



# Havering

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

## REGULATORY SERVICES COMMITTEE (MONITORING) AGENDA

**7.30 pm**

**Thursday  
8 September 2011**

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

Members 11: Quorum 4

**COUNCILLORS:**

**Conservative Group  
( 7 )**

**Residents' Group  
( 2 )**

**Labour Group  
( 1 )**

**Independent  
Residents'  
Group  
( 1 )**

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

Linda Hawthorn  
Ron Ower

Paul McGeary

Mark Logan

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

## **AGENDA ITEMS**

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

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

The Chairman will announce the following:

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

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

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

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

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

(if any) - receive.

### **3 DECLARATION OF INTERESTS**

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

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

### **5 PLANNING AND ENFORCEMENT APPEALS RECEIVED, PUBLIC INQUIRIES/HEARINGS AND SUMMARY OF APPEAL DECISIONS (Pages 53 - 88)**

### **6 SCHEDULE OF ENFORCEMENT NOTICES (Pages 89 - 102)**

### **7 PROSECUTIONS UPDATE (Pages 103 - 104)**

**8 PLANNING APPLICATIONS - SEE INDEX AND REPORTS - APPLICATIONS WITHIN STATUTORY LIMITS** (Pages 105 - 116)

**9 P0768.11 - RAPHAEL PARK** (Pages 117 - 126)

**10 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.

**11 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.

**12 CHIEF EXECUTIVE'S REPORT CONTAINING EXEMPT INFORMATION**

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

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# REGULATORY SERVICES COMMITTEE

# REPORT

8 September 2011

**Subject Heading:**

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

**Report Author and contact details:**

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

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

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

<b>SUMMARY</b>
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This report updates the position on legal agreements and planning obligations agreed by this Committee during the period 2000-2011.

## 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 2011 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 – 2000-2011

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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. Company sold the freehold of the building before being made bankrupt so now pursuing new freehold owner.	
P2106.05	10-14 Western Road, Romford	21 AH Units for shared ownership £102,028 Education Contribution £10,000 Highways Contribution £10,000 Public Art Contribution	To be spent within 7 years from date of payment (can be extended if contract entered into)	AH to be provided prior to occupation of 21st open market unit  Financial Contributions to be paid prior to occupation of the last 19 open market units	Developer is now in Administration. Affordable housing and public art provision have both been provided. Administrators are negotiating with the Head of Legal Services regarding	

Planning Ref.	Address	Amount Outstanding	Time Limit on Spending	Trigger Date/s	Position/Status of development	How the funds are being used/where in the Capital Programme?
		Travel Plan		Travel Plan to be submitted for approval prior to commencement of the development and to be fully implemented prior to occupation	outstanding education contribution and highways contribution. Negotiations still ongoing with the Administrator who has indicated that the full amount will be paid upon the sale of the freehold of the building. Purchase now going through and hopefully outstanding sum will be paid upon completion of the sale which should be by the end of this year.	
P1440.97 P0907.98 <u>P0203.00</u>	Helen Road Sports Ground,	£43,000 New Football Facilities	2 years from date of payment	To be paid within 3 months of Council serving notice	Investigations ongoing as to whether this	

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?
Granted on appeal	Squirrels Heath Lane, Gidea Park			requesting the payment. Such a request to be made within 5 years from when the use of the development commences	contribution has been received.	
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. Further investigations have revealed that this sum is not now	

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?
					due as all of the units were affordable.	
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 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. Chased Barratts and payment should be 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?
					within next couple of weeks.	
<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 Gardens (Southside)	56 units for affordable housing  Education contribution up to a maximum of £419,880 (subject to submission of viability)	NA  5 years from the date of payment can be extended if contract	Must be transferred prior to occupation of more than 21 open market units  Must be paid prior to occupation of the first unit	Development has now commenced. Contributions will be chased as and when their triggers are reached. Highways contribution has been paid. Trigger for the payment of	

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?
		report) Highways contribution of £98,000  Parks contribution of £48,000  Restriction on the issue of car parking permits	entered into.  As above	Must be paid within 2 months of commencement of the development  Must be paid prior to first occupation  Once occupied - ongoing	the education and parks contributions have not yet been met.	

## **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	£167,126.85 Education	Return due 3 years from date	2 <sup>nd</sup> instalment due prior to	2 <sup>nd</sup> instalment of £83,564.42	spent	<b>Education - proposed</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?
	Road, Romford		of 2 <sup>nd</sup> contribution	occupation of 12 <sup>th</sup> house	received on 16.08.04.  replacement first cheque received on 16.01.06 (£83,563)		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 Park Road	£120,000 x 2 Education	If not spent to be returned 3 years from date received	First contribution of £120,000 to be received upon occupation of 38th Market Dwelling  Second	First contribution of £120,000 received on 08.06.05.  Second contribution	spent	<b>Education</b> - proposed investment in additional places / modernisation at Redden Court



Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
				contribution to be received upon occupation of 73 <sup>rd</sup> market dwelling	received 01.11.05		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> open unit	Payment received on 03.12.04	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?
							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 Plan; pedestrian access; roundabout	TC contribution to be repaid with interest 4 years from date of payment.  Pedestrian, bus and Toucan contribution to repaid 3 years from date of payment.	All contributions due prior to opening date.  Pedestrian access from opening date; GTP by 31.12.02 or 2 months prior to Opening Date	£165,000 received on 28.12.05.  Green Travel Plan position to be reviewed.	28.12.08 (pedestrian and bus contribution) Unable to spend as no longer Havering's network. Currently in negotiation with Tesco re – spending the money on alternative	<b>Regeneration</b> leading: £75,000 of the Town Centre Contribution to be spent on Harold Wood. £25,000 as yet unallocated.  <b>MB</b>  Pedestrian access and roundabout works completed.

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

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?
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 demand	Not to occupy dwellings until payment received  AH units to be transferred prior to occupation of 12 <sup>th</sup> open market dwelling	Paid on 31.03.05	spent	<b>Education</b> - proposed investment in additional places / modernisation at Redden Court secondary school

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?
							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 of the dwelling units	Paid on 22.05.06	22.05.09 – spent	<b>Education</b> - proposed investment in additional places / modernisation at Redden Court secondary school  Affordable Housing units received.  <b>£5,000: MB/DS</b>
P2014.02	Land at Cornlands	£39,372.00 Education	Repay within 5 years if not	Upon commencement	Paid on 02.07.04	spent	<b>Education</b> - proposed

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?
	Farm, Hall Lane, Upminster (No 2)	£300,000 Housing Contribution	spent	of Development			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 Rainham	£14,142.94 Education	Repay any unspent amount 5 years from date payment made.	Prior to commencement of development	Paid on 27.09.04	27.09.09 – spent	<b>Education</b> - proposed investment in additional places /

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

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
	Hornchurch		anniversary.	development			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  £20,000 Environmental	To spend within 5 years from date of payment  To spend within 3 years from date of payment	Prior to occupation of 10 <sup>th</sup> residential unit  Prior to first occupation of 18 <sup>th</sup> residential unit	Education contribution of £26,933 received on 12.04.07  Environmental Contribution	12.04.12 & 23.07.10 Spent	Environmental contribution to be spent as part of <b>Regeneration</b> capital programme for Romford TC.



Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
		contribution.			received on 23.07.07		£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 3. £4,310 Highways Contribution	To be spent 5 years from date of payment (extend if contract entered into)	1. to be paid in stages: (1) £125,000 prior to commencement of the development, (2) £125,000 prior to occupation of 35th open market unit, (3) £125,000 prior to	£125,000 & £4,310 paid on 05.09.05 £690 paid £125,000 paid on 07.09.07 £125,000 paid on 23.10.07	07.09.10 - Spent £4,310 - spent £690 - spent 07.09.12	<b>MB</b>  <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?
		4. 24 units of affordable housing		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	<b>£125,000 still outstanding but not yet triggered</b>	23.10.12	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 Court secondary school
P1730.05	129 Essex	£23,607	To be spent	Prior to	Paid on	16.12.10 -	<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?
	Road, Romford	Education Contribution	within 5 years from date of payment (can be extended if contract entered into)	commencement of development	20.12.05.	Spent	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  <b>£3,500: MB</b>
P1514.03	Avon House, Front	£15,714 Education	5 year payback from date of	Before sale, let, lease or other	Paid on 31.01.06	31.01.11 - Spent	<b>Education</b> - proposed

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/Avon Road, Cranham	Contribution	payment	disposal of 7th residential Unit			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, Romford - deed of variation	£65,000 Variable Messaging Signs Contribution	any unexpended sum together with interest to be returned if not spent within 5 years of	to be paid in 2 equal instalments: (1) to be paid within 21 working days of receipt of a written request from the Council	First instalment received on 20.02.07 Second instalment received on	20.02.12 & 02.07.12	VMS completed Spring 2007. Money spent.

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
			receipt	(2) within 21 days of receipt of a written request from the Council further to the letting of an approved contract for the system	02.07.07		
P0416.05	145-149 North Street, Romford	£191,417 Education Contribution  17 AH units for rent or 27 AH units for shared o/ship + contribution of £74,074  s.278 agreement	To be spent within 5 years from date of payment (extended if contract entered into)	Prior to occupation of any market units  Prior to occupation of more than 50% of the market units	Paid on 06.03.07  AH received	06.03.12	<b>Education</b> - proposed investment in additional places / modernisation at Redden Court secondary school
P1135.03	Interwood Site, Stafford Avenue, Hornchurch	£72,679 Education Contribution	To be spent 5 years from date of payment (extended if	prior to occupation of any dwelling	Paid on 20.03.07	20.03.12	<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?
			contract entered into)				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 Lane, Hornchurch	£21,876.26 Education Contribution  s.278	To be repaid if unspent within 5 years of date of payment (extended if	Before occupation of any of the dwellings	Paid on 03.09.07	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?
		agreement	contract entered into)				
P2099.04	Land at Rainham Quarry, Warwick Lane - deed of variation	£5,000 Highway Contribution for maintenance and upkeep of Lauanders 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 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

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?
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 49 Affordable Housing units construct	To be spent within 7 years from date of payment (can be extended if contract entered into)	Prior to the commencement of the development  before the occupation of the 25th open market unit	17.04.07	13.04.14	<b>Education</b> - proposed investment in additional places / modernisation at Redden Court secondary school  River Rom study payment will contribute to



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?
		riverside access strip and make available to public  Travel Plan					<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)  Give the Council at least 1 weeks notice	To be spent within 7 years from date of payment (can be extended if contract entered into)	prior to occupation of any of the open market units  units to be transferred to RSL and ready for occupation prior to the occupation of the 9th open market	Received on 20.08.07	20.08.14	

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
		of the intended date of commencement of the development		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 Green Travel Plan	Council has 15 years to spend this sum from date of payment	Before plant opens	Environment Contribution paid on 11.07.06  Walkway and transport contribution on 25.09.06	11.07.21 & 25.09.21	<b>Regeneration</b> leading on Walkway and environment contributions. Later committed to Gateway Roundabouts landscaping and Rainham Paths project
P2303.04	223-241 Hillrise Road,	£60,000 Play Area	To be spent 5 years from date	Prior to occupation of first	Available to spend	-	SP

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

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
							<b>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 secondary school <b>£8,000: 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?
							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 at Redden Court secondary school

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

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

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



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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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



**REGULATORY  
SERVICES  
COMMITTEE**

**REPORT**

**8 SEPTEMBER 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 4 June 2011 and 19 August 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 June 2011, 29 new appeals have been started. These are listed below.

Decisions on 26 appeals have been received during the same period 17 have been dismissed, 8 allowed, 1 part allowed/part refused. .

- 1.2 Appeals received between 4 June 2011 and 19 August 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 3 June 2011 and 19 August 2011.

