next link in the sustainable management of the municipal waste collected in Havering and Barking and Dagenham. The amount of waste that needs to be sent to landfill would be reduced significantly, with only the residues from the process needing to be disposed of in that way. It is considered that the gasification of the by-product from the Frog Island facility would be a sustainable method of waste management which would meet government and London Plan objectives. It would also meet the criteria of Policy CP11 for permitting new waste management facilities.
- 7.8 There is an existing extant permission with over 2 years remaining which would use gas engines as the means of power generation from the synthetic gas produced. This application is to extend the time limit on the original permission which would use the gas in a boiler plant to produce steam, which in turn would be used in a condensing steam turbine to produce electrical power. As yet there has been no final decision on which method will be used due to the fast pace of this developing technology and hence the need to keep the original permission alive in order to maintain the element of choice.
- 7.9 Current national planning advice is that Local Planning Authorities should take a positive and constructive approach towards applications which improve the prospect of sustainable development being taken forward quickly. In this instance, although the previous decision to grant planning permission was taken by the LTGDC, that decision was in accordance with the policies of the UDP which was at that time the Development Plan. The decision was also made taking full cognisance of the Environmental Impact Assessment and the comments of the Environment Agency and PCT who did not raise any objections on the grounds of public health, pollution or safety. National planning advice states that Local Planning Authorities should, in making their decisions on applications for extensions of time, focus their attention on development plan policies and other material considerations (including national policies on matters such as climate change) which may have changed significantly since the original grant of permission. Although it is within the LPA's power to refuse an application, this should only be where changes in the development plan or other material considerations indicate the proposal should no longer be treated favourably.
- 7.10 In terms of design the scheme is unchanged and staff consider that it involves imaginative design principles that would deliver a scheme that would stand out from its surroundings, without being immediately

recognisable as a public service building. This is similar to the approach to the design of the new buildings at the Gerpins Lane Civic Amenity site and on Frog Island that were supported by the GLA. Whilst the standard of design is a matter of judgement it is considered that a high standard would be achieved by this development which would be appropriate for the area and meet the requirements of DC61. It represents a significant investment in an area of historically low quality uses and design standards and it is judged that it would make a significant contribution to the improvement of the environment and character of the area.

- 7.11 The original planning application was submitted with an Environmental Impact Assessment but staff do not consider that the likely impacts arising from the proposed development have changed to any significant degree since that time. The potential impact upon air quality as a result of emissions was of particular concern to Members when the original application was under consideration. It is understood that air quality in the area has not changed to any significant degree since the original application was made. The requirements that the necessary permit under the Pollution Prevention and Control Regulations be obtained from the Environment Agency and that the developer contribute towards a base line study by the PCT into the impact of air pollution on respiratory problems within the local population (under 15s) and to monitor impact once plant is up and running would remain embodied in the Legal Agreement. Although LDF has become the adopted Development Plan for the area since the original application was considered staff are satisfied there have been no changes to planning policy or other material considerations which would require that the effects of the proposal on the environment be reconsidered.
- 7.12 There have been some changes in the advice received from the Environment Agency (EA), but these are concentrated on the issue of flood risk and can be addressed by the imposition of conditions. These conditions remain under discussion with the EA.
- 7.13 Turning to transportation and highways matters, it remains the intention to construct a conveyor link between the Frog Island facility and the application site. This would significantly reduce the transport distances involved with dealing with the Council's waste as residues from Frog Island are currently transported by road to Dagenham Dock for onward transit to a Bedfordshire landfill site. The conveyor link would cross land outside the control of the applicant but the applicant has agreed to maintain efforts to secure the link through a clause in the S106 obligation.
- 7.14 The proposed lorry route to the site would be mainly over private roads, but there would be a short section of public highway, Marsh Way. This is currently unlit and the agreed contribution to help remedy this through the S106 remains. There is already a bus service to the CEME site which employees of the facility could use. A financial contribution to help secure the long term future and extension of the route would be maintained in the legal agreement. The applicant has also agreed to submit and implement a staff travel plan to help reduce reliance on car transport for employees.

