



Havering

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

REGULATORY SERVICES COMMITTEE (MONITORING) AGENDA

7.30 pm

Thursday
8 December 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**

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 - 56)

5 PLANNING AND ENFORCEMENT APPEALS RECEIVED, PUBLIC INQUIRIES/HEARINGS AND SUMMARY OF APPEAL DECISIONS (Pages 57 - 94)

6 SCHEDULE OF ENFORCEMENT NOTICES (Pages 95 - 108)

7 PROSECUTIONS UPDATE (Pages 109 - 112)

8 PLANNING APPLICATIONS - SEE INDEX AND REPORTS - APPLICATIONS WITHIN STATUTORY LIMITS (Pages 113 - 128)

9 P1376.11 - 23-27 HIGH STREET HORNCHURCH (Pages 129 - 150)

10 PLANNING APPLICATIONS - SEE INDEX AND REPORTS - APPLICATIONS OUTSIDE STATUTORY LIMITS (Pages 151 - 174)

11 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.

12 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.

13 CHIEF EXECUTIVE'S REPORT CONTAINING EXEMPT INFORMATION (Pages 175 - 278)

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

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REGULATORY SERVICES COMMITTEE

REPORT

8 December 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]

SUMMARY

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.	
P0206.10	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 st 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	NA	Must be transferred prior to occupation of more than 21 open market units	Development has now commenced. Contributions will be chased as and when their triggers	

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?
		<p>Education contribution up to a maximum of £419,880 (subject to submission of viability report)</p> <p>Highways contribution of £98,000 - paid</p> <p>Parks contribution of £48,000</p> <p>Restriction on the issue of car parking permits</p>	<p>5 years from the date of payment can be extended if contract entered into.</p> <p>As above</p>	<p>Must be paid prior to occupation of the first unit</p> <p>Must be paid within 2 months of commencement of the development</p> <p>Must be paid prior to first occupation</p> <p>Once occupied - ongoing</p>	<p>are reached. Highways contribution has been paid. Trigger for the payment of the education and parks contributions have not yet been met.</p>	

2. CONTRIBUTIONS IDENTIFIED AS PAID

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Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
P1664.01	274-310 Havering Road, Romford	£167,126.85 Education	Return due 3 years from date of 2 nd contribution	2 nd instalment due prior to occupation of 12 th house	2 nd instalment of £83,564.42 received on 16.08.04. replacement first cheque received on 16.01.06 (£83,563)	spent	Education - proposed investment in additional places / modernisation at Redden Court secondary school
P0936.00	Land at Roneo Corner (B&Q)	£450,000 (Town Centre) £15,000 (Public Art)	TC contribution to be spent within 5 years from date of payment No time limit on public art contribution	Prior to commencement of trading	£465.000 paid on 21.10.02 & £17,660.70 paid on 04.11.02 (indexation)	spent No time limit on spend	Town centre contribution to spent by Regeneration on TC improvements SP
P1160.00	Frances Bardsley Lower School Site, Heath	£120,000 x 2 Education	If not spent to be returned 3 years from date received	First contribution of £120,000 to be received upon occupation of	First contribution of £120,000 received on	spent	Education - proposed investment in additional

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
	Park Road			38th Market Dwelling Second contribution to be received upon occupation of 73 rd market dwelling	08.06.05. Second contribution received 01.11.05		places / modernisation at Redden Court secondary school
P2167.02	Tesco Roneo Corner, Hornchurch	£50,000 Town Centre Contribution £5,000 Traffic Regulation Scheme Contribution	To be repaid within 4 years if not spent	Prior to opening date.	Payment received on 27.09.04	spent	£50,000 spent by Regeneration on District Centre Improvements (Elm Park) in 05/06 MB
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 th	Payment received on 03.12.04	spent	Education - proposed investment in additional places / modernisation at Redden

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

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

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

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

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

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

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

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

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

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
							Court secondary school
P1730.05	129 Essex Road, Romford	£23,607 Education Contribution	To be spent within 5 years from date of payment (can be extended if contract entered into)	Prior to commencement of development	Paid on 20.12.05.	16.12.10 - Spent	Education - 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.	Education - proposed investment in additional places / modernisation at Redden Court secondary school AH delivered

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

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

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

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

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

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

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

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

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
							Phase 2 of Church path improvements led by Regeneration £15,000: MB
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	Education - 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 th Market House Dwelling AH: prior to occupation of 18 of flats marked in blue	Paid on 05.06.03.	No time limit	Education - proposed investment in additional places / modernisation at Redden Court

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

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
							at Redden Court secondary school
P0871.02	20-24 St Lawrence Road, Upminster	£5,000 Education contribution			Received on 21.11.02	No time limit	Education - 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 Education - proposed investment in additional places / modernisation at Redden Court

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

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

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

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
P1211.06	51/53 Station Road, Upminster – unilateral undertaking	£65,665.34 Education contribution £42,000 Highways Contribution	To be spent within 7 years from date of payment (can be extended if contract entered into)	Prior to the commencement of the development. Development commenced Jan 08.	03/03.08 03/03/08	02/03/15 02/03/15	
P1680.04	184 St Mary's Lane, Upminster	£58,142 Education Contribution	To be spent within 5 years from date of payment (extended if contract entered into)	Prior to occupation of first dwelling unit	11/03/08	10/03/13	
P0525.07	Gooshays Gardens and Dewsbury Road	£20,000 Highways Contribution 16 AH dwelling units (10 for rent and 6 for shared ownership) -	To be spent within 7 years from date of payment (can be extended if contract entered into)	prior to the commencement of the development prior to occupation of 16th Open Market Unit	01/04/08	31/03/15	

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

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

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
		Give the Council at least 1 weeks notice of the intended date of commencement of the development					
P0011.03	Dolphin Site, Main Road, Romford	<p>1. £100,000 Education;</p> <p>2. £500,000 Environmental Improvements;</p> <p>3. £25,000 shop mobility;</p> <p>4. £845,704 x 2 housing contribution;</p> <p>5. 40 AH units;</p> <p>Green Travel Plan; Highway improvements; variable messaging</p>	If unspent to be repaid 5 years from date of payment.	<p>1. Prior to occupation of 185th open market unit</p> <p>2 & 3. Prior to occupation of the retail unit</p> <p>4. contribution to be received prior to occupation of 150th and 180th open market unit</p> <p>5. before 100th market unit is occupied</p>	<p>1. £100,000 received on 13/03/08</p> <p>2. £450,000 received on 13.03.06 & £50,000 on 29.03.06</p> <p>3. £25,000 received on 19.05.06</p> <p>4. £845.704.50 (x2) received on 28.06.07 &</p>	<p>12/03/13</p> <p>2. £122,898 has been spent on the VMS. Member approval is being sought by Regeneration for prioritisation of the remaining</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?
		sign; CCTV			07.08.07	£377k. 4. SS	
P0238.07	8-12 Junction Road	£45,087 Affordable Housing Contribution	To be spent within 7 years from date of payment (can be extended if contract entered into)	prior to the commencement of the development	10.09.08 £7,587.00 received 1.10.08 £7,500 Received 1.11.08 1.11.09 £7,500 Received 1.12.08 £7,500 Received 1.01.09 £7,500 Received 1.02.09 £7,500	31.01.16	

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

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

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

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

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

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

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

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

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

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
					19.5.10 £50,000 received on 20.05.11	18.05.17 £50,000 to be spent by 19.05.18	
P2172.07 UU submitted in respect of an appeal and Deed of variation dated 20.10.09	Land Formerly White Hart Public House	£862,621.00 Affordable Housing Contribution – Index Linked to RPI	No Time limit on spend	Prior to commencement of the development – Deed of variation amended trigger for payment to occupation of 12 unit.	£936,802.25 (contribution sum including interest) received on 19.05.11	No time limit on spend.	
P0617.04	Land at Upper Brentwood Road, adjacent to the railway	Maximum of £98,000, Education Contribution Affordable Housing (15%	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	The specific education contribution has now been calculated to £61,288.25 – received on 28.09.11	27.09.16	

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?
		of the total number of dwelling units)		more than 50% of the dwelling units			
P1471.09	Land at Little Gerpins Lane, Rainham	Public Access Contribution £500	7 years (can be extended if contract entered into	Upon completion of the agreement	£500 received on 31.10.11	30.10.18	
		Submit Public Access Agreement	N/A	Within 12 months of the date of the agreement			
		Undertake a stage 1 /2 road safety audit and provide the results within 1 month	N/A	Within 6 months of the date of the agreement and implement safety measures that are determined within 6 months of the date of the road safety audit			
			N/A	Within 12 months of 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?
		<p>Undertake a stage 3 road safety audit</p> <p>Undertake a stage 4 road safety audit</p> <p>Complete soil importation and general engineering works including spreading of final top soil ready for planting</p>	N/A	<p>implementation of the safety measures</p> <p>Within 36 months of the date of implementation</p> <p>Within 36 months of the date of the planning permission</p>			
P0139.09	Moorhall Golf Course	Implement ecological mitigation and management strategy	N/A	In accordance with its terms			

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?
		TFL Contribution £25,000	7 years from commencement (Can be extended if contract entered into)	12 months prior to the opening of the golf course	£25,000 TFL Contribution received on 13.04.11 and passed onto TFL	TFL to ensure that contribution is spent by 12.04.18	
		Construct bridleway Submit details of material and origin of imported material	N/A	At the end of each phase			
		Enter into a S278 Agreement	N/A	Prior to commencement			
P0127.10	Hampden Lodge	30 affordable housing units	N/A	Ongoing			
		Education	5 years from				

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 - £204,000	receipt. (Can be extended if contract entered into)	Prior to occupation of the development	£204,000 received on 10.10.11	09.10.16	
		Highway Contribution - £30,000	As above	Prior to occupation	£30,000 received on 10.10.11	09.10.16	
U0007.10	Tesco, Beam reach 5 Rainham	Local Skills Training Contribution	£100,000	All contributions payable upon implementation of the detailed part of the permission	All contributions received on 27.10.11	26.10.16 (5 yrs)	
		Public Art Contribution	£80,000			26.10.14 (3 yrs)	
		Public Realm Improvement Works Contribution	£50,000			26.10.14 (3 yrs)	
		Public Transport Improvement Contribution	£40,000			26.10.14 (3 yrs)	

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?
		Beam Reach Station Contribution	£300,000			26.10.16 (5 yrs)	

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REGULATORY SERVICES COMMITTEE

REPORT

8 December 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 20 August 2011 and 18 November 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 September 2011, 35 new appeals have been started. These are listed below.

Decisions on 30 appeals have been received during the same period 14 have been dismissed, 12 allowed, 2 withdrawn and 2 deemed invalid.

- 1.2 Appeals received between 20 August 2011 and 18 November 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 20 August 2011 and 18 November 2011.

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LIST OF APPEAL DECISIONS MADE BETWEEN 20-AUG-11 AND 18-NOV-11

APPEAL DECISIONS - PLANNING					
Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p>P0338.11 119 Rainham Road (Former Cherry Tree P.H.) Rainham <i>Erection of restaurant with drive thru facility (Class A3/A5), parking and associated works.</i></p>	Hearing	Refuse	Delegated	<p>The proposed development would, by reason of its height, bulk, mass and projection into the rear of the site, appear as an unacceptably intrusive and visually overbearing feature in the rear garden environment of no. 268 Cherry Tree Lane harmful to visual amenity contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.</p> <p>The proposal would, by reason of the likely noise and general disturbance caused by vehicles manoeuvring through the drive thru lane, particularly during the evening hours of operation, be unacceptably detrimental to the amenities of occupiers of no. 268 Cherry Tree Lane contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.</p> <p>The applicant is advised that in the event of a resubmission the Council would look to secure a financial contribution by way of a legal agreement towards accessibility improvements to bus stops within the vicinity of the application site in accordance with Policies DC32 and DC72 of the LDF Core Strategy and Development Control Policies Development Plan Document.</p>	<p>Allowed with Conditions</p> <p>This appeal was considered concurrently with a later [modified] proposal for similar development of the same site. Both appeals were allowed. The decisions in both appeals are summarised below</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 20-AUG-11 AND 18-NOV-11

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p>P0746.11 119 Rainham Road Rainham <i>Erection of restaurant with drive thru facility (Class A3/A5), parking and associated works</i></p>	<p>Hearing</p>	<p>Approve With Conditions</p>	<p>Committee</p>	<p>The proposal would, by reason of the likely noise and general disturbance caused by vehicles using the premises, particularly during the evening hours of operation, be unacceptably detrimental to the amenities of adjoining occupiers in Cherry Tree Lane and Cherry Walk contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.</p> <p>The proposed development would by reason of its nature, form and location within an area which has historically suffered from disorder, be likely to give rise to youth congregation and incidences of anti-social behaviour which would be materially harmful to amenity and sense of safety of the area, contrary to the provisions of Policies DC61 and DC63 of the LDF Development Control Policies Development Plan Document.</p> <p>The applicant is advised that in the event of a resubmission the Council would look to secure a financial contribution by way of a legal agreement towards accessibility improvements to bus stops within the vicinity of the application site in accordance with Policies DC32 and DC72 of the LDF Core Strategy and Development Control Policies Development Plan Document.</p>	<p>Allowed with Conditions</p> <p>This summary relates to two separate decisions [P0338.11 and P0746.11] to 2 appeals relating to development of the site. The Inspector identified the following main issues in both Appeals</p> <p>[a] visual impact of the building and impact of noise and disturbance on living conditions of neighbours. [b] impact on crime and anti-social behaviour [c] adequacy of and impact on public transport [with regard to need for financial contribution]</p> <p>On issue [a] he noted the building would be free-standing and rectangular in shape and of contemporary design. In the later appeal the building was slightly smaller, and set down slightly into the ground, so that overall height was reduced. Either building would be readily seen but each was set well away from the boundary. In time views would be filtered by the proposed landscaping. Because of orientation there would be no material loss of sunlight or daylight. Neither building would dominate outlook from the nearest dwelling</p> <p>The Inspector noted that noise levels would be below WHO Guidelines and within existing background levels at the site. There had been no challenge to the Assessment. He reasoned that noise would occasionally be audible from nearby dwellings but external noise from the local centre must already be an issue. He concluded both visual and audible impacts of the development were acceptable in accordance with policy DC61</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 20-AUG-11 AND 18-NOV-11

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
					<p>On issue [b] the Inspector noted police concerns that the new premises might re-ignite anti-social behaviour that had affected the area. He was not persuaded. There were several existing takeaways in the vicinity. However, it was appropriate that operation of the development should minimise opportunity for crime and disorder. Suitable conditions could be imposed.</p> <p>On issue [c] the Inspector found that only a small proportion of users would travel by bus. The Council had not properly justified its request for a financial contribution for upgrading the Bus Stop opposite the site with regard to CIL Regulations.</p>
<p>P1488.09 Sandy Lane Farm Sandy Lane, Aveley <i>Outline application for the redevelopment of the site for up to 86,112.7sqm of employment development comprising approximately:30,877.99 sqm B1, 10,164sqm B2, 42,755sqm B8 & 2,315sqm of other uses, which will include space for a porter, a hotel/cafe and a creche. Means of access to be approved, with all other matters reserved</i></p>	<p>Local Inquiry</p>		<p>Committee</p>		<p>Dismissed</p> <p>The application was called in by the Secretary of State. The Secretary of State agreed with the Inspectors conclusions on the main issues in the appeal and the recommendation that planning permission should be refused.</p> <p>Employment Need and Land Supply the provision of a further employment site would be of limited benefit unless it was also able to satisfy a demand that other sites could not. Diversification of the employment offer would be a benefit of the proposal but accepts the view forwarded by Havering that securing office development has not been shown to be critical to the diversification of Thurrock s economy nor does the policy framework see diversification as critical to delivery of Thurrock s employment targets. The available evidence demonstrates that</p>

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					<p>sufficient employment land is available to meet the growth targets. The qualitative benefits offered by the application site are likely to be applicable to any Greenfield site. The site is clearly not the only option to developing high end office development. The high proportion of B2/B8 development compromises the rationale for choosing Sandy Lane and this is an important shortcoming.</p> <p>Impact on Green Belt The proposal would significantly reduce the openness of the Green Belt, consolidate the developed area between Purfleet and Aveley and be a significant encroachment into the countryside.</p> <p>Sustainability The site is poorly served by public transport and cannot be regarded as sustainable for B1 development, contrary to national planning policy.</p> <p>Highway Safety There would be a net improvement to highway safety, particularly the Sandy Lane junction and this carries some limited weight in favour of the development.</p> <p>Very Special Circumstances Whilst the proposal would facilitate the provision of some 2400 jobs, diversify the employment offer, bring forward jobs earlier than developing on existing brownfield land and is of a high quality design, this has to be balanced against the harm identified above.</p> <p>Conclusion The proposal is in conflict with</p>

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					<p>the development plan. The harm to the Green Belt, to the regeneration of the urban area of Thurrock and to sustainability are substantial and that to these is added the harm to the character and appearance of the area. The benefits of the proposal are generally moderate or limited and to some extent speculative and they clearly do not outweigh the totality of the harm. The very special circumstances necessary to justify this development in the Green Belt do not exist.</p>
<p>P1199.10 44 Farnes Drive Gidea Park Romford <i>Two storey side extension</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed two storey side extension would, by reason of its flat roof design prominent location represents a unsatisfactory design solution which would unbalance this pair of semi-detached properties and appear as an unacceptably dominant and visually intrusive feature in the street scene harmful to the appearance of the surrounding area contrary to the Supplementary Design Guidance (Residential Extensions and Alterations) of the Havering Unitary Development Plan and Policy DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.</p> <p>The proposed first floor flank windows would by reason of their position and proximity to neighbouring property (No.46 Farnes Drive, Romford) cause overlooking and loss of privacy which would have a serious and adverse effect on the living conditions of adjacent occupiers, contrary to the</p>	<p>Dismissed</p> <p>The appeal raised 3 main issues [a] impact on local character and amenity [b] impact on living conditions of neighbours [c] impact on highway safety</p> <p>On issue [a] the Inspector noted the extension design was broadly in keeping with one nearby. He observed that design was important and he concluded that the 2-storey flat roofed structure was rudimentary and wholly incompatible with the design of the host dwelling. It would be harmful to local character and amenity</p> <p>On issue [b] he observed that two bedroom windows were proposed in the side elevation and would directly overlook a neighbouring garden, at close quarters. That would result in unacceptable overlooking and loss of privacy.</p> <p>On issue [c] the Inspector commented on lack of clarity in the plans and concluded [as it had not been shown whether and how on-site parking would be provided], the proposal</p>

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				<p>Supplementary Design Guidance (Residential Extensions and Alterations) and Policy DC61 of the LDF Core Strategy and Development Control Policies Plan Document.</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 the Supplementary Design Guidance (Residential Extensions and Alterations) and Policy DC2 and DC33 of the LDF Core Strategy and Development Control Policies Plan Document.</p> <p>1. The applicant is advised that in preparing any resubmission the following amendments would need to be considered:</p> <p>* A hipped roof would need to be incorporated into the design of the two storey side extension.</p> <p>* The removal of the first floor flank windows and the provision of a screen fencing on the boundary at ground floor level to protect the privacy of the unattached neighbour at No.46 Farnes</p>	<p>would generate on- street parking and lead to local congestion to the detriment of highway safety</p>

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				<p>Drive, Romford.</p> <p>* A plan should be submitted with the re-submission showing that two car parking spaces of 4.8m by 2.4m can fit on the front and side forecourt after allowing for the two storey side extension without encroaching onto the neighbouring property.</p> <p>2. The applicant is advised that this planning permission does not grant permission for any part of the development (guttering) to encroach onto any property not within the applicant's ownership.</p>	
<p>P1300.10 18 Como Street Romford</p> <p><i>Retrospective permission to retain conversion of semi-detached dwelling into 2 no. self contained flats</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed development, by reason of its provision of a communal garden area towards the rear of both flats and the positioning of a lounge area to the rear of the ground floor flat, results in overlooking and loss of privacy to occupiers of the ground floor flat, having a serious and adverse effect on the living conditions of the occupiers of the ground floor flat, contrary to Policy DC61 of the LDF Development Control Policies Development Plan Document.</p> <p>The proposal by reason of its sub-standard layout does not provide convenient and direct access to the</p>	<p>Allowed with Conditions</p> <p>The Inspector identified four main issues [a] impact on living conditions for occupiers of the ground floor flat [b] adequacy of outdoor amenity space [c] impact on living conditions of neighbours [d] impact on on-street parking arrangements</p> <p>On [a], The Inspector observed that windows of the ground floor flat looked directly out onto a narrow side garden shared with the upstairs property. That would result in unacceptable overlooking and loss of privacy that could be overcome by sub-dividing the outside space to provide separate self contained spaces for each flat - he could impose a condition to that</p>