**LIST OF APPEAL DECISIONS MADE BETWEEN 04-JUN-11 AND 19-AUG-11**

APPEAL DECISIONS - PLANNING					
Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p><b>P1010.10</b>                      131-133 Abbs Cross Lane Hornchurch  <i>Proposed change of use of ground floor shop to fish &amp; chips restaurant (A3 &amp; A5 use)</i></p>	Written Reps	Refuse	Delegated	<p>The proposed development would, by reason of the inadequate on site car parking provision, result in unacceptable overspill onto the adjoining roads to the detriment of highway safety and residential amenity and contrary to Policies DC32 and DC33 of the LDF Core Strategy and Development Control Policies DPD.</p> <p>The proposal would, by reason of noise and disturbance caused by customers entering and leaving the premises, vehicles parking and manoeuvring, particularly during the evening hours of operation, be unacceptably detrimental to the amenities of occupiers of adjacent properties, contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD</p>	<p style="text-align: center;"><b>Dismissed</b></p> <p>The Inspector identified the following issues                      [a] impact of noise and disturbance on living conditions at nearby dwellings                      [b] highway safety</p> <p>He noted that with the exception of the small parade of shops, [including the appeal site] the area was almost wholly residential. Abbs Court Road may be a busy road but residents could be expected to enjoy lower ambient noise levels during evenings.</p> <p>The Inspector concluded there was no evidence that on-street parking would harm highway safety. Potential nuisances from smell and litter could be controlled by Condition. However the proposed opening hours would be likely to attract customers in cars late into the evening, unlike the existing commercial premises. That was likely to create harmful levels of noise and disturbance in a predominantly residential area and was not acceptable</p>
<p><b>P1438.10</b>                      34 Curtis Road Hornchurch  <i>Single/two storey side and rear extensions, single storey front and rear extensions</i></p>	Written Reps	Refuse	Delegated	<p>The single storey rear conservatory by reason of its excessive depth and proximity to the boundary, would be an intrusive and unneighbourly development as well as having an adverse effect on the amenity of the non-attached neighbour at No.36 Curtis Road, contrary to the Supplementary Design Guidance (Residential Extensions and Alterations), Policies DC61 and DC69 of the LDF Core Strategy and Development Control</p>	<p style="text-align: center;"><b>Dismissed</b></p> <p>The Inspector identified 2 main issues:                      [a] impact on adjoining residents                      [b] impact on character and appearance of the area</p> <p>On the first issue the Inspector noted that the single storey Conservatory would have a 3 metre high solid wall facing the property to the south. It would be visible through a gap in the hedge but it would not be unduly imposing, nor would it impact on sunlight to</p>

**LIST OF APPEAL DECISIONS MADE BETWEEN 04-JUN-11 AND 19-AUG-11**

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				<p>Policies Development Plan Document.</p> <p>The proposed two storey side extension by reason of its scale, bulk and proximity to the boundary would infill the space at first floor level between the application dwelling and its neighbour giving rise to a terracing effect which is uncharacteristic and harmful to this part of Curtis Road and the surrounding area of Emerson Park. For this reason the extension is considered to be contrary to the aims and objectives of the Supplementary Design Guidance (Residential Extensions and Alterations), Policy DC61 and DC69 of the LDF Core Strategy and Development Control Policies Development Plan Document.</p> <p>The proposed first floor rear extension, by reason of its excessive depth and position close to the boundary of the site would be an overbearing and unneighbourly development to the detriment of the amenity of the neighbouring occupiers at No.36 Curtis Avenue contrary to the aims of the Supplementary Design Guidance (Residential Extensions and Alterations) of the Havering Unitary Development Plan, Policies DC61 and DC69 of the LDF Core Strategy and Development Control Policies Plan Document.</p>	<p>the property. He concluded its impact would be acceptable. The first floor extension would project significantly beyond the rear building line and the resulting wall would be only 1 metre from the northern plot boundary. He reasoned that its height in proximity to the boundary would have an overbearing impact on the neighbouring dwelling and result in loss of sunlight to the garden and rear windows of that property. The proposal would be unacceptable.</p> <p>On the second issue, the Inspector recognised the special protection afforded to the Emerson Park Policy Area. He noted that a run of 4 houses, including the appeal site define the character of this section of Curtis Road. Two of the houses had been extended before adoption of current policies. The impact of those extensions in the streetscene was material to assessment of the appeal. He said that the existing extensions maintain a gap at first floor level between the dwellings at 30-32. The proposed extension would have eaves at 1st floor level and be set back by less than 1 metre from the main front elevation. It would be more dominant in the streetscene than either of the existing extensions and would neither maintain, or enhance the character and appearance of the area.</p> <p>An application for Costs by the Appellant was DISMISSED</p>

**LIST OF APPEAL DECISIONS MADE BETWEEN 04-JUN-11 AND 19-AUG-11**

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p><b>M0006.10</b> land to r/o 158 Hornchurch Road Hornchurch <i>The installation of a twin user 12.5m metre monopole with antennas located within a glass reinforced plastic shroud at the top, with 1No. ground based equipment cabinet and ancillary development therto.</i></p>	Written Reps	Refuse	Delegated	The proposed telecommunications mast and equipment cabinet would, by reason of its proximity to residential properties and height appear as unacceptably dominant and visually intrusive within the garden scene and street scene harmful to the character and appearance of the surrounding area contrary to Policy DC61 and DC64 of the LDF Core Strategy and Development Control Policies DPD.	<p style="text-align: center;"><b>Allowed with Conditions</b></p> <p>The Inspector considered 2 main issues [a] effect on character and appearance of the area [b] impact on living conditions of nearby residents</p> <p>The Inspector observed that the mast would be screened from views on the south side of Hornchurch Road, by the buildings on the north side of the road. Only the top of it would be visible in distance views from the east and west. It would however be visible from adjacent dwellings and their gardens and from nearby flats. He concluded that the mast was a slim structure that would not unacceptably detract from the character and appearance of the area or the outlook of residents.</p> <p>Issues of health risk had also been raised. The Inspector recognised residents' fears. He commented that PPG8 indicates that the planning system is not in place to determine health safeguards. The equipment would comply with ICNIRP guidelines and PPG8 advises that it should not be necessary to consider further the health aspects of the proposal. There was nothing before him to indicate actual risk to health and no other information was available to outweigh the PPG8 advice</p>
<p><b>P0211.10</b> 3 Kingston Road Romford <i>Demolition of existing</i></p>	Written Reps	Refuse	Delegated	The proposed development would, by reason of its height combined with the prominent location and open aspect of the site, appear dominant, visually	<p style="text-align: center;"><b>Dismissed</b></p> <p>The Inspector considered the main issues to be [a] impact of the extension on character and</p>

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<p><i>bungalow and erection of 6 x 1 bedroom flats</i></p>				<p>intrusive and overbearing in the streetscene, when viewed from the corner of Kingston Road and Junction Road contrary to Policy DC61 of the Local Development Framework Development Plan Document.</p> <p>The proposal by reason of its poor standard of layout would not provide convenient and direct access to amenity space for the occupants of the first and second floor flats detrimental to the amenity of future occupiers of the development and contrary to the requirements of the Design for Living Supplementary Planning Document and Policy DC4 of the LDF Development Control Policies DPD.</p> <p>The proposed development would, by reason of the inadequate on site car parking provision and the loss of one on street car parking bay, result in unacceptable overspill onto the adjoining roads to the detriment of highway safety and residential amenity contrary to Policy DC33 of the LDF Development Control Policies DPD.</p> <p>The car parking spaces would, by reason of noise and disturbance from</p>	<p>amenity of the area; [b] impact on living conditions of future occupiers [c] parking provision.</p> <p>The Inspector said the 3-storey pitched roof building would be unduly dominant in the street-scene and would sit uncomfortably beside 2-storey housing and the open area to the east and west respectively. He added that the building would appear out of balance with the scale of the appeal site. He concluded that impact on the character and appearance of the area would be unacceptable.</p> <p>On living conditions he commented that the design of development needs to ensure that access to amenity space is convenient to ensure a realistic prospect of use. In this case access from the upper floor flats was tortuous and unlikely to be well-used. He also noted the 2 off-street parking spaces were directly in front of the living rooms in the ground floor flats. That close proximity was likely to cause noise and disturbance to the occupiers of those properties. The arrangements would be unacceptable</p> <p>On parking provision the Inspector observed that there is a heavy local demand for on-street parking. He noted [Policy DC2] that new flats may be acceptable, without off-street parking provision where parking can be controlled. He commented that no such measures had been put forward and concluded that the development was likely to</p>

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				vehicle movement and headlights have an adverse impact on the amenity and outlook of the future occupiers of the ground floor flats contrary to Policy DC61 of the Local Development Framework Development Plan Document and the Supplementary Design Guidance on Residential Amenity Space.	lead to further pressure for on-street parking, causing inconvenience to residents and to the detriment of highway safety and the free flow of traffic.
<p><b>A0053.10</b> 370 Brentwood Road Romford <i>Retention of one non-illuminated projecting sign</i></p>	Written Reps	Refuse	Delegated	The projecting sign, by reason of its location above fascia level, appears an excessively prominent and incongruous feature in the street scene, harmful to the appearance of the surrounding area contrary to Policy DC65 of the LDF Development Control Policies Development Plan Document.	<p style="text-align: center;"><b>Allowed with Conditions</b></p> <p>The Inspector identified the main issue as [a] impact on character and appearance of the area</p> <p>The Inspector observed that the sign was similar to signs on either side. It was located above the fascia but so were the 2 adjoining signs [one pre-dates current policy; the other is subject of enforcement investigation]. There were a number of similar signs further along Brentwood Road. He said that, although above fascia level the sign did not appear incongruous or excessively prominent in the street scene. He concluded the sign did not cause material harm to visual amenity and was acceptable</p>
<p><b>P1616.10</b> 9, 9a &amp; 11 Chase Cross Road Romford <i>Demolition of existing workshop to rear of site, and construction of five apartments, comprising 3no. 2-bed and 2no. 1-bed units. New projecting</i></p>	Written Reps	Refuse	Committee	The proposed development would, by reason of its height, scale, mass and position close to No. 9A Chase Cross Road, appear dominant, visually intrusive and overbearing and result in a loss of amenity and outlook to No. 9A Chase Cross Road contrary to Policies DC3 and DC61 of the LDF Core Strategy and Development Control	<p style="text-align: center;"><b>Dismissed</b></p> <p>The Inspector identified that the appeal raised a single issue [a] Impact of the proposal on living conditions at 9A Chase Cross Road</p> <p>The Inspector observed a 1st floor bedroom window about 1.8 metres away from the existing workshop within the development</p>

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<i>bay window to existing first floor residential unit at 9A Chase Cross Road.</i>				Policies DPD and the Residential Design SPD.	site. The proposed block of flats would be about 4.8 metres away from the window but the new building would be taller and wider than the workshop. Outlook from the window would be towards a blank 2-storey wall. He concluded that the new building would be overbearing and worsen the outlook and living conditions at 9A unacceptably.
<p><b>P1621.10</b>                      120 Daventry Road                      Romford                      2-storey residential dwelling on the land adjacent No. 120 Daventry Road with associated parking spaces and boundary wall to front and side of application site. Minor alterations to No. 120 Daventry Road.</p>	Written Reps	Refuse	Delegated	<p>The proposed new dwelling would, by reason of its size, bulk and siting, appear as an obtrusive, dominant and visually intrusive feature in the Daventry Road streetscene, adversely affecting the open and spacious appearance of the junction with Hailsham Gardens, contrary to Policies DC3 and DC61 of the Development Control Policies Development Plan Document.</p> <p>The new dwelling would, by reason of its narrow width, form and layout, appear out of character with the streetscene harmful to the appearance of the surrounding area contrary to Policy DC61 of the Local Development Framework Development Plan Document.</p>	<p style="text-align: center;"><b>Dismissed</b></p> <p>The Inspector considered the main issues to be</p> <ul style="list-style-type: none"> <li>[a] impact on character and appearance of the surrounding area;</li> <li>[b] impact on living conditions of future occupiers;</li> <li>[c] parking provision in the surrounding area.</li> </ul> <p>The Inspector noted the housing estate enjoyed a good standard of consistency derived from the formality of houses facing the roads. The new development would breach the building line and seriously upset the balance of the terrace and be unduly imposing in views along Daventry Road. The intrusive positioning would cause significant harm to the established character of the area.</p> <p>With regard to living conditions the Inspector noted the very small size of the proposed garden and its tapering dimensions, and concluded it would be inadequate for reasonable provision of amenity space for future occupiers of the dwelling,</p> <p>On parking provision he noted that a considerable demand for on-street parking</p>