**8. Conclusion**

- 8.1 Staff are satisfied that the proposal remains acceptable when considered against the relevant policies in relation to renewable energy, waste management, location and regeneration and environmental impact.
- 8.2 The proposed development would provide a waste management solution for locally generated wastes in accordance with government guidance in PPS 10 and the London Plan. It would also generate electricity from waste in an allocated strategic industrial area within a building of good quality design representing a significant investment in a priority area for regeneration. The S106 would provide necessary safeguards, contributions and obligations.
- 8.3 In all other respects the application remains in accordance with the relevant national guidance, regional and local development plans and it is accordingly recommended that planning permission be granted subject to a variation to the legal agreement and no contrary direction from the Mayor for London.

**IMPLICATIONS AND RISKS**

**Financial implications and risks:**

No financial implications or risks.

**Legal implications and risks:**

A Section 106 planning obligation would need to be prepared and signed prior to the issue of the planning permission.

The heads of the agreement are set out in the report recommendation.

**Human Resources implications and risks:**

There would be no human resource implications or risks.

**Equalities implications and risks:**

There are no specific social inclusion and diversity issues that arise directly from this report. The council's policies and guidance, the London Plan and Government guidance all seek to respect and take account of social inclusion and diversity issues.

**BACKGROUND PAPERS**

1. The planning application as submitted or subsequently revised including all forms and plans.

2. The case sheet and examination sheet.
3. Ordnance survey extract showing site and surroundings.
4. Standard Planning Conditions.
5. Copy of all consultations/representations received and correspondence, including other Council Directorates and Statutory Consultees.
6. The relevant planning history.

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**REGULATORY SERVICES COMMITTEE REPORT**

23 June 2011

<b>Subject Heading:</b>	<p><b>A0024.11 – 265 Chase Cross Road, Collier Row.</b></p> <p>Installation of 1 illuminated fascia sign and 1 projecting sign (Application received 28<sup>th</sup> April 2011).</p>
<b>Report Author and contact details:</b>	<p><b>Helen Oakerbee, 01708 432 800 helen.oakerbee@havering.gov.uk</b></p>
<b>Policy context:</b>	<p><b>Local development Framework</b></p>
<b>Financial summary:</b>	<p><b>None</b></p>

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

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

**SUMMARY**

This proposal is put forward before the committee due to the applicant being a direct relative of an elected councillor. This report has been passed to the Monitoring Officer, who has confirmed that pursuant to the requirements of the

Council's Constitution the application has been processed in accordance with standard procedure.

Staff consider that the proposal would accord with relevant policies contained in the LDF Core Strategy and the Development Control Policies Document Plan. Approval is therefore recommended, subject to planning conditions.

<b>RECOMMENDATIONS</b>
------------------------

That planning permission be granted subject to the following conditions.

1. This consent is granted for a period of five years commencing on the date of this notice.

Reason:-

To comply with the provisions of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

2. No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway, (including any coastal waters) or aerodrome (civil or military).

Reason:-

To comply with the provisions of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

3. Any advertisements displayed, and any site used for the display of advertisements shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.

Reason:-

To comply with the provisions of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

4. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.

Reason:-

To comply with the provisions of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

5. Where an advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority.

Reason:-

To comply with the provisions of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

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

Reason:-

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

7. The maximum luminance of the fascia sign hereby permitted shall not exceed 250 cd/m<sup>2</sup>.

Reason:-

To comply with the recommendations of the Institute of Public Lighting Engineers Technical Report No. 5 (Third Edition) in the interests of amenity, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC65.

8. The maximum luminance of the projecting sign hereby permitted shall not exceed 250 cd/m<sup>2</sup>.

Reason:-

To comply with the recommendations of the Institute of Public Lighting Engineers Technical Report No. 5 (Third Edition) in the interests of amenity, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC65.

