



REGULATORY SERVICES COMMITTEE AGENDA

7.30 pm

**Thursday
21 June 2012**

**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 MINUTES (Pages 1 - 14)

To approve as a correct record the minutes of the meetings of the Committee held on 5 April and 26 April and to authorise the Chairman to sign them.

5 PLANNING OBLIGATIONS/LEGAL AGREEMENTS (Pages 15 - 76)

6 PLANNING AND ENFORCEMENT APPEALS RECEIVED, PUBLIC INQUIRIES/HEARINGS AND SUMMARY OF APPEAL DECISIONS (Pages 77 - 110)

- 7 SCHEDULE OF ENFORCEMENT NOTICES** (Pages 111 - 122)
- 8 PROSECUTIONS UPDATE** (Pages 123 - 124)
- 9 BRANFIL PRIMARY SCHOOL** (Pages 125 - 138)
- 10 LAND AT FORMER DEPOT VERNON ROAD COLLIER ROW** (Pages 139 - 154)
- 11 23 WINDERMERE AVENUE ELM PARK** (Pages 155 - 162)
- 12 PLANNING APPLICATIONS - SEE INDEX AND REPORTS** (Pages 163 - 190)
Applications outside statutory limit
- 13 PLANNING CONTRAVENTION - 2-8 UPMINSTER ROAD SOUTH, RAINHAM** (Pages 191 - 198)
- 14 SECTION 106 DEED OF VARIATION FOR THE FORMER WHITWORTH CENTRE NOAK HILL ROMFORD**
Report to follow
- 15 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.
- 16 CHIEF EXECUTIVE'S REPORT CONTAINING EXEMPT INFORMATION**
- 17 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.

Ian Buckmaster

**Committee Administration and
Member Support Manager**

**MINUTES OF A MEETING OF THE
REGULATORY SERVICES COMMITTEE
Havering Town Hall, Main Road, Romford
5 April 2012 (7.30 - 9.00 pm)**

Present:

COUNCILLORS: 11

Conservative Group Barry Oddy (in the Chair) Barry Tebbutt (Vice-Chair), Jeffrey Brace, Robby Misir, Frederick Osborne, Garry Pain and Steven Kelly

Residents' Group Linda Hawthorn and Ron Ower

Labour Group Paul McGeary

Independent Residents Group +David Durant

Apologies were received for the absence of Councillors Sandra Binion and Mark Logan .

Substitute members: Councillor Steven Kelly (for Sandra Binion) and Councillor David Durant (for Mark Logan)

Councillor Billy Taylor was also present for the meeting.

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

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

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

301 **MINUTES**

The minutes of the meetings held on 23 February and 8 March 2012 were agreed as correct records and signed by the Chairman.

302 **P1908.11 - ASHBROOK NURSING HOME 217-219 CHASE CROSS ROAD, ROMFORD - DEMOLITION OF NOS 2 & 2A AVELON ROAD AND CONSTRUCTION OF A TWO STOREY EXTENSION TO PROVIDE 28 ADDITIONAL BEDROOMS WITH ASSOCIATED FACILITIES (AT LOWER GROUND, GROUND & FIRST FLOORS). INTERNAL RECONFIGURATION OF EXISTING BUILDING TO PROVIDE AN ADDITIONAL 7 BEDROOMS WITH ASSOCIATED FACILITIES (70 BEDROOM NURSING HOME IN TOTAL).**

The report before members detailed an application which sought permission for the demolition of No 2 and 2a Avelon Road and for the construction of a two storey extension. On the lower ground level this would comprise a new entrance, 10 bedrooms, and communal lounge. At first floor there would be a further additional 8 bedrooms and communal lounge. An internal reconfiguration of the existing care home, plus the extensions would provide a total of 70 bedrooms.

Members noted that one additional letter of representation had been received.

Members also noted that the application had been called in by Councillor Steven Kelly on the basis that the scheme was an improvement over the first scheme shown to Members and local residents during an open day, prior to the submission of a planning application.

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

With its agreement Councillor Billy Taylor addressed the Committee. Councillor Taylor commented that there was sufficient parking at the site which would not lead to a cumulative impact on parking in nearby roads and that the proposal would provide 30 new jobs. Councillor Taylor also advised that 31 letters of support had been received and asked that the Committee looked favourably on the scheme.

During the debate members sought clarification over proposed parking facilities on the site and questioned whether displaced parking would become an issue in nearby roads.

The report recommended that planning permission be refused but following a motion it was **RESOLVED** that planning permission be granted subject to the conditions as set out in the report. The reasons for approval were that the proposed extension improved the setting and overall appearance of the existing development. In light of the Council's minimum standards on site car parking was sufficient to meet the needs of the extended nursing home.

Planning conditions to be imposed include

- Material samples submission;
- Landscaping;

- Parking;
- Flank and obscure windows, with non-opening as necessary;
- Controls over ventilation scheme, plant, machinery etc;
- Refuse;
- Screening for lower ground floor bedrooms facing onto (Avelon Road) on site parking spaces;
- Parking provision;
- Contamination;
- Travel plan;
- Those additional standard planning conditions considered necessary by the Head of Development and Building Control.

The vote for the resolution was carried by 7 votes to 4. Councillors Brace, Kelly, Misir, Osborne, Pain, Hawthorn and Ower voted for the resolution to grant planning permission. Councillors Oddy, Tebbutt, McGeary and Durrant voted against the resolution to grant planning permission.

303 P1937.11 - HOGBAR FARM - VARIATION OF CONDITIONS 1,2 AND 3 OF PERMISSION GRANTED ON APPEAL APP/B5480/C/06/2007653

The Committee considered the report and following a brief debate, **RESOLVED** that planning permission be granted subject to the conditions as set out in the report and for the temporary period of one year. The vote for the resolution was carried by 10 votes to 0 with 1 abstention. Councillor brace abstained from voting.

304 P0052.12 - 20-28 LONDON ROAD - CHANGE OF USE OF CAR SHOWROOM TO MOT TESTING, SERVICE AND REPAIRS CENTRE AND INSERTION OF ROLLER SHUTTERS TO FRONT AND SIDE ELEVATIONS.

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

305 P0084.12 - INGREBOURNE LINKS GOLF COURSE - TEMPORARY CHANGE OF USE FOR A MATERIAL STORAGE AREA.

The report before members proposed the temporary change of use of land within the Ingrebourne Links golf course development site for a material storage area. The site was located on land that benefited from planning permission for the development of a golf course, which was currently underway. The location of the site was in an area of the wider golf course development that was already being employed as a material reception, storage and reception area. The application under consideration would allow for the delivery and storage of material outside of the hours already

approved. On completion of the golf course development, the site would be restored in accordance with planning permission P0319.09.

During a brief debate members sought clarification of the amount of soil that was to be transferred to the site.

It was **RESOLVED** to delegate to the Head of Development and Building Control to approve as recommended subject to expiry of the neighbour consultation period and provided that any further neighbour representations received do not raise any new material considerations. Should any further objections with new material considerations be received then the application be brought back to Committee for consideration.

306 **P0146.12 - 25-27 SOUTH STREET ROMFORD - CHANGE OF EXISTING GROUND FLOOR RETAIL TO BEAUTY SALON AND FIRST FLOOR TO A BEAUTY TRAINING ACADEMY**

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

307 **P1773.11 - 9 AVON ROAD - TWO STOREY SIDE AND SINGLE STOREY REAR EXTENSION**

The report before members detailed an application which sought planning permission for a two storey side and single storey rear extension.

It was noted that a late letter of representation had been received.

The report recommended that planning permission be refused but following a motion it was **RESOLVED** that planning permission be granted subject to the conditions as set out in the report and to include further conditions covering permitted development, material samples and windows. The vote for the resolution was carried by 7 votes to 4. Councillors Brace, Kelly, Misir, Osborne, Tebbutt, Pain and Ower voted for the resolution to grant planning permission. Councillors Oddy, Hawthorn, McGeary and Durant voted against the resolution to grant planning permission.

Chairman

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**MINUTES OF A MEETING OF THE
REGULATORY SERVICES COMMITTEE
Havering Town Hall, Main Road, Romford
26 April (7.30 - 9.00 pm)**

Present:

COUNCILLORS: 11

Conservative Group Barry Oddy (in the Chair) , Steven Kelly, Pam Light
Jeffrey Brace, Robby Misir, Frederick Osborne and
Barry Tebbutt

Residents' Group Linda Hawthorn and Ron Ower

Labour Group Paul McGeary

**Independent Residents
Group** David Durant

Apologies were received for the absence of Councillors Sandra Binion, Mark Logan and Garry Pain.

+Substitute members: Councillor Steven Kelly (for Sandra Binion), Councillor Pam Light (for Garry Pain) and Councillor David Durant (for Mark Logan)

Councillors Andrew Curtin, Wendy Brice-Thompson, Gillian Ford and Lynden Thorpe were also present for parts of the meeting.

About 20 members of the public and a representative of the Press were present.

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

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

239 DECLARATIONS OF INTERESTS

Councillor Barry Tebbutt declared a prejudicial interest in application P1079.11. Councillor Tebbutt informed the Committee that he was a joint owner of the property. Councillor Tebbutt left the room during the discussion and took no part in the voting on that item.

240 **MINUTES**

The minutes of the meeting held on 15 March 2012 were agreed as a correct record and signed by the Chairman.

241 **P0083.12 – FOLKES FARM, FOLKES LANE, UPMINSTER**

Member considered a report that sought permission for change of use of land to an Outdoor Activity Centre. The report detailed that the outdoor activity centre was to include a quad bike dirt track, a smaller quad bike track for children, a mini golf course, and an adventure playground. The proposal would involve engineering operations resulting in the creation of three ponds and mounding at various points along the quad bike tracks, changes to ground levels would also occur within the mini golf course. The proposal also involve the siting of several prefabricated, portable buildings including two storage buildings, a changing room and office building, the erection of various structures within the playground, the siting of a kiosk associated with the putting greens, and the erection of post and rail fencing throughout the site to separate the various activities being proposed.

The main issues in this application are considered to be the principle of development, the impact upon the character of the area, impact upon neighbouring occupiers, Highway and access arrangements, and other considerations. The committee was addressed by a member of the public objecting to the application with a response on behalf of the applicant.

With its agreement, Councillor Gillian Ford addressed the Committee. Councillor Ford commented and requested the Committee to refuse the application on the grounds of Green Belt impact, concerns over noise impacts, increased traffic, and lack of parking facilities. In reply the applicant stated that the application was to enhance the site and provide out door activity. That the venue was to be operational at weekends.

During the debate, members discussed the issue of parking facilities, environmental impact, noise pollution. A Member was of the view that this was an inappropriate development in this area.

It was **RESOLVED** that planning permission be refused.

242 **P0088.12 – YOUNG'S ORGANIC FARM, ADJACENT 1 FRANKS COTTAGES**

Member considered a report that sought permission for alterations to the existing barn to provide an office and a two bedroom residential unit for a site manager. The application included conversion of part of the ground floor and first floor of the existing barn for organic farm use. A legal agreement was required to place an occupation restriction in respect of the barn conversion for the site manager.