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				<p>The layout and width of the amenity space for the new dwelling would result in an unacceptably cramped layout and poor quality of amenity space provision which is materially harmful to the amenity of future occupiers contrary to Policy DC61 of the LDF Development Control Policies DPD and the Residential Design Supplementary Planning Document.</p> <p>The proposed development would, by reason of the inadequate on site car parking provision for the donor property and the new dwelling, result in unacceptable overspill onto the adjoining roads to the detriment of highway safety and residential amenity contrary to Policy DC33 of the LDF Development Control Policies DPD.</p>	<p>already exists. He considered the development was likely to increase pressure for parking in the area causing inconvenience to existing residents and to the detriment of highway safety</p>
<p><b>P1684.10</b> 76 Deyncourt Gardens Upminster <i>2 Storey side extension, single/part 2 storey extension to rear</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed two storey rear extension would, by reason of its roof design, excessive width, height and position close to the boundaries of the site, be an intrusive and unneighbourly development in the rear garden environment as well as having an adverse effect on the amenities of adjacent occupiers contrary to the Draft</p>	<p><b>Allowed with Conditions</b></p> <p>The Inspector noted the Borough Council did not object to proposed single storey extensions to front and rear of the dwelling. With regard to the proposed 2-storey side and rear extension he considered the main issues to be [a] impact on character and appearance of</p>

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				Residential Extensions and Alterations SPD and Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.	<p>the area [b] impact on neighbours' living conditions</p> <p>With regard to the first issue the Inspector commented on the decidedly mixed appearance of the area due to the many rear extensions that have been carried out. He acknowledged that the proposal was sizeable, and the gable roof over the side extension would add to its scale. However its design detailing would de-construct its form so that it would not appear unduly bulky or prominent, or have an intrusive visual impact in the rear garden environment. He concluded the development would not conflict with Policy</p> <p>With regard to impact on living conditions the Inspector accepted that some loss of daylight and sunlight is likely, given the orientation and positioning of the 2 dwellings but it would not be significant. The development would be near to the mutual boundary, but other properties in the street are similarly positioned. He therefore concluded that the extension would not be unacceptably over-bearing.</p>
<p><b>P1299.10</b> Manor Works R/O 67 Manor Road Romford <i>Change of use from offices into residential, three storey side extension and erection of a second storey, the conversion of the existing</i></p>	Written Reps	Refuse	Delegated	The proposed side extension and second floor would, by reason of their height, bulk and mass, appear as an unacceptably dominant and visually intrusive feature in the streetscene harmful to the appearance of the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.	<p><b>Allowed with Conditions</b></p> <p>The Inspector identified 3 issues in the appeal [a] impact of the height and mass of the side extension, and the second floor on the street-scene [b] impact of second floor extension on neighbouring amenity from overlooking and loss of privacy [c] Adequacy of amenity space and whether</p>

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<p><i>office building to provide 3 No. 2 bedroom apartments, with associated amenity space, car parking, access, landscaping and refuse storage</i></p>				<p>The proposed second floor would, by reason of its position and windows facing onto neighbouring properties cause overlooking and loss of privacy which would have a serious and adverse effect on the living conditions of adjacent occupiers, contrary to Policy DC61 of the Core Strategy and Development Control Policies DPD.</p> <p>The proposed development would, by reason of the inadequate provision of amenity space, result in a cramped over-development of the site to the detriment of future occupiers and the character of the surrounding area contrary to Policy DC61 of the Core Strategy and Development Control Policies DPD and Residential Design Supplementary Planning Document.</p>	<p>development would be overly cramped and out of character with the surrounding area</p> <p>On issue [a] the Inspector observed that the building to be replaced was "tired" and out of place in its surroundings. It had always overlooked neighbouring properties from its first floor level. The immediate area was 2-storey development but the wider area comprised both 2 and 3 storey development with hipped roofs that added to overall height and mass. The appeal building would be significantly smaller in scale than buildings to the east and south. The additional floor would give a modern feel to the development and he saw nothing in policy to rule out such a contemporary approach.</p> <p>On [b] the Inspector observed that there had always been a degree of overlooking of the end of the adjoining garden. Windows in the new 2nd floor would overlook the same area but not the area of garden immediately to the rear of the adjoining dwelling where a higher degree of privacy could be expected. He concluded that some overlooking is a norm in urban areas and that tinted window glass would suffice to safeguard amenity of the neighbouring property</p> <p>On [c] The Inspector concluded that adequate useable amenity space was available within the site to meet the needs of occupiers. The development would also make beneficial use of a commercial building in a residential area and freshen its appearance without harm to the traditional character of the area</p>

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<p><b>P1320.10</b>                      13 Woodstock Avenue                      Romford  <i>Conversion of existing dwelling into two separate units.                      Conversion of garage into habitable space.                      (New door and window to front)</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed creation of a separate dwelling to the side of an existing semi-detached pair would appear materially out of character with the prevalent spacious local character, as well as having a cramped and overdeveloped appearance in the streetscene, harmful to the appearance of the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.</p> <p>The proposed development would, by reason of the inadequate on site car parking provision, result in unacceptable overspill onto the adjoining roads to the detriment of highway safety and residential amenity and contrary to Policies DC2 and DC33 of the LDF Development Control Policies Development Plan Document.</p>	<p style="text-align: center;"><b>Dismissed</b></p> <p>The Inspector identified 2 main issues                      [a] impact on character and appearance of the surrounding street-scene                      [b] impact on highway safety, particularly on-street car parking</p> <p>On the first issue, the Inspector noted the uniform original design of houses in the street [many of which had subsequently been altered], and the spacious character of the street. The external changes proposed to the dwelling, by themselves were minor and would have not adversely impact on the appearance of the area. He was however concerned that, if approved, it would be difficult to resist subdivision of other properties. The cumulative effect would be to fundamentally and unacceptably harm the low density character of the street. The development was therefore contrary to Policy DC61.</p> <p>On issue [b] he observed that provision of 1 off-street parking space per dwelling was consistent with policy DC2 and DC33. There was a risk the development might give rise to additional on-street parking. Woodstock Avenue was not a through road and any such increase would not impact on highway safety. But he was concerned about the potential cumulative impact of on-street parking from further similar development. It would result in unacceptable harm to the character and appearance of the area.</p>

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<p><b>P1446.10</b> 65 Gubbins Lane Harold Wood Romford <i>Redevelopment of commercial workshop/body shop for residential use, erection of 24 apartments (Demolition of existing builders yard)</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed development would, by reason of the inadequate on site car parking provision, result in unacceptable overspill onto the adjoining roads to the detriment of highway safety and residential amenity and contrary to Policies DC2, DC33 and DC61 of the LDF Development Control Policies Development Plan Document.</p> <p>The proposal represents an overdevelopment of the site which is unable to provide an acceptable level of off-street parking without resulting in deficient amenity space provision. To provide adequate amenity space the resultant shortfall in parking would give rise to unacceptable overspill onto the public highway to the detriment of highway safety. The development is therefore contrary to Policies DC33 and DC61 of the LDF Development Control Policies DPD.</p> <p>In the absence of a Section 106 Legal Agreement, the applicant fails to demonstrate how the impact of the development on Education provision will be provided for. In this respect, the proposal would be contrary to Policies DC29 and DC72 of the LDF.</p>	<p><b>Dismissed</b></p> <p>The Inspector noted that a previous proposal to develop the site with 27 apartments had been dismissed at Appeal by reason of excessive scale and massing and inadequate amenity space. Access and servicing arrangements were also unsatisfactory. The current proposal [20 flats and 4 maisonettes] differed in terms of design and siting of buildings, and was accompanied by a Unilateral Undertaking re the following: all housing to be "affordable housing"; car club contribution; restriction on residents' parking permits, and a variety of highway works.</p> <p>The Inspector identified 3 main issues [a] Adequacy of provision for vehicle parking [b] Adequacy of provision for amenity open space [c] whether in the absence of further contributions or obligations, the development would have unacceptable impacts on education services or transport infrastructure</p> <p>On the 1st issue, the Inspector observed that the scheme would provide 9 parking spaces [2 reserved for mobility impaired persons; one space for car club use and one for visitors]. The Council calculated a requirement for 24-36 spaces, based on current planning policy. He noted that the site was near to a railway station, bus stops and had local facilities nearby. But the area was also an outer suburban location, and a third of the units would be 3-bed family dwellings. He considered that journey patterns would be quite widely dispersed and some occupiers</p>

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					<p>may still choose to own a car for shopping/visiting/leisure purposes.</p> <p>He had been told that there was parking capacity within 5 minutes walk of the site but thought it likely that, for some the arrangement would be a last resort, and parking would occur in unsuitable locations [e.g. on footways; turning areas; reserved parking spaces] causing obstructions and inconvenience to residents.</p> <p>The Inspector concluded that Polcy DC2 allows different levels of parking provision to reduce reliance on the car but that taking account of everything provision in this case would be well below the lowest applicable range. Inadequate parking provision would cause serious harm to highway safety and cause inconvenience to users of the development.</p> <p>On the 2nd issue the Inspector observed that 4 of the flats were 3-bed units with balconies of about 10 sq. m. each. None was provided with an acceptable amenity space to serve the needs of families, especially those with young children. The absence of other amenity space within the layout compounded the shortcomings of the scheme and was not acceptable</p> <p>On the 3rd issue, the Inspector said that the Council case for financial contributions towards education and highways provisions failed to satisfy the relevant legal and policy tests and were unreasonable and unjustified.</p>

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					In view of his conclusions on the 1st and 2nd issues he dismissed the appeal
<p><b>P1322.10</b>                      90 Rainham Road                      Rainham  <i>Retrospective permission for first floor smoking shelter to existing rear flat roof.</i></p>	Written Reps	Refuse	Delegated	<p>The development would, by reason of noise and disturbance caused by customers using the smoking shelter, particularly during the evening hours of operation, be unacceptably detrimental to the amenities of occupiers of adjacent properties, contrary to Policy DC61 of the Core Strategy and Development Control Policies DPD.</p> <p>The development would, by reason of its height and bulk on the boundary, appear as an unacceptably dominant and visually intrusive feature on the existing building harmful to the appearance of the surrounding area contrary to Policy DC61 of the Core Strategy and Development Control Policies DPD.</p>	<p style="text-align: center;"><b>Dismissed</b></p> <p>The Inspector identified 2 main issues                      [a] impact on character and appearance of the appeal site and surrounding area                      [b] impact on neighbouring amenity by virtue of outlook and noise</p> <p>On issue [a] the Inspector noted the location was in a shopping/commercial centre at the busy Rainham Road/Southend Road junction. He observed that the structure had grey panelled walls and a perspex roof and was located on top of a flat roof at the rear of the first floor restaurant. He said that the existing building was at odds with its setting, and its impact in views from Southend Road was exacerbated by other discordant and unsightly features at the rear of the premises. He said the fact that the rear of the building exhibited little of merit that did not justify introduction of an additional utilitarian structure. He concluded that the shelter was harmful to the character and appearance of the premises and its surroundings.</p> <p>He observed that the shelter was visible from dwellings to the west. Due to height bulk and proximity it is unsightly and unacceptably erodes outlook from those properties to the detriment of residential amenity. He also considered that the shelter would concentrate people in one area and smoking-related activity, especially during the evening when</p>

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					the restaurant was likely to be busiest, but traffic noise had died down was likely to result in unacceptable noise disturbance to residents.
<p><b>P0216.11</b>                      23 Tudor Gardens                      Romford  <i>Half hipped roof, two pitched roof dormers at front and boxed dormer at rear, pitched roof to front porch</i></p>	Written Reps	Refuse	Delegated	<p>The proposed development would, by reason of its position, height, bulk and mass, appear as an unacceptably dominant and visually intrusive feature in the street scene, out of character and harmful to the appearance of the surrounding area, contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD and the Residential Extensions and Alterations SPD.</p> <p>The proposal would, by reason of its bulk, mass and particular relationship to the neighbouring property No 21 Tudor Gardens overbear and dominate the outlook of this neighbour as well as giving rise to unacceptable light loss. The proposal is therefore considered to be unneighbourly and contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD and guidance set out in the Residential Extensions and Alterations SPD.</p> <p>The proposed rear dormer window by reason of its excessive overall size and bulk is considered to be incapable of being satisfactorily accommodated within the extended roof slope of this property and is obtrusive in appearance when viewed within the rear garden</p>	<p style="text-align: center;"><b>Dismissed</b></p> <p>The Inspector identified the main issues as [a] impact of the extension the character and appearance of the surrounding residential area                      [b] impact on living conditions of adjoining occupiers.</p> <p>The appeal property is a bungalow with a fully hipped roof, adjoining other similar bungalows to the west. Tudor Gardens is a residential cul-de-sac with variety in the scale and detailed design of properties.</p> <p>The proposals would see a significant change to the form and appearance of the bungalow, through raising of the side elevations to form half-hipped roofs. As a consequence the massing of the roof would increase substantially. Together with the dormer windows in the altered roof, the changes would upset the current balance in the street scene. The Inspector considered that the development would appear unduly dominant and intrusive, and harmful to the character and appearance of the area</p> <p>On the second issue, the adjoining bungalow is set back from the front elevation of No. 23. A bedroom window would look out towards the increased height of the new side elevation. The increased height and depth of</p>