## **INFORMATIVE**

1. Reason for Approval

The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies DC32, DC61, DC65 of the LDF Core Strategy and Development Control Policies Development Plan Document.

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

**REPORT DETAIL**

**1. Site Description**

- 1.1 The site is located on the northern side of Chase Cross Road, adjacent to an existing parade of shops with residential flats provided above. Two commercial units are currently under construction within a single storey gable ended block. One unit will be A3 in use and the other A1.
- 1.2 The parade of shops adjacent to the application site is of two storeys in height. To the western boundary of the site is a single track road which provides access to garages at the rear of the shops. Residential properties are located to the opposite side of Chase Cross Road. Adjoining the eastern boundary of the site is the former Gobions School site which has been redeveloped to provide 162 residential properties. A number of mature trees also adjoin eastern boundary of the site and although located within the former Gobions School site are subject to Tree Preservation Orders.

**2. Description of proposal**

- 2.1 The application seeks consent for the installation of No.1, illuminated fascia and projecting sign for the A3 unit. The fascia sign measures 3.8m wide by 0.75m high. The projecting sign measures 0.6m high and projects 0.85m.

**3. Relevant History**

- 3.1 P1383.10 – Proposed two single storey commercial units (A1/A3) with proposed installation of extract flue – approved.  
P0870.10 – Change of use to A3 and extract flue – withdrawn.  
P1165.08 – Two single storey retail units – approved.  
P2315.05 – Proposed maisonette over existing altered retail units – refused.

**4. Consultations/Representations**

- 4.1 A total of 18 neighbouring properties were notified in respect of the application, no representations were received at the time of writing this

report. Should any representations be received, they will be reported verbally at the committee meeting.

**5. Relevant Policies**

- 5.1 Policies (DC61 (Urban Design) and DC65 (Advertisements) of the LDF Core Strategy and Development Control Policies Development Plan Document are considered to be relevant.

**6. Staff Comments**

- 6.1 This proposal is put forward before the committee due to the applicant being directly related to an elected councillor.

6.2 Principle of Development

- 6.2.1 The signage proposed is located on the A3 unit of two commercial properties which were given planning permission under P1383.10. The site is located within a Minor Local Centre where signage defines the frontages of commercial properties. DC61 and DC65 require development to respect the scale, form and massing of individual buildings and the wider locality. In principle there is no objection to signage, subject to the submission of a detailed design proposal. There is in principle no objection to signage.

6.3 Impact on Amenity

- 6.3.1 The advertisements would not overlook or lead to the loss of light to any surrounding property, nor would they lie directly in front of a residential property. It is therefore considered that the proposals would not have an adverse impact upon amenity. The illumination is of a low level and contained only to text of the signage.

6.4 Design/Impact on Street scene

- 6.4.1 DC65 states that advertisements will be only be granted if they complement the scale, form and architectural composition of individual buildings, are by their size, design, siting and degree of illumination in character with the surrounding area. The signage of commercial properties within this Minor Local Centre creates definition to the parade. The signage proposed for the A3 unit here would continue this pattern and tie this newly constructed block into the adjacent terrace to create a cohesive extension to the Minor Local Centre.

- 6.4.2 The signage runs the length of the café entrance and would be illuminated. There is no objection to illumination in principle. The projecting sign is considered to be modest in nature and while would be visible within the streetscene, would not appear overly dominant.

6.5 Highway/Parking

6.5.1 Policy DC65 states that the Council will ensure that any advertisements or signs do not pose a hazard to traffic. The signs visible from the public highway, and set on the site boundaries, however, the signs are considered to not result in any distraction or significant influence to the present traffic situation, given the commercial context of the parade.

6.6 Conclusions

6.6.1 It is considered that the proposed fascia and projecting signs are of an appropriate scale and form on the original building and within the wider street scene. They would enhance the commercial character and function of the designated Minor Local Centre of Chase Cross Road. Additionally, the signs are not considered to unduly compromise public safety or pose a hazard to traffic, as they are situated on a building frontage and do not obstruct the major signalised cross roads.