It was **RESOLVED** that planning permission be granted with 9 votes for and 2 votes against (Councillors Hawthorn and Ower voted against the resolution to grant planning permission) which raises a requirement to pay a Mayoral Community Infrastructure Levy of £2,280.00 and subject to prior completion of Section 106 agreement on term set out below and planning conditions as set out in the report:-

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:

- The occupation of the two bedroom unit by the site manager only in connection with the use of the land at Youngs Organic Farm as an organic farm.
- The proposed conversion to provide an office and 2-bed residential units not to be leased or alienated separately from the property and land comprising Youngs Organic Farm
- The Council's reasonable legal fees for preparation of the legal agreement irrespective of whether or not that agreement is completed.

243 **P0029.12 – LAND SURROUNDING DRYDEN TOWERS**

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

244 **P0283.12 – THE BREWERY - BANK**

The Committee considered the report and without debate, **RESOLVED** that planning permission be granted subject to the prior completion of a unilateral undertaking under section 106 of the Town and Country Planning Act 1990 to secure the following:-

- The owner/s (developer/s) of the application site covenanting not to implement further Unit 3 of the third pavilion approved under P0196.09 and the variation of conditions application - P0565.10
- As appropriate to bear the Council's reasonable legal costs incurred in considering the form of the Unilateral Undertaking.

And the conditions as set out in the report with changes to the following conditions:-

.Condition 2 (Landscaping): To carry out in accordance with submitted details.

Condition 5 (Waste Management): Adjust to cover possible future A3 use.
Condition 7 (Noise): delete reference to PPG24.
Condition 10 (opening hours): now to be 0730 - 2200

245 **P1079.11 – WHITE BUNGALOW, SOUTHEND ARTERIAL ROAD**

Members considered a report that was brought before committee as the applicant is a Councillor. The application seeks planning permission for the demolition of an existing bungalow and the erection of 1 No. single storey dwelling.

It was **RESOLVED** that planning permission be granted subject to the conditions set out in the report and the prior completion of a section 106 agreement under the Town and Country Planning Act 1990 on the basis set out below:-

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:

- The revocation of planning permission P0404.11 without compensation on the issue of planning permission pursuant to planning application reference P1079.11.
- To pay the Council's reasonable legal costs in association with the preparation of a legal agreement irrespective of whether the legal agreement is completed.

As stated at the beginning of the minutes, Councillor Barry Tebbutt declared a prejudicial interest in the application. Councillor Tebbutt informed the Committee that he was a joint owner of the property. Councillor Tebbutt left the room during the discussion and took no part in the voting on that item.

246 **P0414.12 – FOREST ROW CENTRE, LODGE LANE, COLLIER ROW**

The Committee considered the report and without debate, **RESOLVED** that subject to the expiration of the consultation period on 27th April 2012 and any consultation responses received up to that date raising no new material considerations other than those already considered by Committee that the Committee delegate to the Head of Development and Building Control authority to grant planning permission, subject to the conditions as set out in the report. If new material considerations are raised, then the matter shall be remitted back to Regulatory Services Committee for its further consideration and resolution.

247 **A0009.12 – 76 SOUTH STREET**

The report before the Committee sought permission to erect a new illuminated signage identifying the new retail premises. The report detailed the following specification:

- 1 x illuminated flush mounted fascia sign (9.0m x 0.80m)
- 1 x projecting sign at fascia level, (0.8m x 0.5m)

The sign letters would be internally illuminated with lux levels proposed at 150cd/sq metre.

The application site was located within the retail core area of Romford Town Centre on the western side of South Street directly opposite the junction with Western Road.

With its agreement, Councillor Andrew Curtin addressed the Committee requesting the application be refused. Councillor Curtin stated that the matter before the Committee did not represent best practice in relation to visual appearance of the streetscape.

During the debate, Members discussed the issue of visual appearance of the streetscape and commented on the approach and practise.

The vote for the resolution to grant planning permission was passed by 7 votes to 3 and 1 abstention. Councillors Hawthorn, Osborne and Ower voted against the resolution to grant planning permission whilst Councillor Tebbutt abstained from voting.

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

248 **P0057.12 – 2A SYLVAN AVENUE, HORNBURCH**

The Committee considered the report and without debate, **RESOLVED** that planning permission be granted subject to the conditions as set out in the report with a minor amendment to Condition 2 requiring the submission of materials deleting the words "to match" and replacing with a requirement to submit materials for approval.

249 **P0192.12 – FORMER RAINHAM POLICE STATION/HOUSES REAR OF 1/6 NEW ROAD, RAINHAM**

The report before Members detailed a resubmission application following planning permission for two dwellings houses to the rear of 1-6 New Road, Rainham in August 2011 for the conversion of the former police station/houses to three semi-detached dwellings.

The current planning application proposed the erection of a pair of two storey, pitch-roofed, semi-detached dwellings with accommodation in the roof space, which would include dormers to the front and rear in each case along with roof lights.

A Member had called in the application on the grounds that it is an overdevelopment of the application site which may give rise to overlooking and not enough amenity space.

It was **RESOLVED** that planning permission be granted subject to the conditions set out in the report with an additional condition requiring the installation of a sprinkler system. In addition there is a requirement to make a contribution of £4.080.00 toward the Mayoral Community Infrastructure Levy

The voting was 10 to 1 against. Councillor Durant voted against the resolution to grant planning permission.

250 **P0217.12 – 76 SOUTH STREET**

The report before the Committee sought permission for the installation of a new Automated Teller Machine (ATM) and surround within the new shopfront. The ATM surround will measure 0.86m x 1.57m. The application site was located within the retail core area of Romford Town Centre on the western side of South Street directly opposite the junction with Western Road.

With its agreement, Councillor Andrew Curtin addressed the Committee requesting the application be refused. Councillor Curtin had requested that the matter be determined at Committee as it was considered that the application does not represent best practice in relation to visual appearance of the streetscape.

During the debate, Members discussed the issue of visual appearance of the streetscape and best practise.

The vote for the resolution to grant planning permission was passed by 8 votes to 1 and 2 abstention. Councillors Osborne voted against the resolution to grant planning permission whilst Councillor Hawthorn and Barry Tebbutt abstained from voting.

251 **P0225.12 – 76 SOUTH STREET**

The application before the Committee sought full planning permission to undertake changes to the existing facade at ground floor level, and also minor changes at the rear of the store. On the South Street frontage the existing deep recessed doorway had been removed and a new automatic opening bi-parting slide door entrance installed. The frame to the doors

would be recessed (approx 0.5m) behind the existing column, leaving this exposed to the streetscape. An internal roller shutter was also proposed.

With its agreement, Councillor Andrew Curtin addressed the Committee requesting the application be refused. Councillor Curtin had requested that the matter be determined at Committee as it was considered that the application was a poor design of a shop front, not taking account of best practice in relation to visual appeal of the streetscene.

During the debate, Members discussed the issue of visual appearance of the streetscape and best practise in relation to visual appeal.

The vote for the resolution to grant planning permission was passed by 6 votes to 5 against. Councillors Hawthorn, Osborne, Ower, McGreary and Tebbutt voted against the resolution to grant planning permission.

252 **APPLICATION FOR STOPPING UP ORDER OF HIGHWAY LAND ADJACENT TO THE WEST OF DUNNINGFORD CLOSE AND TO THE NORTH OF THE A125 RAINHAM ROAD, HORNCHURCH, RM12 5JP**

The Committee considered the report and without debate, **RESOLVED** that subject to the developer paying the Council's reasonable charges in respect of the making, advertising, any inquiry costs and confirming the stopping up order pursuant to Regulation 5 of The London Local Authorities (Charges for Stopping Up Orders) Regulations 2000 that:-

1. The Council makes a Stopping Up Order under the provisions of s.247 Town and Country Planning Act (as amended) in respect of the areas of adopted highway shown zebra hatched on the attached Plan as the land is required to enable development for which the Council has granted the Planning Permission.
2. In the event that no relevant objections were made to the proposal or that any relevant objections that are made are withdrawn then the Order be confirmed without further reference to the Committee.
3. In the event that relevant objections were made by other than by a Statutory Undertaker or Transport Undertaker and not withdrawn, that the application be referred to the Mayor for London to determine whether or not the Council could proceed to confirm the order.
4. In the event that relevant objections were raised by a Statutory Undertaker or Transport Undertaker and are not withdrawn the matter may be referred to the Secretary of State for their determination unless the application is withdrawn.

Chairman

REGULATORY SERVICES COMMITTEE

REPORT

21 JUNE 2012

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 2000-2012.

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 2012 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 – 2000-2012

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S106 AGREEMENTS – 2000-2012

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. Sale still proceeding but not yet completed.	
P1440.97	Helen Road	£43,000 New Football	2 years from	To be paid within 3	Investigations	

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>P0907.98 <u>P0203.00</u> Granted on appeal</p>	<p>Sports Ground, Squirrels Heath Lane, Gidea Park</p>	<p>Facilities</p>	<p>date of payment</p>	<p>months of Council serving notice requesting the payment. Such a request to be made within 5 years from when the use of the development commences</p>	<p>ongoing as to whether this contribution has been received.</p>	
<p>P1717.09</p>	<p>The Atrium, The Brewery,</p>	<p>Town Centre Improvement Contribution - £37,000</p> <p>Perform the agreed local labour provisions contained in Schedule 3 of S106</p>	<p>7 years from receipt (Can be extended if contract entered into)</p> <p>N/A</p>	<p>Prior to commencement of development</p> <p>Upon commencement of the development</p>	<p>The owners have not paid this contribution due to an oversight. Now that they have been chased payment will be imminent. Revised sum to pay which includes indexation has been given to the owners. Payment should be made very soon.</p>	

2. CONTRIBUTIONS IDENTIFIED AS PAID

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
P1664.01	274-310 Havering Road, Romford	£167,126.85 Education	Return due 3 years from date of 2 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	£120,000 x 2 Education	If not spent to be returned 3 years from date	First contribution of £120,000 to be received upon	First contribution of £120,000	spent	Education - proposed investment in

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
	Site, Heath Park Road		received	occupation of 38th Market Dwelling Second contribution to be received upon occupation of 73 rd market dwelling	received on 08.06.05. Second contribution received 01.11.05		additional 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	Payment received on 03.12.04	spent	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?
				occupation of 40 th open unit			at Redden 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;	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	Regeneration leading: £75,000 of the Town Centre Contribution to be spent on Harold Wood. £25,000 as yet unallocated. 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?
		Green Travel Plan; pedestrian access; roundabout works following s278 agreement				re – spending the money on alternative initiative. Toucan Crossing contribution spent 28.12.09 (TC contribution) Spent	Pedestrian 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

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?
							school 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	Not to occupy dwellings until payment received AH units to be transferred prior	Paid on 31.03.05	spent	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?
			entered) on demand	to occupation of 12 th open market dwelling			at Redden 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	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?
				occupation of any 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

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?
P1654.03	63 Main Road Rainham	£14,142.94 Education	Repay any unspent amount 5 years from date payment made.	Prior to commencement of development	Paid on 27.09.04	27.09.09 – spent	Education - 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,	£69,307 Housing Contribution	Money must be spent by 5th anniversary of	Prior to commencement of proposed	£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?
	Romford		payment date for payback.	development			
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	12.04.12 & 23.07.10 Spent	Environmental contribution to be spent as

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	received on 12.04.07 Environmental Contribution received on 23.07.07		part of 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 & £4,310 paid on 05.09.05 £690 paid	07.09.10 - Spent £4,310 - 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		£125,000 prior to 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	£125,000 paid on 07.09.07 £125,000 paid on 23.10.07 £125,000 still outstanding but not yet triggered	£690 - spent 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