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				environment. The development is therefore contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD and guidance set out in the Residential Extensions and Alterations SPD.	<p>the building would be overbearing and harmful to neighbouring amenity. The changes would also significantly affect the amount of light that reaches the neighbour's windows.</p> <p>The Inspector concluded that the extension would be harmful to the living conditions of adjoining occupiers.</p>
<p><b>M0017.10</b> 127 Abbs Cross Lane Hornchurch <i>Installation of a dual-user 'flagpole' on the building, supporting six antennas within a glass reinforced plastic shroud, equipment cabinets and development ancillary thereto</i></p>	Written Reps	Refuse	Delegated	The proposed telecommunications mast and ancillary equipment cabinets would, by reason of its height, and forward location, appear as an unacceptably dominant and visually intrusive feature in the streetscene harmful to the appearance of the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.	<p style="text-align: center;"><b>Dismissed</b></p> <p>The Inspector accepted that technical analysis had identified a need for a mast of this height in the area, and that other possible locations had been explored and rejected.</p> <p>Notwithstanding that, there was a heavy footfall and movement of vehicular traffic past the site.</p> <p>The building itself occupied a prominent corner position that exhibited a significant degree of openness. The mast would be erected at its foremost corner. The premises were not of the type where a flagpole would normally be found and the mast, rather than being assimilated into its setting would draw driver and pedestrian attention over long distance views against the skyline.</p> <p>The Inspector was not persuaded that other possible sites had been properly investigated He also observed that even if the appeal building was the only location available justification for the Mast to be sited where its visual impact would be greatest had not been satisfactorily explained.</p>

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					He concluded that the Mast would detract unacceptably from the character and appearance of the building and area, where no over-riding need has been demonstrated
<p><b>P0241.11</b> 36 Priory Road Romford <i>To erect a tiled canopy to front of property</i></p>	Written Repts	Refuse	Delegated	<p>The proposed development would, by reason of its excessive depth, bulk and mass, unbalance the appearance of this semi-detached pair of dwellings and appear as an unacceptably dominant and visually intrusive feature in the street scene, harmful to the appearance of the surrounding area and contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.</p> <p>The proposed canopy extension would, by reason of its excessive depth and position close to the boundaries of the site, be an intrusive and unneighbourly development, contrary to Supplementary Design Guidance and Policy DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.</p>	<p><b>Allowed with Conditions</b></p> <p>The Inspector identified 2 main issues [a] impact on the character and appearance of the property its neighbour and the street-scene by virtue of mass and depth of the extension [b] impact on outlook and amenity of the adjoining dwelling</p> <p>On the first issue he observed similar basic design of nearby properties. The extension would infill a recess in front of the dwelling; it would be built in materials to match the house; and it would project less than 1 metre beyond the main building line for the dwelling. The Inspector also noted a similar scale of extension to an adjoining property. He concluded that mass and depth of the extension would cause no harm to the character or appearance of the area.</p> <p>On the second issue the Inspector noted that the extension would abut the boundary with the neighbour, but was separated from the main entrance by the width of a garage and a small window. Impact on the neighbour's amenity would be marginal and insufficient to justify refusal of permission</p>
<p><b>P1659.10</b> 93 Shepherds Hill Romford <i>Demolish single storey</i></p>	Written Repts	Refuse	Delegated	The site is within the area identified in the Local Development Framework as Metropolitan Green Belt. The Local Development Framework and	<p><b>Dismissed</b></p> <p>The Inspector identified 3 main issues [a] whether the development accords with Green Belt policy</p>

**LIST OF APPEAL DECISIONS MADE BETWEEN 04-JUN-11 AND 19-AUG-11**

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p><i>rear extension and garage. Two storey rear extension, Juliet balcony, bay windows, external alterations, conservatory, garage and car port.</i></p>				<p>Government Guidance as set out in Planning Policy Guidance Note 2 (Green Belt) is that in order to achieve the purposes of the Metropolitan Green Belt it is essential to retain and protect the existing rural character of the area so allocated and that the new building will only be permitted outside the existing built up areas in the most exceptional circumstances. The proposed development would, increase the volume of the original dwelling house by approximately 81% and would result in disproportionate additions over and above the size of the original building, which by virtue of excessive bulk and depth and position close to the boundaries of the site materially harm the character and openness of the Green Belt. No very special circumstances have been submitted in this case to justify such inappropriate development or the harm arising to the character and openness of the Green Belt at this point. The proposal is therefore contrary to Policy DC45 of the LDF Development Control Policies Development Plan Document, and PPG2 (Green Belts).</p>	<p>[b] impact on character and appearance of the property and its surroundings [c] impact on living conditions at 95 Shepherds Hill</p> <p>The Inspector observed that the site forms part of an established built up frontage that does not have the open character of the countryside. It was nevertheless in the Green Belt and the issue fell to be determined on Green Belt policy unless outweighed by other material considerations. He noted that Policy DC45 limits extensions or additions to not more than 50% of the original dwelling. The increase in the dwelling [excluding the garage] would be 81% and the garage would be about 3 times the size of the original garage. In terms of policy aims, the extensions and additions would be harmful to the Green Belt. The fact that the property was a small house on a large plot, and the accommodation was said to be needed for family reasons were not special circumstances.</p> <p>On character and appearance the Inspector noted the 2-storey rear extension would be built flush with the gable walls with a mainly flat roof creating a box-like appearance to an otherwise pleasant small cottage. He concluded the extension would be intrusive and unsightly, and harm the character and appearance of the dwelling.</p> <p>With regard to impact on the adjoining property the Inspector noted a "Juliet Balcony". There was no facility for standing</p>

**LIST OF APPEAL DECISIONS MADE BETWEEN 04-JUN-11 AND 19-AUG-11**

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				<p>The two storey rear extension would, by reason of its roof form, excessive depth, scale, bulk and mass, appear dominant, overbearing and visually intrusive in the rear garden environment to the detriment of residential amenity contrary to the Draft Residential Extensions and Alterations SPD and Policy DC61 of the Local Development Framework Development Plan Document.</p> <p>The proposed development would, by reason of its position and proximity to neighbouring properties cause overlooking and loss of privacy which would have a serious and adverse effect on the living conditions of adjacent occupiers, contrary to Policy DC61 of the Local Development Framework Development Plan Document.</p> <p>The garage and car port would cumulatively, by reason of their excessive depth, scale and position close to the boundaries of the site, appear as a continuous development of substantial massing and bulk, which would be overbearing, dominant, visually intrusive and oppressive in the rear garden environment harmful to the amenity of adjacent occupiers contrary to Policy DC61 of the Local Development Framework Development Plan Document.</p>	<p>outside and the degree of overlooking would be no different to what would occur from a conventional window. The garage / carport was at lower level, designed with low eaves and pitched roofs running away from the boundary. He concluded that impact on privacy and outlook from the adjoining property was acceptable</p> <p>Green Belt and Design policies provided compelling reasons for dismissing the appeal</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 04-JUN-11 AND 19-AUG-11

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p><b>P0053.11</b>                      98 Crow Lane Romford  <i>Increase in roof height with new roof over dwelling. Single/two storey rear extension and single storey rear conservatory with part conversion of garage</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed development would, by reason of its excessive height, scale, bulk and mass, appear as an unacceptably dominant and visually intrusive feature in the street and rear garden scene, harmful to the character and appearance of the surrounding area, contrary to the Residential Extension and Alteration Supplementary Planning Document and Policy DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.</p> <p>The single storey rear extension and conservatory would, by reason of its excessive depth and extensive flat roof area, be an intrusive and unneighbourly development, which would be most oppressive and give rise to an undue sense of enclosure in the rear garden environment to the detriment of residential amenity contrary to the Residential Extensions and Alterations Supplementary Planning Document and Policy DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.</p>	<p style="text-align: center;"><b>Dismissed</b></p> <p>The Inspector decided the main issues were:                      [a] impact on adjoining occupiers                      [b] impact on streetscene</p> <p>On the first issue the Inspector noted that existing ground floor extensions already projected some 6.6 metres beyond the rear building line. The ground floor re-development would extend by a further 4 metres, across the full width of the site. He observed the proposal would result in a large area of mainly flat roofed buildings that would not reflect the design of the existing building in any way. They would present an over-intensive agglomeration of buildings that would dominate the site and its surroundings and have an unacceptable impact on outlook from both adjoining properties and their gardens.</p> <p>The first floor extension would project some 3.75 metres out above the ground floor extension. The Inspector noted windows, including a ground floor bedroom window in the neighbouring flank elevation. He was concerned that the development would deprive the room of natural daylight and some afternoon sun. He concluded that the impact on neighbouring properties was unacceptable.</p> <p>On the second issue he observed that the</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 04-JUN-11 AND 19-AUG-11

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				<p>The proposed increase in roof height and gabled ends would, result in the loss of sun and natural light to a primary window serving a habitable room at No.96 Crow Lane. The resultant development would thereby be intrusive and unneighbourly, and would have an adverse effect on the amenities of that occupier, contrary to the Residential Extensions and Alterations Supplementary Planning Document and Policy DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.</p> <p>1. The applicant is advised that in preparing any resubmission that a street scene view should be provided showing the neighbouring properties along Crow Lane, Romford.</p> <p>2. In addition, the application is requested to reduce the overall height, depth, scale, bulk and mass of the development. The depth of the rear extension should be reduced to ensure that there is no loss of outlook to the neighbouring occupiers.</p>	<p>new roof would be larger and bulkier than existing, with a higher ridge, steeper pitch, and gabled ends in place of the existing hipped shape. He noted there was considerable variety of roof forms in the area that formed one of the its most distinctive characteristics. He concluded that the visual relationship to other buildings would not cause significant harm to the street-scene and was acceptable</p>
<p><b>P0046.11</b> 55 Sackville Crescent Harold Wood, Romford <i>Front and rear single</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed front extension would, by reason of its height, bulk and mass, appear as an unacceptably dominant and visually intrusive feature in the street scene harmful to the appearance of the</p>	<p><b>Dismissed</b> The Inspector noted that since the appeal was made, permission had been granted for a rear extension [modified following the</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 04-JUN-11 AND 19-AUG-11

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<i>storey extensions</i>				<p>surrounding area contrary to the Draft Residential Extensions and Alterations SPD and Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.</p> <p>The proposed rear extension would, by reason of its height, bulk and position close to the boundaries of the site, be an intrusive and unneighbourly development, as well as having an adverse effect on the amenities of adjacent occupiers, contrary to the Draft Residential Extensions &amp; Alterations SPD and Policies DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.</p>	<p>decision to refuse permission] and construction work was proceeding. He considered the appeal only against the front extension that formed part of the refused application.</p> <p>He identified the main issue as [a] impact on character and appearance of the streetscene</p> <p>The Inspector observed that on this part of the Crescent, houses were generally uniform in appearance with similar sized front porches. He also noted advice in the Council's draft Residential Extensions and Alterations, supplementary document, that where the character of the street is derived from the uniformity of the houses along it, then porches/front extensions are likely to disrupt the rhythm of the street and look out of place.</p> <p>The proposed porch would be built in suitable external materials and have no adverse impact on neighbours. It would however appear out of character because of its width and the degree of projection beyond the building line. It would be unacceptably harmful in the street-scene.</p>
<p><b>P0111.11</b> 39 Eastbury Road Romford <i>Single storey rear extension</i></p>	Written Reps	Refuse	Delegated	The proposed development would, by reason of its depth, bulk and mass, appear as an unacceptably dominant and visually intrusive feature in the rear garden environment, harmful to the appearance of the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control	<p><b>Allowed with Conditions</b></p> <p>The Inspector identified 2 main issues [a] Impact on amenity of neighbours due to overbearing appearance, and overshadowing [b] Impact on character and appearance of the area</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 04-JUN-11 AND 19-AUG-11