6.6.2 The proposal is considered to be in accordance with the aims and objectives of the LDF Development Control Policies Development Plan Document and approval is recommended accordingly.

**IMPLICATIONS AND RISKS**

**Financial implications and risks:** None

**Legal implications and risks:** This application is considered on its own merits and independently from the applicant's connection to an elected Councillor.

**Human Resources implications and risks:** None

**Equalities implications and risks:** The Council's planning policies are implemented with regard to Equalities and Diversity. The signage would emphasise the café and is considered to add to the vibrancy of the Minor Local Parade.

**BACKGROUND PAPERS**

Application forms, site plan, received 28<sup>th</sup> April 2011.

1. The planning application as submitted or subsequently revised including all forms and plans.
2. The case sheet and examination sheet.
3. Ordnance survey extract showing site and surroundings.

**Regulatory Services Committee, 23 June 2011**

4. Standard Planning Conditions and Standard Green Belt reason for refusal.
5. Relevant details of Listed Buildings, Conservation Areas, Article 4 Directions.
6. Copy of all consultations/representations received and correspondence, including other Council Directorates and Statutory Consultees.
7. The relevant planning history.

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# 11

## REGULATORY SERVICES COMMITTEE

## REPORT

23 June 2011

<b>Subject Heading:</b>	<b>P0615.11 – Rainham Village Primary School</b>  Variation to conditions 3 (accordance with plans), 4 (parking standards), 5(landscaping), 11 (boundary railings), 12 (details of playground) of P0128.11, to allow for a phased development
<b>Report Author and contact details:</b>	Helen Oakerbee, 01708 432 800 Helen.oakerbee@havering.gov.uk
<b>Policy context:</b>	Local development Framework
<b>Financial summary:</b>	None

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

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

**SUMMARY**

This application seeks to vary the conditions imposed upon planning permission P0128.11 which granted consent for various extensions and landscaping works to the school in order to allow for a phased development.

Staff consider that the proposals accord with the relevant Local Development Core Strategy and the Development Control Policies Development Plan Documents.

The application is brought to the committee because the site is within Council ownership.

Staff consider that planning permission should be granted, subject to conditions outlined below.

**RECOMMENDATIONS**

That planning permission be granted subject to the following conditions.

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

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

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

Reason:-

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

3. The development hereby permitted shall be carried out in phases in complete accordance with the approved plans, particulars and specifications.

Reason:-

The Local Planning Authority consider it essential that the whole of the phased 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 including details of phasing. Also, in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

4. Prior to the implementation of the extensions to the school, provision shall be made within the site for 27 car parking spaces in accordance with current standards adopted by the Local Planning Authority, these parking spaces shall not be altered until the implementation of Phase 2 which shall provide 36 car parking spaces, thereafter such provision shall be made permanently available for use, unless otherwise agreed in writing with the Local Planning Authority.

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.

5. No development at the front of the site shown on plan no. PD1000 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:-

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

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

Reason:-

In the interest of creating safer, sustainable communities, reflecting guidance set out in PPS1, Policy 4B.6 of the London Plan, and Policies CP17 and DC63 of the LDF Core Strategy and Development Control Policies DPD.

7. Prior to the commencement of the development hereby permitted a scheme showing the details of a CCTV system to be installed for the safety of users and the prevention of crime throughout, shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Crime Prevention Design Advisor. No part of the development shall be occupied or used before the scheme is implemented as agreed.

Reason:-

In the interest of creating safer, sustainable communities, reflecting guidance set out in PPS1, Policy 4B.6 of the London Plan, and Policies CP17 and DC63 of the LDF Core Strategy and Development Control Policies DPD.

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

Reason:-

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

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

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

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

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

Part A - Remediation Statement which will be fully implemented before it is first occupied. Any variation to the scheme shall be agreed in writing to the Local Planning Authority in advance of works being undertaken. The

Remediation Scheme is to include consideration and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Planning Authority for written approval.