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
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

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
							AH delivered £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	£65,000 Variable	any unexpended	to be paid in 2 equal instalments:	First instalment received on	20.02.12 & 02.07.12	VMS completed

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
	Approach, Romford - deed of variation	Messaging Signs Contribution	sum together with interest to be returned if not spent within 5 years of receipt	(1) to be paid 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	20.02.07 Second instalment received on 02.07.07	spent	Spring 2007. 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	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 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?
		agreement					
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 Spent	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 - Spent	
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 - 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?
P0977.04	1 Suttons Lane, Hornchurch	£21,876.26 Education Contribution s.278 agreement	To be repaid if unspent within 5 years of date of payment (extended if contract entered into)	Before occupation of any of the dwellings	Paid on 03.09.07	09.09.12 - Spent	
P2099.04	Land at Rainham Quarry, Warwick Lane - deed of variation	£5,000 Highway Contribution for maintenance and upkeep of Lauanders Lane	must refund any money unutilised as at 30.09.2012 to the Owner within 4 weeks of that date	Contribution to be paid promptly following the execution of the agreement	Paid on 20.12.06	30.09.2012	BW
P1285.06	91 Waterloo Road, Romford - unilateral undertaking	£11,000 Guardrail fencing Contribution	To be spent 7 years from date of payment (extend if contract entered into)	prior to the commencement of the development	01.03.07	01.03.14	
P0716.06	Rear of 105 and 113 Essex Road, Romford – unilateral	£19,053.00 Education Contribution	To be spent within 7 years from date of payment (can be extended if	Prior to the commencement of the development	13.04.07	13.04.14	Education - proposed investment in additional places /

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
	undertaking		contract entered into)				modernisation 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	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	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?
		units) Give the Council at least 1 weeks notice of the intended date of commencement of the development		RSL and ready 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

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					Paths project
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

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?
							originally for 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	Paid on 05.06.03.	No time limit	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?
				blue			Court 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 /

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
							modernisation at Redden Court secondary school
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

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
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	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	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>public lighting</p> <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</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</p>	<p>received</p> <p>£25,000 received 19.01.01</p>		

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
		facility £1,540 bicycle stands bus shelters submit scheme for improvement of Westway/street furniture/ submit CCTV scheme and install		completion of 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	£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?
	variation						
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)	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?
		ownership) - 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	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?
		Contribution (3) £50,000 Highways Contribution (4) £100,000 Parks Contribution		(3) prior to the commencement of the development (4) prior to the commencement of the open market units	26/02/08 06/05/08	25/02/15 05/05/15	
P1194.06	155-163 New Road, Rainham	£18,322.13 Education Contribution £62,702.00 New Road Contribution 22 units for rent to be managed by RSL with nominations reserved for the Council on 14 units	To be spent within 7 years from date of payment (can be extended if contract entered into)	prior to occupation of any dwelling unit units to be transferred to RSL and ready for letting prior to the occupation of any intermediate housing	07/05/08 07/05/08	06/05/15 06/05/15	

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?
		Give the Council at least 1 weeks notice of the intended date of commencement of the development					
P0011.03	Dolphin Site, Main Road, Romford	<ol style="list-style-type: none"> 1. £100,000 Education; 2. £500,000 Environmental Improvements; 3. £25,000 shop mobility; 4. £845,704 x 2 housing contribution; 5. 40 AH units; <p>Green Travel Plan; Highway improvements; variable</p>	If unspent to be repaid 5 years from date of payment.	<ol style="list-style-type: none"> 1. Prior to occupation of 185th open market unit 2 & 3. Prior to occupation of the retail unit 4. contribution to be received prior to occupation of 150th and 180th open market unit 5. before 100th market unit is occupied 	<ol style="list-style-type: none"> 1. £100,000 received on 13/03/08 2. £450,000 received on 13.03.06 & £50,000 on 29.03.06 3. £25,000 received on 19.05.06 4. £845.704.50 (x2) received 	<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</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?
		messaging sign; CCTV			on 28.06.07 & 07.08.07	remaining £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	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?
					1.02.09 £7,500 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 -	To be spent within 7 years of	Commencement of the	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?
		£8,366.38	receipt (can be extended if contract entered into)	development			
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</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?
		message board 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,	£29,809.29 Education	To be spent within 7 years	Prior to the occupation of the	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?
	Romford	Contribution 13 AH dwelling units for rent	from date of payment (can be extended if contract entered into)	dwelling units 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	Received on 14.12.09	13.12.16	

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
		Highways Contribution - £48,000 Restriction on car parking permits being issued Enter into a S278 agreement Submit a viability report and then pay the agreed education contribution	As above 7 years (can be extended if contract entered into)	commencement Prior to commencement Prior to commencement Prior to occupation of any dwelling unit	Received on 14.12.09 Agreed £145,000 education contribution received on 04.05.11	13.12.16 03.05.18	
P0750.07	The Lodge	Highways	7 years from	Prior to	Received on	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?
	Residential Care home, Lodge Lane, Collier Row	contribution of £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	date of payment	commencement of the development	16.10.09		
P0406.08	Harrow Lodge, Hylands Way	Either 15 aff hsg units with grant or 10 aff hsg units without grant.	All contributions to be repaid	Provide aff hsg units prior to occupation of more than 50% open market units Prior to first			

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>Either £218,882 or £222,406 Education contribution depending on aff hsg option (Index Linked)</p> <p>£25,000 Hylands Park Contribution (index Linked)</p>	7 years from date of payment (can be extended if contract entered into)	<p>occupation of a 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>	

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?
P0368.09	165 – 171 Hornchurch Road	Highways Contribution - £25,000 Restriction on the issue of car parking permits	2 Years from payment of the sum (Can be extended if under contract)	Prior to commencement of the development	£25,000 Highways Contribution received on 17.07.10	To be spent by 16.07.12	
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	
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	£414,854.04 received on 27/04/12	To be spent by 27/04/17	
P0478.08	25 – 31 South	£12,000	7 years from	Upon	Highways		

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?
	Street, Romford	Highways Contribution (Index Linked) £14,000 Education Contribution (Index Linked) 6 affordable housing units Restriction on issuing car park permits	date of payment (can be extended if contract entered into)	commencement Upon commencement To be provided prior to occupation of more than 3 open market units.	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	
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		

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?
P1707.07	Cranham Hall Farm	Education Contribution - £148,906.55	7 years (can be extended if contract entered into)	Prior to commencement	£48,906.55 received on 11.12.09 £50,000 received on 19.5.10 £50,000 received on 20.05.11	£48,906.55 to be spent by 10.12.16 £50,000 to be spent by 18.05.17 £50,000 to be spent by 19.05.18	
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)	No time limit on spend.	

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 on 19.05.11		
P0617.04	Land at Upper Brentwood Road, adjacent to the railway	Maximum of £98,000, Education Contribution Affordable Housing (15% of the total number of dwelling units)	To be spent within 5 years from date of payment (can be extended if contract entered into)	prior to the occupation of any of the market units prior to occupation of more than 50% of the dwelling units	The specific education contribution has now been calculated to £61,288.25 – received on 28.09.11	27.09.16	
P1471.09	Land at Little Gerpins Lane, Rainham	Public Access Contribution £500 Submit Public Access Agreement Undertake a	7 years (can be extended if contract entered into) N/A N/A	Upon completion of the agreement Within 12 months of the date of the agreement Within 6 months of the date of the	£500 received on 31.10.11	30.10.18	

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
		stage 1 /2 road safety audit and provide the results within 1 month	N/A	agreement and implement safety measures that are determined within 6 months of the date of the road safety audit			
		Undertake a stage 3 road safety audit	N/A	Within 12 months of the implementation of the safety measures			
		Undertake a stage 4 road safety audit		Within 36 months of the date of implementation			
		Complete soil importation and general engineering		Within 36 months of the date of the planning permission			

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
		works including spreading of final top soil ready for planting					
P0139.09	Moorhall Golf Course	<p>Implement ecological mitigation and management strategy</p> <p>TFL Contribution £25,000</p> <p>Construct bridleway Submit details of material and origin of</p>	<p>N/A</p> <p>7 years from commencement (Can be extended if contract entered into)</p> <p>N/A</p>	<p>In accordance with its terms</p> <p>12 months prior to the opening of the golf course</p> <p>At the end of each phase</p> <p>Prior to commencement</p>	£25,000 TFL Contribution received on 13.04.11 and passed onto TFL	TFL to ensure that contribution is spent by 12.04.18	

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
		imported material Enter into a S278 Agreement	N/A				
P0127.10	Hampden Lodge	30 affordable housing units	N/A	Ongoing			
		Education Contribution - £204,000	5 years from 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)	

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?
		Public Realm Improvement Works Contribution	£50,000			26.10.14 (3 yrs)	
		Public Transport Improvement Contribution	£40,000			26.10.14 (3 yrs)	
		Beam Reach Station Contribution	£300,000			26.10.16 (5 yrs)	
P1221.07 UU submitted in respect of appeal	Squirrels Heath public House	£4000 - Highways	7 years from date of payment (can be extended if contract entered into)	Prior to commencement of the development	26/01/12	25/01/19	
P0046.10	Former Manor Primary school Shaftsbury Road	Education Contribution - £298,907.40 Highways Contribution -	5 years from receipt. Can be extended if under contract As above	Prior to occupation of any dwelling unit	06/02/12	05/02/17	

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
		£30,000 11 Affordable housing units	N/A	Prior to occupation 5 aff units prior to occupation of more than 10 open market units - 6 aff units prior to occupation of more than 17 open market units	06/02/12	05/02/17	
P1806.10	Former Manor Primary School	Only implement the planning permission in association with P0446.10 Increase the number of dwelling units to be built to 31 Education contribution	N/A N/A 5 years (can be extended if contract entered into)	Prior to commencement of the development	06/02/12	05/02/17	

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
		£6147.74 Highways contribution £1000	5 years (can be extended if contract entered into)	Prior to commencement of the development	06/02/12	05/02/17	
P0884.09	Spring Gardens (Southside)	56 units for affordable housing Education contribution up to a maximum of £419,880 (subject to submission of viability report) Highways	NA 5 years from the date of payment can be extended if contract entered into.	Must be transferred prior to occupation of more than 21 open market units Must be paid prior to occupation of the first unit Must be paid within 2 months of	£98,000 paid	01.09.15	

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?
		contribution of £98,000 Parks contribution of £48,000 Restriction on the issue of car parking permits	As above	commencement of the development Must be paid prior to first occupation Once occupied - ongoing	on 01.09.10 £48,000 paid on 11.04.12	11.04.17	
P1875.10	Kings Grove, R/O 5-11 Carlisle Road	Parking Restrictions Assessment Contribution Restriction on the issue of parking permits	7 years from date of payment (can be extended if contract entered into)	Prior to commencement Ongoing	£5000 paid on 02.04.12	02.04.19	
	Interwood Site, Stafford Avenue	Provide 33 Aff Hsg units					

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>£299,002 Education Contribution (Index Linked)</p> <p>Either pay £72,000 highway contribution or enter into a S278 agreement and carry out highway works</p> <p>restriction on the issuing of car parking permits</p>	All contributions 7 years from date of payment (can be extended if contract entered into)	Phased payment agreed – see deed of variation below -			
Deed of Variation	Interwood, Stafford Ave	Vary the payment of the	7 years from receipt	Pay £167,441.12 prior to			