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				<p>amenity space for the occupants of first floor flat, with the only convenient and direct access being afforded to the occupants of the ground floor flat, contrary to the requirements of the Residential Design Supplementary Planning Document and Policy DC61 of the LDF Development Control Policies Development Plan Document.</p> <p>The proposed conversion of the existing dwelling into self contained flats is of an unacceptable internal layout that leads to additional noise and general disturbance to the adjoining neighbouring property through noise transmission contrary to Policies DC4 and DC61 of the LDF Development Plan Document.</p>	<p>effect.</p> <p>On [b] he observed that the development was within reasonable walking distance of Cottons Park. He also noted that the Residential Design SPD stresses the need for every home to have access to private and/or communal space. He concluded that as proposed, arrangements for amenity space was unsatisfactory. He identified that the condition he had identified to resolve issue [a] would also remedy this issue.</p> <p>On [c] he observed the juxtaposition of a "new" living room with the bedroom of an adjoining property that could cause unacceptable noise and disturbance to the neighbour. A condition requiring additional soundproofing would overcome his concern.</p> <p>On [d] he observed that 3 vehicles could be parked within the site frontage and would satisfy DC33. He noted the Council sought a S106 Agreement to prevent occupiers from applying for Parking Permits for additional vehicles. Absence of an Agreement did not conflict with policy DC2 or justify dismissal of the appeal</p>
<p>P0996.10 2A Woburn Avenue Elm Park, Hornchurch <i>Retrospective permission for 4 no. flats following changes to P1105.01 and P1189.03</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The development, by reason of the internal and external layout, particularly the cramped studio flat arrangement, the location of parking in relation to habitable rooms, lack of private, useable amenity space and the lack of privacy for occupiers of the ground floor flat B, is considered to be an overdevelopment of the site, resulting in poor quality living</p>	<p style="text-align: center;">Dismissed</p> <p>It was noted that planning permission had previously been obtained to convert the building to 2 flats. The appeal was against retrospective refusal of permission to create 4 flats within the same space.</p> <p>The Inspector identified 3 main issues</p>

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				<p>conditions, contrary to the aims of good design and detrimental to the amenities of occupiers of the development, contrary to the Residential Design SPD, PPS1 and Policies DC4 and DC61 of the LDF Development Control Policies DPD.</p> <p>The development, for the reasons set out above, is considered to be of insufficient high quality to justify the resultant density of development and is contrary to the provisions of PPS1 and PPS3.</p> <p>The development, by reason of its internal layout results in habitable rooms adjoining the bedrooms of the neighbouring dwelling which is detrimental to the living conditions of adjoining occupiers, materially harmful to residential amenity and contrary to Policy DC4 of the LDF Development Control Policies DPD.</p> <p>The development is unable to provide an acceptable level of off-street parking without resulting in deficient amenity space provision and resultant harm to residential amenity through vehicle noise, movement and light pollution. To provide adequate amenity space the resultant shortfall in parking would give rise to unacceptable overspill onto the public highway to the detriment of</p>	<p>[a] impact on living conditions of occupiers [b] impact on highway safety [c] impact on living conditions at the neighbouring property</p> <p>On issue [a] he observed that the individual units were small. Although the term is not defined, the smallest one must be a "studio flat" although the term is not defined. Policy DC4 does not support provision of such accommodation. Parking would take up most of the available external space and intensive use of the yard would impact on the occupiers of the nearest flat that had a single aspect over the yard. Occupiers of that unit would get no relief from disturbances and lack of privacy arising from yard activities. Living conditions would be unacceptably poor and the proposal conflicted with policy DC4 and the Residential Design SPD</p> <p>On [b] he observed a shortage of on-street parking in adjoining streets. He deduced that, if all available space was used, 3 off-street spaces might be provided. He concluded there was inadequate on-site parking provision and the development would prejudice other highway safety interests contrary to policy DC4.</p> <p>On issue [c] the Inspector concluded there was no evidence before him that the new living accommodation would adjoin existing bedrooms next door. In that event a planning condition requiring sound insulation would be appropriate. There was no conflict with policies DC4 and DC61</p>

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				highway safety. The development is therefore contrary to Policies DC33 and DC61 of the LDF Development Control Policies DPD.	
<p>P1742.10 Unit r/o 207 Ardleigh Green Road Hornchurch <i>Change of use from B1 to form 2 retail units (A1)and shopfronts</i></p>	Written Reps	Refuse	Delegated	The proposal would result in a material intensification of the use of the site. This would be likely to give rise to a material increase in pedestrian activity in Helen Road and, by reason of the absence of off street car parking, would also be likely to give rise to a material increase in vehicular activity and requirement for deliveries and servicing to take place on street in Helen Road. This is considered likely to be materially harmful to the residential character of Helen Road, and would result in material harm to the amenity of occupiers of nearby residential property, particularly No. 1 Helen Road, through an increase in noise and disturbance and would be contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.	<p style="text-align: center;">Dismissed</p> The Inspector identified the main issue as [a] whether lack of off-street parking would harm residential amenity or highway safety He noted that the area was primarily residential and there was considerable pressure on on-street parking locally that was likely to increase during school term-time. The location was sustainable so that employees at the B1 Unit could park elsewhere and/or use public transport to get to work. Retail use would create a wholly different pattern of parking and servicing. While the premises had a rear yard filled with vehicles it had no convenient access to the proposed shops. He concluded that when the 2 parking spaces outside the premises were occupied, vehicles were likely to park on yellow lines or outside dwellings. Taking account of the school opposite, and likely volume of young pedestrians, any increase in parking and service vehicles would adversely impact upon pedestrians and other highway users. He further concluded that residents, already inconvenienced by school traffic movements may be subjected to additional disturbance or nuisance from banging of car doors.

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<p>P1328.10 11 Ryder Gardens Rainham <i>Change of use of first floor from residential to nursery and increase of number of children on site from 12 to 36 and number of children outside from 6 to 12 and 1m boundary fence</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The 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 DC33 of the Core Strategy and Development Control Policies. The development would, by reason of the increase in the number of children allowed on site and number of children allowed outside, result in unacceptable levels of noise and disturbance to the detriment of residential amenity and contrary to Policy DC61 of the Core Strategy and Development Control Policies DPD. The development would result in the loss of a residential unit and turn a property into a fully commercial use in a residential area, where there has been no justification provided, the proposals are therefore contrary to Policy DC1 of the Core Strategy and Development Control Policies.</p>	<p style="text-align: center;">Dismissed</p> <p>The Inspector identified 2 main issues [a] impact of any noise and disturbance on living conditions of neighbours [b] impact on pedestrian and highway safety</p> <p>On [a], the Inspector noted the close juxtaposition of the use to houses in a generally quiet residential area. The main sources of noise and disturbance would come from a significant number of congregating children, the comings and goings by car and on foot of numerous parents and carers fairly early in the morning and in the evening. He said that sound of children playing would be constant throughout the day especially during the summer and would be trying. He disagreed with the appellant, that enclosure fencing would satisfactorily attenuate noise and concluded that the proposal would harm residential amenity, particularly of those living closest to the premises, contrary to policies DC26 and DC61.</p> <p>On issue [b] he observed that the adjacent roads are not wide and the number of vehicle cross-overs limited on-street parking. Additional vehicle movements and indiscriminate parking would increase risk to safety of pedestrians and other drivers to an unacceptable level, contrary to policy DC26</p>
<p>P1898.10 51 Upminster Road South Rainham <i>Change of use of existing basement into a one bed</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The size, position and orientation of the windows would provide limited light and outlook to the flat which would be harmful to the residential amenity of future occupiers contrary to Policies</p>	<p style="text-align: center;">Dismissed</p> <p>The Inspector considered 3 main issues [a] whether satisfactory living conditions would be created for future occupiers of the flat</p>

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flat.				<p>DC4 and DC61 of the LDF Core Strategy and Development Control Policies DPD.</p> <p>The layout, siting 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 Design for Living SPD.</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 contrary to Policies DC2 and DC33 of the LDF Development Control Policies DPD.</p> <p>No flood risk assessment has been submitted as part of the planning application as required by PPS25. The application site lies within Flood Zone 3a as defined by Planning Policy Statement 25 as having a high probability of flooding. The proposed development falls into a flood risk vulnerability category that is inappropriate to the Flood Zone in which the application site is located, which is contrary to Policy DC48 of the Local Development Framework Development Plan</p>	<p>[b] impact on highway safety [c] whether the development would unacceptably add to the number of people at risk from flooding</p> <p>On [a] he observed that the basement was enclosed on 3 sides with a single external wall facing an enclosed courtyard. Natural daylight would be severely restricted and the layout would create a cramped, enclosed and oppressive outlook for the internal living spaces. Artificial lighting was not an acceptable alternative to natural daylight. 2 parking spaces in the courtyard exacerbated the cramped and oppressive outlook. Living conditions would not be acceptable. The proposal was contrary to policies DC61 and DC4</p> <p>On [b] the Inspector observed that unrestricted on-street parking was limited. Proximity to good transport links mitigated risk of heavy demand for parking and the proposal showed provision of 2 off-street spaces. The development satisfied policy DC33.</p> <p>On [c] the Inspector noted the development was in an area at high risk of flooding. No flood risk assessment had been undertaken and measures proposed to mitigate flood-risk had been not been shown to be practical and effective. There would be an unacceptable increase in the number of people at risk from flooding, contrary to DC48 and PPS25.</p>

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				Document and PPS25.	
<p>A0002.11 40 Station Lane Hornchurch <i>Installation of 1 illuminated fascia sign. 1 pole mounted illuminated sign, 2 illuminated menu signs, 2 side barrier windbreaks and umbrellas with signage</i></p>	Written Reps	Refuse	Delegated	<p>The proposed pole mounted sign would, by reason of its excessive height and forward location, be an incongruous feature which fails to integrate with the existing building and appear unduly prominent and visually intrusive in the streetscene harmful to the amenity of the surrounding area contrary to Policies DC61 and DC65 of the LDF Development Control Policies DPD.</p> <p>The proposed high level fascia sign and menu signs would, by reason of their excessive size and forward location, be an incongruous feature which fails to integrate with the existing building and appear unduly prominent and visually intrusive in the streetscene harmful to the amenity of the surrounding area contrary to Policies DC61 and DC65 of the LDF Development Control Policies DPD.</p>	<p>Allowed with Conditions</p> <p>The Inspector identified the main planning issue as the ongoing impact of the advertisements on visual amenity</p> <p>The Inspector observed that a diverse range of advertisements were already displayed in association with the terrace of shops. It was agreed that the existing signs were visually acceptable. The additional signage was largely designed to match what existed. He rejected argument that the new signs "cluttered" the local streetscene. Instead he found that the display, as a whole, was a themed and suited entity that was appropriate to the character and appearance of this largely commercial area adjacent to the town centre. None of the signs caused harm to visual amenity</p>
<p>P0137.11 207A Ardleigh Green Road Hornchurch <i>Change of use of first floor office (B1) to self contained flat (C3) at 207 Ardleigh Green Road.</i></p>	Written Reps	Refuse	Delegated	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 of the LDF Core Strategy and Development Control Policies Development Plan Document.	<p>Allowed with Conditions</p> <p>The Inspector identified 2 main issues [a] impact on highway safety and residential amenity taking account of provision for on-site parking [b] impact on outlook of neighbours and provision of amenity space</p> <p>On [a] he observed that most of the nearby</p>

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				<p>The proposed development would, by reason of the inadequate provision of amenity space, combined with poor outlook, result in a cramped over-development of the site and poor standard of living accommodation to the detriment of future occupiers and the character of the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document and the Residential Design Supplementary Planning Guidance.</p>	<p>dwelling had off-street parking. The area was well served by bus routes and the type of location where residential conversions should be acceptable. The current B1 use had employed several people and operated without off-street parking. Peak parking for residential use might occur at a different time, but would be no more onerous than already existed. Impact on highway safety and residential amenity would be acceptable</p> <p>On [b] he commented that the development [already complete] was of a high standard. He found no policy guidance that dealt with outlook, or provision of amenity space for new dwellings. While outlook was restricted on one side, the other aspects for sunlight, daylight, and solar gain were excellent. Regarding provision of amenity space, he noted that Council design policies recognised that rigid standards can restrict creative design on awkward sites. In this particular case the benefits of bringing the upper floor of the property into beneficial use outweighed the absence of personal external space and outlook</p>
<p>P0090.11 68 Hog Hill Road Romford <i>Erection of new detached bungalow on land to rear of 68 Hog Hill Road with entrance off Browning Close</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed development would, by reason of the subdivision of the existing rear garden of the host property appear isolated and result in amenity areas which are uncharacteristically small in comparison to the more spacious gardens along Hog Hill Road, harmful to the character and appearance of the area and contrary to Policy DC61 of the LDF Development Control Policies Development Plan Document and the</p>	<p>Allowed with Conditions</p> <p>The Inspector identified the following main issue [a] impact on the character and appearance of the area</p> <p>The Inspector said that the new dwelling would complement existing properties, and fit into the streetscene. The garden of both new and donor properties would be smaller than</p>

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				Residential Design SPD.	<p>adjacent dwellings but would be adequate, in accordance with the Residential Design SPD, and would retain the general feel of spaciousness of other rear gardens. The development would satisfy DC61.</p> <p>He considered representations from nearby residents but was satisfied that off street parking was adequate and there would be no adverse impacts on highway safety, or the living conditions of neighbours.</p>
<p>P0087.11 16 - 18 Prospect Road Hornchurch <i>Outline application for demolition of No.s 16 & 18 Prospect Road together with "Sunset" and "The Bowery" and the erection of 11 dwellings with associated access and parking.</i></p>	Written Reps	Refuse	Delegated	<p>The proposed development would result in the unbalancing of the semi-detached dwellings at nos. 14 and 20 Prospect Road resulting in the remainder of the property appearing as a discordant and incongruous feature in the street scene and harmful to local character contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.</p> <p>The application makes no provision to secure the provision of affordable housing within the development to the detriment of housing opportunities and social inclusion, contrary to the provisions of Policies DC6 and DC72 of the LDF Core Strategy and Development Control Policies Development Plan Document and Policy 3A.9 of the London Plan.</p> <p>The proposal fails to make adequate provision for the resultant additional school places required and as such fails</p>	<p style="text-align: center;">Dismissed</p> <p>The Inspector identified 2 main issues [a] impact on character and appearance of adjoining dwellings and the wider street-scene [b] whether suitable provision was made for "affordable" housing and educational facilities</p> <p>The proposal aimed to overcome an earlier appeal decision when it was decided that demolition of a single dwelling [half of a semi-detached property] would harm the street-scene; and access was unsatisfactory.</p> <p>On [a] the Inspector reflected that the original access proposal would have left an ungainly "other half" of the semi-detached unit as an incongruous feature in the street-scene. While the current proposal overcame that problem, the block either side of the access would be ungainly. They would each appear as unbalanced and incongruous features in the street-scene in conflict with policy DC61</p> <p>On [b] he found that the principle of</p>

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				<p>to make a contribution towards identified educational needs within the Borough to the detriment of social inclusion contrary to Policy DC29 of the LDF Core Strategy and Development Control Policies Development Plan Document and Interim Planning Guidance for Educational Needs Generated by New Development.</p> <p>INFORMATIVES:</p> <p>The applicant is advised that were a resubmission to be made which satisfactorily dealt with reason for refusal 1 then a legal agreement would be sought to secure affordable housing within the development and an education contribution.</p>	<p>contributing to "affordable housing" seemed to be accepted. However the amount had not been settled and he had no completed Obligation before him. The development did not satisfy policy DC6. With regard to a contribution towards school places, the development was less than the threshold of 10 dwellings. Accordingly he gave the matter very little weight</p> <p>In response to resident concerns he commented that the height of the development [9.8 metres] in proximity to existing dwellings at 8 & 10 Prospect Road would have an overbearing and unacceptable impact on the rear gardens of those properties</p>
<p>P0508.11 R/O 25 Pettits Lane Romford <i>Outline planning application - for the erection of two bungalows r/o 25 Pettits Lane</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Committee</p>	<p>The proposed bungalows would, by reason of their height, bulk and mass, combined with the increased hard standing, 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> <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 LDF Core Strategy and</p>	<p style="text-align: center;">Dismissed</p> <p>The Inspector first clarified the matters he would consider. The appeal stated that Outline permission was sought together with approval of details of "appearance" and "landscaping". The original application had sought approval of different "reserved matters". Supporting documents referred to yet another approach. The simplistic drawings showed insufficient information to assess appearance and no information was provided about landscaping. In the absence of adequate detailed information, scale would also be reserved for future consideration. The only matter of detail he would take into account was that the development would be</p>

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				<p>Development Control Policies DPD and Residential Design SPD.</p> <p>The proposed development would, by reason of the new access road, result in noise and disturbance generated by new vehicular traffic, result in a sub-standard level of residential amenity for the occupiers of no. 23 and 25 Pettits Lane contrary to Policy DC61 of Local Development Framework Core Strategy and Development Control Policies Development Plan Document.</p>	<p>single storey.</p> <p>He identified 3 main issues [a] impact on character and appearance of the surrounding area [b] effect on living conditions of neighbours [c] impact on highway safety</p> <p>On [a] The inspector noted the area was characterised by semi-detached dwellings with long rear gardens. Views from the road showed glimpses through to trees indicating openness rather than development in depth. The bungalows would be set well back in the rear garden with no direct impact on the street-scene. But they would be visible from the access road; out of keeping with the pattern of frontage development; and an uncharacteristic and harmful intrusion into the established frontage. Close to Pettits Lane much of the existing frontage would be hardsurfaced to accommodate access and there would be little opportunity for meaningful landscaping. That would add harm to the streetscene. The proposal conflicted with policy DC61 and the SPD.</p> <p>On [b] he commented that dwellings were generally noise sensitive development rather than sources of noise. Neighbours may be aware of additional comings and goings, but the low volume of movements would not disturb residential amenity. However, he found that the bungalows would be very close to surrounding back gardens and were of a size that would have an unduly overbearing impact on outlook and enjoyment of those</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 20-AUG-11 AND 18-NOV-11

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
					<p>gardens. There was no scope for effective screen planting. The development was contrary to policy DC61</p> <p>On [c] he noted that the highway was a Local Distributor Road. Emergency and service vehicles would be unable to turn within the site. However, attendance by emergency vehicles would be rare; refuse collection arrangements could be appropriately conditioned. The layout would provide adequate off-street parking. The development would satisfy policies DC36 and DC2</p>
<p>P0389.11 52 Heath Drive Gidea Park Romford <i>Single storey rear conservatory</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed rear extension would, by reason of its excessive width and height, be an intrusive and overly dominant feature on the rear elevation, contrary to Policy DC61 of the Core Strategy and Development Control Policies DPD.</p>	<p style="text-align: center;">Allowed with Conditions</p> <p>The appeal raised the following issue [a] impact on the character and appearance of Gidea Park Conservation Area</p> <p>The proposal was for a rear conservatory comprising a glazed timber frame built on dwarf brick walls. The Inspector noted that adjoining dwellings, of similar design had already been extended to the rear and in 2 cases the extensions were of similar height and of much heavier construction.</p> <p>He noted that the Residential Extensions and Alterations SPD guidance supported rear extensions up to 4 metres in depth [greater for conservatories of lightweight construction]. The conservatory would be visually subordinate to the main house. Given the width of the plot and the spacious gardens around it, there would be no adverse impact on the house, or its surroundings. The</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 20-AUG-11 AND 18-NOV-11