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				<p>Policies Development Plan Document and Residential Extensions and Alterations SPD.</p> <p>The proposed rear extension would, by reason of its excessive depth and position close to the boundaries of the site, be an intrusive and unneighbourly development as well as having an adverse effect on the amenities of adjacent occupiers which is contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document and Residential Extensions and Alterations SPD.</p>	<p>On the first issue he said that the 3 metre projection beyond the rear building line along the north site boundary was not excessive and would not result in undue overshadowing or loss of outlook to the neighbour. The 5 metre projection along the south boundary would have greater impact but the intervening "shared alley" between the site and the neighbour would mitigate against the impact of the extension. He concluded that the impact on amenity was acceptable.</p> <p>On the second issue he observed that the existing house was built in traditional form with a pitched roof. The hipped roofs proposed for the extension would be somewhat incongruous with the main dwelling. However he concluded that the design was acceptable in planning terms and would have had no significant adverse impacts on character and appearance of the area, particularly bearing mind the size of the garden for the property.</p> <p>He decided that it was not necessary to impose a condition to restrict insertion of windows into the flank elevations, to safeguard neighbouring privacy. There were no exceptional circumstances to justify removal of that "permitted development" right</p>
<p><b>P0489.11</b> 30 Crow Lane Romford <i>Single/two storey side and rear extension, extension to existing front dormer windows</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed first floor rear extension would, by reason of its excessive height, scale, bulk, and large flat roof section poorly relate to scale and design of the subject dwelling and would appear as an unacceptably dominant and visually intrusive feature, harmful to the</p>	<p><b>Dismissed</b></p> <p>The Inspector identified 2 main issues [a] impact of height scale and design of the development on the character and appearance of the area [b] impact on living conditions [outlook] of</p>



**LIST OF APPEAL DECISIONS MADE BETWEEN 04-JUN-11 AND 19-AUG-11**

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				<p>character and appearance of the surrounding area, contrary to the Residential Extension and Alteration Supplementary Planning Document and Policy DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.</p> <p>The combined depth of the single storey rear extension and garage would, by reason of its excessive depth and extensive roof area, be an intrusive and unneighbourly development, which would be most oppressive and give rise to an undue sense of enclosure in the rear garden environment to the detriment of residential amenity contrary to the Residential Extensions and Alterations Supplementary Planning Document and Policy DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.</p> <p>1. The applicant is advised that in preparing any resubmission that a street scene view should be provided showing the neighbouring properties along Crow Lane, Romford.</p> <p>2. In addition, the application is requested to reduce the overall height, depth, scale, bulk and mass of the development. The depth of the rear extension should be reduced to ensure</p>	<p>adjoining residents</p> <p>On issue [a] he observed that the site comprised detached property with front dormers and a hipped roof lounge that projected into the rear garden. There was also a detached garage in similar hipped-roof style that added to the pleasant character and appearance. The extensions would nearly close the gap with the adjoining dwelling; the first floor extension was poorly related to the dwelling and would spoil its original distinctive character and appearance and a substantial mass of brickwork would replace the existing gable ends. The flank elevation would dominate the property and its neighbours appearing architecturally incongruous and intrusive in the street-scene. It would be visually harmful to the character and appearance of the area</p> <p>On issue [b] The Inspector found that the juxtaposition of the neighbouring dwelling [No 32] with the extension was such that the proposals would cause no harm to its occupiers. On the other hand the increased mass and scale of the poorly designed first floor extension would dominate the bungalow at No 28 to the detriment of its amenity, and was not acceptable</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 04-JUN-11 AND 19-AUG-11

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				that there is no loss of outlook to the neighbouring occupiers.	
<p><b>P0049.11</b>                      53 Limerick Gardens                      Upminster  <i>First floor rear extension</i></p>	Written Reps	Refuse	Delegated	<p>The proposed development would, by reason of its width, bulk and mass, appear as an unacceptably dominant and visually intrusive feature in the rear gardens environment, harmful to the appearance of the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.</p> <p>The proposed first floor rear extension would, by reason of its excessive width and position close to the boundaries of the site, be an intrusive and unneighbourly development, as well as having an adverse effect on the amenities of adjacent occupiers, contrary to Supplementary Design Guidance and Policy DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.</p>	<p><b>Allowed with Conditions</b></p> <p>The inspector observed that the development would sit above an existing ground floor extension and be constructed in materials to harmonise with the original building. He said it would not adversely impact on the nearest 1st floor window of the adjoining dwelling.</p> <p>The Inspector was convinced that the extension would not adversely impact on the character or appearance of its surroundings even when viewed from the rear of adjoining properties, or cause material harm to neighbours' amenity.</p> <p>He decided that it was not necessary to impose a condition to restrict insertion of windows into the flank elevations, to safeguard neighbouring privacy. He said there were no exceptional circumstances to justify removal of that "permitted development" right</p>
<p><b>P0551.11</b>                      213 Wingletye Lane                      Hornchurch  <i>Proposed side extension and roof conversion</i></p>	Written Reps	Refuse	Delegated	<p>The proposed development would, by reason of its height, bulk and mass, appear as an unacceptably dominant and visually intrusive feature in the streetscene harmful to the appearance of the semi-detached pair of bungalows and surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.</p>	<p><b>Dismissed</b></p> <p>The Inspector identified the main issue as [a] impact of the development on the appearance of the building and its surroundings</p> <p>The Inspector observed that the area is characterised by semi-detached bungalows that have frequently been altered and adapted, not always in a sympathetic way.</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 04-JUN-11 AND 19-AUG-11

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
					<p>To create additional first floor accommodation would involve substantial alteration of the roof. A large, unattractive box dormer, clearly visible to public views, would be formed across the rear of the building, with a new wide gable on the front elevation.</p> <p>He concluded that there would be no undue overshadowing or loss of privacy to neighbours. But the changes would result in a clumsy and awkward design. It would create an intrusive and disruptive feature that was unacceptable in the street-scene.</p>
<p><b>P0014.11</b> 115 Parsonage Road Rainham <i>New first floor forming additional bedrooms and family bathroom.</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed development would, by reason of its height, bulk and mass, appear as an unacceptably dominant and visually intrusive feature in the streetscene and rear garden scene, and would be harmful to the appearance of the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD, and the Draft Residential Extensions and Alterations SPD.</p> <p>The proposed creation of an entire floor, by reason of its excessive depth, height and bulk, be an intrusive and unneighbourly development and would have an adverse effect on the amenities of adjacent occupiers, contrary to the Draft Residential Extensions and Alterations SPD, and Policy DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.</p>	<p style="text-align: center;"><b>Allowed with Conditions</b></p> <p>The Inspector identified the following main issues</p> <p>[a] impact of the development on the building and its surroundings</p> <p>[b] impact on immediate neighbours</p> <p>On the first issue the Inspector noted a variety of single and 2-storey dwellings in the area with a preponderance of bungalows in the immediate vicinity of the site. The raised roof to accommodate the first floor extension would not be alien to its surroundings; it would harmonise with the existing diverse street-scene</p> <p>On the second issue he concluded the extension would not cause undue overshadowing of neighbours because of the alignment of, and separation between dwellings and the size of the respective gardens. First floor windows in the flank</p>

**LIST OF APPEAL DECISIONS MADE BETWEEN 04-JUN-11 AND 19-AUG-11**

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
					<p>elevations could be conditioned to safeguard neighbours' privacy. He concluded that no material harm would be caused to neighbouring amenity.</p>
<p><b>P0449.11</b>                      Budleigh North Road                      Havering-Atte-Bower                      Romford  <i>Two storey side extension</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed development would, by reason of its height, bulk and mass, appear as an unacceptably dominant and visually intrusive feature in the streetscene harmful to the character and openness of this part of the Metropolitan Green Belt and the appearance of the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD. The site is within the area identified in the Core Strategy and Development Control Submission Development Plan Document Policy Plan as Metropolitan Green Belt. The Core Strategy and Development Control Submission Development Plan Document Policy and Government Guidance as set out in Planning Policy Guidance Note 2 (Green Belts) states that in order to achieve the purposes of the Metropolitan Green Belt it is essential to retain and protect the existing rural character of the area so allocated and that new building will only be permitted outside the existing built up areas in the most exceptional circumstances. No special circumstances to warrant a departure from this policy have been submitted in this case and the proposal is therefore contrary to Policy DC45 of the Development Control Policies Development Plan Document Policy.</p>	<p style="text-align: center;"><b>Dismissed</b></p> <p>The Inspector identified 3 main issues                      [a] impact on the openness of the Green Belt                      [b] effect on character and appearance of the area                      [c] whether any harm was outweighed by other very special circumstances to justify the development</p> <p>On the first issue the Inspector disagreed with the appellant's view that his extension amounted to volumetric enlargement of the original dwelling of 49.3%, and concluded that the total volume of extensions [including a detached garage] was significantly greater. He noted Policy DC45 limited extensions in Green belt areas to 50% of the original dwelling and concluded that the extension was disproportionate to the original building and would, by definition, harm the character of the Green Belt.</p> <p>On the second issue the Inspector observed that the extension would increase the volume and bulk of the house but was sited so it would cause only slight harm to the openness of the Green Belt.</p> <p>On the third issue he concluded that the extension would be visible only from a short section of the public highway and would be a relatively inconsequential feature in the street-</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 04-JUN-11 AND 19-AUG-11

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
					<p>scene.</p> <p>The appellant had not put forward any special circumstances to justify the development. The Inspector decided that the development would result in substantial harm to the Green Belt</p>
<p><b>P0416.11</b> 15 Berther Road Hornchurch <i>Two storey rear/side extension and new front boundary wall/gates and fencing.</i></p>	<p>Written Repts</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed two storey rear extension would, by reason of its width, depth, height, bulk and mass, appear as an unacceptably dominant and visually intrusive feature in the rear garden environment harmful to the appearance of the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD and the Residential Extensions and Alterations SPD.</p> <p>The proposed two storey rear extension extension would, by reason of its excessive depth, height and position close to the boundaries of the site, be an intrusive and unneighbourly development as well as having an adverse effect on the amenities of the adjacent occupier at No. 17 Berther Road contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document and the Residential Extensions and Alterations SPD</p>	<p><b>Part Allowed/Part refused</b></p> <p>The Appeal was ALLOWED in respect of front boundary walls; gates, and fencing. The appeal was DISMISSED in respect of the 2-storey side/rear extension</p> <p>The Inspector identified 2 main issues [a] impact on character and appearance of the area [b] impact on outlook and living conditions at 17 Berther Road</p> <p>On issue [a] the Inspector noted the area was characterised by large varied dwellings set in spacious well landscaped grounds. The extension would have a larger footprint; floor area, and volume than the existing dwelling; would extend to within 1 metre of the side boundaries at its closest points, and project significantly beyond the rear building line. The extension was well designed but due to its siting, height and bulk did not respect its surroundings and would have an adverse impact on the character and appearance of the area.</p> <p>He found that there was a variety of front boundary treatments along the road frontage and the proposed brick piers; dwarf walls with</p>

**LIST OF APPEAL DECISIONS MADE BETWEEN 04-JUN-11 AND 19-AUG-11**

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
					<p>railings, and gates would be visually acceptable.</p> <p>On issue [b], he concluded that by virtue of its height and proximity to boundary the extension would have an overbearing impact on the neighbouring dwelling resulting in loss of outlook and amenity to that property.</p>

**TOTAL PLANNING =** 25

**LIST OF APPEAL DECISIONS MADE BETWEEN 04-JUN-11 AND 19-AUG-11**

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

LIST OF APPEAL DECISIONS MADE BETWEEN 04-JUN-11 AND 19-AUG-11

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p><b>ENF/317/09/CM</b> Folkes Farm Folkes Lane Upminster</p>	<p>Written Repts</p>				<p style="text-align: center;"><b>Dismissed</b></p> <p>THE APPEAL WAS AGAINST BOTH NOTICES</p> <p>The Appeal against Notice A</p> <p>The Inspector used his powers to amend the Notice because, at the time it was served, the building at issue was no longer within the residential curtilage of the adjacent dwelling, as alleged in the Notice. The appeal then proceeded under</p> <p>Ground [a] that planing permission should be granted; Ground [g] that the period for compliance was too short</p> <p>The Ground [a] appeal The Inspector identified the main issues as [a] whether the development amounted to inappropriate development in the Green Belt [b] impact on character and appearance of the area [c] impact on residential amenity due to noise and disturbance</p> <p>On issue [a] he found that forming the hardstanding and use of it for access, parking and open storage has led to a reduction in openness of the area which, by definition, is harmful to the Green Belt.</p> <p>On issue [b] he concluded that the visual impact of the development was contained within the yard and did not impact on the wider landscape. However its presence was</p>