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
		education contribution		occupation of Block C Pay £74,750 prior to occupation of Block D Pay £56,810.38 prior to occupation of Block F	£74,750 paid on 21.03.12		
UU submitted in respect of an appeal against refusal of P2026.08	218 – 228 Crow Lane	Education contribution - £216,000. Transport contribution - £27,000 Provision of 65	7 years from payment – can be extended if contract entered into. As above Must be handed	Must be paid prior to occupation of more than 21 units Must be paid prior to first occupation.	£216,000 paid on 21.02.12 £27,000 paid on 21.02.12	21.02.19 21.02.19	

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
		affordable housing units.	over prior to occupation of more than 7 open market units.				
U0011.06 LTGDC App – NB LBH is not a party	Land at Beam Reach, 8 Coldhabour Lane	Public Transport Contribution - £180,500 Walkways Green Travel Plan	10 years from receipt		£181,034.56 (including indexation) – paid on 27.02.12	27.02.27	
U0006.06 LTGDC – NB LBH is not a party	Plot 7 & 8 Beam reach Business Park 5 Marsh Way	£6,800 – Traffic Management Contribution £27,981 – Public Transport Contribution	10 years from receipt		£34,781.05 (including indexation) – paid on 27.02.12	27.02.27	
P0954.11	Former Edwin Lambert	Affordable housing 4 units					

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?
	School Malvern Road	<p>– 1 for intermediate 3 for affordable rent</p> <p>Health care contribution - £12,250</p> <p>Highways contribution - £35,000</p>	5 years from receipt (can be extended if contract entered into)	<p>Prior to occupation of development</p> <p>Prior to commencement</p>	£35,000 received on 26.04.12	16.04.17	

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REGULATORY SERVICES COMMITTEE

REPORT

21 JUNE 2012

Subject Heading:

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

Report Author and contact details:

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Planning Control Manager (Projects and Compliance)
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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 11 February 2012 and 18 May 2012.

RECOMMENDATIONS

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

REPORT DETAIL

- 1.1 Since the appeals reported to Members in March 2012, 31 new appeals have been started. These are listed below.

Decisions on 22 appeals have been received during the same period 14 have been dismissed, 5 allowed, 2 deemed invalid and 1 withdrawn.

- 1.2 Appeals received between 11 February 2012 and 18 May 2012 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 11 February 2012 and 18 May 2012.

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LIST OF APPEAL DECISIONS MADE BETWEEN 11-FEB-12 AND 18-MAY-12

APPEAL DECISIONS - PLANNING					
Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p>P0840.11 Land adjoining 194-196 Hall Lane Upminster <i>New detached dwelling</i></p>	Written Reqs	Refuse	Delegated		<p style="text-align: center;">Dismissed</p> <p>APPEAL AGAINST NON DETERMINATION</p> <p>The appeal is dismissed and the decision is welcomed The main issues in this appeal are if the proposal is inappropriate development in the Green Belt, the effect on the openness of the Green Belt and the impact on the character and appearance of the area. Finally whether there are any special circumstances that would justify the development.</p> <p>The proposal is for the construction of new dwellings on the appeal site. In terms of national Green Belt policy in PPG2, the construction of new dwellings is considered as inappropriate unless it is for certain purposes and the proposal did not fall within the categories. Furthermore, the appeal site did not fall within an area where the infilling within existing settlements might be considered as acceptable. On openness, the proposal would comprise of a, two storey high, five bedrooms, detached dwelling with attached garage that would create a new element of development where there is none at present. It would have a substantial physical presence in Hall Lane and to the rear of the site and its effect would be to infill an area of open land and extend and consolidate development along Hall Lane and consequently this would harm the openness of the Green Belt and fail to improve the character and appearance of the area.</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 11-FEB-12 AND 18-MAY-12

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
					<p>The Inspector considered that the appellant's reference to recycling a derelict, overgrown and unused piece of land. It was claimed that the dwelling would form a natural infill between development to the north and south making more efficient use of the site. It was also claimed that the site was in a sustainable location in close proximity to public transport facilities. The Inspector found that the appearance of the land did not negate its importance in its contribution to the openness of the Green Belt. The Green Belt boundaries were already defined and the fact that there was a gap did not merit or justify infilling it. The Inspector concluded that the appellant's arguments therefore did not constitute Very Special Circumstances which would justify the proposal nor outweigh the presumption of the proposal being inappropriate development or the harm to the openness of the Green Belt.</p>
<p>P0958.11 site adj 76 Navarre Gardens Collier Row Romford <i>Demolition of existing garage/ utility room and erection of 1No. two storey dwelling</i></p>	<p>Written Repts</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed dwelling would, by reason of its limited plot width, proximity close to the boundaries of the site and relationship with No. 72 Navarre Gardens, result in a cramped form of development, materially out of scale and character with the local street scene 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 a lack of on site car parking provision, result in unacceptable overspill onto the adjoining roads to the</p>	<p>Allowed with Conditions</p> <p>The appeal is allowed and the decision is noted.</p> <p>The Inspector identified two main issues in this appeal. Firstly, the effect of the proposal on the character and appearance of the area; and secondly the effect of the proposal on highway safety.</p> <p>The donor property is a two-storey end-terrace house set mid-way along a street of similar properties. In character terms the appeal site marks the point at which</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 11-FEB-12 AND 18-MAY-12

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				<p>detriment of highway safety and residential amenity contrary to Policies DC2 and DC33 of the LDF Development Control Policies Development Plan Document.</p>	<p>terraced housing stops ceases and the street scene becomes characterised by semi-detached properties. It was noted that a number of semi-detached properties have been extended to the side, and there is only a limited sense of rhythm in the street scene. The Inspector considered that the overall visual effect is of a long terraced form of development along both sides of the street.</p> <p>The adjacent house has been extended to the first floor at the side, reducing the size and visual prominence of the gap between that building and the donor dwelling. The proposal would close the remaining gap and the visual effect would be a simple continuation of the "stepping-up" of the long terraces which are characteristic of the street scene. Although the new dwelling would be narrower than those nearby, its limited plot width would not be particularly striking or prominent. In long views up the hill the additional built form would appear as a consolidation of the existing terrace.</p> <p>The Inspector found that the proposal would not cause any harm to the character and appearance of the area and the scale and character of the development would be acceptable</p> <p>On the highway issue, there would be one space for the existing house and one for the proposed new dwelling. In addition, one existing on-road bay would be lost. If the maximum Council parking standards were applied, the scheme would be one space</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 11-FEB-12 AND 18-MAY-12

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
					below the maximum range set out. The Inspector concluded that the level of car parking proposed was appropriate and would not cause any significant harm to highway safety
<p>M0008.11 Havering Highways Central Depot Rainham Road Hornchurch <i>Installation of 14.8m streetworks type pole, equipment cabinet, electricity meter and associated equipment thereto</i></p>	Written Reps	Refuse	Delegated	<p>The site is within the area identified in the Core Strategy and Development Control Submission Development Plan Document Policy Plan as Metropolitan Green Belt. The Core Strategy and Development Control Submission Development Plan Document Policy and Government Guidance as set out in Planning Policy Guidance Note 2 (Green Belts) states that in order to achieve the purposes of the Metropolitan Green Belt it is essential to retain and protect the existing rural character of the area so allocated and that new building will only be permitted outside the existing built up areas in the most exceptional circumstances. No special circumstances to warrant a departure from this policy have been submitted in this case and the proposal is therefore contrary to Policy DC46 of the Development Control Policies Development Plan Document Policy. The proposed telecommunications mast would, by reason of its height and prominent location, appear as an unacceptably dominant and visually intrusive feature in the street scene harmful to the appearance of the surrounding area contrary, to policies DC61 and DC64 of the LDF Core</p>	<p style="text-align: center;">Allowed with Conditions</p> <p>The appeal is allowed and the decision is noted</p> <p>There three main issues in this appeal. Firstly whether the proposal would be inappropriate development in the Green Belt, The second is was the effect on the character and appearance of the area; and finally if the development was inappropriate, whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, including the suitability and availability of alternative sites. The proposed pole would be located within the Council's Highways Depot at the foot of a bank close to Rainham Road and near to a railway bridge.</p> <p>The term "building" is defined as any structure or erection and can therefore be taken to include installations such as that proposed and masts are not included as an accepted form of new development in national Green Belt guidance (PPG2). National guidance on telecommunications (PPG8) states that such development is likely to be inappropriate unless it maintains openness. As there would be a man-made feature where one did not exist previously and</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 11-FEB-12 AND 18-MAY-12

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				<p>Strategy and Development Control Policies Development Plan Document.</p>	<p>openness would be reduced albeit to a limited degree. The Inspector stated that when judged against the wording of national policy, the proposal would be inappropriate development in the Green Belt.</p> <p>On the issue of character and appearance, the Inspector considered that the proposal would be comparable to the nearby street lamps and would be seen in the context of the lights and other vertical structures within the Depot such as telegraph poles and floodlights as well as the gantries associated with the railway line. Therefore it would not appear incongruous. A vegetated railway embankment would form the backdrop and mature trees behind the pole would ensure that it did not stand out.</p> <p>On the final issue, the Inspector considered that the need for the proposal as part of the national network had been demonstrated in regard to coverage requirements. It was also agreed that all other reasonable possibilities had been properly and thoroughly explored and it was unlikely that a suitable alternative site existed outside of the Green Belt. In summarising it was concluded that the benefits of the proposal and the other factors that support it clearly outweigh the totality of harm including the conflict with adopted Council Policies and viewed as a whole very special circumstances existed which justified the development.</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 11-FEB-12 AND 18-MAY-12

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p>P1188.11 COUNCIL DEPOT 120 CHERRY TREE LANE RAINHAM DEMOLITION OF DEPOT AND ERECTION OF 8 FLATS.</p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed development would, by reason of its massing, bulk, vertical emphasis accentuated by dormers in the front roof slope and large front gable feature, appear as an overly dominant development, out of character in the locality and adversely affecting visual amenity in the streetscene contrary to Policies DC3 and DC61 of the LDF Core Strategy and Development Control Policies DPD.</p> <p>The proposed development would, by reason of the excessive density, particularly small size of the proposed units, inadequate provision of amenity space, and relative position of ground floor windows to the front parking area, result in a cramped over-development of the site to the detriment of future occupiers and the character of the surrounding area contrary to Policies DC3 and DC61 of the LDF Core Strategy and Development Control Policies DPD and Policy 3.5 of The London Plan.</p> <p>The proposed development would, by reason of the inadequate on site car parking provision, result in unacceptable overspill onto the adjoining parking and rear access road and adjoining roads to the detriment of highway safety and residential amenity and contrary to Policies DC2 and DC33 of the LDF Core Strategy and Development Control Policies DPD.</p>	<p style="text-align: center;">Dismissed</p> <p>The appeal is dismissed and the decision is welcomed</p> <p>The main issues in this case are as firstly the effect of the proposal on the character and appearance of the area; the likely living conditions for future occupants and car parking provision.</p> <p>The appeal site currently accommodates an ex-Council depot building and its surroundings related to the adjacent 2-storey houses, rather than the taller flats nearby and the appeal site. The surrounding residential street scene however is mixed in terms of building design, form, materials and elevational treatment.</p> <p>The proposed building would have a notably larger visual bulk than those around it, with little space around the building. It would appear cramped and confined on its plot, with limited opportunity for any meaningful landscaping. A wide central gable would amplify the building's scale, resulting in a visually bulky structure out of keeping in its setting. The dormer windows, two-storey bay windows and the central gable would combine to give the building a vertical emphasis which is not evident on other properties in the streetscene.</p> <p>On the issue of living conditions, the Inspector noted that a number of the flats would be subject to physical constraints such that the amount of useable floor area. would be less than first appears. In practical day to</p>