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
					character and appearance of the Conservation Area would be preserved in accordance with policy DC61
<p>P0164.11 59-61 Warwick Road Rainham <i>Change of Use to B2 (General Industrial) to carry out vehicle repairs</i></p>	Written Reps	Refuse	Delegated	<p>The proposed development would, by reason of the inadequate on site car parking provision and servicing arrangements, result in unacceptable overspill onto Warwick Road to the detriment of highway safety and residential amenity and contrary to Policies DC33, DC36 of the LDF Core Strategy and Development Control Policies DPD.</p> <p>The proposed development would, by reason of the introduction of a noise creating activity, hours of operation and parking disturbance in close proximity to residential properties, result in an unacceptable loss of amenity of occupiers of Warwick Road, contrary to Policies DC55, DC61 of the LDF Core Strategy and Development Control Policies DPD.</p> <p>The proposed development would, by reason of the introduction of a noise creating activity, hours of operation and parking disturbance in close proximity to residential properties, result in an unacceptable loss of amenity of occupiers of Warwick Road, contrary to Policies DC55, DC61 of the LDF Core Strategy and Development Control Policies DPD.</p>	<p style="text-align: center;">Dismissed</p> <p>The Inspector identified the following issue [a] whether impact on residential amenity, traffic and parking could be mitigated satisfactorily.</p> <p>He noted that the premises was within a small group of industrial units at the end of a cul-de-sac. The site adjoined a dwelling; there were dwellings opposite; and the remainder of the cul-de sac was residential.</p> <p>He said that engine replacement/repair was often within Class B2 but could fall within Class B1 depending on working practices and measures to mitigate disturbance. But the application before him was for general B2 use. He said B2 use is not readily compatible with a residential area because of capacity to harm amenity.</p> <p>With regard to traffic generation and on-street parking, he commented that parking standards could be met within the site. He believed that the industrial units as a whole contributed to on street parking problems; to congestion from loading/unloading of vehicles; and disturbance from commercial vehicle movements, including during at unsocial hours. Similar activity might be expected whether the premises was used for B1 or B2 purposes. Traffic generation and on-street parking were not material</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 20-AUG-11 AND 18-NOV-11

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
					<p>considerations.</p> <p>The Inspector considered planning conditions towards sustaining and encouraging industrial activity but concluded they could not overcome the inherent incompatibility between B2 processes and residential amenity.</p>
<p>P0214.11 15 Felstead Road Collier Row Romford <i>Retention of an existing boundary treatment at the front of the property</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The retention of the steel boundary fencing as proposed would, by reason of its excessive height and general appearance, be out of character with the surrounding area and highly prominent in the street scene. As such the development is considered to be inappropriate and harmful and fails to meet the aims and objectives of the Residential Extensions and Alterations SPD and Policy DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.</p>	<p style="text-align: center;">Allowed</p> <p>The main issue in the appeal was [a] impact of the enclosure railings on the character and appearance of the area.</p> <p>The Inspector noted a variety of boundary treatments along the road. The essential character was low height that gave a sense of openness to the street. The railings would be higher but the slim profile and simple design maintained views across and through the enclosure. It was important that there were no gates in the railings. That also helped to maintained the character of ther area. He concluded the development was in accordance with policy DC61.</p>
<p>P0755.11 9 Links Avenue Romford <i>New porch canopy, two storey side extension, part single part two storey rear extension</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed two storey side extension by reason of its excessive width, bulk and mass lacks subservience and fails to respect the character, scale of the subject dwelling. As a consequence and mindful of the prominent location of the subject dwelling, the development will appear unacceptably dominant and visually intrusive in the street scene and thereby harmful to the character and appearance of the surrounding area, contrary to the Residential Extensions</p>	<p style="text-align: center;">Allowed with Conditions</p> <p>The main issue in the appeal was [a] impact on the character and appearance of the host dwelling and the wider street-scene.</p> <p>Heobserved that the area was characterised by large detached houses set well back so that the road has a green and spacious feel to it. The extension would be a substantial addition that was both wide and deep and would transform the appearance of a</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 20-AUG-11 AND 18-NOV-11

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				and Alterations SPD and Policy DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.	relatively modest property. Notwithstanding that, the resulting dwelling would not be out of character with the road. Design and detailing would complement the existing building. There would be some loss of openness but the relationship to boundary and adjoining properties would still be reasonable. The building would remain well set back and would not appear unacceptably dominant or intrusive in the street-scene. There was no conflict with policy DC61
<p>P0708.11 19 Balgores Crescent Romford <i>Single story rear extension - conservatory/garden room</i></p>	Written Reps	Refuse	Delegated	The proposed rear conservatory, would by reason of its width, projection, design and materials, result in a development which would be detrimental to the special character and appearance of the Gidea Park Conservation Area, contrary to policies DC61 and DC68 of the Core Strategy and Development Control Policies DPD.	<p style="text-align: center;">Dismissed</p> <p>The Inspector identified the following issue [a] impact of the conservatory on appearance of the dwelling and Gidea Park Conservation Area</p> <p>The Inspector observed that the area was characterised by the variety of houses and by mature planting of streets and gardens. The appeal property was identified in the Conservation Area Appraisal as making a positive contribution to the area. The Appraisal also noted landscaped garden contributed significantly to the character of the area.</p> <p>The conservatory spanned virtually the whole width of the rear elevation and would be a dominant feature. While the gables broadly reflected the dwelling detailing would be unduly fussy and detract from the pleasing simplicity of the rear elevation. Use of UPVC would give a heavy feel to the structure and add to its adverse visual impact. The development would not preserve or enhance</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 20-AUG-11 AND 18-NOV-11

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
					the character and appearance of the Conservation Area and failed to satisfy policies DC61 and DC68
<p>P0657.11 17 Tawny Avenue Upminster <i>Two storey side extension, single storey rear extension and loft conversion, new window to first floor front elevation and new windows and door to ground floor side extension</i></p>	Written Reps	Refuse	Delegated	<p>The proposed two storey side extension would, by reason of its increase in roof height would unbalance this semi-detached pair to the detriment of the streetscene and surrounding area contrary to the Residential Extensions and Alterations SPD and Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.</p> <p>The proposed development would, by reason of its position and proximity to the neighbouring property to the west, cause a loss of light which would have a serious and adverse effect on the living conditions of adjacent occupiers, contrary to the Residential Extensions and Alterations SPD and Policy DC61 of the LDF Core Strategy and Development Control Policies DPD</p>	<p style="text-align: center;">Dismissed</p> <p>The Inspector identified 2 main issues [a] impact of the development on 15-17 Tawny Ave and the wider streetscene. [b] impact on sunlight daylight and living conditions at 19 Tawny Ave.</p> <p>On [a] he observed that the loft conversion would involve a modest increase in roofline on one half of the sem-detached property. But the two rooflines were not juxtaposed; they were separated by the significantly higher main ridge of the building on both sides of the central chimney. The alteration would have some impact on symmetry of the front elevation of the pair but had no material impact on rhythm in the streetscene</p> <p>On [b] the Inspector noted there were windows in the side elevation of the adjacent dwelling 19 Tawney Ave. Squaring-off the roof would bring the building closer to No 19. The extension would breach the 45 degree line aimed at ensuring that side extensions do not cause undue loss of neighbours' light, contrary to SPD Guidance. The existing layout already limits sunlight to the windows, but the extension would make things worse and reduce natural light to the room. Light reflected from the white rendered extension wall provided insufficient mitigation. The proposal would result in unacceptable harm to the neighbours living conditions contrary to</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 20-AUG-11 AND 18-NOV-11

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
					policy DC61 and the Residential Extensions and Alterations SPD
<p>P0610.11 67 Park Drive Upminster <i>Two storey side and rear extension, single storey rear extension</i></p>	Written Repts	Refuse	Delegated	<p>The proposed development, incorporating an excessively deep first floor rear extension and gabled end roofs would by reason of their design, bulk and mass fail to relate acceptably to the existing dwelling and would appear as an unacceptably dominant and visually intrusive feature in the street scene, harmful to the appearance of the surrounding area. The development is therefore considered to be contrary to the London Borough of Havering Supplementary Planning Document for Residential Extensions and Alterations and DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.</p> <p>The proposed two storey side extension would, by reason of its excessive width, generally cramped appearance, bulk, mass and prominent corner location, represents an unsatisfactory design solution which would unbalance this pair of semi-detached properties and would appear unacceptably dominant and visually intrusive in the street scene harmful to the character and appearance of the surrounding area contrary to the Supplementary Planning Document for Residential Extensions and Alterations and Policy DC61 of the</p>	<p>Allowed with Conditions</p> <p>The main issue in the appeal was [a] impact of the extension on the host dwelling in its surroundings</p> <p>The Inspector observed that the gable elevations of adjacent dwellings were prominent in the street-scene. The proposal would change the overall appearance of the dwelling to a more emphatically gabled design that was broadly consistent with neighbouring properties. The new end elevation would be more substantial than the original but roofline of the rear extension would be lower than the main roof - the gain would be that its apparent mass, as seen from the street would be diminished by perspective. The large forward gable would partly obscure other elements of the front elevation so that the new extension would not be overly prominent.</p> <p>She remarked that there was considerable local variety in the treatment of frontages so that the circumstances of the appeal site were quite individual. The scale of extension was barely subordinate to the existing house but the plot was generous and the extended house would not be disproportionately large. On balance the Inspector concluded that the development would not result in material harm in the street-scene and satisfied the requirements of policy DC61</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 20-AUG-11 AND 18-NOV-11

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				<p>LDF Development Control Policies Development Plan Document.</p> <p>The applicant is advised that in preparing any resubmission the following amendments would need to be considered:</p> <p>* The roof design of the two storey side and rear extension would need to be altered to a hipped roof design.</p> <p>* The overall scale and mass of the side extension would need to be reduced to allow a 1m set from the back edge of the footpath. In addition, the first floor of the side extension would need to be set back 1m to comply with Council guidelines and provide a subservient appearance.</p> <p>* The depth of the first floor rear extension should be reduced to no more than 3m</p>	
<p>P1770.10 3 Birch Road Collier Row Romford <i>Fencing to front boundary</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed boundary fencing would, by reason of its height and design, appear as an unacceptably dominant and visually intrusive feature in the streetscene and harmful to the appearance of the surrounding area, contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.</p>	<p>Allowed with Conditions</p> <p>The appeal raised the following issue [a] impact on the streetscene and surrounding area</p> <p>The Inspector observed that Birch Road contained a variety of house designs. Generally front boundaries are marked by low walls fences or hedges up to 1m metre in</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 20-AUG-11 AND 18-NOV-11

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
					<p>height. At each end of the road the returns are higher along the side and rear boundaries. The open railings would be 1.7 metres in height and would return along the mutual side boundaries with neighbours. The fence would not be consistent with the general character of the area. However, the Inspector considered that the height was mitigated when viewed against the higher side enclosures of the adjacent corner plot. The fence would be neither unacceptably dominant or intrusive in the street-scene and would not conflict with policy DC61</p>
<p>P0809.11 33 Harold Court Road Romford <i>Re-application of No. P0024.11 for single storey side extensions, rear extension and roof alterations, including front and rear dormers</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed roof alterations and extensions would, by reason of height, bulk, mass and proximity to the neighbouring boundaries, appear as an unacceptably dominant and visually intrusive features in the streetscene and as an intrusive and un-neighbourly development to adjoining residential occupiers, harmful to the appearance of the surrounding area and residential amenity, contrary to the Residential Extensions and Alterations SPD and Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.</p>	<p style="text-align: center;">Dismissed</p> <p>The Inspector identified 2 main issues [a] Impact on character and appearance of the surrounding area [b] Impact on living conditions [sunlight and daylight] at 31 Harold Court Road</p> <p>On [a] he noted that the site lay within a row of detached bungalows, on sloping ground. The proposal would introduce first floor accommodation under a part-hipped roof. The dwelling would no longer resemble its near neighbours. Emphasised by the slope the enlarged dwelling would be an unduly dominant and intrusive in the street-scene and in conflict with the residential Extensions and Alterations SPD and policy DC61.</p> <p>On [b] the Inspector observed that the appeal site was at lower level than its neighbour at No 31. He was not satisfied that there was encroachment into the 45 degree line [identified in SPD] that was used to assess</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 20-AUG-11 AND 18-NOV-11

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
					sunlight and daylight to adjacent side windows, There was evidence the neighbour dwelling had been also been extended. That provided further mitigation of any light issues. There was no conflict with the SPD and poliicy DC61
P0730.11 18 Thameshill Avenue Collier Row <i>Single storey rear extension</i>	Written Reps	Refuse	Delegated	The proposed single storey rear extension would, by reason of its excessive depth, height and position close to the boundaries of the site, be an intrusive and unneighbourly development as well as having an adverse effect on the amenities of adjacent occupiers at 20 Thameshill Avenue, contrary to the Residential Extensions and Alterations SPD and Policy DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.	<p style="text-align: center;">Dismissed</p> <p>The appeal raise a single main issue [a] impact on living conditions of neighbours with regard to over-dominance and loss of light</p> <p>The property was an end-terrace and a narrow gap divided it from the neighbouring property. Small changes in dimensions could have a significant impact on living conditions of neighbours. He concluded that an extension over the full width of the rear elevation and therefore along the common boundary, together with the height and pitch of the roof, would be overbearing and oppressive to neighbour amenity.</p> <p>The Council had also been concerned about loss of light to existing ground floor windows. The Inspector concluded that, taking account of the orientation of the buildings any such loss would not be significant and did not add weight to his decision</p>
P0972.11 38 Hyland Close Hornchurch <i>Retrospective application for brick boundary walls with trellis and raised patio</i>	Written Reps	Refuse	Delegated	The proposed development would, by reason of its height, 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	<p style="text-align: center;">Allowed with Conditions</p> <p>The appeal a single main issues [a] impact on living conditions of neighbours</p> <p>The Inspector noted that a previous appeal in relation to similar development had been dismissed because enclosure walls would be</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 20-AUG-11 AND 18-NOV-11

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				LDF Core Strategy and Development Control Policies Development Plan Document.	<p>overbearing and result in loss of outlook.</p> <p>In this case the boundary walls had been lowered and a trellis added. He said that trellis would significantly lighten the solid effect of the boundary walls and its impact on neighbours. The issue was whether the change would result in unacceptable overlooking and loss of privacy. He said that some degree of overlooking had to be expected in urban residential areas and that a solution could be found that would strike an acceptable balance between loss of outlook and loss of privacy, among the various patterns for trellis fencing A planning condition was appropriate</p>

TOTAL PLANNING = 25

LIST OF APPEAL DECISIONS MADE BETWEEN 20-AUG-11 AND 18-NOV-11

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
APPEAL DECISIONS - ENFORCEMENT					
Description and Address	Appeal Procedure			Reason for Refusal	Inspector's Decision and Comments
ENF/388/10/SX 5 Writtle Walk Rainham	Hearing				<p style="text-align: center;">Dismissed</p> <p>The appeal against the Notice was on the following grounds S174[f] that the requirements of the Notice are unreasonable and lesser steps would remedy harm caused by the development S174[g] that the time scale for complying with the Notice is inadequate</p> <p>In the Ground [f] appeal the appellant claimed that the Notice incorrectly required the premises to revert to Class A1 [retail] use. The Inspector explained that the issue was not a matter for him in the appeal but he extended the time scale for removing food preparation and kitchen equipment to 8 months so that the appellant could seek a Lawful Development Certificate [LDC] to establish planning use rights for the premises.</p> <p>In the Ground [g] appeal, the Inspector confirmed that the 1 month period for ceasing A5 use was reasonable. He formally increased the period for removing installations and equipment etc from 3 months to 8 months for the reasons set out above.</p>

TOTAL ENF = **1**

LIST OF APPEAL DECISIONS MADE BETWEEN 20-AUG-11 AND 18-NOV-11

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<u>Summary Info:</u>					
Total Planning =		25			
Total Enf =		1			
Appeals Decided =		30			
Appeals Withdrawn or Invalid =		4			
Total =		26			
	Dismissed		Allowed		
Hearings	1	3.85%	2	7.69%	
Inquiries	1	3.85%	0	0.00%	
Written Reps	12	46.15%	10	38.46%	

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LIST OF STARTED APPEALS BETWEEN 20-AUG-11 AND 18-NOV-11

PLANNING APPEALS

Written Reps

Ref	Address	Brief Description
P1317.10	14a Lower Mardyke Avenue Rainham	Proposed new dwelling
P1728.10	Haldare Cottages Wennington Road, Rainham	The construction of 2 no. 3 bedroom semi detached houses and 1 no. four bedroom detached house
P0890.11	HIGHLANDS WARLEY ROAD UPMINSTER	Demolish a single detached dwelling and build four 4 bedroom detached one/two storey houses
P1770.10	3 Birch Road Collier Row Romford	Fencing to front boundary
M0001.11	46-48 Brentwood Road Romford	The installation of a dual-user 'flagpole' on the building, supporting six antennas within a glass reinforced plastic shroud, equipment cabinets and development ancillary thereto.
P0175.11	Site at land adj 151 Avon Road Cranham Upminster	Proposed ground floor shop(A1/A2) with 3 bedroom maisonette over
P0121.11	40 Station Lane Hornchurch	Installation of No.1 free standing wooden canopy
P0696.11	248 Main Road Gidea Park Romford	Conversion of existing 3 bedroom flat into 3No.x1 bedroom self-contained flats, first floor rear extension, relocate external staircase and external alterations
P0809.11	33 Harold Court Road Romford	Re-application of No. P0024.11 for single storey side extensions, rear extension and roof alterations, including front and rear dormers
P0965.11	Land adj 36 Sowrey Avenue Hornchurch	Construction of two bedroom residential house with parking and amenity space
P1007.11	195 SOUTH STREET ROMFORD	Canopy, front door, ramp, steps, roof alterations, 1st floor front & side extension to 195 South Street. 1st floor side & rear extensions with vehicular underpass to 197 South Street
P0730.11	18 Thameshill Avenue Collier Row	Single storey rear extension
P0972.11	38 Hyland Close Hornchurch	Retrospective application for brick boundary walls with trellis and raised patio
P0840.11	Land adjoining 194-196 Hall Lane Upminster	New detached dwelling
P0996.11	Land adj to 11 Roding Way Rainham	Change of Use of land adj to No.11 Roding Way to residential. Land to be incorporated into the garden of No.11. Erection of timber fence and access gate around site

LIST OF STARTED APPEALS BETWEEN 20-AUG-11 AND 18-NOV-11

Written Reps

Ref	Address	Brief Description
P0906.11	Latchford Farm St Mary's Lane, Upminster	Detached garage
P0764.11	land adjacent 20 Surridge Close Rainham	Erect 2 x two storey houses with extending the access road to provide on site parking
P0732.11	19a Seymer Road Romford	Demolition of existing former British Red Cross training hall and construction of a four bedroom house
P1001.11	7 Raider Close Romford	Two storey side & single storey rear extension. Loft conversion with rear dormer window and skylights.
P0975.11	20 Weald Way Romford	Retention of a newly erected front and side boundary wall and a new cross over to the rear
P0945.11	54 St Leonards Way Hornchurch	Single and two storey side extension
M0008.11	Havering Highways Central Depot Rainham Road Hornchurch	Installation of 14.8m streetworks type pole, equipment cabinet, electricity meter and associated equipment thereto
P1120.11	50a Tudor Drive Gidea Park Romford	Vehicular access to form front garden parking(new off road parking on new concrete drive)
P1076.11	91a Front Lane Cranham	Front and rear dormer windows
P0939.11	218 Moor Lane Cranham Upminster	Conversion of existing outbuilding into one bed bungalow dwelling
P1265.11	25 Fairfield Avenue Upminster	First floor side and rear extension
P0958.11	site adj 76 Navarre Gardens Collier Row Romford	Demolition of existing garage/ utility room and erection of 1No. two storey dwelling
P1066.11	111 Albany Road Hornchurch	Change of Use of dwelling house to multiple occupancy with additional acoustic party walling at first floor
P1188.11	COUNCIL DEPOT 120 CHERRY TREE LANE RAINHAM	DEMOLITION OF DEPOT AND ERECTION OF 8 FLATS.
P0973.11	46 Pemberton Avenue Romford	Two storey side and rear extension and single storey rear extension.
P0244.11	154 Wingletye Lane Hornchurch	Granny annexe rear of 154 Wingletye Lane
P1239.11	land adj 19 Blyth Walk Upminster	Two storey three bedroomed house plus crossover

LIST OF STARTED APPEALS BETWEEN 20-AUG-11 AND 18-NOV-11

ENFORCEMENT APPEALS

Written Reps

Ref	Address	Brief Description
ENF/144/11/RW	59-61 Warwick Road Rainham	
ENF/306/09/EM	County Service Station Essex Gardens Hornchurch	
ENF/421/10/EL	11 Ryder Gardens Hornchurch	

Summary Info:

PLANNING APPEALS

ENFORCEMENT APPEALS

Total Appeals Started =	<input type="text" value="32"/>	<input type="text" value="3"/>
Number of Hearings =	<input type="text" value="0"/>	<input type="text" value="0"/>
Number of Local Inquiry's =	<input type="text" value="0"/>	<input type="text" value="0"/>
Number of Written Reps	<input type="text" value="32"/>	<input type="text" value="3"/>
Number of Not Yet Known's =	<input type="text" value="0"/>	<input type="text" value="0"/>
Number of Pre Inqs or Inqs =	<input type="text" value="0"/>	<input type="text" value="0"/>

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6

REGULATORY SERVICES COMMITTEE

REPORT

8 December 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"/>

SUMMARY

Attached are schedules detailing information regarding Enforcement Notices updated since the meeting held on 8 September 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
13 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
59-61 Warwick Road Rainham ENF/144/11/RW	Alleged unauthorised use of garage to car repairs	Delegated 12-07-11	22-08-11	17-10-11
County Service Station Essex Gardens Hornchurch ENF/306/09/EM	Alleged C/U to car wash/container storing fireworks and unauthorised banners & advertisements	Committee 23-06-11	19-09-11	21-10-11
11 Ryder Gardens Rainham ENF/421/10/EL	Alleged unauthorised C/U of first floor to nursery	Delegated 14-09-11	19-09-11	21-10-11

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SCHEDULE B

ENFORCEMENT NOTICES – LIVE CASES.