LIST OF APPEAL DECISIONS MADE BETWEEN 04-JUN-11 AND 19-AUG-11

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p><b>ENF/317/09/CM</b> Folkes Farm Folkes Lane Upminster</p>	<p>Written Reps</p>				<p style="text-align: center;"><b>Dismissed</b></p> <p>harmful to the rural character of the area which added limited weight against granting permission</p> <p>On issue [c] the Inspector accepted that the area was affected by noise and disturbance from lawful commercial activities at the Folkes Farm complex. He considered that a planning condition restrict hours of operation at the Yard would reduce noise and disturbance but harm to residential amenity would not be eliminated. The circumstances added limited weight against granting permission.</p> <p>The Ground [g] appeal The Inspector concluded that 1 month was an insufficient period to allow the appellant to make other arrangements for accommodation. He extended the period for complying with the Notice to 3 months from the date of his decision.</p> <p>Notice A was upheld as corrected and varied.</p> <p>The Appeal against Notice B</p> <p>The Inspector used his powers to amend the Notice because, he was satisfied that a small area of Land included in the Notice had been used for more than 10 years and become lawful and immune from enforcement powers. He excluded another small area because he was satisfied from evidence that it had not been used for the purposes alleged in the</p>

**LIST OF APPEAL DECISIONS MADE BETWEEN 04-JUN-11 AND 19-AUG-11**

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p><b>ENF/317/09/CM</b> Folkes Farm Folkes Lane Upminster</p>	<p>Written Reps</p>				<p style="text-align: center;"><b>Dismissed</b></p> <p>Notice. He replaced the Plan attached to the Notice with a "corrected" Plan. The appeal then proceeded under</p> <p>Ground [c] the development constitutes "permitted development"; Ground [a] that planing permission should be granted.</p> <p>The Ground [c] appeal The Inspector found that no relevant evidence had been submitted and that the appeal therefore failed.</p> <p>The ground [a] appeal The Inspector identified the main issues as [a] whether the development amounted to inappropriate development in the Green Belt [b] impact on character and appearance of the area [c] impact on residential amenity due to noise and disturbance</p> <p>On issues [a] and [b] the Inspector arrived at the same conclusions, for the same reasons, as in the appeal against Notice A</p> <p>On issue [c] he concluded that manoeuvring of heavy goods vehicles created noise and disturbance that resulted in material harm to amenity of nearby dwellings</p> <p>Notice B was upheld, as corrected.</p>

**TOTAL ENF =**

<b>1</b>
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**LIST OF APPEAL DECISIONS MADE BETWEEN 04-JUN-11 AND 19-AUG-11**

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<b><u>Summary Info:</u></b>					
Total Planning =			25		
Total Enf =			1		
Appeals Decided =			26		
Appeals Withdrawn or Invalid =			0		
Total =			26		
		<b>Dismissed</b>	<b>Allowed</b>		
Hearings	0	0.00%	0	0.00%	
Inquiries	0	0.00%	0	0.00%	
Written Reps	17	65.38%	9	34.62%	

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# 6

# REGULATORY SERVICES COMMITTEE

# REPORT

8 SEPTEMBER 2011

**Subject Heading:**

**Schedule of Enforcement Notice**

**Report Author and contact details:**

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

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

Clean, safe and green borough	<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"/>

<b>SUMMARY</b>
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Attached are schedules detailing information regarding Enforcement Notices updated since the meeting held on 23 June 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
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 unauthorised C/U to A5	Delegated 23-03-11	18-04-11	19-05-11
9 Bridge Close Romford ENF/488/08/RT	Alleged C/U to place of worship	Delegated 31-03-11	13-05-11	22-06-11
9 Bridge Close Romford ENF/278/09/RT	Alleged C/U to place of worship	Delegated 29-03-11	13-05-11	26-06-11

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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, Lauanders 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
Hamyns 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.
Chanlin Broxhill Road Havering-atte-Bower	Use	Delegated 14-07-09	27-11-09	27-11-09	29-12-09	Appeal dismissed		Pursuing compliance
64 Berwick Road Rainham	Unauthorised fence	Delegated 27-08-09	27-08-2009	02-10-09	12-03-10	Appeal dismissed		Pursuing compliance
108 Mashiters Walk Romford	Development	Delegated 20-08-09	23-12-09	24-12-09	11-08-09	Appeal dismissed		Pursuing compliance
65 Reed Pond Walk Glea 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
11 Wolseley Road Romford	Development	Committee 29-10-09	18-01-10	18-01-10	09-03-10	Appeal dismissed		Pursuing compliance
222 Havering Road Romford	Development	Committee 29-10-09	18-01-10	18-01-10	25-02-10	Appeal dismissed		Pursuing compliance
179-181 Cherry Tree Lane Rainham	Use	Delegated 03-08-10	28-01-10	29-01-10				Pursuing compliance

ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	DATE OF COMMITTEE AUTHORITY	NOTICE ISSUED	NOTICE SERVED	APPEAL LODGED	APPEAL DECISION	COMPLIANCE DATE	COMMENTS
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				Pursuing compliance
Folkes Farm Folkes Lane Upminster	Use x 2	Committee 11-03-10	07-10-10	07-10-10	01-11-10	Appeal dismissed		Pursuing compliance
The Former Brook Street Service Station Colchester Road Harold Wood	Use & Development	Delegated 01-07-10	22-07-10	23-07-10	26-08-10	Temporary Permission given		Monitoring
Lessington Avenue Romford	Development	Committee 29-04-10	27-07-10	28-07-10	01-09-10	Appeal dismissed		Pursuing compliance
Complete Steel Spilsby Road Harold Hill Romford	Use	Delegated 21-07-10	10-09-10	10-09-10	06-10-10	Notice quashed		Monitoring
Land off Church Lane Noak Hill Romford	Development	Committee 15-07-10	10-09-10	10-09-10				Pursuing compliance
Moorings Garage Southend Arterial Road Hornchurch	Notice A. Use  Notice B .Development Withdrawn  Notice C. Development Withdrawn	Committee 29-04-10	01-10-10	01-10-10	28-10-10	Appeal dismissed		Pursuing compliance

ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	DATE OF COMMITTEE AUTHORITY	NOTICE ISSUED	NOTICE SERVED	APPEAL LODGED	APPEAL DECISION	COMPLIANCE DATE	COMMENTS
29 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
Crown Cottage Dog Hill Road Cullier Row Romford	Development	Committee 09-09-10	29-11-10	29-11-10	15-12-10	Appeal dismissed		Pursuing compliance
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



ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	DATE OF COMMITTEE AUTHORITY	NOTICE ISSUED	NOTICE SERVED	APPEAL LODGED	APPEAL DECISION	COMPLIANCE DATE	COMMENTS
8 Highview Gardens Upminster	Development	Committee 07-04-11	05-08-11	05-08-11				
9 Bridge Close Romford	Use	Delegated 29-03-11	12-05-11	13-05-11	13-05-11			See schedule A
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	22-06-11			See schedule A
Small Acres Forkes Lane Upminster	Use /development	Committee 19-05-11	25-07-11	27-07-11				Pursuing compliance
349 Rush Green Road Romford	Use	Committee 19-05-11	06-07-11	06-07-11				Pursuing compliance

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# 7

# REGULATORY SERVICES COMMITTEE

# REPORT

8 SEPTEMBER 2011

**Subject Heading:**

**Prosecutions update**

**Report Author and contact details:**

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

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

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

## SUMMARY

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

## RECOMMENDATIONS

That the report be noted.

## REPORT DETAIL

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



## ITEM 8

### Regulatory Services Committee

8 September 2011

### WITHIN STATUTORY PERIOD

<b>Page No.</b>	<b>Application No.</b>	<b>Ward</b>	<b>Address</b>
1-9	P1111.11	Upminster	Forest View Nursery St Mary's Lane, Upminster

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**REGULATORY SERVICES COMMITTEE**

**8th September 2011**

**WITHIN STATUTORY PERIOD**

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

**CALL-IN**

No.

**RECOMMENDATION**

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

**SITE DESCRIPTION**

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

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

**DESCRIPTION OF PROPOSAL**

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

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

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

## **REGULATORY SERVICES COMMITTEE**

**8th September 2011**

### **WITHIN STATUTORY PERIOD**

and an ancillary sales area.

#### **RELEVANT HISTORY**

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

#### **CONSULTATIONS/REPRESENTATIONS**

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

#### **RELEVANT POLICIES**

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

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

#### **STAFF COMMENTS**

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

#### **PRINCIPLE OF DEVELOPMENT**

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

The main activities at the application site involves the breeding of Koi fish which is considered to fall within the list of exceptions as set out in PPG2, being agriculture. The design and access statement states that the application site, Koi Logic, has already been accepted in principle as an agricultural use. The agricultural use has been established at Forest View since 1939 when the use was for a nursery and subsequently turned into the Koi farming enterprise sometime after 2000. Fish farming is defined in the General Permitted Development Order (GPDO) and the Planning and Compensation Act 1991 sec.14 as meaning "the breeding, rearing or keeping of fish or shellfish whilst the definition of agriculture "includes horticulture, fruit growing, seed growing, dairy farming, the keeping and breeding of livestock.

The proposal is for a new replacement building which will be utilised for breeding and selling of koi fish however in addition, the building would also be used for sale of other fish and ancillary goods used for keeping of the fish. Whilst the main use of the building is for agricultural



**REGULATORY SERVICES COMMITTEE**

**8th September 2011**

**WITHIN STATUTORY PERIOD**

purposes and considered to be appropriate as set out in PPG2, it is important to consider whether the retail sale of other goods also proposed to be accommodated in the replacement building is ancillary to the agricultural use in order to establish its appropriateness.

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

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

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

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

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

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

**GREEN BELT IMPLICATIONS**

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

The Design and Access Statement indicates the proposed building would replace buildings nr 2, 3, 4, 5, 6, 7 and 9. In granting permission for a new dwelling on the site (Ref: P0288.09), buildings 2, 3, 4, 5 and 6 were proposed to be demolished to accommodate the replacement

**REGULATORY SERVICES COMMITTEE**

**8th September 2011**

**WITHIN STATUTORY PERIOD**

dwelling. Members should however note that the removal of these buildings were not considered as a direct trade off for the replacement dwelling. Rather, they were simply shown to be removed in order to be able to physically accommodate the dwelling in its proposed location on the site. Confirmation was received from the agent that the applicant is committed to implementing the permission to construct the dwelling. The Council is further in receipt of a Building Regulations application and an application to discharge conditions for this application.

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

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

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

The replacement building will have a footprint of 286.2sq metres and a volume of 970 cubic metres (9.8% decrease in volume).

The proposal would therefore clearly be materially smaller compared to the 7 buildings it replaces with a 209.7sq.m decrease in footprint and 105.9 cubic metre decrease in volume. Staff takes notice of the fact that the existing buildings are in need of refurbishment and in order to expand the business, refurbishment / replacement of the buildings are required. This application therefore relies on the above mentioned buildings on the site to be removed as the proposed building will be a direct replacement. An appropriate planning condition can be imposed to require the removal of these buildings.

The site has dense vegetation with mature trees to the rear of the site. The proposal will be viewed against the backdrop of those mature trees and being approximately 60m from the edge of the highway, any potential impact on the open character and appearance of the Green Belt would be reduced.

The proposal would result in a net reduction in terms of the footprint and volume of buildings on the site. Notwithstanding, the proposal would present an agglomeration of buildings on a centralised position on the site and the proposal is arguably more visible due to its increase in height compared to the lower buildings it would replace. On balance, Staff are of the view that the replacement building may still be harmful to the openness of the Green Belt and the applicant is therefore required to put forward a case for very special circumstances to demonstrate how these circumstances will outweigh the potential harm to the open character and appearance of the Green Belt.

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

The building would have an agricultural appearance having timber cladding and appropriate materials can be agreed to blend in with the character and appearance of the Green Belt.