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					<p>day living terms, some of the lounge/kitchen areas would need to be kept free of furniture to allow internal circulation and some would have restricted head height across a notable proportion of their floor area. The shared garden areas would be small and open to public view. The front and rear gardens would both be dominated by car parking, and would not of sufficient privacy or quality to allow for sitting out, clothes drying, or doorstep play. The frontage car park is set particularly close to the windows of the ground floor flats and would not provide appropriate living conditions for future occupiers due to light glare and noise and disturbance from manoeuvring vehicles.</p> <p>In terms of parking, there would be a shortfall of some 3 spaces below what the required maximum level of provision. Taking into account local conditions (including the site's Public Transport Accessibility rating and the absence of parking controls on Cherry Tree Lane), it was considered that the proposal makes adequate provision for car parking. However, this did not outweigh the significant harm identified in relation to the effect of the proposal on the character and appearance of the area, and its failure to provide satisfactory living conditions</p>
<p>P1066.11 111 Albany Road Hornchurch <i>Change of Use of dwelling house to</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposal would, by reason of general noise and disturbance caused by the significant number of individual occupiers of the HMO's use of the property, including entering and leaving the premises, use of the rear garden</p>	<p style="text-align: center;">Dismissed</p> <p>The appeal is dismissed and the decision is welcomed</p> <p>The main issue is the effect of the proposed</p>

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<p><i>multiple occupancy with additional acoustic party walling at first floor</i></p>				<p>area and the parking and manoeuvring of their vehicles be unacceptably detrimental to the amenities of occupiers of adjacent properties, contrary to Policies DC4, DC5 and DC61 of the LDF Core Strategy and Development Control Policies DPD.</p>	<p>development on the living conditions of the occupants of neighbouring dwellings with particular regard to noise and disturbance.</p> <p>The proposed development is very similar to that which was the subject of an unsuccessful appeal against enforcement notice except that it proposed the installation of an acoustic party wall where the property connects with the attached dwelling at first floor level. It was accepted that the acoustic wall element of the proposal would be likely to reduce the noise from connecting rooms; however no details of its noise reduction capability were provided. Two first floor rooms abut bedrooms in the attached neighbouring dwelling and these bedsit rooms should be regarded as living rooms as they normally contain televisions and Hi Fi systems. The Inspector concluded that the proposed change of use is harmful to the living conditions of neighbouring residents</p> <p>Furthermore, it was considered that the proposal did not address all of the concerns of the previous proposal. These included the general level of activity and coming and going at the site and use of the garden which is likely to generate noise and disturbance that would not be characteristic of this quiet residential area. These factors would not be altered by the provision of an acoustic wall. On highways issues, the proposal would be likely to result in an increase in the amount of on street parking, but because of the capacity for this in neighbouring roads would be unlikely to be harmful to road safety.</p>

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Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p>P0244.11 154 Wingletye Lane Hornchurch <i>Granny annexe rear of 154 Wingletye Lane</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposal, by reason of the independent access to the site and the self-contained nature of the accommodation proposed, is considered likely to give rise to the creation of a separate planning unit, which would result in development which is materially out of character with the open, spacious rear garden environment and would potentially result in material harm to neighbouring residential amenity and the provision of inadequate parking within the site, to the detriment of the character of the locality and contrary to the provisions of Policies DC4 and DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.</p>	<p style="text-align: center;">Dismissed</p> <p>The appeal is dismissed and the decision is welcomed</p> <p>The two main issues in this appeal are the effects of the proposed building, firstly on the character of the surrounding area, and secondly on the living conditions of occupiers of nearby dwellings and future occupiers of the development.</p> <p>The proposed single storey pitched roofed proposal would replace a garage and occupy most of the garden area. In terms of scale and visual prominence, the proposal would fit tightly on the site, with no space between it and the vegetated southern side and end boundaries of its plot resulting in an enclosed effect. This would be at odds with and detract from, the generally open character of the rear garden scene which would be further harmed. This is because of the lack of mitigation proposals, excavation and construction works would put at risk the health of three mature trees close to the southern side boundary.</p> <p>On the issue of living conditions the distance from Wingletye Lane dwellings, with the intervening drive, weighs against concerns about disturbance and loss of privacy. Though it would be visible to adjoining occupiers, an existing outbuilding in that rear garden would be more prominent in their outlook. It was accepted that the proposal would not provide its occupier with normal standards of outlook and private amenity space but if used entirely in an ancillary capacity then these shortcomings would</p>

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					<p>necessarily be seen as fatal to the case</p> <p>No substantive evidence of local need for or shortage of the type of accommodation that the scheme would provide was promoted. The personal needs of the intended occupant were noted. However, the permanence of the harm to character that was the overriding consideration and the appeal was dismissed.</p>
<p>P1239.11 land adj 19 Blyth Walk Upminster <i>Two storey three bedroomed house plus crossover</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed development would, by reason of its height, bulk and mass, appear as an unacceptably dominant and visually intrusive feature in the streetscene harmful to the appearance of the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD. 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 DC2 and DC 33 of the LDF Core Strategy and Development Control Policies DPD.</p>	<p style="text-align: center;">Dismissed</p> <p>The appeal is dismissed and the decision is welcomed</p> <p>The main issues in this case are the effect of the proposal on the character and appearance of the area, and on highway safety. The donor property is a two-storey end-terrace house in a prominent position on the corner of Blyth Walk and Humber Drive. The house has gardens to the front and rear, as well as a large side garden which forms the appeal site.</p> <p>Humber Drive is characterised in this location by terraced houses being set back from the road by their side gardens, giving a visual rhythm in the street scene and a pleasant sense of suburban spaciousness. The loss of the side garden to a two storey development of the height, bulk and mass proposed would severely disrupt the openness and rhythm of the Humber Drive street scene. The introduction of significant new built form, protruding much closer to the Humber Drive frontage, would result in an intrusive and</p>

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Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
					<p>overly prominent form of development, harmful to the character and appearance of the area.</p> <p>The proposed dwelling would appear disproportionately large on its prominent corner plot, resulting in a visually cramped form of development that would fail to provide reasonable space or setting around the building. Furthermore its detached nature would be out of keeping with its surroundings</p> <p>The scheme would provide a single off road space in the rear garden of the donor dwelling and the proposed new dwelling would be provided with parking in its front garden. This would fail to meet the maximum advised standards. The Inspector noted that the area appears to already suffer from high levels of demand for on road parking, occupants and visitors would therefore place additional demand on the limited on-road parking potential. The resulting additional competition for spaces would potentially lead to unsafe parking, which is undesirable given the proximity of the nearby school.</p>
<p>P0062.11 15a Station Road Gidea Park Romford <i>Two storey building office to ground and flat over</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed building by virtue of its siting in close proximity to its boundaries, height, bulk and massing would be incongruous in the street scene and out of character with existing development, including that in the adjoining station area of the Gidea Park Conservation Area, to the detriment of its character and appearance contrary to Policies DC3, DC61 and DC68 of the</p>	<p>Dismissed</p> <p>The appeal is dismissed and the decision is welcomed</p> <p>The two main issues in the appeal were whether the proposed building would preserve or enhance the character or appearance of the Gidea Park Conservation Area (GPCA); and secondly the effect on the living conditions of future occupiers of the</p>

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Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				<p>LDF Core Strategy and Development Control Policy Development Plan Document and SPD on Residential Design.</p> <p>The proposal, by reason of inadequate amenity space would provide a poor living environment for the future occupiers of the flatted unit contrary to Policies DC3 and DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document and SPD on Residential Design.</p>	<p>building, in regard to amenity space.</p> <p>The site adjoins the southern periphery of the GPCA and the part of the GPCA adjoining the site on Station Road is characterised by an assortment of single storey buildings to the west, including the station itself. The Inspector considered that modest buildings in the GPCA are important heritage assets within the locality. Another single storey building (the Squirrels Heath Gardening Club) is located to the east of the site.</p> <p>On the first issue, the Inspector found that the proposed 2 storey building would appear out of keeping with its immediate surroundings. Although its scale would not be dissimilar to the houses further along Station Road, it would be set between single storey buildings and would appear as a dominant feature in the street scene, clearly visible within views both into and out of the GPCA. The proposal would be materially harmful to the setting of the GPCA and would fail to preserve or enhance its character or appearance.</p> <p>On the second issue, no private amenity space is provided for the occupiers of the first floor flat. The Council's guidance states that every new home should have access to suitable private or communal amenity space. The Inspector concluded that the lack of private or communal amenity space would have a materially harmful effect on the living conditions for future occupiers, and would conflict with Council guidance.</p>

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<p>M0006.11 Land at junction of Front Lane and Brunswick Avenue Upminster <i>Installation of 1No. 10.0 metre high shared streetworks pole incorporating shrouded antennas, 2No. equipment cabinets and development ancillary thereto</i></p>	Written Reps	Refuse	Delegated	<p>The proposed telecommunications mast would, by reason of its height and prominent location, appear as an unacceptably dominant and visually intrusive feature in the street scene harmful to the appearance of the surrounding area contrary, to policies DC61 and DC64 of the LDF Core Strategy and Development Control Policies Development Plan Document.</p> <p>The proposed telecommunications mast and equipment cabinets would result in unacceptable levels of street clutter, which are visually intrusive features in the street scene harmful to the appearance of the surrounding area, contrary to policies DC61 and DC64 of the LDF Core Strategy and Development Control Policies Development Plan Document.</p>	<p style="text-align: center;">Dismissed</p> <p>The appeal is dismissed and the decision is welcomed</p> <p>The main issue in this appeal is the effect on the character and appearance of the area. The appeal proposal would be located on a grassed area close to the junction of Front Lane and Brunswick Avenue. The 10m monopole would not be excessively conspicuous in the Inspector's opinion due to the proximity of a tree, which is a similar height, and various vertical features nearby, such as lighting columns and poles supporting traffic signals.</p> <p>However the two metal equipment cabinets were to be substantial in size and would be highly visible, not only within the immediate area, but also within longer views from the north along the open, grassed area between Front Lane and Moultrie Way. The proposed cabinets would, therefore, be incongruous features which would introduce clutter into an area which has been well maintained and improved for the benefit of local people and, as such, it would have a materially harmful effect on the character and appearance of the area.</p>
<p>P0152.11 37 Collier Row Lane Romford <i>Demolition of single storey side and rear extensions and four</i></p>	Written Reps	Refuse	Delegated	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 the amenity of future occupiers and the character of the surrounding area	<p style="text-align: center;">Dismissed</p> <p>The appeal is dismissed and the decision is welcomed</p> <p>The main issues in this appeal are the effects of the proposal on: the living conditions of</p>