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

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

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

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

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

ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	DATE OF COMMITTEE AUTHORITY	NOTICE ISSUED	NOTICE SERVED	APPEAL LODGED	APPEAL DECISION	COMPLIANCE DATE	COMMENTS
Aveley Marshes New Road Rainham	Use/Development	Committee 26-08-10	14-01-11	14-01-11	11-02-11			See schedule A
8 Highview Gardens Upminster	Development	Committee 07-04-11	05-08-11	05-08-11				Pursuing compliance
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			Pursuing compliance
Bridge Close Romford	Use	Delegated 31-03-11	12-05-11	13-05-11	22-06-11			See schedule A
Small Acres Folkes Lane Upminster	Use /development	Committee 19-05-11	25-07-11	27-07-11				Pursuing compliance
59/61 Warwick Road Rainham	Use	Delegated 12-07-11	22-08-11	22-08-11	17-10-11			See Schedule A
County Service Station Essex Gardens Hornchurch	Use	Committee 23-06-11	19-09-11	19-09-11	21-10-11			See schedule A
11 Ryder Gardens Rainham	Use	Delegated 14-09-11	19-09-11	19-09-11	21-10-11			See Schedule A
1a Willoughby Drive Hornchurch	Use	Committee 14-08-11	14-10-11	21-10-11				Pursuing compliance
2A Woburn Avenue Elm Park Hornchurch	Use	Delegated 07-11-11	17-11-11	17-11-11				Monitoring

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REGULATORY SERVICES COMMITTEE

REPORT

8 December 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 has been one prosecution this quarter see Appendix 1.

IMPLICATIONS AND RISKS

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

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

Human Resources implications and risks: None identified.

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

Appendix 1.

Address	Summary of Breach	Legal Action	Outcome
11 Wolseley Road Rush Green Romford	Non-compliance with Enforcement Notice	18 November 2011 Prosecution ??????	Remanded til 02-12- 11, for Legal representation

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Regulatory Services Committee

8 December 2011

Item 8

INSIDE STATUTORY PERIOD

Page No.	Application No.	Ward	Address
1-6	P1433.11	Upminster	White Hart Public House, Hacton Lane, Upminster
7-13	P1574.11	Upminster	Epsticks Farm, Warwick Lane, Rainham

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REGULATORY SERVICES COMMITTEE

8th December 2011

WITHIN STATUTORY PERIOD

APPLICATION NO:	P1433.11	
WARD :	Upminster	Date Received: 17th October 2011
ADDRESS:	White Hart Public House Hacton Lane, Upminster	
PROPOSAL:	Change of Use to a dwelling (C3)	
DRAWING NO(S):	2744 L01; E01-1; E01-2; E02-1 2744 sk02-2c; sk02-1c; - L01 Proposed car parking; L01 proposed layout/curtilage; internal layout ground floor; internal layout first floor	
RECOMMENDATION :	It is recommended that planning permission be GRANTED subject to conditions given at the end of the report.	

CALL-IN

The application has been called in by Councillor Ron Ower who is concerned over its proximity to the green belt.

SITE DESCRIPTION

The site currently contains a vacant 2-storey, public house with residential use to the first floor. The building has been extended with a significant flat roof single-storey to its rear. To the rear of the pub is a beer garden. There is a large area of hardstanding to the south of the public house laid out as a car park.

Vehicular access is from Hacton Lane across the whole of the front of the building where there is additional hardstanding. The site is within the Metropolitan Green Belt. The site area is approximately 0.35 hectares.

The surrounding area is mainly fields although the pub is one of a row of 6 buildings, the remainder of which are 2-storey residential properties. All of which lie within an area of Green Belt.

DESCRIPTION OF PROPOSAL

The proposal is for the conversion of the pub into a single dwellinghouse with 4 bedrooms. The proposal would involve internal works to convert the ground floor of the pub to form living accommodation, e.g., kitchen, dining room, a bedroom with en suite etc. with the upper floor converted from a non-self contained flat to providing bedrooms, bathroom and a study.

The proposal would make the existing pub garden into the garden for the house. The submitted plans show an area of residential curtilage extending west and south of the building(to include a new visitor parking area). The remainder of the site would be excluded from residential curtilage.

It is proposed to alter the existing flat roof to the front of the pub to form a monopitched/ pitched roof.

Two parking spaces would be provided to the front of the new dwelling with gates and a new boundary treatment to the front. Additional visitor spaces would be provided to the south of the property.

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WITHIN STATUTORY PERIOD

It is proposed to remove the existing extensive parking area and plant an orchard/themed seasonal garden which would lie outside the new residential curtilage.

RELEVANT HISTORY

P0833.97 - Extension and alterations to existing public house to accommodate larger kitchen and storage facilities and new trading area. Demolition of existing front extension - Refuse 24/10/97

P0325.97 - Extension and alterations to existing public house to accommodate larger kitchen, storage facilities and new trading area. Demolition of existing front extension - Withdrawn 04/12/97

P0564.00 - Construction of single storey extension to rear to provide additional restaurant space and provision of improved female toilet facilities and new disabled toilet - Approve 05/09/00

P1740.00 - Provision of first floor fire escape at side and rear of building - Approve 26/1/01

CONSULTATIONS/REPRESENTATIONS

8 adjoining and nearby occupiers have been notified of the proposal. A press notice has been issued and a site notice was posted. There have been two responses; one not raising any comments and the other supporting the application.

RELEVANT POLICIES

LDF

CP14 - Green Belt

CP17 - Design

DC2 - Housing Mix and Density

DC3 - Housing Design and Layout

DC33 - Car Parking

DC4 - Conversions to Residential & Subdivision of Residential Uses

DC45 - Appropriate Development in the Green Belt

DC59 - Biodiversity in New Developments

DC60 - Trees and Woodlands

DC61 - Urban Design

SPD9 - Residential Design SPD

OTHER

LONDON PLAN - 3.3 - Increasing housing supply

LONDON PLAN - 3.5 - Quality and design of housing developments

LONDON PLAN - 3.8 - Housing choice

PPG2 - Green Belts

PPS3 - Housing

STAFF COMMENTS

The main issues are the principle of the development including in Green Belt terms, its impact on the open character of the Green Belt, impact on visual amenity in the streetscene and on residential amenity and highways/parking. If any harm is raised by the proposed development, very special circumstances to outweigh the harm identified must be demonstrated.

PRINCIPLE OF DEVELOPMENT

Outside designated areas, the preferred use for sites available for redevelopment is for residential use in line with Policy CP1. However, the application site is within the Green Belt,

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which Policy CP1 of the Core Strategy indicates is an excluded area for the purposes of identifying where homes would be built.

PPG2 and Policy DC45 indicate the circumstances when development in the green belt would be acceptable. Policy DC45 indicates that the redevelopment of authorised commercial sites will be granted provided there is a substantial decrease in the amount of building on the site and improvements to the local Green Belt environment. It also supports the reuse of existing buildings which this proposal involves.

PPG2 states that re-use of existing buildings within the Green Belt is not inappropriate providing 4 criteria are met:

- no materially greater impact on openness and green belt purpose
- strict control over extension
- buildings are capable of conversion without major or complete reconstruction
- buildings would be in keeping with surroundings

The proposal would not result in any reduction in the amount of buildings at the site, in part as there is only a single building which is proposed to be retained with all its existing extensions and converted into full residential use. However, no extensions are proposed (other than a minor alteration to add a monopitch roof) and it is considered that the conversion of the building would have no greater impact on the Green Belt compared to the current building. Staff are satisfied that the building could be converted without major or complete reconstruction.

The proposal would create a residential curtilage for the dwelling but this would be restricted in area and location so that it does not materially harm to essentially rural nature of the surrounding area. Furthermore, the proposal would also enable the removal of the extensive hardstanding to the south of the site replacing it with an orchard and seasonal planting. This would, in Staff's view bring about a substantial improvement to the local green belt environment, subject to details being submitted through the attachment of a suitably worded condition to any grant of planning permission.

The proposal would be acceptable in principle, providing no other harm is identified. This is discussed in greater detail below.

GREEN BELT IMPLICATIONS

The main concern is the overall impact the conversion of the existing building to full residential use would have on the open character of the Green Belt. The existing building is located close to the northern boundary of the application site and the proposal would result in a small increase in the volume of the building in the form of a mono-pitch roof to existing flat-roof front section.

The hardstanding area to the south would be removed and planted and the existing beer garden converted into a residential garden.

Providing suitable conditions are attached to ensure any future extensions or outbuildings would be acceptable in Green Belt terms, Staff consider that the proposal would not result in any loss of openness in the Green Belt and would, due to the substantial planting proposed, have a positive environmental impact compared to the existing public house use.

Staff therefore consider that the proposal would be acceptable in terms of its impact on the open character of the Metropolitan Green Belt and comply with PPG2 and Policy DC45.

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DENSITY/SITE LAYOUT

The existing building is laid out with parking to the front and a beer garden to the rear. The proposal would use part of the existing hardstanding area for some parking adjoining the front and southern elevations of the property, within a new residential curtilage. Staff consider that this would provide a reasonable layout and level of amenity space for future occupiers.

Whilst the proposed residential curtilage would be larger than those in the locality, Staff consider that as it would have the same depth as other local residential properties and that it would be in proportion with the building itself which is also significantly wider/larger than other properties, such that the proposed residential curtilage would be acceptable. A suitable condition can be attached to restrict permitted development within the curtilage and no residential development rights would accrue to the area of the site outside the defined curtilage.

The remainder of the site would lie outside the residential curtilage and is considered to be acceptable in terms of site layout.

DESIGN/IMPACT ON STREET/GARDEN SCENE

The proposed new mono-pitch to the existing single-storey front section, would extend to the northern boundary (becoming pitched beyond the first floor side elevation). However as the single-storey side section is existing, Staff do not consider that this would materially reduce the gaps between existing buildings. The tiled roof would be more in keeping with a residential use of the property and Staff consider that the other changes to window and door openings would also have an acceptable impact in the streetscene, which is residential at this point.

The proposal to provide gates and a front boundary treatment would also domesticise the existing pub building such that this would be more in character with existing residential development nearby. A suitable condition could require some planting in this new front garden area to enhance and soften the converted dwelling while providing parking spaces.

Staff consider that the proposal would have an acceptable visual impact in the streetscene.

The proposed residential curtilage, mainly formed from the existing beer garden would be contiguous with the garden of No. 2 Druces Cottages adjoining the northern boundary of the site. This property is located between 5m and 9m from the boundary. The proposed mono-pitch/pitched roof would extend to the shared boundary, nonetheless at this distance and given its limited height, bulk and siting, Staff do not consider that the new roof would have any adverse impact in the rear garden environment of the adjoining property.

IMPACT ON AMENITY

The proposed dwelling would have windows at first floor level to the front and rear elevations only. There is no proposal to increase windows or to put any in the flank elevations such that Staff consider there would be no impact on residential amenity.

The use of the premises as a single family dwelling would arguably have less impact on neighbouring residential amenity compared to the former use of the premises as a public house.

HIGHWAY/PARKING

The proposal would reduce the existing parking on site to a maximum of 7 spaces and provide a front boundary treatment. Annex 5 indicates that 2 parking spaces should be provided which would be met.

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The proposed gate close to the junction with Berwick Pond Road would be set back by 6m to allow vehicles to fully clear the public highway before stopping. Suitable conditions can be attached to any grant of permission in relation to materials for the front boundary treatment and provision of visibility splays.

There are no highways issues arising from the proposed development.

KEY ISSUES/CONCLUSIONS

The proposal would result in the redevelopment of an existing commercial site to a residential use in the Green Belt. It would accord with Policies DC45 and PPG2 (Green Belts) in that it involves the re-use of an existing building in the Green Belt. Staff consider that the proposal would result in a significant reduction in the amount of hardstanding bringing about improvements to the local Green Belt environment. The extent of residential curtilage can be controlled by condition to prevent an unacceptable impact on the character of this part of the Green Belt. Staff consider that there would be no significant harm caused to the open character of the Green Belt from this proposal or any other harm. Staff therefore consider that the proposal would be acceptable and in accordance with Policies CP1, DC1, DC33, DC45 and DC61 of the Local Development Framework Core Strategy and Development Control Policies DPDs and the aims and objectives of PPG2 (Green belts).

RECOMMENDATION

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

1. S SC4 (Time limit) 3yrs
2. S SC06 (Parking provision)
3. S SC10 (Matching materials)
4. M SC11 (Landscaping)
5. M SC13 (Screen fencing)

Before any of the buildings hereby permitted is first occupied, details of the proposed front boundary treatment which include pedestrian visibility splays, details of any existing boundary treatment to be retained, details of the new southern boundary to the residential curtilage, and any other new boundary treatment shall be submitted to the Local Planning Authority. Once approved the new boundary treatments shall be erected in accordance with the approved details.

Reason:-

To protect the visual amenities of the development and the openness of the Green Belt and prevent undue overlooking of adjoining property, and that the development accords with the Development Control Policies Development Plan Document Policies DC45 and DC61.

6. S SC14 (Sight lines)

Clear and unobstructed pedestrian visibility splays shall be provided to the satisfaction of the Local Planning Authority 2.1m deep and 2.1m wide either side of the proposed vehicular accesses. The approved splays shall be kept permanently unobstructed above 600mm thereafter to the satisfaction of the Local Planning Authority.

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7. S SC32 (Accordance with plans)

8. M SC45A Removal of permitted development rights

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 Article 3, Schedule 2, Part 1, Classes A, B, C, D, E and F and Schedule 2, Part 2 Class A as amended no enlargement/improvement/extensions/addition/alterations to the building or its roof or porches or enclosures/outbuildings or containers for domestic heating, hardsurfacing and no erection/construction/maintenance/improvement/alteration of a gate, fence, wall or other means of enclosure, shall take place unless permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

Reason:-

In the interests of amenity and to enable the Local Planning Authority to retain control over future development in the Metropolitan Green Belt, and in order that the development accords with Development Control Policies Development Plan Document Policies DC45 and DC61.

9. S SC58 (Storage of refuse)

10. M SC59 (Cycle Storage)

11. M SC60 (Contaminated land)

12. Non standard condition

The residential curtilage of the new dwelling shall be restricted to that outlined on the approved layout plan.

Reason: To protect the open nature of the Green Belt from residential incursion in accordance with Policy DC45 and PPG2 (Green Belts).

1 INFORMATIVE:

Reason for approval:

The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies DC2, DC33, DC45, DC54, DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document and PPG2 (Green Belts)

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

REGULATORY SERVICES COMMITTEE

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WITHIN STATUTORY PERIOD

APPLICATION NO:	P1574.11	
WARD :	Upminster	Date Received: 20th October 2011
ADDRESS:	Epsticks Farm Warwick Lane Rainham	
PROPOSAL:	Replacement of existing building creating a single dwelling (Approved for conversion into a single dwelling Application No. P1954.08). Revised Plans Received 24.11.2011	
DRAWING NO(S):	2422_PL20b 2422_PL21b 2422_PL22 2422_PL23 2422_PL24f 2422_PL25f 2422_PL26G 2422_PL27a 2422_PL28 2422_PL29 2422_PL31f 2422_PL32	
RECOMMENDATION :	It is recommended that planning permission be GRANTED subject to conditions given at the end of the report.	

RECOMMENDATION

That planning permission be approved for the reasons set out in the report.

SITE DESCRIPTION

The application site is Epsticks Farm, which is situated on the north side of Warwick Lane, to the east of its junction with Gerpins Lane. The site is located within the Metropolitan Green Belt.

The land is roughly L-shaped and has an area of 1.15 hectares. There is one u-shape stable block on the site with two outbuildings attached to the ends. There is a single vehicular access to the site which is elevated from the road. The front boundaries are formed with natural hedges. The site has been used for stabling and grazing of horses but is now redundant.

DESCRIPTION OF PROPOSAL

This proposal is for the replacement of the redundant stables with a new 2 bedroom structure. The proposed structure shows a reduction in building floor print of approximately 25 square metres from that which was approved under planning reference P1954.08.

The proposed structure would measure approximately 21.7m in length at its longest side and 16m in width. The proposal would be finished with a low dual-pitched roof measuring 2.45m in height to eaves and 3.45m in height to the top of the dual-pitched roof.

The proposed building has been designed to replicate that of the existing building's appearance. the external walls will comprise of black feather-edge boarding fixed in a horizontal profile. All

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doors and windows would be of timber construction and double glazed. The proposed roof is to be aluminium standing seam to replicate that of the existing roof structure. Both the eaves and ridge height of the proposed building would be identical to the existing structure with the exception of an extended soffit.

Although the proposal is similar in design to the original barn, the applicant are proposing an increase in the proposed doors and windows. It should be noted that the large double doors and window panels windows originally proposed in the northern elevation has subsequently been reduced in overall size. The revised elevation are illustrated on drawing No. 2422_PL26G.

The residential curtilage would remain the same as that previously approved under P1954.08. The proposed dwelling would be accessed off an existing unmade road off Gerpins Lane situated to the west of the site and to the north of the Warwick Lane landfill.

RELEVANT HISTORY

P1323.09 - Replacement of redundant stables with new 2 bedroom dwelling - Refuse (17-11-2009)

P0323.09 - Conversion of redundant stables to single family dwelling with revised residential curtilage. Addition of Cart Lodge and new external doors and windows - Refuse (16-06-2009)

P1954.08 - Conversion of redundant stables to single family dwelling - Approve (30-01-2009)

P0595.92 - Renewal of temporary planning permission for 3 external 500W lights on poles sited in paddock - Approve (25-06-1992)

Q0114.10 - Discharge of conditions 3, 4, 5 and 8 of P1954.08 - DOC Discharge (31-08-2010)

Q0191.10 - Discharge of condition 8 of P1954.08 - DOC Discharge (07-12-2010)

CONSULTATIONS/REPRESENTATIONS

The application has been advertised on site and in the local press. Neighbour notification letters have also been issued. No letters of objection were received.

Environmental Health Services raised no objection to the proposal provided that a Phase II and III report is carried out to determine the risk of the sites ground conditions.

The Highway Authority has no objection to the proposal.