## **REGULATORY SERVICES COMMITTEE**

**8th September 2011**

### **WITHIN STATUTORY PERIOD**

The proposal would be replacing the existing dilapidated buildings and therefore represent an overall improvement of the general appearance of the site. The building would be approximately 60m from the edge of St Mary's Lane and Staff noticed upon site inspection that the boundaries of the site is screened by means of dense vegetation in the form of mature trees. The proposal would therefore have limited views from the street scene which also reduces its visual impact on the appearance of the Green Belt.

Given the above circumstances, Staff are of the opinion that the proposal would not have any harmful impact on the character and appearance of the street scene. It is further considered that due to the location, appearance of existing buildings and proposed design and use of materials, the development would not be harmful to the character of the local area. The proposal would therefore be compliant with the aims and objectives of Policy DC61 of the LDF in this respect.

#### **IMPACT ON AMENITY**

The proposal would not change the use of the site. The proposal is however for the expansion and improvement of the existing business and would introduce additional items for the retail sale of ancillary goods. Whilst there may be an increase in the number of customers visiting the site on a daily basis, Staff are of the opinion that this would not give rise to a significant increase in noise and disturbance over and above the current circumstances. The building would remain in the same location as the existing buildings, approximately 32m from the nearest residential dwelling at Nursery House towards the north. The activities associated with the business are not considered to be particularly noisy and the proposal is therefore considered to be acceptable in this respect and there would be no requirement to control opening hours by means of a condition.

#### **HIGHWAY/PARKING**

Policy DC33 of the LDF DPD is relevant. The site currently provides 28 parking spaces for customers with an additional disabled parking bay. The proposal would not alter this arrangement. The proposal is further for a replacement building and the general activities on the site would not intensify to a degree which would justify additional parking spaces over and above the existing.

The proposal would therefore not have any impact on parking or highway issues and it is considered that the current parking arrangement is sufficient, compliant with Policy DC33 of the LDF.

#### **OTHER ISSUES**

Very Special Circumstances

In support of their Very Special Circumstances (VSC), the applicant puts forward 4 arguments:

- Competition
- Established business (planning for growth)
- Dilapidation
- Overall decrease of floor space on site

The applicant makes reference to two other similar uses which sell ancillary retail goods, namely Latchford Farm Aquatics along St Mary's Lane and Spice Pits Farm (also known as Tisbury Fish Farm) along Church Road, Noak Hill. Both sites are in the Metropolitan Green Belt. Staff noted

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that both these premises sell fish with ancillary retail goods, i.e. filters, fish food, water pumps and other reptiles and animals.

Staff acknowledge that the current proposal is to upgrade and expand an existing business and that the proposals are necessary to keep up with modern day trends at similar sites. According to recent Ministerial advice on "Planning for Growth" local planning authorities should support enterprise and facilitate housing, economic and other forms of sustainable development. Appropriate weight should be given to the need to support economic recovery and applications that secure sustainable growth should be treated favourably (consistent with policy in PPS4).

Staff are satisfied that improvements at the application site are necessary to either maintain competition with other similar sites as mentioned above or to increase the level of trade. The proposal would be at an existing business and therefore also consistent with the Ministerial advice on Planning for Growth and Policy PPS4.

As mentioned earlier in this report, Staff noticed upon site inspection that the current buildings are not in a particularly good condition and fairly dilapidated. Their replacement would further aid in improving the overall business not only in terms of its general appearance, but also in terms of customer experience and its attractiveness to customers.

Members may wish to give consideration to the combined impact of the removal of buildings 2, 3, 4, 5, 6, 7 and 9 from the site. Although it appears that many of the older buildings on the site have no planning permission, the combined footprint of these buildings are 495.9sq.m with a combined volume of 1075.9 cubic metres. In removing all of these buildings and replacing them with the current proposal, the site benefits from an overall reduction in the footprint of buildings of 209.7sq.m. Although it is acknowledged that the proposed building would be higher compared to the existing buildings on the site, the overall combined reduction in floor space would be beneficial in terms of the general impact on openness of the Green Belt.

In Staff's opinion, the site would benefit from the dilapidated buildings being replaced. In implementing planning permission P0288.09 in combination with the current proposal, the site would see an overall improvement both in term of its appearance and a reduction in the overall foot print of buildings on the application site. In the event that planning permission reference P0288.09 is not implemented, Staff recommend a condition to require the removal of buildings 2, 3, 4, 5, 6, 7 and 9. The retail sale of goods can also be conditioned to remain directly associated and ancillary to the breeding of fish on the premises.

Contributing to the acceptability of the proposal is the landscaping and dense vegetation to the boundaries of the site which would screen the proposal from wider views. The site also has mature trees towards the rear which would serve as a backdrop to the proposed building. The building would therefore not have a significant harmful impact on the Green Belt when all of the above circumstances are taken into consideration.

The above is considered to comprise sufficient very special circumstances to justify the material harm as a result of the proposed building. The proposal would therefore be acceptable in Green Belt terms and in respect of Policy DC45 of the LDF.

**KEY ISSUES/CONCLUSIONS**

The proposal is for a replacement building in the Green Belt with the addition of retail sale of ancillary goods for Koi breeding / keeping. The proposal is not considered to be inappropriate in Green Belt terms provided that the retail sale of other goods remain an ancillary element to the

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main agricultural use of Koi breeding. The replacement building is considered to potentially have a harmful impact on the openness of the Green Belt being in a centralised position on the site and being higher compared to the existing buildings. Staff are however of the opinion that the very special circumstances put forward by the applicant is sufficient to overcome the potential harm to the openness of the Green Belt and that overall, the proposal would be acceptable in Green Belt terms. The proposal is not considered to be harmful to the character and appearance of the street scene or neighbouring amenity. There are no parking or highway issues. The development is therefore considered to comply with the aims and objectives of Policies CP13, DC33, DC45 and DC61 of the LDF and with Government guidance as set out in PPG2 and PPS4 and in terms of Ministerial advice for "planning and growth". The application is therefore recommended for approval, subject to conditions.

### **RECOMMENDATION**

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

1. S SC4 (Time limit) 3yrs
2. M SC09 (Materials)
3. M SC11 (Landscaping)
4. S SC25 (Open storage)
8. S SC58 (Storage of refuse)
5. Non standard condition  
Prior to the commencement of any works pursuant to this permission the developer shall submit for the written approval of the Local Planning Authority;
  - a) A Phase I (Desktop Study) Report documenting the history of this site, its surrounding area and the likelihood of contaminant/s, their type and extent incorporating a Site Conceptual Model.
  - b) A Phase II (Site Investigation) Report if the Phase I Report confirms the possibility of a significant risk to any sensitive receptors. This is an intrusive site investigation including factors such as chemical testing, quantitative risk assessment and a description of the sites ground conditions. An updated Site Conceptual Model should be included showing all the potential pollutant linkages and an assessment of risk to identified receptors.
  - c) A Phase III (Risk Management Strategy) Report if the Phase II Report confirms the presence of a significant pollutant linkage requiring remediation. The report will comprise of two parts:  
  
Part A - Remediation Statement which will be fully implemented before it is first occupied. Any variation to the scheme shall be agreed in writing to the Local Planning Authority in advance of works being undertaken. The Remediation Scheme is to include consideration and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Planning Authority for written approval.

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

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

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

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

Reason:

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

**6. Non standard condition**

The building hereby approved shall be used only for the purposes of retail sales to the public of goods and products directly to be associated and ancillary to the breeding of koi carp fish on the premises and for no other purpose including any other retail use within use class A1 of the Town and Country Planning (use classes) Order 1987.

Reason:

In order to retain control over any future uses of the site not forming part of this application and in order to restrict the use of the building to one compatible with the surrounding rural area which is within the Metropolitan Green Belt.

**7. Non standard condition**

Within 1 month of the works for which permission is hereby granted commence, the buildings indicated as Building 2, Building 3, Building 4, 5, 6, Building 7 and Building 9 as indicated on Drawing Nr PL-5034\_41 and dated July 2011, shall be demolished and removed from the site entirely and no replacement buildings apart from those granted as part of this planning application and planning permission P0288.09 shall be erected on the site without prior consent in writing from the Local Planning Authority.

Reason:

To retain the open character and appearance of the Green Belt.

**1 INFORMATIVE:**

1. Reason for approval:

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The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies CP13, DC33, and DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document. The proposal is contrary to the aims, objectives and provisions of Policy DC45 as there would be harm to the openness of the Green Belt however, due to sufficient very special circumstances the proposal would be acceptable and in accordance with the provisions of Government Guidance contained within PPG2.

2. The applicant is advised that any advertisement signage to the building hereby approved would require separate advertisement consent.

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

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# 9

# REGULATORY SERVICES COMMITTEE

# REPORT

08 September 2011

**Subject Heading:**

P0768.11 – Raphael Park, Romford

The construction of a new kiosk housing public toilets, and a refreshment serving hatch adjacent to the children's play area (Application received 24<sup>th</sup> May 2011 and revised plans received 23<sup>rd</sup> August 2011)

**Report Author and contact details:**

Helen Oakerbee (Planning Control Manager) 01708 432800

**Policy context:**

Local Development Framework  
London Plan  
National Planning Policy

**Financial summary:**

None

**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**

The Council has been successful in securing funding from the Heritage Lottery Fund under the Parks for People Programme to be used towards the restoration of

Raphael's Park. Several planning applications have been made seeking consent for the provision of new park facilities in connection with the funding award. This application seeks planning permission for the construction of a new kiosk building housing public toilets and a refreshment serving hatch on land adjacent to the existing children's play area to the north end of the park.

The proposed building is judged to be of an acceptable design and would not detract from the Gidea Park Conservation Area. In all respects, the proposal is considered to accord with the relevant policies contained in the LDF Core Strategy and Development Control Policies Development Plan Document and The London Plan. Approval of the application is therefore recommended, subject to conditions.

## RECOMMENDATIONS

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

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

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

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

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

3. Materials – Before any of the development hereby permitted is commenced, samples of all materials to be used in the external construction of the building shall be submitted to and approved in writing by the Local Planning Authority. 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 in order that the development accords with the LDF Development Control Policies Development Plan Document Policies DC61 and DC68.

4. Hours of use – The kiosk building hereby approved shall not be used for the purposes hereby permitted other than between the hours of 0800 and dusk on any day without the prior consent in writing of the Local Planning Authority.

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

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

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

6. Equipment to disperse odours - Before the use commences suitable equipment to remove and/or disperse odours and odorous material should be fitted to the extract ventilation system in accordance with a scheme to be designed and certified by a competent engineer and after installation a certificate to be lodged with the Planning Authority. Thereafter, the equipment shall be properly maintained and operated within design specifications during authorised working hours.

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

## **INFORMATIVES**

1. 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 8 metres of the top of the bank of Black's Brook, designated a main river.
2. In aiming to satisfy condition 5 the applicant should seek the advice of the Police Crime Prevention Design Advisor. The services of the local Police CPDA are available free of charge through Havering Development and Building Control. It is the policy of the local planning authority to consult with the Borough CPDA in the discharging of community safety condition.
3. Reason for Approval:

It is considered that the proposal satisfies the relevant criteria of Policies CP17, CP18, DC20, DC34, DC35, DC48, DC58, DC60, DC61, DC62, DC63 and DC68 of the LDF Core Strategy and Development control Policies Development Plan Document as well as the provisions of Planning Policy Statement 5 and Policies 2.18, 5.12, 6.10, 7.4, 7.5, 7.8, 7.18 and 7.30 of the London Plan.

## REPORT DETAIL

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

- 1.1 The application site is located to the northern end of Raphael Park adjacent to the existing children's playground at the head of the former Spoon Pond. The site comprises a parcel of open grassland flanked by mature trees and soft landscaping. The site is set back approximately 70 metres from the park's boundary with Parkway. The park is bounded predominantly by 20<sup>th</sup> century suburban housing. The nearest residential house to the application site is located at no. 33 Parkway a distance of approximately 88 metres from the site. The park and adjoining land to the east forms part of the Gidea Park Conservation Area.

### **2. Background Information:**

- 2.1 The Council has been successful in securing funding from the Heritage Lottery Fund under the Parks for People Programme to be used towards the restoration of Raphael's Park. The money will fund a complete refurbishment of the park and will involve improving and restoring the entrance gates, benches, walkways and protecting the parkland and the wildlife. The proposed works would also see the alteration and extension of the former park keeper's lodge building to accommodate a new café, park offices and community facilities. Two other planning applications and an application for demolition have been made in connection with the Heritage Lottery Fund works for various aspects within the park as outlined within the history section of this report.