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

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

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

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

Reason:

To protect those engaged in construction and occupation of the development from potential contamination.

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

Reason:-

In the interests of providing a wide range of facilities for non-motor car residents, in the interests of sustainability.

11. Prior to the commencement of works at the front of the site shown on plan no. PD1000 details of the boundary railings shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed with the approved details.

Reason:-

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

12. Prior to the commencement of works at the front of the site shown on plan no. PD1000 details of the covered areas within the front playground shall be

submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed with the approved details.

Reason:-

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

13. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated February 2011, reference WE10008 (Revision: P6) compiled by Water Environment Limited.

Reason:-

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

## **INFORMATIVE**

1. The proposed development is considered to be in accordance with the aims, objectives and provisions Policies DC28, DC29, DC33, DC36, DC48, DC61, DC62, DC63 of the LDF Core Strategy and Development Control Policies Development Plan Document.

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

2. In aiming to satisfy condition(s) 6 and 7 the applicant should seek the advice of the Police Crime Prevention Design Advisor. The services of the local Police CPDA is available free of charge through Havering Development and Building Control or Romford Police Station, 19 Main Road, Romford, Essex, RM1 3BJ. It is the policy of the local planning authority to consult with the Borough CPDA in the discharging of community safety condition(s).

<b>REPORT DETAIL</b>
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### **1. Site Description**

- 1.1 The application site presently contains a primary school and is located on the northern side of Upminster Road South. The site has a Victorian school building and larger 1930's single storey building dominating the front of the

site. Behind this are newer brick buildings forming other classrooms. A detached classroom block lies at the rear of the site along with a large area of hard standing used as a play ground. Here the site is fenced off from the rear which is typified by an open playing field, which forms part of the designated flood plain. The site has two accesses from Upminster Road South leading to a front parking area, side gates to the eastern flank lead to further hard standing.

- 1.2 The surrounding locality is mixed in character to the west are commercial units that form part of the Rainham commercial core. East and south are residential properties, typically two storey terraced dwellings. North of the site is the River Ingrebourne.

## **2. Description of proposal**

- 2.1 Permission is sought to vary conditions 3 (accordance with plans), 4 (parking standards), 5 (landscaping), 11 (boundary railings), 12 (details of playground) of P0128.11 to allow for a phased development. Phase 1 would allow for the construction of the link and other extensions. Phase 2 would allow for the front landscaping works, relocation of the car park and removal of the detached nursery building.

- 2.2 The need for a phased development has come from a restriction in funding after planning permission was granted. The original permission P0128.11 has stated that firstly the development be carried out in full and secondly prior to any works commencing on site, details for all required elements be submitted and discharged. It is proposed that the consented development will eventually be completed in full as per the approved plans listed in P0128.11. However, with the funding currently in place, it is proposed to firstly construct the linking building, hub and other extensions under Phase 1, and when funding allows in the future, implement Phase 2 which would provide the additional parking and landscaping to the school. This would allow for details of Phase 2, including landscaping, railings and playground to be submitted at a later date, without delaying the first phase of development. The end development does not differ from the previous approval, but the phasing would allow for the existing car park and nursery facilities to remain in place whilst construction works are carried out on the main school buildings.

## **3. Relevant History**

- 3.1 P0128.11 - Single storey link extension connecting existing school building to provide new entrance. Single storey infill extension to provide 4 classrooms, foundations unit, relocated staff facilities and children centre/community hub. Landscaping alterations including removal of detached classroom unit - relocated parking area, front play area with seating and storage and railings – approved.

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

Neighbour notification letters were sent to 57 properties. At the time of writing the report, no representations were received.