RELEVANT POLICIES

LDF

DC32 - The Road Network

DC45 - Appropriate Development in the Green Belt

DC61 - Urban Design

OTHER

PPG2 - Green Belts

PPS7 - Sustainable Development in Rural Areas

London Plan - 7.16

STAFF COMMENTS

The issues arising from this application are the principle of residential development within the Green Belt, the impact of the development on the character and openness of the Green Belt generally, amenity and parking and highway issues. A previous application under P1954.08 was granted planning permission for the conversion of redundant stables. This current proposal is for

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the replacement of the redundant stables with a new 2 bedroom dwelling. It must be considered whether a new dwelling would be acceptable in this Green Belt location.

BACKGROUND

It should be noted that a previous permission for a replacement dwelling was refused planning permission under P1323.09. The proposal was considered inappropriate development and was refused as there was no special circumstances submitted to justify the development.

PRINCIPLE OF DEVELOPMENT

PPG2 states that the construction of new buildings inside a Green Belt is inappropriate unless it is for the following purposes:

- * agriculture and forestry;
- * essential facilities for outdoor sport and outdoor recreation, for cemeteries, and for other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of including land in it;
- * limited extension, alteration or replacement of existing dwellings;
- * limited infilling in existing villages (under the circumstances described in the box following paragraph 2.11), and limited affordable housing for local community needs under development plan policies according with PPG3; or
- * limited infilling or redevelopment of major existing developed sites identified in adopted local plans.

Policy DC45 reaffirms this position. The proposal involves the erection of a new residential structure. Taking into account the criteria detailed above, it comprises inappropriate development. Inappropriate development can only be justified where the in principle inappropriateness, together with any other harm, is clearly outweighed by very special circumstances. Prior to determining whether any such circumstances exists, an assessment of whether any other harm arises is given below.

GREEN BELT IMPLICATIONS

The proposal would be similar in visual terms to what was approved under P1954.08 for a conversion of the existing stable building. The differences are a significant reduction in the length and footprint of the structure and additional fenestration and door openings. In character and openness terms therefore, the proposal is not much different from the existing structure and is of a lesser footprint and visual impact than the conversion that was approved under P1954.08.

The proposal is therefore considered acceptable as it would not give rise to a materially greater impact above that which has been previously considered acceptable under application P1954.08.

The impact on the character and openness of the Green Belt is considered to be lessened by the reduction in the size of the proposed building compared to the existing structure. The proposed residential curtilage and hardstanding would also be the same as previously approved.

DESIGN/IMPACT ON STREET/GARDEN SCENE

The proposal involves the replacement of the existing redundant stable block with a two bedroom dwelling. The applicant also proposes to utilise the existing hardstanding by forming a new driveway finished with irregular shaped block in buff colour. Details would be requested by condition to ensure a satisfactory appearance. The amenity space will be restricted to the rear of the existing structures and would comprise approximately 280 square metres. This is considered

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acceptable as it would be located to the rear of the proposed dwelling with limited views from the streetscene. The applicant has indicated that the garden areas would remain grassed and the new post and rail fence would be in keeping with the rural environment. Again, details of this would be required by condition.

IMPACT ON AMENITY

The structure would be some distance from the closest residential properties at Stonebridge Farm, its nearest neighbour and it is not considered that there would be any adverse impact on this occupier's amenity.

HIGHWAY/PARKING

It is not considered that there would be any significant increase in traffic as a result of the proposal. It should be noted that the applicant has carried out works to widen the access and cut back vegetation in order to improve visibility when accessing Warwick Lane. The highways Authority has raised no objection to the existing and proposed works to be carried out. The proposal is therefore acceptable in highway terms.

OTHER ISSUES

It has been established earlier in this report that the proposal is inappropriate development in the Green Belt as assessed against PPG2 and DC45. Staff therefore need to consider whether the in principle harm is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

The applicant has indicated that the original barn conversion would no longer be a viable option as initial inspections discovered that the existing roof contained asbestos which will require removing and disposing of by a specialist contractor. Due to the buildings current condition and fixing methods to secure the roof material a substantial part of the roof need removing along with the metal sheeting. New timber supports would also be required. It was further concluded that portions of the existing structure will require removal or replacement due to the extent of timber damage and rot. Although portions of the existing structure can be salvaged this is heavily outweighed by the proportions which would require replacing.

Due to the need for the removal of substantial parts of the building the applicant cannot proceed with the original application under P1954.08 for a conversion.

Initial gas testing revealed that the site was considered to pose a moderate risk to end users and ground gas protection measures have been recommended. A gas membrane will have to be applied, however due to the type of ground bearing slab present on site, these measures cannot be applied without resulting in the removal and replacement of the entire slab.

A benefit of the reconstruction of the proposed structure will allow for the thermal upgrade of the proposed floor slab, external walls and roof resulting in a reduction in the overall carbon emission for the development.

Staff consider the above-mentioned reasons for a replacement dwelling rather than a conversion in combination with the overall reduction in the footprint of the dwelling and the benefit of the replacement of a dilapidated building sufficient reason to justify very special circumstances.

The proposal would result in a more sustainable and efficient building with a reduced footprint. The very special circumstances and benefits would therefore clearly outweigh any potential harm

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to the Green Belt and the character and appearance of the surrounding area.

Staff do recognise that the very special circumstances presented are a matter of judgement and Members may feel that these do not outweigh the potential harm that a replacement dwelling may cause to the openness of the Green Belt. If so, the application could be refused on these grounds.

Staff are however of the opinion that the applicant has presented a strong argument for very special circumstances and therefore recommend that planning permission be granted.

KEY ISSUES/CONCLUSIONS

It is concluded that no harm would arise in terms of the openness, character and appearance of the Green Belt. Staff are also of the opinion that the in principle harm is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development. This is however a judgement call and Members may feel that the very special circumstances case does not outweigh the harm to the Green Belt.

Staff however consider the proposal to meet the aims and objectives of PPG2 and Policies DC32, DC45 and DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document. It is therefore recommended that planning permission be granted.

RECOMMENDATION

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

1. S SC4 (Time limit) 3yrs
2. S SC09 (Materials)
3. S SC32 (Accordance with plans)
4. S SC11 (Landscaping)
5. M SC05A (Number of parking spaces)

Before the development hereby permitted is first occupied, provision shall be made within the site for two car parking spaces and thereafter this provision shall be made permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

Reason:-

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

7. S SC13 (Screen fencing)

Before any of the development hereby permitted is first occupied, screen fencing of a type to be submitted to and approved in writing by the Local Planning Authority shall be erected and shall be permanently retained and maintained thereafter to the satisfaction of the Local Planning Authority.

Reason:-

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8. M SC45A Removal of permitted development rights

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 Article 3, Schedule 2, Part 1, as amended by the Town and Country Planning (General Permitted Development)(Amendment)(no. 2)(England) Order 2008, or any subsequent order revoking or re-enacting that order, no development shall take place under Classes A to H, nor shall any walls, fences or other means of enclosure be erected under Part 2, Class A of the 1995 GPDO referred to above, unless permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

Reason:-

In the interests of amenity and to enable the Local Planning Authority to retain control over future development, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

6. Non standard condition

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

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

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

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

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

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

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

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

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

9. Non standard condition

The residential curtilage of the new dwelling shall be restricted to that which is outlined in red as shown on drawing No. 2422_PL24f, received on 24/11/2011.

Reason-

To protect the open nature of the Green Belt from residential incursion.

2 INFORMATIVES:

1. Reason for approval:

The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies DC32, DC45 and DC61 of the LDF Development Control Policies Development Plan Document and Planning Policy Guidance 2.

2. The applicant should take note of the Fire Brigade's previous submitted comments (P1954.08) recommending one additional private fire hydrant to be provided at the location. For further information as to the proposed position of an additional fire hydrant please contact Phil Towers at 020 8555 1200 Ext. 53263.

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

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**REGULATORY
SERVICES
COMMITTEE**

REPORT

8 December 2011

Subject Heading:

**P1376.11: 23-27 High Street,
Hornchurch**

Restoration of existing building and conversion of the ground floor to a dentists surgery. Construction of a detached block to the rear of the site comprising 4 two bedroom flats (application received 20/10/11)

Report Author and contact details:

**Helen Oakerbee 01708 432800
Helen.oakerbee@havering.gov.uk**

Policy context:

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

Financial summary:

None

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

- Clean, safe and green borough
- 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 application is for the restoration of the existing building and the conversion of the ground floor to a dentist's surgery. The proposal also involves the construction of a detached block to the rear of the site comprising 4 two bedroom apartments. The proposal is considered to be acceptable in all material respects, subject to a legal agreement and conditions and it is recommended that planning permission is granted.

RECOMMENDATIONS

That the proposal is unacceptable as it stands but would be acceptable subject to the applicant entering into a Section 106 Legal Agreement under the Town and Country Planning Act 1990 (as amended), to secure the following:

- A financial contribution of £12,000 towards highway improvements within the vicinity of the site in accordance with Policy DC32 of the LDF Development Control Policies Development Plan Document.
- Payment of the Council's legal fees associated with the preparation of the agreement.
- All contributions will be subject to indexation using the appropriate Index. All contributions to be spent within 7 years of receipt of the final payment relating to the specified contributions and to include any interest earned prior to spending.

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

1. Time Limit

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

Reason:-

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

2. Number of parking spaces

Before the building(s) hereby permitted is first occupied, provision shall be made within the site for 7 car parking spaces and thereafter this provision shall be made permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

Reason:-

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

3. Loading

Before the building(s) hereby permitted is first occupied, a properly hardened area shall be provided within the curtilage of the site for the loading, unloading and turning of vehicle, in accordance with details previously submitted to and agreed in writing by the Local Planning Authority. Thereafter such provision shall be made permanently available for use to the satisfaction of the Local Planning Authority unless otherwise agreed in writing with the Local Planning Authority. No loading or unloading of goods (including fuel) from vehicles arriving at or departing from the premises shall be carried out otherwise than within such area. There shall be no storage of goods or other obstructions within the approved area without prior consent in writing of the Local Planning Authority.

Reason:-

To avoid obstruction of the surrounding streets and to safeguard the amenities of occupiers of neighbouring property, and in order that the development accords with Development Control Policies Development Plan Document Policy DC33.

4. Materials

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

Reason:-

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

5. Landscaping

No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping, which shall include indications of all existing trees and shrubs on the site, and details of any to be retained, together with measures for the protection in the course of

development. All planting, seeding or turfing comprised within the scheme shall be carried out in the first planting season following completion of the development and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local Planning Authority.

Reason:-

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

6. Sight lines

Clear and unobstructed visibility sight lines shall be provided to the satisfaction of the Local Planning Authority in the position and for the distance 2.1m by 2.1m from the public footpath. The approved sight lines shall be kept permanently unobstructed thereafter to the satisfaction of the Local Planning Authority.

Reason:-

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

7. Hours of use

The Dentists Surgery shall not be used for the purposes hereby permitted other than between the hours of 9am and 6pm on Mondays to Fridays and 08.00 to 13.00 hours on Saturdays and not at all on Sundays, Bank or Public holidays without the prior consent in writing of the Local Planning Authority.

Reason:-

To enable the Local Planning Authority to retain control in the interests of amenity, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

8. Accordance with plans

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

Reason:-

The Local Planning Authority consider it essential that the whole of the development is carried out and that no departure whatsoever is made from the details approved, since the development would not necessarily be acceptable if

partly carried out or carried out differently in any degree from the details submitted. Also, in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

9. Obscure with fanlight openings only

The proposed windows in the western elevation of the upper floor to the dentist surgery shall be permanently glazed with obscure glass and with the exception of top hung fanlight(s) shall remain permanently fixed shut and thereafter be maintained to the satisfaction of the Local Planning Authority.

Reason:-

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

10. Soundproofing

The buildings shall be so constructed as to provide sound attenuation of not less than 45 d.B (A) against the internally generated airborne noise and 62d.B (A) against impact noise to the satisfaction of the Local Planning Authority.

Reason:-

To prevent noise nuisance to adjoining properties in accordance with the recommendations of Planning Policy Guidance Note 24 "Planning & Noise" 1994, and in order that the development accords with the Development Control Policies Development Plan Document Policies DC55 and DC61.

11. Restriction of use

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 the ground floor use of the building to the site frontage shall be for Dental Surgery purposes only and shall exclude all other uses whatsoever, including any other use in Class D1 of the Order, without prior consent in writing of the Local Planning Authority.

Reason:

To restrict the use of the premises to one compatible with the surrounding area and to enable the Local Planning Authority to exercise control over any future use not forming part of this application, and that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61.

12. Wheel washing

Before the development hereby permitted is first commenced, details of wheel scrubbing/wash down facilities to prevent mud being deposited onto the public highway during construction works shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be permanently retained

and used at relevant entrances to the site throughout the course of construction works.

Reason:-

In order to prevent materials from the site being deposited on the adjoining public highway, in the interests of highway safety and the amenity of the surrounding area, and in order that the development accords with the Development Control Policies Development Plan Document Policies DC61 and DC32.

13. Hours of construction

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

Reason:-

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

14. Construction Methodology

Before development is commenced, a scheme shall be submitted to and approved in writing by the Local Planning Authority making provision for a Construction Method Statement to control the adverse impact of the development on the amenity of the public and nearby occupiers. The Construction Method statement shall include details of:

- a) parking of vehicles of site personnel and visitors;
- b) storage of plant and materials;
- c) dust management controls;
- d) measures for minimising the impact of noise and ,if appropriate, vibration arising from construction activities;
- e) predicted noise and, if appropriate, vibration levels for construction using methodologies and at points agreed with the Local Planning Authority;
- f) scheme for monitoring noise and if appropriate, vibration levels using methodologies and at points agreed with the Local Planning Authorities;
- g) siting and design of temporary buildings;
- h) scheme for security fencing/hoardings, depicting a readily visible 24-hour contact number for queries or emergencies;
- i) details of disposal of waste arising from the construction programme, including final disposal points. The burning of waste on the site at any time is specifically precluded.

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

Reason:-

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

15. Works to highway

Prior to the commencement of the development, details of the proposed works affecting the public highway including the loading bay shall be submitted to and approved in writing by the Local Planning Authority and all necessary legal agreements secured. The works shall be carried out in full and in strict accordance with the approved details prior to the first occupation of the development and thereafter permanently retained.

Reason:

In the interests of highway safety.

16. Cycle parking

Prior to the first occupation of any of the dwellings, secure cycle parking space shall be made available within the site for the parking of bicycles, as shown on the plans hereby approved, in accordance with standards contained within the Core Strategy and Development Control Policies Development Plan Document. Thereafter, the cycle parking facilities shall be permanently retained.

Reason:

In the interests of promoting alternative, sustainable means of travel to and from the site.

17. Waste Management Scheme

Prior to the first occupation of any of the residential dwellings hereby permitted a waste management scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme, which shall thereafter be permanently maintained, shall include details of the method and location of refuse storage and recycling, together with arrangements for refuse disposal on collection days. At all times, including collection day, all refuse shall be properly contained within the site and shall not be stored or deposited elsewhere unless previously agreed in writing by the Local Planning Authority.

Reason:

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

18. Waste management - surgery

Prior to the first occupation of the dentists surgery hereby permitted a waste management scheme for dealing with all waste generated by the surgery shall be submitted to and approved in writing by the Local Planning Authority. The scheme, which shall thereafter be permanently maintained, shall include details of recycling and the method of refuse storage together with arrangements for refuse disposal. All refuse shall be properly contained within the approved facility and shall not be stored or deposited elsewhere unless previously agreed in writing by the Local Planning Authority.

Reason:

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

19. Secured by Design

Prior to the commencement of the development hereby permitted, a full and detailed application for the Secured by Design scheme shall be submitted to the Local Planning Authority, setting out how the principles and practices of the aforementioned scheme are to be incorporated. Once approved in writing by the Local Planning Authority in consultation with the Havering Crime Prevention Design Advisor, the development shall be carried out in accordance with the agreed details.

Reason:

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

20. Contaminated Land

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

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

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 Local Planning Authority; 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.

21. Boundary Treatment

Prior to the commencement of the development hereby approved, details of the proposed boundary treatment shall be submitted to and agreed in writing by the Local Planning Authority. The development shall then be carried out and completed in accordance with the agreed details, which shall be retained permanently thereafter to the satisfaction of the Local Planning Authority.

Reason:

In the interests of privacy and amenity and to ensure a safe and secure development.

22. External Lighting

Prior to the commencement of the development hereby approved, details of any external lighting to the site shall be submitted to and agreed in writing by the Local Planning Authority. The external lighting shall then be installed in accordance with the agreed details and retained permanently thereafter to the satisfaction of the Local Planning Authority.

Reason:

In the interests of amenity and site security.

23. Parking Management Strategy

Prior to first occupation of the development hereby permitted, a parking management strategy including details of allocation of spaces to both the D1 and C3 use shall be submitted to and agreed in writing by the Local Planning Authority. The strategy should further ensure that no vehicles shall be parked at the front of the premises and that the forecourt shall remain permanently unobstructed at all times. Thereafter this provision shall be made permanently available for use in accordance with the approved scheme unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure that adequate car parking provision is made available off street in the interests of highway safety and amenities of the prospective occupants.

24. Traffic Management System

Prior to first occupation of the development hereby permitted, a traffic light based management system for vehicles using the car park and driveway shall be installed in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The system shall be retained permanently thereafter in strict accordance with the approved details.

Reason: In the interests of highway safety and that the development accords with Policy DC32 of the LDF Development Control Policies DPD.

INFORMATIVES:

1. Reason for Approval:

It is considered that the proposal satisfies the relevant criteria of Policies CP1, CP2, CP4, CP9, CP10, CP17, DC2, DC3, DC4, DC16, DC32, DC34, DC35, DC36, DC40, DC51, DC55, DC56, DC61, DC62, DC63 and DC72 of the Core Strategy and Development Control Policies Development Plan Document together with Policies 2A.1, 2A.8, 3A.1, 3A.2, 3A.3, 3A.4, 3A.5, 3A.6, 3A.20, 3A.21, 3C.1, 3C.19, 3C.23, 3D.1, 4A.20, 4B.1, 4B.3, 4B.5 and 4B.6 of the London Plan. The proposals, although not strictly in accordance with Policy DC33 are considered an appropriate

use within this location and would add to and improve on the vitality and viability of the Hornchurch District Centre generally.

2. The developer should ensure that highway outside the site affected by the construction works are kept in a clean and tidy condition otherwise action may be taken under the Highways Act.

3. The applicant is advised that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted, considered and agreed. Any proposals which involve building over the public highway as managed by the London Borough of Havering, will require a licence and the applicant must contact StreetCare, Traffic and Engineering on 01708 433750 to commence the Submission / Licence Approval process.

4. In aiming to satisfy condition 19 the applicant should seek the advice of the Police Crime Prevention Design Advisor. He can be contacted through the London Borough of Havering Development and Building Control or Romford Police Station, 19 Main Road, Romford, Essex, RM1 3BJ.

5. In order to comply with the Chronically Sick and Disabled Persons Act 1970, (as amended in 1976) and the Disabled Persons Act 1981, the access to the commercial unit hereby granted permission should not incorporate any raised threshold, and all doorways should be of sufficient width and of design, to enable easy access for wheelchairs and double buggies etc. The purpose of the legislation is to ensure that buildings, which the public have access to, should have entrances and exits designed to enable easy passage by people with disabilities, the elderly and infirm and people with small children.

6. There are public sewers crossing the site and no building works will be permitted within 3 metres of the sewers without Thames Water's approval. Should a building over/diversion application form or other information relating to Thames Waters assets be required, the applicant should contact Thames Water Developer Services on 0845 850 2777.

7. Planning Obligations

The planning obligations recommended in this report have been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the obligations are considered to have satisfied the following criteria:-

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

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

fee of £85 per request (or £25 where the related permission was for extending or altering a dwellinghouse) is needed.