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<p><i>garages, change of use of first floor from offices to a one bedroom flat. The erection of a two storey side extension to provide a ground floor retail unit and 2 x 1no. bedroom flats with juliet balconies and a boundary wall and railings. Change of use of ground floor from B1(a) to retail A1.</i></p>				<p>contrary to the requirements of the Residential Design Supplementary Planning Document and Policy DC4 of the LDF Development Control Policies DPD.</p> <p>The two storey side extension would by reason of its excessive width, design, siting, scale, bulk and mass, appear unduly overbearing, incongruous, dominant and visually intrusive in the streetscene, particularly given its prominent corner location, harmful to the character and appearance of the surrounding area contrary to Policy DC61 of the LDF Development Control Policies DPD.</p> <p>The bedroom, kitchen and living room windows of Flat 1 would be flush with the pavement on Rosedale Road, which would give rise to undue overlooking and loss of privacy harmful to the amenity and outlook of future occupiers contrary to Policies DC4 and DC61 of the LDF Core Strategy Development Control Policies DPD and the Residential Design Supplementary Planning Document.</p>	<p>future occupiers of the proposed flats, the character and appearance of the site's surroundings and highway safety</p> <p>The proposed ground floor flat would have a through living room and its main window and bedroom window, would immediately face on to the pavement of Rosedale Road. A smaller opening with Juliet balcony in the rear elevation would face a hard-surfaced parking area. Windows in these elevations would be about 1.6 metres (m) wide. If not shielded by curtains or blinds, they would not provide a reasonable standard of privacy for occupiers. The Inspector also considered that the living room would have no outlook at eye level and below, and would receive limited natural light. In regard to the provision of amenity space, a small patio would be provided and its utility would be limited. However amenity space was not deemed to be essential given that families were not likely to live in one bedroom flats.</p> <p>The scheme would occupy a prominent corner position between local shopping parade and suburban residential development. Its roof form and building mass would be subservient to and consistent with the parade. The development would be reasonably separated from the nearest dwelling and would not be overbearing or unduly prominent. The Inspector concluded on this point that developing an unattractive and exposed open site the scheme would not harm the character and appearance of its surroundings.</p>

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				<p>The ground floor hallway window and Juliet balcony of Flat 1 would be located directly adjacent to the parking spaces, which would give rise to undue overlooking and loss of privacy harmful to the amenity and outlook of future occupiers contrary to Policies DC4 and DC61 of the LDF Core Strategy Development Control Policies DPD and the Residential Design Supplementary Planning Document.</p> <p>The proposed development would, by reason of a lack of 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>In failing to deliver a high quality of design and layout through the deficiencies described in the reasons above, the proposal fails to justify such high density of development and would result in an overdevelopment of the site, contrary to Policies DC2 and DC61 of the LDF Development Control Policies Development Plan Document and Planning Policy Guidance Note 3 - Housing.</p>	<p>On the highways issue, the scheme would provide three car spaces which would fall short of the maximum number of six spaces that Council standards required and there was no evidence that this shortfall could not be met on neighbouring roads. The Inspector concluded that the shortfall against the Council's parking standards would not have a materially adverse effect on those interests. In summary the lack of harm to local character and appearance and to highway safety interests failed to outweigh or justify the material harm identified in relation to the privacy and outlook of future occupiers of the proposed ground floor flat</p>

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<p>P1495.11 77-79 Butts Green Road Hornchurch <i>Erection of a single storey rear extension (Resubmission of planning application P1649.09).</i></p>	<p>Written Reps</p>	<p>Approve With Conditions</p>	<p>Committee</p>		<p>Allowed with Conditions</p> <p>The appeal is allowed and the decision is noted</p> <p>The appeal was made against a failure to give notice within the prescribed period of a decision on an application for planning permission. The application was called in by the Council's Regulatory Service Committee for determination however they deferred making a decision on the application. The Council resolved that had it been able to determine the application, planning permission would have been refused</p> <p>The appeal property is a retail unit at the end of a small parade of commercial units within the Emerson Park Minor Local Centre. The proposal would be a single storey addition at the rear of the existing unit to create a much larger shop. The main issue is the effect of the proposal on the living conditions of the occupiers of 81 Butts Green Road, with particular regard to outlook.</p> <p>The Inspector considered that the proposal has been carefully designed to reflect the close relationship with this adjacent dwelling in the light of a previously refused scheme that had been dismissed on appeal. In this instance the proposed roof form would be</p>

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					<p>largely flat and set at two different levels with the lower section located closest to the shared boundary with No 81. This would be notably lower than the development that was recently dismissed at appeal. The higher section of the proposed extension would be some distance from this shared boundary</p> <p>The Inspector found that the proposal was somewhat functional in its appearance, it would not look obtrusive or out of place in that context nor would its layout sit uneasily with the varied pattern of nearby existing development. The proximity of a substantial amount of built form close to the rear of No 81 would however not materially harm the outlook from, and the enjoyment of, this property by its occupiers in the Inspectors opinion.</p> <p>In regard to other issues raised by third parties, the Inspector found little substantial evidence to indicate that there would be any additional noise and disturbance from deliveries and servicing sufficient to cause material harm to nearby residents' living conditions. Furthermore conditions could be imposed to control noise to nearby residents from external plant and machinery, including air conditioning and, if appropriate, fume extraction</p> <p>The Highway Authority did not raise an objection to the proposal and the Inspector concluded that the proposal would not cause material harm to highway safety, unduly obstruct traffic along Butts Green Road, nor</p>

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					<p>unacceptably add to local parking problems. A planning obligation was submitted as part of the appeal to address highways issues. The obligation was acceptable to the Council, and significant weight was attached to this in favour of the appeal scheme.</p>
<p>P1277.11 1 Rockingham Avenue Hornchurch <i>First floor side extensions and bay window</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed development would, by reason of its design, bulk and mass, unsatisfactorily relate to the subject dwelling and as a consequence would appear as an unacceptably dominant and visually intrusive feature in the rear garden environment and surrounding area, to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.</p>	<p>Allowed with Conditions</p> <p>The appeal is allowed and the decision is noted</p> <p>The main issue in this appeal was the impact of the proposal on the character and appearance around the Osborne Road and Rockingham Avenue junction. The appeal property is a detached dwelling with a mansard style roof and is unique in the street scene. The proposed extensions include a new dormer, an extension to an existing dormer and a new bay window. The Inspector found that the new dormer could be conditioned in order that its external finishes could match the existing roof and the same was applicable to the extended dormer, Neither of these dormers would significantly impact upon character or appearance of the dwelling. The bay window would be centrally located above a rear extension and its roof would complement the roof style used. In summary, the Inspector concluded that the proposed extensions and bay window would not be harmful to the character and appearance of the dwelling.</p>

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<p>P1661.11 18 Aspen Grove Upminster <i>Two storey side , single storey front and rear extensions with decking area</i></p>	<p>Written Repts</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed two storey side extension combined with the single storey rear extension would, by reason of their excessive height and position close to the boundaries of the site, be an intrusive and unneighbourly development which would be most oppressive and give rise to an undue sense of enclosure as well as having an adverse effect on the amenities of adjacent occupiers at No.16 Aspen Grove contrary to the Supplementary Planning Document (Residential Extensions and Alterations) and Policy DC61 of the LDF Core Strategy and Development Control Policies DPD</p> <p>Informative</p> <p>1. The applicant is advised that in preparing any resubmission the height of the proposed extension should be reconsidered to comply with the Council's Residential Extensions and Alterations Supplementary Planning Document and as a result it may be possible only for the construction of a single storey extension to the side of the application dwelling.</p> <p>2. Thames Water have commented that recent legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean</p>	<p>Dismissed</p> <p>The appeal is dismissed and the decision is welcomed.</p> <p>The main issue in this appeal is the effect of the appeal proposal on the living conditions of the occupiers of the neighbouring dwelling with reference to light and outlook.</p> <p>The appeal site is a semi detached dwelling which slopes from the front to back and the proposal is for two storey side and single storey rear extensions. The primary window of the neighbours kitchen would be only 2.5m from the boundary and would have a view onto a blank brick elevations of both the side and rear extensions and these would ranging up to 5.5 metres in height. The Inspector considered that this would result in an oppressive outlook from the window and noted that the appeal site is to the south west of the neighbour. In summary the Inspector concluded that the appeal proposal would be harmful to the outlook from the window and result in an unacceptable loss of daylight.</p>

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				<p>that the section pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Waters ownership. Any proposed building work fall within 3 metres of these pipes we recommend you contact Thames Water to discuss their status in more detail and to determine if a building over / near to agreement is required. You can contact Thames Water on 0845 850 2777 or for more information please visit our website at www.thameswater.co.uk</p>	
<p>P1449.11 115 Highfield Road Collier Row, Romford <i>Two storey side extension and single storey front extension</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed development would, by reason of its height, bulk and mass, enclose the gap between the application property and the adjacent block of flats at 117-127 Highfield Road and give rise to an uncomfortable visual relationship between the two building blocks and an unacceptable terracing effect which would be harmful to the appearance of this part of Highfield Road and out of character with the surrounding area. The development is therefore contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD and Residential Extensions and Alterations SPD.</p>	<p>Allowed with Conditions</p> <p>The appeal is allowed and the decision is noted</p> <p>The Inspector stated that the main issue in this appeal was the impact of the proposal on the character and appearance of Highfield Road. The appeal site is an end of terrace dwelling and there are only narrow gaps between terraces and also between terraces and adjoining flatted blocks. The gap between the appeal site and its neighbouring flats is only visible from opposite or almost opposite the site and would not appear as a significant visual feature in the street. The difference in height between the proposed extension and neighbouring flats is a relatively common feature given that Highfield Road slopes up from north to south. The Inspector therefore concluded that proposal would not have an</p>

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					adverse effect on the character and appearance of Highfield Road.
<p>P1421.11 6 Allenby Drive Hornchurch <i>New pitched roof over existing bungalow.</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed development would result in a visually uncomfortable juxtaposition between the proposed pitched roof and the original flat roof form of the attached neighbour. The resultant unbalancing effect would be harmful to the appearance of this pair of semidetached dwellings and the visual amenity of the surrounding area, contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.</p> <p>The proposed roof, in terms of its design, scale, bulk and massing, would result in a disproportionate addition to the host dwelling and a significant adverse visual impact on the character of the area, which is predominantly characterised by dwellings with hipped roofs. The proposal would therefore be contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.</p>	<p style="text-align: center;">Dismissed</p> <p>The appeal is dismissed and the decision is welcomed</p> <p>The main issue in this appeal is the effect of the proposal on the character and appearance of the pair of bungalows, and on their impact in the street scene. Allenby Drive contains properties of various types and styles, including bungalows and two storey dwellings. The appeal property is one of a pair of flat roofed bungalows, the only dwellings of this style in the street and their appearance is somewhat unusual in the street scene.</p> <p>The Council considered that the proposal would result in a very unsatisfactory relationship between the proposed new roof and the remaining flat roof on the adjoining dwelling. The Inspector agreed and noted the irregularity of the proposed roof form set against with the predominance of hipped roofs in the street and that the proposal would result in a harmful impact on the character and appearance on the appearance of the pair of semi-detached bungalows.</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 11-FEB-12 AND 18-MAY-12