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

- 5.1 The main issues to be considered by Members in this case are the principle of varying the conditions on the approved scheme to allow for a phase development in terms of how this would affect the amenity of neighbouring residential occupiers, provision of school and community services, highway and parking.
- 5.2 Relevant LDF Core Strategy and Development Control Policies DPD Policies to be considered are Policies DC28 (Dual use of school, facilities), DC29 (Educational premises), DC33 (Car parking), DC36 (Servicing), DC48 (Flood Risk), DC61 (Urban design), DC62 (Access), DC63 (Delivering safer places).
- 5.3 PPS1 (Delivering Sustainable Development), PPS 5 (Planning for the Historic Environment) and PPS 25 (Development and Flood Risk) are also considered relevant.
- 5.4 Principle of development
  - 5.4.1 Policy DC61 states that a development should respond to distinctive local building forms and respect the scale, massing and height of the surrounding physical context.
  - 5.4.2 PPS5 recognises the value of heritage assets and the wider historic environment. Development should therefore be sympathetic and consider its particular context. There is a detached Victorian building to the front of the site, whilst this is not listed or within the Rainham Conservation Area, it is of local historic value and has a prominent position within the street scene. Development should therefore seek to preserve and enhance this local landmark. There are no amendments proposed to the construction of the link building over the approved plans.
  - 5.4.3 There is an ongoing regeneration effort within Rainham, known as the Rainham Compass, which encourages improved education services within the borough as well as providing community facilities. This proposal would contribute towards both these ambitions. The variation of the conditions to allow the phasing of the development would not result in the loss or reduction of any proposed community services, and as these form part of Phase 1, they would be constructed first and would continue to provide improved services as per the ambitions of Rainham Compass.



5.5 Design/Impact on Street scene

5.5.1 The works to the front of the school would be carried out at a later date meaning that the car park is to stay as existing until Phase 2 can be implemented. Whilst the approved plans for landscaping would improve the appearance of the school, given that the car park is an existing facility, there is no Staff objection to its retention for the short term. The link extension comprising the hub would be carried out in full, and the impact imposed upon the Victorian building not to change from the original consent.

5.6 Impact on Amenity

5.6.1 The school site is bordered by residential properties. It is recognised that phasing the development would result in longer durations of construction works. However, the end development would be the same as originally granted.

5.6.2 With reasonable and enforceable conditions, restricting hours of operation, it is not considered that there would be any significant loss of residential amenity than could otherwise be expected during building works. The majority of building work is concentrated away from the boundary with residential properties.

5.6.5 There is no additional plant equipment on site which would result in additional noise or disturbance levels.

5.7 Highway/Parking/Access

5.7.1 The car park is to remain at the front of the school as existing which provides 27 car parking spaces, there is capacity within this car park to provide an additional 2 spaces as existing which would bring the total to 29 spaces. This however, is a reduction from the 36 required by condition 4 of P0128.11 and a reduction on the maximum number suggested within DC33. Representations received from the Highways Authority do not object to the phasing of the development because although the construction of Phase 1 to create additional teaching space and community facilities would result in larger numbers of people on site, it is felt that there is sufficient local pay and display parking and adequate public transport links in close proximity to the site which compensate for the reduced amount of parking. This reduction in parking would be alleviated by the implementation of Phase 2, which would allow for the relocation of the school car park to the rear of the site, which would in the long term provide the site with adequate parking. It is therefore considered that the variation of the conditions to allow for a phase development would result in adverse harm to the highway.

5.8 Flood Risk

5.8.1 The rear of the site is located within the identified flood zone 2 and 3. The proposed car park is wholly located within the identified flood zone, whilst

the infill extensions only partially fall within flood zone 2. Phase 1 to construct the extensions and link building does not fall within the identified flood zone. Phase 2 for the landscaping works would mean that the detached nursery building has to remain in its existing location, within the identified flood risk zone until funding is secured. Condition 13 attached to P0128.11, requires the development to accord with the approved Flood Risk Assessment (FRA). A revised Flood Risk Assessment has been provided as part of the application and representations from the Environment Agency do not raise any objection to the proposed phasing of the development as the site benefits from adequate flood risk protection measures at present, including vegetated earth banks with concrete kerb ridges along the River Ingreborne. However, as the original consent specifically mentions by name and date the approved FRA, this condition requires variation to take account of the updated and approved assessment.