REPORT DETAIL

1. Site Description

- 1.1 The application site is a rectangular parcel of land covering an area of 0.076 hectares located on the northern side of High Street, Hornchurch. The application site includes the comprehensive site area of properties at No's 23 to 27 High Street which comprises three retail shop units and first floor flats. The two storey terrace block is currently vacant and is in a poor state of disrepair. Ground levels are generally flat and set lower than adjacent properties to the rear of the site. The site is not currently served by any access roads.
- 1.2 To the north are bungalows and to the northwest are semi detached two storey residential properties with the Mecca Bingo building to the east. To the west is the Hornchurch Methodist Church and on the opposite side of the road to the south is a mix of two storey residential properties. Flatted developments can be seen opposite the site on the corner of the junction between High Street and Abbs Cross Gardens, as well as behind the two storey houses facing High Street at Victor Approach.
- 1.3 The site is located within Hornchurch District Centre and does not form part of any other designated policy area as identified within the Local Development Framework Proposals Map.

2. Description of Proposal

- 2.1 Permission is sought to restore the existing premises on site, creating a dentist surgery at ground floor and retaining the three flats at first floor level. In addition to the restoration of the existing building a detached block is proposed to the rear of the dwelling comprising 4 No. 2 bedroom self contained flats.
- 2.2 The D1 dental surgery is proposed at ground floor level occupying approximately 161sq.m of commercial floorspace. This is a reduction of that which was previously approved under P0929.09. The unit would contain 5 consulting rooms, staff room, a secure clinical waste store, office sterile room, x-ray room and suitable toilet facilities. The surgery would employ 3 dentists and 3 hygienists (all of whom will be part time) 3 dental hygienists and 2 receptionists. Opening hours proposed will be between 09:00am and 06:00pm on Mondays to Fridays.
- 2.3 The new block of flats to the rear would be 16m wide, 10.8m deep and approximately 6.8m high to the roof ridge. The proposed flats would be

constructed over two floors consisting of 2 No. flats each to the first and second floor. To the rear of the proposed block will be a total of 126 square metres of communal garden space for the use of the flats. The detailed design of this space will be reserved for future consideration by condition, as will any additional boundary treatment. Car parking would be provided for 7 vehicles of which 4 spaces would be allocated to the new block of flats. In addition to the car parking there would also be secure parking for 4 cycles to the rear and additional stands to the front of the building.

- 2.4 The vehicular access to the site would be from Hornchurch High Street leading to the surface car park at the rear. The parking would be allocated to both the commercial and residential elements of the site. A passing place and 4 pedestrian safety bollards are proposed adjoining the vehicular access. The scheme would further be serviced by a bin storage area to the side of the block of flats.

3. Relevant History

- 3.1 A0050.02 1 x double sided freestanding advertisement display unit - retrospective - Approved (relates to no. 23 High Street).
- 3.2 P2044.08 Demolition of existing shops with flats over and erection of new D1 commercial unit with 8 flats over and an associated basement car park - Approved.
- 3.3 P0929.09 - Demolition of existing shops with flats over and erection of new D1 commercial units with 8 flats over and surface car parking and roof terrace - Approved with Conditions.
- 3.4 P0741.11 - Restoration of existing building creating dentist surgery on ground floor, with 3 no. self contained apartments over. Extensions to the rear incorporating 5 no. apartments with associated car parking - Withdrawn
- 3.5 P0784.11 - Restoration of existing building and conversion of the ground floor to a dentists surgery. Construction of a detached block to the rear of the site comprising 5 two bedroom apartments - Refused by Regulatory Services Committee on 25/08/2011

4. Consultations/Representations

- 4.1 65 neighbouring and nearby properties were notified of the application by individual letters. Two letters of representation have been received, one in support and one objecting to the proposal on the grounds of overlooking and noise pollution.
- 4.2 Thames Water states that no building works will be permitted within 3 metres of the existing public sewers and requires a separate building over/diversion application.

- 4.3 The Crime Prevention Design Adviser raises no objection to the application subject to 'Secure by Design' conditions.
- 4.4 Environmental Health requested noise conditions and further site investigations for potential soil contaminants and pollutants.
- 4.5 Highways have no objection to the proposal provided that a planning obligation in the form of a section 106 agreement totalling £12,000 is provided.

5. Relevant Policies

- 5.1 Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP4 (Town Centres), CP9 (Reducing the need to Travel), CP10 (Sustainable Transport), CP17 (Design), DC2 (Housing Mix and Density), DC3 (Housing Design and Layout), DC4 (Conversions to Residential and Subdivision of Residential Uses), DC16 (Core and Fringe Frontages in District and Local Centres), DC32 (Road Network), DC33 (Car Parking), DC34 (Walking), DC35 (Cycling), DC36 (Servicing), DC40 (Waste Recycling), DC51 (Water Supply, Drainage and Quality), DC55 (Noise), DC56 (Light), DC61 (Urban Design), DC62 (Access), DC63 (Crime) and DC72 (Planning Obligations) of the Core Strategy and Development Control Policies Development Plan Document are considered to be relevant.
- 5.2 The Residential Extensions and Alterations SPD is also considered to be relevant.
- 5.3 Policies 2.15 (town centres), 3.2 (improving health), 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 3.17 (health and social care facilities), 6.1 (strategic transport approach), 6.9 (cycling), 6.10 (walking), 6.12 (road network capacity), 6.13 (parking), 7.2 (inclusive environment), 7.3 (designing out crime), 7.4 (local character), 7.5 (public realm), 7.6 (architecture) and 7.15 (reducing noise and enhancing soundscapes) of the London Plan July 2011 are further material considerations, together with PPS1 (Delivering Sustainable Development), PPS3 (Housing) and PPG13 (Transport).

6. Staff Comments

- 6.1 The main considerations in this case are the principle of a mixed use residential/commercial development, the impact of the development in the street scene, impact on the amenities of adjoining occupiers, amenity space, highway and parking issues.
- 6.2 Background
 - 6.2.1 On 25 June 2008 the Regulatory Services Committee granted planning permission under application P2044.08 for a scheme which involved the demolition of the existing building on the site and its replacement by a

building with basement car parking, ground floor D1 use and two floors of 8 flats (6 x 1 bedroom and 2 x 2 bedroom)

6.2.2 A second application under P0929.09 was approved on 28 August 2010. This application was similar to the previous application but with surface car parking rather than basement parking.

6.2.3 A third application under P0784.11 was significantly different from the previous approval and was refused planning permission by the Regulatory Services Committee for the following reason: The proposal, by reason of the width, bulk, massing and design of the building to the rear of the site, would be a visually intrusive development and would appear as an overbearing addition from within the rear garden environment to the north of the site, and would be materially harmful to local character and neighbouring residential amenity.

6.2.4 The current scheme proposes a significant reduction in the bulk and size of the building to the rear of the site. The acceptability of these changes will be evaluated later in this report.

6.3 Principle of development

6.3.1 This site is identified in the LDF Proposals Map as forming part of the fringe area of the Hornchurch District Centre.

6.3.2 Policy DC16 in the LDF Development Control Policies DPD states that non retail uses in fringe areas will be granted at ground level provided that the use has an active frontage, is open during shopping hours and would not significantly harm the character, function and vitality and viability of the centre.

6.3.3 It is acknowledged that the existing commercial premises at ground floor are currently vacant and the Applicant advises that they have been for over 7 years. The building is in a poor state, is not considered to be of any special architectural merit and does not compliment the existing streetscene. No objections are therefore raised in principle to its redevelopment.

6.3.4 It is considered that the proposed D1 service use on the ground floor would add to the vitality and viability of this part of the centre. The practise would be open during normal shopping hours (9am to 6pm on Mondays to Fridays) and would provide a new active frontage. Policy 3.17 of the London Plan supports the provision of social and health care facilities, particularly in areas of easy accessibility..

6.3.5 Policy CP1 of the LDF Core Strategy promotes housing development on brownfield land, high density mixed use development within District Centres and bringing vacant properties back into use. The principle of residential use above ground floor commercial units has already been established by the former residential units on the first floors of the building as well as buildings

further along the High Street. The site is therefore suitable for housing development and consistent with Policy CP1.

- 6.3.6 The provision of additional housing is consistent with PPS3 as the development is re-using urban land. Furthermore, the proposal is in accordance with Policy 3.3 of the London Plan which seeks to increase London's supply of housing.
- 6.3.7 The site does not form part of any other pertinent policy designation that would prevent the proposed mixed use development of the site. The principle of residential/commercial D1 use is therefore considered acceptable in land-use terms

6.4 Density/Site Layout

- 6.4.1 In density terms Policy DC2 identifies the application site as ranked within a Public Transport Accessibility Level Zone (PTAL) of 3-4, with the density recommendation being 50-110 units per hectare. The proposed development would result in 87.5 units per hectare based on the 0.08ha site area. This is within the range anticipated. However, density is just one yardstick against which a scheme should be judged.
- 6.4.2 In layout terms the buildings would be set off from the common boundary with the Mecca Bingo Club and no. 29 High Street and separated from these neighbours by a driveway. The proposed block of flats would also be set in 6m from the rear boundary of the site at its closest point and 5.75m and 4m from the Bingo Hall and Church respectively.
- 6.4.3 No concerns are therefore raised to the spacing between building blocks. It is considered that the proposed layout would maintain and improve on the existing gaps between the site and adjacent buildings.
- 6.4.4 The proposed shared garden area to the rear would provide a limited amount of amenity space when considering the amount of residential units provided. The site however is located within a town centre location where residential uses are provided with limited or no open green space and a reasonable reduction in amenity space could therefore be considered. The Residential Design SPD states that communal amenity space will be expected on all flatted schemes. Communal amenity space should be designed to be private, attractive, functional and safe. The amenity space provision is considered, in principle, to meet these requirements.
- 6.4.5 Other mixed used developments in the area, in particular the recent development at the former Lloyds No. 1 public house at 168 High Street, which involved 6 apartments, have been approved with less or no amenity space provision. It is therefore considered, in this case, that the provision would be acceptable within this town centre location. It is therefore considered that the limited amount of amenity space provided would not be so significant as to warrant grounds for refusal. Members may however wish

to exercise their discretion with regards to the level and quality of amenity space provided.

6.4.6 The proposed block to the rear of the site is not considered to have a particularly high quality setting, being within an almost entirely hard surfaced environment, which is used as a parking and manoeuvring area. This could potentially give rise to an unacceptable degree of amenity for future occupiers of the proposed development and Members may consider this to comprise sufficient grounds for refusal. Staff have however had regard to the fact that the constraints of the site, including the retention of the frontage buildings and the consequent space remaining for parking provision, make it difficult to achieve a more spacious, softer setting for the development. This type of living environment is a consequence of denser forms of development and Members may agree it is not an unusual arrangement in a town centre environment and thereby not materially harmful to local character. The suitability of this arrangement for prospective residents would largely be a matter of individual choice.

6.4.7 Whilst staff consider a more spacious, landscaped layout would be preferable it must be weighed against the opportunity to create the density of development proposed within this town centre location and the parking and servicing demands of this mixed use development. On balance, staff consider the setting of the building to be acceptable.

6.5 Design/Impact On Street/Garden Scene

6.5.1 In terms of design, the proposed dentist surgery and residential uses above would look similar to the existing structure, no impact would therefore result from a streetview perspective.

6.5.2 The new block of flats would be situated to the rear of the property and would only be obliquely visible in the streetscene as it would be screened by the existing buildings along High Street. The scale and siting of this building is judged to be in scale with the buildings in the surrounding area. The height would be lower than that of the structure to the front of the site and would maintain the character in the surrounding area in terms of massing. The new building would be set in from the flank and rear boundaries, maintaining a sufficient gap between neighbouring properties.

6.5.3 The current proposal has addressed previous concerns raised relating to the overall design and visual impact of the block to the rear of the site, specifically with regard to the rear elevation of the proposed building. The design of the building has been amended to address concerns in this respect. This has included the significant reduction in overall height of the building from 9.58m to 6.75m which has resulted in the loss of the unit in the roof space and the lowering of the eaves height of the hipped roof. The revisions have reduced the bulky and top heavy appearance of the previous scheme and is considered to be visually acceptable when viewed from the rear garden environment.

- 6.5.4 Staff acknowledge that issues relating to the design and visual impact of the building are a matter of judgement and that Members may consider the proposal to continue to be unacceptable in this respect. However, staff consider in this case that the previous concerns raised regarding the design and visual impact of the rear block to have been sufficiently addressed and is no longer grounds for refusal.
- 6.5.5 It is considered that the design, render and colouring proposed for the development would be acceptable. Details of materials to be used could be secured on the grant of any planning permission via condition. Furthermore, the refurbishment of the existing vacant dilapidated building and redevelopment would enhance the appearance and attractiveness of the site. There is scope to achieve appropriate boundary treatment to the rear of the site through planning conditions.
- 6.5.6 The internal arrangement of habitable space would further ensure no detrimental impact is experienced to the amenities of prospective occupiers in terms of disturbance, consistent with Policy DC61.
- 6.5.7 The waste generated by the proposed dental surgeries would be stored within an enclosed room inside the building designed to meet the requirements of such uses. A condition could be recommended on any grant of planning permission to ensure this element can accommodate the required volume of waste and is constructed to an acceptable design.
- 6.5.7 The location of refuse storage serving the residential units has changed since the last approval and would now be sited to the eastern side of the block of flats. This would now fall within the required 25m distance from the adjacent highway. No details of the management of refuse disposal have been submitted, although it is considered that a management plan could ensure that bags or wheelie bins could be taken to an area to the front on collection days. A condition is recommended to secure further details relating to the refuse disposal arrangements.
- 6.6 Impact on Amenity
- 6.6.1 The area surrounding and adjacent the site is predominantly commercial in nature including a church hall with residential properties opposite the site and further along the High Street. In terms of amenity issues, consideration must be given to the existing residential uses to the north of the site as well as the church to the west which would be most affected by the development. Given the commercial nature of the unit no. 29 High Street to the east, no significant impact is anticipated and the unit already experiences general prevalent day time operational noise.
- 6.6.2 The proposed flats to the upper floor of the existing building to the front of the site would not have an unacceptable impact on the neighbouring properties as the first floor windows would be serving a hallway and a landing. In order to prevent any direct overlooking from windows to the upper floor levels facing onto the adjacent properties, it is recommended by

way of condition to secure obscure glazing of these windows. Furthermore, it is not considered that the windows to the rear of the frontage block would cause overlooking to the properties at the rear of the site in Fairkytes Avenue as any overlooking would be prevented by the construction of the block of flats to the rear of the subject site.

- 6.6.3 Although there would be limited impact to neighbouring amenity from the existing building to the front of the property, the proposed block of flats to the rear may result in some impact on neighbouring amenity to the residential properties to the rear and the church to the west. The block of flats contains first floor rear bedroom windows, which face north towards the rear boundary of houses in Fairkytes Avenue. The building is 6m from the shared boundary. Members may consider that this arrangement would lead to unacceptable overlooking of the neighbouring rear gardens. However, staff have had regard to the 25m plus back to back distance between the new block and the properties to the rear and the relatively limited size of the window openings and conclude, on balance, that no material harm through loss of privacy would occur.
- 6.6.4 Upper floor windows are also proposed to the flank elevations serving kitchens. However, given the non-residential uses of the properties to the west and east of the subject site, Staff do not consider these windows to result in an unacceptable impact in terms of overlooking. These are secondary windows to a kitchen/living room. Therefore, if Members consider it necessary, consideration could be given to an appropriate obscure glazing condition if permission were granted to ensure that no demonstrable harm would occur.
- 6.6.5 Staff do recognise that the construction of the block of flats within 6m of the rear boundary would have an impact on the outlook of the residential properties to the rear of the application site. However, Staff consider that the changes made to the height of the roof and subsequent drop in eaves line to the current proposal to have sufficiently addressed previous outlook concerns. The building is now of such a height that material loss of amenity is not considered to result. The impact of the development could be further mitigated by boundary vegetation as illustrated on drawing No. BRD/11/015/08 Rev A. Whilst staff accept this is a matter of judgement for Members, it is considered that the design and massing of the building and its relationship to the site boundary will be acceptable and will not result in a materially harmful to neighbouring residential amenity
- 6.6.6 The development creates the potential for noise generation from the use of the communal open space and the car park, which could have an adverse impact on the amenity of neighbouring occupiers. The proposed vehicular access would however be sited at a sufficient distance from residential properties as well as the church. Although the surface car park would be set nearer to the residential properties at No's 6 and 8 Fairkytes Avenue, no adverse additional impact is expected over and above that already experienced from the Mecca Bingo car park area which adjoins the common boundary with no. 8.

6.6.7 It is considered that the noise levels within the car park resulting from vehicular movements and general disturbance (doors shutting, engines and talking) would not be unreasonable. The open space provided to the rear, the distance from residential properties and screening of the rear boundary would further ensure that no significant noise would be experienced by neighbours.

6.7 Highway/parking Issues

6.7.1 In respect of car parking, the guidance contained in Policy DC33 advises that 1.5 to 1 car parking spaces should be provided to each unit in this location. Furthermore the proposed D1 use would require 1 parking space per practitioner plus 1 per 2 additional staff and 2 per consulting room. The D1 unit would accommodate 4 consulting rooms with 7 full time members of staff and 2 part time (a total of 9).

6.7.2 Based on the above a maximum of 25 car parking spaces should be provided. A total of 8 car parking spaces would be required for the residential element and 17 spaces to the commercial use. The proposed 7 car parking spaces could therefore only provide a third of the required maximum car parking spaces. Given the site's good PTAL (Public Transport Accessibility Level) of 3-4 and proximity to public car parks in the area, the level of parking is considered consistent with both national and local policy requirements.

6.7.3 In support of their application, the applicant states that 3 dentists and 3 hygienists using the practise will be working on a part time basis. The applicant also states that the surgery is an existing practise in the area that is re-locating to this site and that many of the patients and staff will be able to walk to the surgery. The applicant has submitted an appendix to their application from the local PCT indicating the dental practises in the area that have no, or little car parking. Furthermore, with regards to the car parking allocation, the applicant suggests that the dental surgery would be positioned in close proximity to a large public car park, which should reduce the need for car parking spaces for the surgery.

6.7.4 Parking is provided at one space per flat to the new block of flats to the rear with the remainder allocated to the staff of the commercial unit. The use of the dental surgery between normal trading hours and limited hours on Saturdays would leave the car park open solely to residents for most part of the weekend and evenings. The scheme further proposes two separate cycle storage areas for use by the residential and commercial units which is consistent with requirements for both residents and staff of the dental practise. This would promote green travel and reduce the need to travel by car.

6.7.5 The proposed new crossover and vehicular access off High Street would incorporate a passing area and 4 pedestrian safety bollards to the site forecourt. The proposed vehicular access point would provide adequate

access to the site with sufficient visibility splays. Both the parking and access arrangement has been agreed with the Council's Highway officers.

- 6.7.6 The site layout as proposed does not provide adequate servicing by larger vehicles, in particular refuse lorries. It has however been agreed with the applicant to provide a loading bay which would form part of the highway regeneration aspirations for Hornchurch, which would be located on Hornchurch Road in front of the site. The financial obligation is secured by way of Section 106 Agreement. Any alterations with regards to the existing pedestrian footway should be submitted to ensure that sufficient space would be maintained for the unobstructed and free flow of pedestrian traffic whilst enabling the servicing of the site without obstructing the free and safe flow of vehicular traffic on High Street.
- 6.7.7 The proposed access and parking arrangements are not considered to significantly add to additional local traffic and would not cause adverse conditions to highway safety. The proposed layout and servicing of the site would ensure that no adverse effect is experienced by pedestrians or motorists and would be consistent with Policies DC32 and DC36.
- 6.7.8 The proposals would be consistent with Policies DC32, DC33 and DC36 subject to the satisfactory completion of a Section 106 Agreement and a Section 278 Agreement under the Highways Act, together with standard conditions.

6.8 Other Issues

- 6.8.1 A hard and soft landscaping condition could secure appropriate replacement planting to compensate for the removal of trees to the rear of the site and also to improve the residential setting within the central part of the site. The loss of the unreserved trees to facilitate the development is considered to be acceptable.
- 6.8.2 Given the scale of development there would be no implications in terms of affordable housing or education contributions or any other obligations as expressed within Policy DC72.

7. Conclusion:

- 7.1 The proposed mixed use scheme is considered to be acceptable in principle. The impact of the frontage development is considered acceptable, as is amenity space provision within the site.
- 7.2 The overall scale of the development is considered acceptable and previous concerns regarding the bulk, massing and design of the block to the rear have been sufficiently addressed. The proposal is considered to be visually acceptable when viewed from residential properties to the rear of the site. The proposal is considered to be acceptable in terms of car parking subject to a Section 106 agreement for the provision of a loading bay. Staff therefore recommend approval of planning permission.