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

- 3.1 This application seeks planning permission for the construction of a single storey kiosk building to house public toilets and a refreshment serving hatch. The proposed building which would be sited adjacent to the existing children's play area would have external dimensions of 9.2 metres in width by 9.2 metres in depth. The proposed building would be covered by a pitched roof measuring 2.6 metres in height at the eaves and 6.2 metres at the ridge. The proposed building would be constructed from facing brickwork with a hand-made clay tiles to the roof slopes. The fascias, soffits and door frames would be timber with the doors being metal faced.
- 3.2 The layout of the proposed building is such that a refreshment kiosk would be sited towards the front of the building with a serving hatch facing out onto

the footpath and adjacent children's play area. The proposed serving hatch would be covered by shutter doors which could be folded back to display information during periods when the kiosk is open. On the left hand side of the building a path is proposed to provide access to a female toilet, an accessible toilet and a baby change room. On the right hand side of the building a path is proposed to provide access to a male toilet and to a staff entrance for the refreshment kiosk. A dedicated enclosed refuse store is proposed built into the flank wall of the building.

- 3.3 The applicant has advised that the proposed refreshment kiosk would be open October to February inclusive every weekend during park opening hours and during the months of March to September inclusive every day during Park opening hours. The proposed toilets would be open everyday during park opening hours. The operator of the kiosk is to manage the toilets when this is open otherwise the Council's Park's Service would manage the toilets during periods when the kiosk is closed.

#### **4. Relevant History:**

- 4.1 The following planning applications are currently under consideration:

P0769.11 - Restoration and extension of the former park keeper's lodge to form a facility for park visitors, including a cafe, toilets, community meeting space and accommodation for park staff

P0770.11 - Construction of a timber bridge over Black's Brook adjacent to the Parkland Avenue entrance to replace an existing concrete culvert together with soft landscaping works and footpath realignment

C0001.11 - Conservation Area Consent for the demolition of the existing café and toilet block and restoration of land to park

#### **5. Consultations/Representations:**

- 5.1 Neighbour notification letters have been sent to eleven local addresses and the application advertised. A site notice has also been displayed at the Parkway park entrance. At the time of drafting this report the neighbour notification period, for the notification of revised plans, has not yet expired but will have done prior to consideration of this application by the Committee (consultation period expires 6<sup>th</sup> September).

- 5.2 Four letters of representation have been received. Several of the letters raise objection to the location of the proposed kiosk being in close proximity to residential properties in Parkway and the fact this could lead to smells. It is for this reason that the applicant has chosen to revise the submitted plans to relocate the proposed building further away from the park boundary. Letters of representation also question the location of the kiosk adjacent to the children's playground as this could cause difficulty for those parents trying to encourage their children to eat healthily. Several letters question why the existing café and toilets are not retained and refurbished.

- 5.3 The Gidea Park and District Civic Society advises that the improvements to the existing children's play area has inevitably and properly greatly increased its use. At the same time this increase in use has increased noise and on street car parking within Parkway. The Society raise no objection to the proposed building but request that it is sited further away from Parkway and adjoining residential properties. As stated above the proposed building has been relocated and revised plans submitted showing the building sited further into the park.
- 5.4 In addition to the consultation undertaken through this application public consultation was undertaken with residents and local interest groups by the Council's Parks Service as part of the Heritage Lottery Fund bid.
- 5.5 English Heritage has no comments to make on the application and advise that the application should be determined in accordance with national and local policy guidance.
- 5.6 The Borough Crime Prevention Design Advisor considers that crime prevention has been taken into account in the design of the proposed building and as such no objection is raised subject to a planning condition about the Secure by Design award scheme.
- 5.7 Councillor Curtin has submitted an email of support for this application setting out the proposal takes full account of the Conservation Area and the park landscape.

## **6. Relevant Policies**

- 6.1 Policies CP7 (recreation and leisure), CP17 (design), DC18 (protection of public open space, recreation sports and leisure facilities), DC20 (access to recreation and leisure), DC58 (biodiversity and geodiversity), DC61 (urban design), DC63 (safer places), DC68 (conservation areas) and DC71 (other historic landscapes) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Documents are material planning considerations.
- 6.2 Policies 3.6 (Children and young people's play and informal recreation facilities), 6.13 (parking), 7.3 (designing out crime), 7.4 (local character), 7.6 (architecture), 7.8 (heritage assets and archaeology), 7.18 (protecting open space and addressing local deficiency), 7.19 (biodiversity and access to nature) and 7.21 (trees and woodland) of the London Plan are relevant.
- 6.3 National policy guidance set out in Planning Policy Statement 5 "Planning for the Historic Environment" and Planning Policy Guidance Note 17 "Planning for open space, sport and recreation" are also relevant.

## **7. Staff Comments**

- 7.1 This proposal is put before the Committee due to the application being submitted by and for land in Council ownership. The main issues to be considered by Members in this case are the principle of development;

design/street scene issues; amenity implications and parking and highways issues.

## 7.2 Principle of Development

7.2.1 Policy DC18 of the LDF states that the Council will seek the retention and enhancement of existing leisure and recreation facilities and will encourage the provision of additional such facilities. This proposal relates to the provision of a new building which would house a refreshment servery and public toilets. Staff are of the view that the proposal is acceptable in principle as it would assist in the Council's aim of enhancing existing leisure facilities.

7.2.2 Policy DC22 of the LDF and Policy 7.18 of the London Plan seek to retain existing public open space. The proposed building would result in the loss of approximately 109 square metres of parkland. The land to be lost is presently open amenity grass and does not form part of a designated sports pitch. As part of the wider Heritage Lottery Fund works proposed within the park the existing toilet block and café are to be demolished and the park in these locations restored to grass. In view of this there would be no net loss of parkland and as such the proposal would not conflict with policy.

## 7.3 Design/Impact on Street scene

7.3.1 The proposed building would be set back from the park boundary with Parkway and as such would not appear as a significant addition to the street scene. Views of the building from Parkway would be restricted by the existing boundary fencing and landscaping, both existing and proposed. The design and external materials to be used in the construction of the building would, in staffs' view, be sympathetic to the character of the surrounding area. Staff consider on balance that given the design of the building and the mitigating effect of landscaping, the proposal would not have a materially harmful impact on local character or the street scene.

## 7.4 Heritage Implications

7.4.1 Raphael Park was one of the key components of the Romford Garden Suburb and was Romford's first municipal public park (officially opened in 1904). Comparatively little has changed in the intervening years and the overall layout and character of the park are still largely intact today. Since 1970 the park and adjoining suburban housing area to the east has been designated a Conservation Area. Raphael Park is also designated a Historic Park of Local Interest.

7.4.2 The proposed building would be sited adjacent to the existing children's play area at the head of the former Spoon Pond. Members may agree that a building of the nature proposed is not uncommon within a parkland setting such as this where ancillary facilities are provided for visitors. The proposed building would be of a traditional design and external appearance whilst serving a functional purpose. Staff are of the view that the proposed building would be of a suitably high quality and would not appear at odds

with the character of the Conservation Area. It is recommended that details of external materials are secured via condition in the event that Members are minded to grant planning permission. Staff are of the view that the siting of the proposed building would not be materially harmful to the historic parkland landscape. Furthermore the siting of the proposed building would not, in staff's view, be harmful to existing views either into the park or from within the park towards the neighbouring 1911 Exhibition and Competition Housing areas. Staff consider, as a matter of judgement, that the impact of the proposed building meets the test of preserving the character of the Conservation Area. In this respect it is not therefore considered that there is a conflict with the provisions of Policy DC68 of the LDF or PPS 5.

7.4.3 The application site is located within an Archaeological Priority Area and as such an archaeology assessment has been submitted with the application. English Heritage has been consulted on the application and raised no objection to the proposals. Staff therefore consider the proposals be acceptable in respect of archaeology.

## 7.5 Community Safety

7.5.1 Policy DC63 of the LDF advises that new development should address issues of community safety. From a public safety point of view the design of the proposed building has been carefully planned to ensure that the doorways into the toilets and baby changing facilities are visible from the pathway and not hidden out of sight. The proposed building is to be constructed from facing brickwork rather than render in an effort to provide a less inviting surface for graffiti. Low level shrub planting is also to be planted around the rear and flanks of the building to deter anti-social behaviour such as vandalism/graffiti. The proposed doors and serverly shutters are to be metal faced. Staff are of the view that the choice of finishes and materials to be used would provide a robust defence against potential vandalism.

## 7.6 Biodiversity

7.6.1 Raphael Park as a whole is designated a Site of Local Importance for Nature Conservation. The park contains a number of important habitats and features including Black's Lake and a range of mature trees. Policy DC58 of the LDF seeks to ensure that development proposals protect and enhance biodiversity throughout the Borough. In this case the proposed building and associated works result in the loss of some amenity grassland (approximately 109 square metres in area). The area of grass which would be lost is judged to be of low ecological value and as such no objection is raised to its loss. The submitted plans indicate that additional shrubbery would be planted around the perimeter of the building which staff consider would compensate for the loss of the grassed area. The siting of the proposed building avoids any negative impact upon existing trees.



## 7.7 Impact on Amenity

- 7.7.1 The proposed building would be sited within the confines of the park approximately 88 metres from the boundary with the nearest residential dwelling. Having regard to the single storey nature of the proposed building and its separation from adjoining residential properties staff consider that the proposal would not have an adverse impact on visual amenity nor result in a loss of light.
- 7.7.2 The proposed building would be sited adjacent to the existing children's play area and sports pitches which can both give rise to periods of noise associated with their use at different times of the day. The proposed refreshment kiosk would be open October to February inclusive every weekend during park opening hours and during the months of March to September inclusive every day during Park opening hours. The proposed toilets would be open throughout the year during park hours. In view of the buildings location, well removed from the boundary with neighbouring residential properties, staff consider that any noise associated with the operation of the kiosk would not be materially harmful to residential amenity.
- 7.7.3 Public toilets can be a source of smell nuisance. In order to limit any problem from arising in this case a regular cleaning programme would be undertaken by the applicant and suitable extraction equipment provided. The proposed refreshment kiosk would include a kitchen area where food could be cooked. In order to ensure that cooking smells do not result in a nuisance specialised extract units over the kitchen equipment are proposed within the ceiling space of the building with a small output vent proposed within the rear roof slope. A planning condition seeking further details of the equipment is recommended in the event that Members are minded to grant planning permission.

## 7.8 Parking and Highway Issues

- 7.8.1 No dedicated car parking is proposed for staff or customers. Based on the maximum parking standards contained within the LDF one parking space should be provided per 50 square metres of floor space. The proposed building would provide supporting facilities for users of the park. On street parking is readily available within Parkway and the park is accessible by a range of modes including walking, cycle and buses. In this instance staff consider that the absence of dedicated on site car parking is acceptable.
- 7.8.2 Servicing of the proposed kiosk building would take place from the street in Parkway. Given the scale of the proposed refreshment kiosk deliveries are likely to take place by small vans on an infrequent basis. Staff are of the view that the proposed servicing arrangements are acceptable and comply with the provisions of Policy DC36 of the LDF.

## 6. Conclusion

- 6.1 Having regard to all relevant factors and material planning considerations staff are of the view that this proposal to provide a new kiosk building is

acceptable. Staff are of the view that the proposal would not be materially harmful to the character or appearance of the Gidea Park Conservation Area. The proposal is considered to be acceptable in all other respects and it is therefore recommended that planning consent be granted subject to conditions.

## **IMPLICATIONS AND RISKS**

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

None.

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

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

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

None.

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

The proposed kiosk has been designed to be accessible to all members of the community. The kiosk refreshment servery counter would be at two heights to cater for adults, children and wheelchair users. The proposed toilet facilities comprising male, female and accessible toilets and baby changing room would have level thresholds to their external doors and door widths to accommodate wheelchairs and buggies. Colour contrast between sanitary ware, ironmongery, signage and their related backgrounds would be such to assist users with visual impairment.

## **BACKGROUND PAPERS**

Application form, plans and supporting statements received on 24<sup>th</sup> May 2011 and revised plans received on 23<sup>rd</sup> August 2011.