5.8.2 DC51 requires new development to provide adequate drainage so that it does not result in adverse impact to surrounding water levels. This is especially important when near river courses such as the River Ingrebourne. It is proposed to incorporate Sustainable Drainage Systems (SUDS) into the scheme. This is encouraged by PPS 25 and is considered acceptable by Staff. The FRA states that the eventual reduction in run off rates on site would be around 4%, this is a reduction from existing levels and would contribute to the wider flood risk improvements in the area. The Environment Agency has stated this is acceptable.

**6. Conclusion:**

6.1 Staff consider that the variation of the conditions listed within P0128.11, to allow for a phased development is acceptable. There would be no amendments to the expansion of the school or provision of community facilities. An updated FRA does not raise any objection from the Environment agency and measures to retain the existing car park are in place to provide adequate parking on site during construction works.

**IMPLICATIONS AND RISKS**

**Financial implications and risks:** This application is considered on its own merits and independently from the Council's interest as applicant and owner of the site.

**Legal implications and risks:** None

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

**Equalities implications and risks:**

The Council's planning policies are implemented with regard to Equalities and Diversity. The extensions and alterations to the school would provide additional classroom space and the community hub would provide a place for the local community which would provide an additional focus for Rainham Village in line with the ambitions of Rainham Compass.

**BACKGROUND PAPERS**

Application forms and plans received 7/04/2011.

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

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**REGULATORY  
SERVICES  
COMMITTEE**

**REPORT**

23 June 2011

<b>Subject Heading:</b>	<b>Alleged breach of planning control at County Service Station, Essex Gardens, Hornchurch</b>
<b>Report Author and contact details:</b>	Simon Thelwell Planning Control Manager (Projects & Compliance) 01708 432685 <a href="mailto:Simon.thelwell@havering.gov.uk">Simon.thelwell@havering.gov.uk</a>
<b>Policy context:</b>	Local Development Framework
<b>Financial summary:</b>	Enforcement action and a defence of the Council's case in any appeal will have financial implications

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

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

**SUMMARY**

This property is a former petrol station within a residential area which has an ancillary sales kiosk. Since June 2009 the Planning Enforcement Service has received complaints regarding a car wash operation from the site. No planning application has been made for the change of use to a car wash. It is considered that the change of use has had a material harmful impact on occupiers of

adjoining properties by reason of noise and disturbance and inadequate parking layout.

The change of use has occurred within the last 10 years and therefore it is requested that authority be given to issue and serve an Enforcement Notice to seek to remedy the breach.

## **RECOMMENDATIONS**

That the Committee consider it expedient that an Enforcement Notice be issued and served to require, within one month:

- (i) To cease the use of the land for the washing and valeting of vehicles.
- (ii) To cease the use of the land for storage of cleaning materials.
- (iii) Remove from the land all machinery, equipment, apparatus, cleaning materials, vehicles, tools, scrap, waste, signage and installations brought onto the land associated with the unauthorised use and to comply with requirements (i) and (ii) above.

In the event of non compliance, and if deemed expedient, that proceedings be instituted under the provisions of the Town and Country Planning Act 1990.

## **REPORT DETAIL**

### **1. Site Description**

- 1.1 County Service Station, Essex Gardens, Hornchurch is a former petrol filling station with an ancillary sales kiosk. It has a substantial frontage to Essex Gardens adjacent to its junction with Wingletye Lane, a busy traffic route.
- 1.2 The access to the site is from Essex Gardens. There is an area of retail and commercial development along the south side of Essex Gardens to the east of the site but otherwise the locality is predominantly residential in character.
- 1.3 Opposite the site, to the north of Essex Gardens is a variety of dwellings and to the south of the site fronting Wingletye Lane is a detached bungalow.