IMPLICATIONS AND RISKS

Financial implications and risks:

None

Legal implications and risks:

A S106 legal agreement needs to be drafted

Human Resources implications and risks:

None

Equalities implications and risks:

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

BACKGROUND PAPERS

Application form, plans and supporting statements received on 8 September 2011.



Regulatory Services Committee

8 December 2011

Item 10

OUTSIDE STATUTORY PERIOD

Page No.	Application No.	Ward	Address
1-11	P0783.11	Harold Wood	The Old Forge, Hall Lane, Upminster
12-21	P1223.11	Rainham & Wennington	Unit 6, Albright Industrial Estate, Ferry Lane North, Rainham

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REGULATORY SERVICES COMMITTEE

8th December 2011

OUTSIDE STATUTORY PERIOD

APPLICATION NO:	P0783.11	
WARD :	Harold Wood	Date Received: 25th May 2011
ADDRESS:	The Old Forge Hall Lane, Upminster	
PROPOSAL:	Factory to be demolished and construction of 4no. three bedroom dwellings (2no. semi-detached) revised plans received 1/8 and 23/8	
DRAWING NO(S):	673/5044/2; 996/03 996/01B	
RECOMMENDATION :	It is recommended that planning permission be GRANTED subject to conditions given at the end of the report.	

SITE DESCRIPTION

The site comprises a commercial building in the Metropolitan Green Belt. The site area is 0.22ha (including an adjoining area within the ownership of the applicant and land levels rise to the rear (east) and rise to the south side, although the highway itself falls to the south.

The surrounding area is mainly open, however there are a few residential properties to this side of Hall Lane including Four Wantz (north) and the Four Wantz Cottages (south), all within the Metropolitan Green Belt. There are also a small number of farm-related buildings in the locality.

DESCRIPTION OF PROPOSAL

The proposal is for the demolition of the existing light industrial building and the construction of 4 houses arranged as two pairs of semi-detached houses.

The proposed houses would be located some 20m from the rear edge of the highway. The houses would be located 1.8m from the shared boundary with Four Wantz. The existing raised embankment which would be to the south of the application site (within the applicant's ownership) would be retained as an open grassed area with the nearest property's flank wall located between 0.75m and 0.9m from the proposed new southern boundary. Units 1 and 2 to the northern part of the site would be located in a setback position 3m behind Units 3 & 4 on the southern part. Rear amenity space would be provided to each property.

Each property would be 5m wide and have a depth of 10m with gabled side elevations with maximum ridge heights of 7.8m above ground level. The houses would be of a chalet-bungalow style with the first floor accommodated within the roof area with large dormer windows to the front and rear of the properties. Two parking spaces would be provided to the front of each property with a second vehicular access being formed to the southern part of the application site to create a shared in-out access for the four houses. There would be substantial planting areas of around 6m in depth provided either side of each access point. Visibility splays would be provided with low shrubs to each access.

A special circumstances case has been put forward which can be summarised as follows:

- the proposal would remove an inappropriate and "non-conforming" use in the green belt
- it would reduce the volume of buildings at the site and allow gardens which would increase the openness of the site

REGULATORY SERVICES COMMITTEE

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OUTSIDE STATUTORY PERIOD

- there would be a lack of interest in the site for the present use due to it being in an awkward place and that it cannot be extended
- the building has been extended in an add-hoc fashion and cannot be easily converted and there would be no amenity space or car parking if conversion was undertaken
- significant reduction in traffic from the current 19 staff cars parked all day, 3 fitters vans and sub contractors in and out all day and material deliveries two or three times a day and 3 or 4 times a year a 1,200 gallon delivery of diesel oil
- the proposed complete redevelopment would enable a more sensible layout and more visually appealing development to be provided
- the proposed type of dwellings would be feasible
- other development in the locality, including the old abattoir site and sites of disused agricultural buildings, set a precedent for development of this site in the green belt
- the significant set back allows screening of the development

RELEVANT HISTORY

P0251.95 - Educational resource building (temporary permission) - Refused 12-05-1995

P0598.90 - Single storey side extension - light industrial (assembly of window blinds) - Additional plans received 9/11/90. Revised landscaping plans received 27/ 12/90 - Approved s.t.legal agreement 10-08-1992

CONSULTATIONS/REPRESENTATIONS

8 adjoining occupiers were notified for the proposal. There were 7 correspondence items received from 6 addresses objecting on the following grounds:

- out of keeping with existing housing development in this rural part of Hall Lane
- height is unacceptable
- there is a large area of open land within the site and this application raises concerns as to what will happen with it
- green belt in Hall Lane is constantly under threat and all development must be opposed
- the proposed dwellings lack character and would not enhance the rural setting
- the proposed style and appearance would not blend with surroundings
- proposed increase in traffic on this very busy and dangerous road will not help/could make it worse
- increased noise pollution and traffic especially in the evening and at weekends
- overlooking/loss of privacy
- loss of view
- overshadowing of neighbouring garden
- the height would be double that now; other recent development has had to be lowered to protect the views from Four Wantz
- parking proposed is excessive and would appear as a car park
- the houses would be crammed in
- hardstanding at the site has not been authorised
- details in the submission are misleading and incorrect
- alternative development may be acceptable
- the factory building has been in constant use for 37 years, has never been vacant and could continue
- the proposed development would be unsympathetic
- the site is within the Thames Chase Community Forest area
- it will devalue existing property
- the applicant has deliberately let the unit run down and inflate the rental rate in the hope of getting planning permission

REGULATORY SERVICES COMMITTEE

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OUTSIDE STATUTORY PERIOD

- semi-detached pairs would not be in character in the area
- there are no services or facilities near the site and therefore they would not be suitable for family accommodation; older people would prefer single-storey
- contrary to Planning Policy in the LDF
- there is a need to strongly resist all development in the green belt
- density is too high on this very small site
- extensions etc would cause the site to become ugly and congested and would not retain the semi-rural character
- the car park to the front will be visible from the road; screening can easily be removed afterwards
- other sites have been sold off and this would set a precedent for a small housing estate

A petition signed by 11 signatories objects to the proposal on the grounds that it would not be in keeping, the houses would be too high, not in keeping with the rural side of Hall Lane, have an unacceptable appearance and character in relation to existing residential development and result in increased traffic every day of the week and that no change of use has been advised to residents.

Following revisions two further responses were received: one reiterating earlier comments; and, the second raising concerns regarding an adjoining row of conifers located on the boundary and whether they may be damaged during construction or whether they may damage the new buildings in future.

Thames Water have written to advise that they do not have any objection to the proposal regarding sewerage infrastructure. They remind the developer that it is their responsibility to make proper provision for surface water drainage and advise that their prior approval would be needed together with a ground water discharge permit during construction.

The London Fire Brigade have written to advise that they would not require any additional hydrants to be installed.

English Heritage have written to advise that there is no requirement for any archaeological investigation.

The Metropolitan Police's Crime Prevention Design advisor has responded to consultation. He suggests that conditions are attached to any consent to improve the safety design aspects of the scheme.

RELEVANT POLICIES

LDF: DC2, DC3, DC45, DC55, DC60, DC61

The London Plan: 3.3, 3.4, 3.5, 3.8, 6.9, 6.13, 7.3, 7.4, 7.6, 7.16

Other: PPG2 (Green Belts); SPD Residential Design, SPD Residential Extensions and Alterations, SPD Landscaping.

STAFF COMMENTS

The main issues are the principle of the development, impact on the open character of the green belt, density, impact in the streetscene, impact on residential amenity and highways/parking.

PRINCIPLE OF DEVELOPMENT

Policy DC45 (supported by PPG2 and The London Plan Policy 7.16) indicates that residential

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development within the green belt is inappropriate development and therefore unacceptable in principle.

In line with PPG2 such inappropriate uses may only be acceptable if very special circumstances exist which outweigh the in principle harm together with any other harm, such as loss of openness. Prior to any special circumstances case being considered any harm to other areas of acknowledged interest is first assessed.

GREEN BELT IMPLICATIONS

The proposal would result in the removal of an existing building which has been extended over time such that it extends from a position approximately 12m back from the rear edge of the highway to approximately 50m back from the same edge. The building is single-storey however it has a 4.3m high gabled front elevation with parts of the building being 3.5m above ground level; the latter rises to the rear of the application site. The existing building has a square meterage of 469 square metres with the proposed houses being 362 square metres (on two floors). In respect of volume, the existing buildings have a volume of 1,105 cubic metres with the new dwellings having a volume of 1,058 cubic metres.

Whilst there would be a significant reduction in the amount of building footprint from 469 Sq. metres to 201 sq.m there would be a relatively small reduction in the volume of buildings at the application site, it is considered that due to the increased height (ridge is at 8m above ground level) of the houses relative to the existing building and their alignment north/south rather than the existing arrangement which is east/west, the proposed development would have a more visible presence when viewed directly from the highway than the current buildings. However, there is a significant screen hedge to the northern boundary with Four Wantz and the retained open space to the south is on a ground level between 1-2m higher than the application site. It is considered therefore from longer distance views that the houses would not be visible or only visible in part, particularly once the 6m deep landscaping area to the front of the properties becomes established.

It is therefore considered that the proposal would result in an overall environmental improvement to the application site and that the proposed landscaping measures would significantly improve the current verdant-deprived areas to the front and northern side of the existing elongated industrial building.

DENSITY/SITE LAYOUT

The proposal is for 4 houses on a site of 0.125 hectares. In this location with a low public transport accessibility level, the residential density range is between 30 and 50 units per hectare. The proposal would have a density of 32 units per hectare which would fall within this range.

The site would be laid out with a deep landscaping area to the front with parking spaces provided in curtilage to the front of each house. To the rear of each house a garden, each approximately 108 sq.m, would be provided. Staff therefore consider that the proposed layout would be acceptable.

DESIGN/IMPACT ON STREET/GARDEN SCENE

The proposed development would result in the removal of existing low level buildings and their replacement with residential accommodation. While single storey, substantial accommodation would be made at first floor level such that the roof heights would significantly exceed that currently at the application site.

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The proposal is for two pairs of semi-detached houses which, whilst neither detached such as Four Wantz, or a terrace such as Four Wantz Cottages, would not be so out of character with the particularly limited existing residential development as to be considered unacceptable in terms of their impact on visual amenity.

The current building has a front elevation of 10.6m in width with a flat roof side extension of 4.2m; totalling 14.8m in width. The proposed dwellings would result in development across the site of 22m in width with a gap of about 2m in between. It is considered that in terms of the impact in the streetscene, while it is acknowledged that the existing building does extend to the side boundary at the rear, the proposed development would close the existing gap between the nearest building and the shared boundary with Four Wantz. Nonetheless, there is no definite character to the existing residential development such that the gaps themselves would not be unacceptable. As large/deep areas of landscaping would be provided to the front of the site this would help to screen the development and give it a more verdant appearance than the current arrangement.

The nearest building would be 1.8m from the shared boundary with Four Wantz. While the gap between buildings would be reduced, it is not considered that this would result in an over-dominant form of development in relation to that property. The proposed buildings would not be any closer to the Four Wantz Cottages than the existing building and would be on lower ground.

In relation to Four Wantz the proposed House 1 would be closer to the boundary with this existing building and would be set back from the highway by approximately 19m. As such approximately half of the building would extend beyond the rear of the existing development. Given the separation distance of a minimum of 11m, Staff consider that the proposed chalet bungalows would not have a significant adverse impact on the side/rear garden environment even though it would be located to the south of the existing development.

Staff consider that the proposal would have an acceptable impact on visual amenity in the streetscene and on the rear garden environment.

IMPACT ON AMENITY

The property mainly affected by the proposed development is Four Wantz. The proposed development would reduce the existing gap between buildings. Staff consider that while the main windows to the two-storey Four Wantz property are located in their southern and northern elevations, at a distance of 11m to the nearest side elevation of the proposed House 1, that there would be no significant loss of amenity to the existing occupier in part as the proposed development would be located on slightly lower ground levels than that at Four Wantz and as there is significant hedging to the shared boundary.

The window proposed at first floor level facing Four Wantz is to a bathroom. A condition could be attached to any grant of planning permission to require this window to be fitted with obscure glass and fixed shut to prevent any overlooking or loss of privacy to this occupier. Additionally a condition could be attached to prevent the provision of windows to the flanks of the substantial dormer windows.

The proposal would involve the provision of 8 parking spaces with an in-out driveway. Objections have been made that traffic noise would be generated at night and at weekends when the existing light industrial unit is normally shut. However Staff consider that the noise and disturbance generated in connecting with the occupiers/vehicles of four houses would not be so significantly greater than the existing noise and disturbance generated by the B1 Use as to

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refuse planning permission on these grounds, particularly bearing in mind that the proposal would remove a facility which currently has some large vehicles servicing it on a regular basis and staff parking in excess of that now proposed.

Staff consider there would be no significant harm to residential amenity of existing occupiers.

The proposal would have a layout and arrangement of outdoor amenity areas and parking facilities which would, in Staff's view, result in an acceptable level of amenity for new residential occupiers.

HIGHWAY/PARKING

In this location where there is a low public transport accessibility level 1.5 - 2 parking spaces is the range of expected provision. The proposal would provide 2 parking spaces in curtilage for each of the properties which would be in this range and is therefore acceptable.

Suitable conditions could be attached to any grant of planning permission to require appropriate cycle and refuse/recycling storage to be provided.

OTHER ISSUES

Secured by Design:

In order to ensure that the development would meet concerns raised in respect of design safety, a number of conditions relating to various security measures and requested by the CPDA advisor, will be attached to any grant of planning permission including that for Secured by Design accreditation, together with an informative.

Special Circumstances Case:

On the basis that harm has been identified, and in accordance with PPG2, it is appropriate to consider the special circumstances case put forward by the applicants.

Case : the proposal would remove an inappropriate and "non-conforming" use in the green belt
Officer Response: The proposal would remove an inappropriate use in the green belt and replace it with another inappropriate development. The removal of a light industrial use may be considered to be of general benefit, nonetheless the proposal cannot be justified solely on this basis

Case:it would reduce the volume of buildings at the site and allow gardens which would increase the openness of the site

Officer Response: While only a limited reduction in volume would be proposed, the amount of hardstanding and floor coverage of buildings would be significantly reduced and replaced by lawns. Providing that permitted development is restricted for outbuildings and extensions to the buildings the proposal would result in a more open site.

Case:there would be a lack of interest in the site for the present use due to it being in an awkward place and that it cannot be extended

Officer Response: The site has only recently become vacant just prior to the planning application being submitted. No marketing evidence has been submitted to verify this statement, nonetheless policy does not require this to be provided to justify development.

Case: the building has been extended in an add-hoc fashion and cannot be easily converted and there would be no amenity space or car parking if conversion was undertaken

Officer Response: It is recognised that the building has a number of different roof forms and

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shapes to its form. In respect of residential conversion it is unlikely that this could be effected in a satisfactory way as to provide amenity space and car parking due to the shape of the building and the open area to the south of the existing building does not form part of the application. The rationalising of this site in relation to residential development is therefore more compliant with the SPD on Residential Design.

Case: significant reduction in traffic from the current 19 staff cars parked all day, 3 fitters vans and sub contractors in and out all day and material deliveries two or three times a day and 3 or 4 times a year a 1,200 gallon delivery of diesel oil

Officer Response: There appears to be some dispute as to the actual number of vehicles using the site on a daily basis, nonetheless there is extensive hardstanding and the building is in Light Industrial Use. The impact on residential amenity is considered above and is considered to be acceptable in terms of traffic.

Case: the proposed complete redevelopment would enable a more sensible layout and more visually appealing development to be provided

Officer Response: This of itself would be expected of a redevelopment from B1 use to residential. However it is not considered that this represents a very special circumstance as this would be the case anywhere in the borough where such redevelopment is proposed. The visual acceptability of the scheme is considered above.

Case: the proposed type of dwellings would be feasible

Officer Response: The scale and form of development has been taken by the applicant who has looked at a number of different forms of development. The feasibility/sell-ability of what he has chosen is not of itself a planning issue.

Case: other development in the locality, including the old abattoir site and sites of disused agricultural buildings, set a precedent for development of this site in the green belt

Officer Response: Each case is considered on its planning merits. While other sites have been developed for housing in the green belt, the special circumstances case will clearly differ in each case and cannot be taken as a precedent for development elsewhere where exactly the same set of circumstances are unlikely to occur.

Case: the significant set back allows screening of the development

Officer Response: The proposal would allow some level of screening of the development, landscaping would not block the proposal from view, particularly in the short term whilst it becomes established. Nonetheless it is considered that the removal of the significant area of hardstanding and its replacement to the road frontage with soft landscaping would result in an improvement.

Staff consider that the reduction in the footprint of buildings at the application site would result in environmental improvements being made in the form of hardstanding and buildings being demolished and lawned and landscaping areas replacing them. Members may place different weight on the special circumstances case and conclude that they do not represent very special circumstances, nonetheless Staff consider that the circumstances do amount to those which are very special and needed to outweigh the presumption against development in the green belt, providing conditions are attached to restrict permitted development allowances, in accordance with PPG2 and DC45 of the LDF.

KEY ISSUES/CONCLUSIONS

The proposal would be inappropriate development and would give rise to harm to the open

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character of the green belt. However, the proposal would not result in any significant harm to residential amenity and would be acceptable in terms of its impact on visual amenity and highways/parking provision. Providing conditions are attached to restrict further otherwise permitted development, Staff consider that very special circumstances exist so as to outweigh the harm identified. Members may place different weight on the issues involved, nonetheless Staff consider that planning permission should be granted.

RECOMMENDATION

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

1. S SC4 (Time limit) 3yrs
2. S SC06 (Parking provision)
3. M SC09 (Materials)
4. M SC11 (Landscaping)
5. M SC13 (Screen fencing)

Before any of the buildings hereby permitted is first occupied, screen fencing of a type to be submitted to and approved in writing by the Local Planning Authority, 2 metres high shall be erected on the proposed new boundary to the south of the application site and to the shared boundary, details of any front boundary treatment should also be submitted. Such fencing shall be permanently retained and maintained thereafter to the satisfaction of the Local Planning Authority.

Reason:-

To protect the visual amenities of the development and to protect the open area and trees adjacent to the application site, and that the development accords with the Development Control Policies Development Plan Document Policy DC45 and DC61.

6. S SC14 (Sight lines)

Clear and unobstructed visibility splays 1.2m wide by 1.2m deep shall be provided to the satisfaction of the Local Planning Authority in the position shown on the submitted plans. The approved splays shall be kept permanently unobstructed thereafter to the satisfaction of the Local Planning Authority.

Reason:-

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

7. S SC32 (Accordance with plans)
8. SC34A (Obscure and fixed glazing)

The proposed flank windows to the first floor bathroom shall be permanently glazed with obscure glass and thereafter be maintained and permanently fixed shut to the satisfaction of the Local Planning Authority.

Reason:-

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9. SC44 (Noise Insulation - Dwelling) ENTER DETAILS

The buildings(s) shall be so constructed as to provide sound insulation of 45 DnT,w Ctr dB (minimum value) against airborne noise to the satisfaction of the Local Planning Authority.

Reason: To prevent noise nuisance to adjoining properties in accordance with the recommendations of Planning Policy Guidance Note 24 "Planning & Noise" 1994 and Policy DC55 of the LDF Core Strategy and Development Control Policies DPD.

10. M SC45A Removal of permitted development rights

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 Article 3, Schedule 2, Part 1, Classes A, B, C, D, E and F, no enlargement, improvement or alteration of the dwellinghouses, no enlargement of a dwellinghouse consisting of an addition or alteration to its roof, no other alteration to the roof, no erection or construction of a porch outside any external door of the dwellinghouses, no curtilage buildings, enclosures, swimming or other pool enclosure or the maintenance, improvement or other alteration of such a building or enclosure, no container for domestic heating purposes for the storage of oil or liquid gas and no hard hard surface or replacement in whole or in part of such a surface shall take place unless permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

Reason:-

In the interests of amenity and to enable the Local Planning Authority to retain control over future development, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

11. SC46 (Standard flank window condition)

12. S SC58 (Storage of refuse)

13. M SC59 (Cycle Storage)

14. M SC60 (Contaminated land)

15. M SC62 (Hours of construction)

16. M SC63 (Construction Methodology)

17. Non standard condition

The proposed alterations to the Public Highway shall be submitted in detail for approval prior to the commencement of the development.

Reason: In the interest of ensuring good design and ensuring public safety and to comply with policies of the Core Strategy and Development Control Policies, namely CP10, CP17 and DC61.

18. Non standard condition

The necessary agreement, notice or licence to enable the proposed alterations to the Public Highway shall be entered into prior to the commencement of the development.

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

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CP17 and DC61.

19. Non standard condition

The buildings shall not be occupied until a means of vehicular/pedestrian/cycle access has been constructed in accordance with the approved plans.

Reason: In the interests of highway safety in accordance with Policy DC61 of the LDF Core Strategy and Development Control Policies.

20. Non standard condition

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

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

21. Non standard condition

Community Safety Secured by Design Condition:

Prior to the commencement of the development hereby permitted, details of external lighting shall be submitted for approval. This should include lux level details. The approved details shall be implemented prior to first occupation of the development.

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

22. Non standard condition

The existing buildings/hardstanding etc shall be demolished in their entirety and any waste materials removed from the application site prior to works commencing on the residential development hereby approved.

Reason: To ensure the development is acceptable in accordance with Policies DC3, DC45 and DC61 of the LDF Core Strategy and Development Control Policies DPD.

1 INFORMATIVES:

1. The applicant is advised that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted, considered and agreed. The Highway Authority requests that these comments are passed to the applicant. Any proposals which involve building over the public highway as managed by the London Borough of Havering, will require a licence and the applicant must contact StreetCare, Traffic & Engineering on 01708 433750 to commence the Submission/ Licence Approval process.

2. The developer, their representatives and contractors are advised that this does not

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discharge the requirements under the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works) required during the construction of the development.

3. In aiming to satisfy Condition 20 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(s).

4. Reason for approval:

The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies D2, DC3, DC45, DC55, DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document and PPG2 (Green belts).

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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APPLICATION NO:	P1223.11	
WARD :	Rainham & Wennington	Date Received: 11th August 2011
ADDRESS:	Unit 6 Albright Industrial Estate Ferry Lane North Rainham	
PROPOSAL:	Extension of existing waste management facility. Demolition of existing waste recycling building. Erection of enlarged waste management facility. installation of weighbridge & weighbridge office and ancillary activity	
DRAWING NO(S):	7:1082PL1 7:1082PL2 7:1082PL3 7:1082PL4 7:1082PL5 Planning Statement Design and Access Statement	
RECOMMENDATION :	It is recommended that planning permission be GRANTED subject to conditions given at the end of the report.	

RECOMMENDATION

That the Head of Development and Building Control be authorised to grant planning permission subject to the conditions set out below.

SITE DESCRIPTION

The site is located within the Albright Industrial Estate in Rainham, approximately 100m to the east of Rainham Creek. The site's southern and eastern boundaries abut the unadopted access road that runs through the industrial estate, whilst its northern and western boundaries lie adjacent to neighbouring industrial sites.

The site is currently split into three separate areas. The first, forming the western extent of the site, contains the applicant's waste handling operation, as a skip operator, which includes a waste handling building, office and workshop buildings, and stockpiled material. The other two areas, located at the eastern end of the site, have been acquired by the applicant and have historically been in use for vehicle dismantling. Each of these sites includes a workshop building, with a number of scrap vehicles stockpiled in the northernmost site.

The site's boundaries are formed by a combination of wood, corrugated iron, and pallisade fencing. The site is located on land designated as Flood Zone 3 in Havering's Strategic Flood Risk Assessment, and on land designated as a Strategic Industrial Location in the Local Development Framework.

DESCRIPTION OF PROPOSAL

This planning application proposes the expansion of an existing waste recycling facility through the change of use of land on which vehicle dismantling is currently permitted.

The proposal would also involve the demolition of the existing waste recycling building and the buildings associated with the neighbouring car dismantling sites. These buildings, which are

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located centrally within the site, will be replaced by a large waste recycling building, measuring approximately 1400sqm in area and 15.5m in height. The new building would be located along the site's southern boundary. Additional development would include the re-surfacing of the site; the siting of a portacabin office and weighbridge; and the erection of new boundary fencing.

The proposed waste recycling building would contain more sophisticated plant than is currently being used, intended to increase the rate of waste processing and achieve recycling rates of around 90%. It is anticipated that the applicant's waste processing operation will increase its annual through put from 50,000 to 75,000 tonnes.

RELEVANT HISTORY

Most of the site is currently in use as a waste recycling centre, with an area to the east having been in previous use for vehicle dismantling. The previous planning decisions of most relevance to this application are as follows:

P0899.98 - Variation of condition 3 of planning permission P0056.96 to include handling general non-putrescible and difficult waste - Approved.

P0056.96 - Storage bay for existing waste transfer station - Approved.

CONSULTATIONS/REPRESENTATIONS

This planning application has been advertised in the local press and by means of a site notice. The statutory consultation period ends on 12th October, 2011. Members will be updated should any additional comments be received following the completion of this report.

Statutory Consultees

Greater London Authority - The GLA has required that the applicant produce a Travel Plan; makes a commitment to employ local people; and considers the use of renewable energy. The approval of the Environment Agency in relation to flood risk matters should also be sought.

Environment Agency - No objections; conditions have been recommended in relation to contaminated land and drainage.

Thames Water - No objections.

Non Statutory Consultees

Environmental Protection - No objections. Condition recommended in relation to contaminated land.

Environmental Health - No objections. Condition recommended in relation to the control of noise.

Higways - No objections.

East London Waste Authority - No comments received at the time of writing; an update will be given to Members during the Committee meeting.

Representations have also been received from one neighbouring occupier raising concerns about debris being dropped into the highway, which can result in dust problems and cause punctures. Concerns are also raised in relation to odour.

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RELEVANT POLICIES

Core Strategy and Development Control Policies Development Plan Document ("The DPD"):

CP11 Sustainable Waste Management, DC9 Strategic Industrial Locations, DC48 Flood Risk, DC53 Contaminated Land, DC61 Urban Design, DC32 The Road Network

The London Plan:

Policy 5.16 Waste Self-Sufficiency

National Planning Guidance:

PPS10 Planning for Sustainable Waste Management, PPS23 Planning and Pollution Control, PPS25 Development and Flood Risk

Draft Joint Waste Development Plan Document:

Policy W2: Waste Management Capacity, Apportionment & Site Allocation, Policy W5: General Considerations With Regard To Waste Proposals

STAFF COMMENTS

The Greater London Authority initially requested that contributions be sought from the applicant towards schemes identified in the London Riverside Opportunity Area Planning Framework, however, the GLA subsequently agreed that, given the nature of the development, that contributions would not be required. Negotiations have also occurred in relation to the other requirements raised by the GLA in its original consultation response. Subject to the conditions proposed in this report, the GLA has no objections to the proposal.

PRINCIPLE OF DEVELOPMENT

The site is located on land designated in the LDF as a Strategic Industrial Location. Policy DC9 states that within such areas, with the exception of the Beam Reach Business Park, B2 and "waste uses" will be considered acceptable providing they are in accordance with the Joint Waste DPD and Policy CP11 of the LDF. The proposed development is considered to be akin to a B2 use, but the proposal is also considered to be a waste use in terms of the LDF and Joint Waste DPD.

Policy CP11 of the LDF states that the Council is committed to increasing recycling and reducing the amount of waste being landfilled. Policy W1 of the Joint Waste DPD states that the East London Waste Authorities (ELWA) will encourage the reuse and recycling of materials. As a recycling facility that will divert waste away from landfill, the proposal is considered to be in accordance with the strategic objectives of the LDF, the London Plan, and the Joint Waste DPD.

The Joint Waste DPD has been subject to an Examination in Public but has yet to be formally adopted and will therefore be afforded less weight than the guidance contained in the LDF. Policy W2 of the Joint Waste DPD establishes the amount of waste to be managed by the East London boroughs over the coming years and identifies sites within the plan area to provide the required capacity to manage this waste. The site is located within an industrial area, and as a waste use, could be in accordance with Policy DC9, providing it complies with the Joint Waste DPD.

The application proposes an extension to an existing waste recycling facility, extending it on to land that has previously been in use for vehicle dismantling. The site therefore comprises land

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that is either already being used for waste-related purposes, or which could be used for these purposes. The site is currently in an unsightly condition, with dilapidated boundary fencing and a mixture of old buildings. The proposal would result in a significant improvement to the visual appearance of the site.

Policy 5.16 of The London Plan states that recycling levels for commercial/industrial waste, and in construction, excavation, and demolition waste, should exceed 70% and 95% respectively by 2020. The site under consideration, which handles these waste streams, currently recycles around 65% of the material it handles with the remainder going to landfill. The proposed development would help the operator to achieve overall rates of recycling in the region of 90%.

Given that the site can already be lawfully employed for waste-related purposes, and given the sustainability benefits of the proposal, which would divert waste away from landfill, in addition to the on-site environmental improvements that would arise, the proposal is considered to be acceptable in principle.

DESIGN/IMPACT ON STREET/GARDEN SCENE

Policy DC61 of the DPD states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area.

The site is located within an existing industrial area that is of limited visual interest or character, and comprised of numerous large buildings and other industrial development.

The application site comprises, amongst other things, three large buildings that are visible from beyond the site. The proposed building, which would replace the existing buildings, would result in the creation of a more uniform appearance at the site, and the siting and scale of the proposal would help to screen the site's operations from beyond the site. It is recommended that a condition be imposed, should planning permission be granted, requiring the submission of details relating to the colour scheme and materials to be employed on the new building, to ensure that the proposed building has an acceptable appearance.

The existing boundary treatment, which is unsightly, would be replaced by palisade fencing. It is recommended that a condition be imposed, should planning permission be granted, requiring the submission to, and approval by, the local planning authority of details relating to the boundary treatment to ensure that improved fencing be erected and retained.

The proposal would include an outdoor tipping area, intended for smaller, third party customers, such as builders. This tipping area would ensure that individuals visiting the site are kept separate from the waste processing building. It is recommended that, should planning permission be granted, a condition be imposed requiring that any stockpiled material be limited in height to 3 metres, in the interests of visual amenity.

Given the constrained nature of the site, along with the existing hardstanding, which behaves as a cap over historically contaminated land, it would be unrealistic to require any landscaping.

It is considered that, given the nature of the existing site and the surrounding area; the scale, siting, and design of the proposed building; and the proposed improvements to the boundary treatment, that the proposal would not result in a significant adverse impact on visual amenity or the character of the surrounding area. Subject to the afore mentioned conditions, it is considered that the proposal would improve the visual appearance of the site and is in accordance with Policy DC61 of the DPD.

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IMPACT ON AMENITY

Policy DC61 of the DPD states that planning permission will not be granted for proposals that would significantly diminish local and residential amenity.

The site is located within an industrial area and is not in close proximity to any sensitive land uses; moreover, the site is already in use as a waste processing operation and vehicle dismantling area. However, the proposed development will result in a significant increase in the volume of waste being processed on an annual basis. The Council's Environmental Health officer has recommended a condition relating to the control of noise resulting from the use of screening equipment.

In order to prevent dust drift occurring at the site, it is recommended that a condition be imposed requiring the submission of details relating to the suppression of dust.

A neighbouring occupier has raised concerns about odour in the local area. The existing facility is subject to environmental controls administered by the Environment Agency, and the extended facility would require a revised Environmental Permit. Odour is controlled by the permitting regime and any issues that might arise can therefore be dealt with by the Environmental Agency, working with the LPA.

Subject to the imposition of the afore mentioned conditions, it is considered that the proposal would be in accordance with Policy DC61 of the DPD.

HIGHWAY/PARKING

Policy DC32 of the DPD states that new development which has an adverse impact on the functioning of the road hierarchy will not be allowed.

The proposal would result in an increase in the annual throughput of the skip operator from 50,000 to 75,000 tonnes. However, this would be offset to some extent by the loss of the existing vehicle dismantling uses. The Council's Highway officers have considered the proposal and have raised no objections.

A neighbouring occupier has stated that the proposal could give rise to increased amounts of debris being deposited in the highway, which could cause dust and safety problems.

During the officer's site visit, mud was observed in the highway beyond the site access, although there are numerous sites within the Albright Estate that might cause this problem. It is recommended that a condition be imposed requiring the submission to the LPA of details relating to wheel washing methods. A condition is also recommended requiring that the trucks that visit the site be sheeted, to prevent the deposition of any material in the highway.

The GLA has required that the applicant produce a Travel Plan and provide cycle parking at the site. It is recommended that a condition be imposed requiring the submission of these details should planning permission be granted.

Subject to the afore mentioned conditions, in terms of its impact on highway safety and amenity, it is considered that the proposal would be acceptable and in accordance with Policy DC32 of the DPD.

OTHER ISSUES

The site is located on land that has a history of industrial uses and which is known to be contaminated. Policy DC53 of the DPD states that where development is located on or near to

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land where contamination is known to exist, that an assessment be undertaken considering the site's condition, potential risks, and remediation measures. It is also stated that development should not lead to future contamination of the land in and around the site.

A Ground Condition Assessment has been submitted with the application. The Council's Environmental Health officers have recommended that a condition be imposed, should planning permission be granted, requiring the submission of additional ground contamination details if necessary. The Environment Agency has been consulted about the proposal and has also recommended conditions relating to contaminated land.

Subject to the use of a condition imposing controls relating to contaminated land, the proposal is considered to be acceptable in terms of land contamination, and in accordance with Policy DC53 of the DPD.

In relation to matters raised in the GLA's original consultation response, that have not already been considered. The applicant has agreed to consider the use of renewable energy in its proposed on-site office, which the GLA considers to be acceptable. In relation to employment, the applicant has stated that the mainly unskilled work involved in the operation is such that staff will probably be recruited from the local area, and that the developer will advertise new roles in the local job centre and local press. The GLA has agreed that, in terms of employment, the applicant's proposals are acceptable providing that correspondence detailing the applicant's intentions is referred to in a planning condition requiring compliance with the submitted plans and information.

FLOOD RISK

Parts of the site are located in Flood Zones 2 and 3, as defined by the Strategic Flood Risk Assessment. Policy DC48 of the DPD stipulates various requirements relating to major development proposed in Flood Zone 1, and any other development located in Flood Zones 2 and 3. It is stated that a sequential approach should be adopted, which directs development to the lowest appropriate flood risk zone; that flood storage capacity should not be constrained in the Flood Plain; and that given surface water drainage requirements are achieved. The LPA takes advice from consultees on the latter two issues.

The proposed development relates to an existing waste recycling use meaning the principle of development at the site is already established. The site is located within an existing industrial area and it is not considered that the proposed building operations could reasonably be located in an area at lower risk of flooding. A Flood Risk Assessment has been submitted with the application; The proposal would involve the construction of an integrated drainage system.

The Environment Agency have been consulted about the proposal and have recommended a condition relating to drainage.

Subject to the imposition of the afore mentioned condition, the proposed development is considered to be acceptable in terms of flood risk considerations, and in accordance with Policy DC48 of the DPD.

KEY ISSUES/CONCLUSIONS

The proposed development is considered to be acceptable having had regard to Policies CP11, DC9, DC40, DC48, DC53, DC61, and DC62 of the DPD and all other material considerations.

RECOMMENDATION

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

1. S SC4 (Time limit) 3yrs
5. M SC09 (Materials)
6. SC57 (Wheel washing)
7. M SC60 (Contaminated land)
2. Non standard condition
(Approved Plans)

The development hereby approved shall be carried out in accordance with the following approved plans and information:

7:1082PL1 date stamped 11 August 2011
7:1082PL2 date stamped 11 August 2011
7:1082PL3 date stamped 11 August 2011
7:1082PL4 date stamped 11 August 2011
7:1082PL5 date stamped 11 August 2011

Design and Access Statement, Supporting Statement, and Ground Contamination Report all received on 11 August 2011; the email correspondence received on 31st October 2011;

and in accordance with the following conditions.

Reason:-

For the avoidance of doubt and to ensure the development is undertaken in accordance with the approved plans.

3. Non standard condition
(Flood Risk Assessment)

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated August 2011, reference number JS1021 (Rev. 1A) compiled by J Small Consulting and the following mitigation measures detailed within the FRA:

a) Limiting the surface water run off to 49 litres per second. Equivalent to a rate below the existing 1 in 2 year return event for all events up to the 1:100 year event, with an allowance for climate change (section 4.8.4, page 15).

b) Providing a Flood Evacuation Plan (section 4.5, page 12).

c) Finished floor levels are set 300mm above existing ground levels (section 4.2, page 12).

Reason:-

To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site and to reduce the risk and impact of flooding on the proposed

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development and future occupants.

4. Non standard condition
(Boundary Treatment)

No development shall take place until details of the proposed boundary treatment at the site, including dimensions, materials and colour scheme, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details and retained as such for the life of the development.

Reason:-

To protect the visual amenities of the development and to ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

8. Non standard condition

No development shall take place until a Travel Plan, detailing green travel initiatives for staff, including cycle parking facilities, has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented within one month of the development being brought into use.

Reason:-

In the interests of sustainable development, in accordance with the guidance contained in PPS1.

9. Non standard condition
(Dust Action Plan)

No development shall take place until a dust action plan has been submitted for approval, in writing, by the Local Planning Authority. The scheme shall include details of the measures to be taken to minimise the creation of dust; provision for monitoring of dust by site operatives; and of the remedial action to be taken if dust is created. The approved scheme shall be implemented prior to the approved waste recycling building being brought into use and shall be retained for the life of the development.

Reason:-

In the interests of amenity and in accordance with the Development Control Policies Development Plan Document Policy DC61.

10. Non standard condition
(Drainage)

No development shall take place until a scheme detailing the proposed means to dispose of foul and surface water has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the approved waste recycling building being brought into use and shall be retained for the life of the development.

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Reason:-

The proposed activity poses a risk to controlled waters therefore the drainage system should provide a sealed impermeable system which minimises the risk to ground water or surface waters.

- 11.** Non standard condition
(Noise Control)

No development shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority, which specifies the provisions to be made for the control of noise emanating from the site owing to the use of screening equipment. The scheme shall demonstrate that the noise produced by the screening equipment will not be detrimental to the amenities of the occupiers of neighbouring properties. The approved scheme shall be implemented within 7 days of the approved waste recycling building being brought into use and shall be retained for the life of the development.

Reason:-

In the interests of local amenity and in accordance with the Development Control Policies Development Plan Document Policy DC61.

- 12.** Non standard condition
(Stockpile Heights)

No material, containers, plant or other objects shall be stored outside of the buildings above a height of 3m from ground level.

Reason:-

To protect the visual amenities of the development and to ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

- 13.** Non standard condition
(Dust Control)

If, at any time, dust is seen crossing the site boundary, all site operations shall be suspended immediately until remedial action has been undertaken.

Reason:-

In the interests of amenity and in accordance with the Development Control Policies Development Plan Document Policy DC61.

- 14.** Non standard condition
(Lorry Sheeting)

All loaded lorries arriving at and leaving the site shall be securely sheeted.

Reason:-

In the interests of amenity and in accordance with the Development Control Policies Development Plan Document Policy DC61.

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- 15.** Non standard condition
(Drainage)

There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways.

Reason:-

In the interests of amenity and in accordance with the Development Control Policies Development Plan Document Policy DC61.

- 16.** Non standard condition
(Burning of Material)

No waste material shall be burnt within the boundary of the site.

Reason:-

In the interests of amenity and in accordance with the Development Control Policies Development Plan Document Policy DC61.

- 2** INFORMATIVE:

Reason for approval:

The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies:

CP11 SUSTAINABLE WASTE MANAGEMENT
DC9 STRATEGIC INDUSTRIAL LOCATIONS
DC48 FLOOD RISK
DC53 CONTAMINATED LAND
DC61 URBAN DESIGN
DC32 THE ROAD NETWORK

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

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

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