### **2. Alleged Planning Contravention**

- 2.1 Without planning permission a change of use to a car wash.

**3. Relevant Planning History**

ES/HOR/1605/58	Petrol station service bay – approved 11.11.59
L/HAV/203/82	New sales building and forecourt canopy, new storage tank – approved 15.6.82
L/HAV/259/83	Alterations to opening hours – refused 24.5.83 Appeal 16.2.84 (conditional amendment)
P0151.07	Change of use to car sales – refused 5.4.07. Appeal dismissed 9.1.08

**4. Enforcement Background**

- 4.1 In June 2009, the Authority received a complaint that the site was operating as a car wash. Complaints followed as a result of increased activity and on occasions included the sale of fireworks and the importation of a large shipping container for the storage of fireworks.
- 4.2 Following complaints, officers from the Planning Enforcement Service visited the property.
- 4.3 Officers saw that car washing was taking place and that hand held pressure sprays were in use as well as vacuum cleaners.
- 4.4 It is alleged that noise and disturbance is being caused by the use of valeting tools and the use of jet washers.
- 4.5 This constitutes a material change of use from the authorised use as a petrol filling station.
- 4.6 The Authority has made numerous requests through the owners and their Solicitor for the submission of a planning application however none has been forthcoming and the unauthorised use continues.

**5. Material Consideration of the Use or Development**

- 5.1 The issue is whether it is expedient for this Council to serve a planning Enforcement Notice having regard to the nature and impact of the unauthorised change of use. The relevant policies are DC33, DC34, DC51, DC55 and DC61 of the adopted Local Development Framework.

**6. Justification for Intended Action**

- 6.1 The use of a former petrol station as a car wash and valeting service constitutes a material change of use that requires planning permission. This may be acceptable in principle however in the absence of a planning

- application the Council are unable to impose conditions to adequately control the use.
- 6.2 Policy DC33 sets out car parking provision within new developments. There are no parking control facilities and/or marked out parking bays on site. Further there is no provision for queuing traffic entering or leaving the site and vehicles may have to park in the street.
- 6.3 Policy DC34 states in the design and location of access developers will be required to take account of the needs of pedestrians.
- 6.4 The site is close to a small shopping parade, a bus terminus, residential housing and local schools. Therefore there is a need for making the area safer for pedestrians.
- 6.5 Policy DC51 states that planning permission will only be granted for development which has no adverse impact on water quality, water courses, groundwater, surface water or drainage.
- 6.6 Therefore there is a need by the operator to demonstrate to the Council a scheme to ensure that water is dispersed through adequate drainage and that there is no adverse effect by water on other land or the highway.
- 6.7 Policy DC55 states that planning permission will not be granted if it will result in noise or vibrations above acceptable levels.
- 6.8 Power sprays and vacuum cleaners are used on site for valeting purposes. It is the noise and disturbance from their operation that has resulted in complaints from residents. The Council is seeking to minimise the impact of local residents.
- 6.9 Policy DC61 states 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 and new properties and has unreasonable adverse effects on the environment by reason of noise impact, hours of operation, vibration and fumes."*
- 6.10 There appears to be a noise impact which could be controlled by the hours of operation.
- 6.11 For the reasons set out above it is considered that the use of the site needs to be controlled by the Planning Authority and in the absence of a planning application and to ensure that there is compliance with the Council's Development Control Policies Development Plan Document namely DC33, DC34, DC51, DC55 and DC61 the Council should serve an Enforcement Notice.



**IMPLICATIONS AND RISKS**

**Financial implications and risks:**

Enforcement action may have financial implications for the Council.

**Legal implications and risks:**

Enforcement action, defence of any appeal and if required, prosecution procedures will have resource implications for Legal Services.

**Human Resources implications and risks:**

No implications identified.

**Equalities implications and risks:**

No implications identified.

**BACKGROUND PAPERS**

1. Ordnance survey extracts showing site and surroundings.

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