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p>P0723.11 2 Ravenscourt Drive Hornchurch <i>Detached single garage</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed development would, by reason of its height, bulk and mass, forward of the front elevation and the established development line of Ravenscourt Drive, appear as an unacceptably dominant and visually intrusive feature in the street scene harmful to the appearance of the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD and Residential Extensions and Alterations SPD.</p> <p>The proposed development would, by reason of its insufficient distance to the edge of the public highway result in vehicles parking across the public footpath and highway, contrary to the provisions of Policy DC32 of the LDF Core Strategy and Development Control Policies DPD and Residential Extensions and Alterations SPD.</p>	<p style="text-align: center;">Dismissed</p> <p>The appeal is dismissed and the decision is welcomed</p> <p>The Inspector considered that there were two main issues in this appeal. The first was the effect of the garage on the character and appearance of the area. The second is its implications for the safety of pedestrians and other highway users. The appeal related to a detached house occupying a corner plot at the junction of Ravenscourt Drive & Ravenscourt Grove in Hornchurch. The proposal involves the erection of a detached garage projecting forward of the main façade of the property.</p> <p>In the view of the Council, the proposal would appear unacceptably dominant and intrusive. The forward projection of the garage would be noticeable across the open forecourt of the property, especially when approaching from the southern part of Ravenscourt Drive. The Inspector considered that it would appear unduly prominent in this particular location and the adverse visual impact of the garage would be reinforced by its close proximity to the highway. It was noted that this is uncharacteristic of the prevailing pattern of built-development within Ravenscourt Drive</p> <p>The Council also alleged that the scheme would result in vehicle parking across the public highway, due to the limited space between the garage and footway. To overcome potential obstructions to the highway, a remote controlled shutter door</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 11-FEB-12 AND 18-MAY-12

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
					<p>was proposed to be used. It would have been possible to ensure this type of door is installed by imposing an appropriately worded planning condition. Although the Inspector found in the appellant's favour on the second issue, the overall conclusion is that this consideration was outweighed by the adverse visual impact of the garage</p>
<p>P1532.11 115 Sunnyside Gardens Upminster <i>Addition of Half Hip to Roof of approved 2 storey extension</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed half hipped roof alteration would, by reason of its, height, bulk and mass, unbalance the appearance of this pair of semi detached dwellings and appear as an unacceptably dominant and visually intrusive feature in the street scene and rear garden environment. The development is therefore considered to be harmful to the appearance this property and the surrounding area contrary to the Residential Extensions and Alterations Supplementary Planning Document and Policy DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.</p> <p>The half hipped roof would, by reason of its position and proximity to the neighbouring property (No.117) to the east, overbear and result in 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 Supplementary Planning Document and Policy DC61 of the LDF Core Strategy</p>	<p style="text-align: center;">Dismissed</p> <p>The appeal is dismissed and the decision is welcomed</p> <p>The main issues in this appeal were the effect of the proposed development on the character and appearance of the area and secondly on the living conditions of the occupants of 117 Sunnyside Gardens. Sunnyside Gardens is characterised mainly by pairs of semi-detached hip roofed dwellings. The appeal site stands at the end of a long row of such dwellings but No.117 next to it is a semi-detached bungalow and the first of a row of four pairs of bungalows.</p> <p>The proposed half-hipped roof form is not unusual in the street, however found no other instances of it in association with a side extension of the width proposed. The combination of the width and the hipped roof made the proposal seem very bulky in relation to the original form of the dwelling. The length of the ridge and overall mass of the roof would be significantly greater than would be the case with the permitted hipped roof extension. The Inspector found that the</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 11-FEB-12 AND 18-MAY-12

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				and Development Control Policies DPD	<p>half-hipped addition would disturb the balance of the pair of semi-detached houses even though there is a half-hipped roof at No.113. It also appears unduly bulky and dominant in relation to the bungalow at No.117 because of the greater height of the gable end wall.</p> <p>On the second issue, the Inspector found that the effect of the half-hipped roof causes a significant additional loss of sunlight over a previously approved scheme and would therefore have a harmful effect on sunlight and daylight. In conclusion, the development is harmful in relation to both the main issues.</p>
<p>P1396.11 30 Courtenay Gardens Upminster <i>Retrospective planning permission for patio area</i></p>	Written Reps	Refuse	Delegated	<p>The development, by reason of its height and depth, appears as an unacceptably dominant and visually intrusive feature in the rear garden environment, harmful to the appearance of the surrounding area contrary to Policies DC61 and DC69 of the LDF Core Strategy and Development Control Policies DPD.</p> <p>The development, by reason of its position and proximity to neighbouring properties, results in overlooking and loss of privacy which has a serious and adverse effect on the living conditions of adjacent occupiers, contrary to Policies DC61 and DC69 of the LDF Core Strategy and Development Control Policies Development Plan Document and Residential Extensions and Alterations SPD.</p>	<p style="text-align: center;">Dismissed</p> <p>The appeal is dismissed and the decision is welcomed</p> <p>The main issues are the effect of the proposal on the living conditions of the occupants of neighbouring dwellings and secondly, the effect on the character and appearance of the area. The patio has already been constructed and the appeal was determined on the basis that it is for retrospective permission.</p> <p>No 30 replaced a wooden deck that had been in place for some years with a concrete patio. The original decking had open wooden railings across the width of the house with a central set of steps providing access to the garden. The new patio however is enclosed by a brick wall and has two sets of steps that descend from the patio immediately adjacent</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 11-FEB-12 AND 18-MAY-12

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
					<p>to the boundaries with the neighbouring properties on either side. In order to build the steps, the depth of the structure has been increased by at least the width of the steps.</p> <p>The enlarged depth of the patio, combined with the repositioning of the steps immediately next to the shared boundary, has resulted in anyone using these steps to reach the garden coming much closer to the boundary with No 32. This has significantly increased the opportunities for overlooking. Therefore this has resulted in a material loss of privacy for the occupants of No 32. The new patio however did not give rise to any additional potential for overlooking of the garden, deck or conservatory of No 28.</p> <p>On the issue of character and appearance, the patio, steps and the walls are not visible from the public realm and adjoining properties are separated by extensive fencing and mature vegetation along their shared boundaries. Views of the patio and steps from these other private gardens are limited and the Inspector concluded that the patio was not harmful but this did outweigh the findings on the first issue.</p>

TOTAL PLANNING = 18

LIST OF APPEAL DECISIONS MADE BETWEEN 11-FEB-12 AND 18-MAY-12

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

LIST OF APPEAL DECISIONS MADE BETWEEN 11-FEB-12 AND 18-MAY-12

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p>ENF/101/10/EL 2a Woburn Avenue Elm Park Hornchurch</p>	<p>Written Repts</p>				<p style="text-align: center;">Dismissed</p> <p>The appeal is dismissed and the enforcement notice is upheld without variation. The decision is welcomed</p> <p>The appeal site is located at the junction of Woburn Avenue and Elm Park Avenue in Hornchurch, Essex. Retrospective planning permission for conversion to 4 bedsit flats was refused on 3 September 2010 and dismissed on appeal on 19 October 2011. The enforcement notice was subsequently issued on 16 November 2011.</p> <p>The appeal was made solely on the basis that the appellant required more time to comply with the notice. The reason for this was that the appellant would be able to serve notice and evict the tenants. The appellant requested a compliance of 12 months in order to do this. The Council were of the view that the 6 months time period to comply with the notice is entirely reasonable and 12 months was exceptionally excessive.</p> <p>The Inspector weighed the appellant's argument against the harm to the amenity of the surrounding area caused by the breach of planning control, which has continued for at least 2 years. A further 3 months had elapsed since the appeal was made, with enforcement action effectively suspended. There were no details of the present occupiers or the nature of their tenancies before the Inspector. It was therefore considered that no good reason to justify extending the compliance period further had been promoted by the appellant.</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 11-FEB-12 AND 18-MAY-12

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
TOTAL ENF =	1				

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REGULATORY SERVICES COMMITTEE

REPORT

21 JUNE 2012

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 March 2012.

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
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
Canham Hall Farm The Chase Canham Upminster ENF/541/08/UP	Alleged unauthorised change of use of Green Belt land to garden areas (3 Notices) Alleged unauthorised erection of fences (3 Notices) Alleged unauthorised construction of outbuildings (2 Notices)	Committee 17-11-11	15-03-12	13-04-12

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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	COMMENTS
South side of Lower Bedford's Road, (Hogbar Farm) west of junction with Straight Road, Romford	(1) Siting of mobile home and touring caravan. (2) Earth works and ground works including laying of hardcore.	28.6.01 Delegated	6.9.01 31-05-02	10.9.01 31-05-02	6.11.01 Grounds (a) and (g)	Allowed 14.2.03 Notice quashed temporary planning permission granted Dismissed and extended the compliance to 15 months	Temporary planning permission granted for one -year period – expired Feb 2004. Monitoring. In abeyance pending adoption of new Planning Guidance. 2 February Regulatory Services Committee agreed to hold enforcement decisions in abeyance pending above. Traveller site policy incorporated within LDF.
Land junction of Lower Bedford's Road (Vinegar Farm) and Straight Road, Romford	(1) Unauthorised residential use and operations. (2) Erection of fencing and construction of hardstanding	Delegated Authority “	9.11.01 “	9.11.01 “	21.12.01 “	Allowed 14.2.03 Notice quashed temporary planning permission granted for 1 year. Dismissed and extended the compliance to 15 months	Temporary planning permission granted for one -year period – expired Feb 2004. Monitoring. In abeyance pending adoption of new Planning Guidance. 2 February Regulatory Services Committee agreed to hold enforcement decisions in abeyance pending above. Traveller site policy incorporated within LDF.
Hogbar Farm (East), Lower Bedford's Road Romford	Residential hardsurfacing Operational development	Committee 3.7.03	16.1.04	22.1.04	26.2.04 Grounds (a) and (g)	Appeal Dismissed Public Inquiry 11 and 12 December 2007	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
Arnolds Field, Launder's Lane, Upminster	Unauthorised landfill development x 2	Committee 24.4.04		29.7.04	Appeal lodged.	Appeal dismissed 27.11.05	Enforcement Notices upheld. Pursuing compliance.
21 Brights Avenue, Rainham	Unauthorised development.	Committee 22.10.04	14.12.04	20.12.04			Enforcement Notice served. Second prosecution 30-09-10. Conditional discharge 2 years. Costs £350.00 . Pursuing compliance

ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	DATE OF COMMITTEE AUTHORITY	NOTICE ISSUED	NOTICE SERVED	APPEAL LODGED	APPEAL DECISION	COMMENTS
Adj 1 Bramble Cottage, Bramble Lane Upminster	Compound and storage	Committee 27.5.04	13.02.06	13.02.06			Pursuing compliance.
1 Woodlands, Brookmans Park Drive Upminster	2 Notices Development laying of hardstanding. Change of use living on land	Committee 23.2.06	5.5.06	5.5.06	Public Inquiry 06.06.06	Appeal dismissed 01.02.07	No action at present time Notice remains on land.
179-181 Cherry Tree Lane, Rainham	1. Development 2. Use	Committee 30.8.06	27.10.06	30.10.06			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
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

ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	DATE OF COMMITTEE AUTHORITY	NOTICE ISSUED	NOTICE SERVED	APPEAL LODGED	APPEAL DECISION	COMMENTS
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	Notice complied with
Damyns Hall Aveley Road Upminster	Unauthorised construction of a Hanger and various breach (9 Notices served)	Committee 18.09.08	23.12.08 24-04-09	23.12.08 24-04-09	02-02-09 26-05-09	Various decisions (9 Notices)	Pursuing compliance
Lakeview Caravan Park Cummings Hall Lane Noak Hill Romford	Unauthorised developments and changes of use (5 Notices served)	Committee 20-11-08	16-02-09	17-02-09	11-04-09	Various decisions (5 Notices)	Pursuing compliance
Vision Automotive New Road Rainham	Unauthorised extension	Delegated	09-03-09	09-03-09	20-04-09	Appeal withdrawn	Notice complied with
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
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

ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	DATE OF COMMITTEE AUTHORITY	NOTICE ISSUED	NOTICE SERVED	APPEAL LODGED	APPEAL DECISION	COMMENTS
111 Albany Road Hornchurch	Use	Committee 19-11-09	22-12-0-	22-12-09	03-12-10	Appeal dismissed	Pursuing compliance
11 Wolseley Road Romford	Development	Committee 29-10-09	18-01-10	18-01-10	09-03-10	Appeal dismissed	Pursuing compliance
222 Havering Road Romford	Development	Committee 29-10-09	18-01-10	18-01-10	25-02-10	Appeal dismissed	Pursuing compliance
179-181 Cherry Tree Lane Rainham	Use	Delegated 03-08-10	28-01-10	29-01-10			Pursuing compliance
35 Robin Close Willier Row Romford	Development	Delegated 14-12-10	08-03-11	08-03-11			Notice complied with
Fokes Farm Fokes Lane Upminster	Use x 2	Committee 11-03-10	07-10-10	07-10-10	01-11-10	Appeal dismissed	Pursuing compliance
The Former Brook Street Service Station Colchester Road Harold Wood	Use & Development	Delegated 01-07-10	22-07-10	23-07-10	26-08-10	Temporary Permission given	Monitoring
Land off Church Lane Noak Hill Romford	Development	Committee 15-07-10	10-09-10	10-09-10			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

ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	DATE OF COMMITTEE AUTHORITY	NOTICE ISSUED	NOTICE SERVED	APPEAL LODGED	APPEAL DECISION	COMMENTS
39 Benets Road Hornchurch	Use	Committee 26-08-10	29-11-10	29-11-10	09-12-10	Appeal dismissed	Pursuing compliance
83A London Road Romford	Use	Committee 02-12-10	04-03-11	04-03-11	26-03-11	Withdrawn 12-10-11	Monitoring
8 Highview Gardens Upminster	Development	Committee 07-04-11	05-08-11	05-08-11			Notice complied with
5 Writtle Walk Rainham	Use	Delegated 14-01-11	18-04-11	18-04-11	19-05-11		Pursuing compliance
Small Acres Folkes Lane Upminster	Use /development	Committee 19-05-11	25-07-11	27-07-11			Pursuing compliance
5061 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
319 Rush Green Road Rush Green Romford	Use	Committee 19-05-11	19-09-11	20-09-11	18-10-11	Withdrawn 11-05-12	Monitoring
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			No action at present time Notice remains on land.
2A Woburn Avenue Elm Park Hornchurch	Use	Delegated 07-11-11	17-11-11	17-11-11	21-12-11	Dismissed 15-03-12	Pursuing compliance

ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	DATE OF COMMITTEE AUTHORITY	NOTICE ISSUED	NOTICE SERVED	APPEAL LODGED	APPEAL DECISION	COMMENTS
Folkes Farm (Field) Folkes Lane Upminster	Development	Delegated 22-12-11	23-12-11	23-11-11			Pursuing compliance
178 Crow Lane Romford	Development x 2	Committee 03-11-11	12-01-12	12-01-12			Pursuing compliance
Cranham Hall Farm The Chase Cranham Upminster	Use x 5 Development x7	Committee 17-11-11	15-03-12	15-03-12	13-04-2012		See Schedule A (Notices appealed 8)
2 Pettley Gardens Romford	Development	Committee 15-03-12	09-05-12	09-05-12			Pursuing compliance
The Squirrels Public House 120 Brentwood Road Romchurch	Use	Delegated	09-05-12	09-05-12			Pursuing compliance
Benskins Lane east of Church Road Harold Wood Romford	Development	Delegated	14-05-12	15-05-12			Pursuing compliance

REGULATORY SERVICES COMMITTEE

REPORT

21 JUNE 2012

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 have been no prosecutions this quarter.

IMPLICATIONS AND RISKS

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

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

Human Resources implications and risks: None identified.

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

**REGULATORY
SERVICES
COMMITTEE**

REPORT

21 June 2012

Subject Heading:

P0467.12 - A two-storey extension to the existing junior school building to replace the accommodation of the existing infants school building and increase the size of the school to a three-form-entry primary school. New landscaping works including a new vehicular entrance, bin store and multi use games area.

Report Author and contact details:

Helen Oakerbee (Planning Control Manager) 01708 432800

Policy context:

**Local Development Framework,
London Plan
National Planning Policy**

Financial summary:

None

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

Clean, safe and green borough	[]
Excellence in education and learning	[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	[]

SUMMARY

This planning application proposes the erection of a two (part three) storey extension to replace existing, sub standard accommodation at Branfil Primary

School. The proposal would also allow for the expansion of the school from the current 424 pupils and 79 staff (full and part time) to allow for increases of approximately 201 pupils and 14 staff. The proposal would include landscaping works, a new vehicular entrance, a new extended car park, multi use games areas, play areas, and a bin store. Officers consider the proposal to be acceptable having had regard to the Development Plan and all other material considerations, including the principle of development; impact on visual amenity and the character of the area; the impact upon residential and local amenity; along with highways issues and other considerations. It is therefore recommended that planning permission be granted.

This application is brought before the Committee owing to the application being submitted, and the land being owned, by the Council.

RECOMMENDATIONS

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

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

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

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

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

3. Travel Plan - The development shall not be occupied unless a Travel Plan for the school has been submitted to and agreed in writing by the Local Planning Authority. The plan shall include measures to reduce private vehicular trips and proposals for monitoring progress, including a timetable for its implementation and review. The agreed Travel Plan shall remain in force permanently and implemented in accordance with the agreed details.

Reason: To help bring about a reduction in private car journeys and to minimise the potential for increased on street parking in the area.

4. Boundary Treatment - 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, shall be erected and 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 prevent undue overlooking of adjoining property, and that the development accords with the Development Control Policies Development Plan Document Policy DC61.

5. Storage of Refuse -Prior to the first occupation of the development hereby permitted, provision shall be made for the storage of refuse awaiting collection according to details which shall previously have been agreed in writing by the Local Planning Authority.

Reason:-

In the interests of amenity of occupiers of the development and also the visual amenity of the development and the locality generally, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

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

Reason:-

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

7. Secure by Design - Prior to the commencement of the development hereby permitted, details of the measures to be incorporated into the development demonstrating compliance with the principles and practices of the 'Secured by Design' scheme 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.

8. Secure by Design - Prior to the commencement of the development hereby permitted a scheme showing the details of a CCTV system to be installed for the safety of users and the prevention of crime throughout, shall be

submitted to and approved in writing by the Local Planning Authority in consultation with the Crime Prevention Design Advisor. No part of the development shall be occupied or used before the scheme is implemented as agreed.

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

9. 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 comply with Policy DC61 of the Development Control Policies Development Plan Document.

10. Highways - The development hereby approved shall not commence until the detailed design of highway improvements to Cedar Road and Bridge Avenue, including the consideration of speed reduction measures and further parking controls, have been submitted to and agreed in writing by the Local Planning Authority, in conjunction with the Highway Authority.

Reason: To ensure the interests of highway safety and amenity and to accord with Policy DC 32.

11. Highways - 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, CP17 and DC61.

12. Highways – The proposed car parking indicated on the approved plans shall be provided prior to the approved building being brought into use, and shall be retained for the life of the development.

Reason: To ensure the interests of highway safety and amenity and to accord with Policy DC 32.

13. Landscaping – The submitted landscaping scheme, received by the Council on 11th April 2012, shall be implemented 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: To ensure that the appearance of the proposed development will harmonise with the character of the surrounding area and comply with Policy DC61 of the Development Control Policies Development Plan Document.

14. Construction Times - 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.

Informatives

1. The Highway Authority requires the Planning Authority to advise the applicant 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. Should this application be granted planning permission, the developer, their representatives and contractors are advised that this does not 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 7 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).

Reason for Approval (should planning permission be granted)

The proposal is considered to be acceptable in principle given that it would address an identified shortfall in primary school provision, and improve the standard of the facilities available. Subject to the use of conditions, it is considered that the proposal would not result in any significant adverse impacts in relation to visual amenity and local character, residential amenity, and other considerations, as discussed. The proposal is likely to result in an increase in local traffic congestion during discrete periods of the day during the school week, but given the educational benefits of the proposal along with the potential mitigating factors of the Travel Plan, the highways impact is not considered sufficient to warrant refusal in this case.

Having considered the principle of development, design/street scene issues, amenity implications, parking and highways issues, and other considerations, the proposal is considered to be in accordance with the aims and objectives of Policies CP10, CP17, DC18, DC29, DC32, DC33, DC58, DC61, and DC63 of the LDF Development Core Strategy and Development Control Policies DPD, as well as the provisions of the London Plan and the National Planning Policy Framework.

REPORT DETAIL

1. Site Description

- 1.1 The application site comprises the existing Branfil Primary school, which includes numerous buildings and areas of curtilage containing play areas and other open spaces, along with car parking. The main cluster of school buildings, which mainly date back to the 1920s, are located towards the southern end of the site. This complex of brick buildings is separated by a playground from a further set of buildings located towards the northern end of the site. This latter complex of buildings mainly comprises single storey, temporary structures used as classrooms, which are in a tired state of repair.
- 1.2 The site is located within a residential area approximately 1km to the south west of the centre of Uppminster. The site's eastern boundary runs alongside Cedar Avenue, over the road from residential properties that line the public highway. The site's northern and southern boundaries lie adjacent to residential properties located along the western side of Cedar Avenue. The western boundary lies adjacent to several properties located along Lime Avenue, but mainly abuts an area of woodland.
- 1.3 The site is located on undesignated land but is located alongside a Metropolitan level Site of Nature Conservation Importance and land

designated as Parks, Open Spaces, Playing Fields and Allotments in the LDF.

2. Description of Proposal

- 2.1 This planning application proposes the erection of a 2-3 storey extension at the western side of the existing complex of brick buildings towards the southern end of the site. The proposed extension would provide space, internally, for classrooms and a nursery, amongst other spaces required by the school. The proposed nursery would be kept separate from the remainder of the school, and would have a dedicated pedestrian access through a new entrance at the south eastern corner of the site. The proposed extension would replace the buildings, which it is proposed to demolish at the northern end of the site, and would also allow for an increase in the capacity of the school, with a potential increase of 201 pupils from the current 424, and an increase of 14 staff from the current 79.
- 2.2 The proposal would be built on land that slopes down towards the north meaning that, at its northern end, the proposal would be 3 storeys in height, whilst at its southern end it would be 2 storeys in height. At its northern end, the proposal would be 12m in height from ground level; it would not be taller than the existing, main brick building at any point. The proposal would be approximately 72m length at its longest point, and 23m at its widest point. The proposed extension would run in a north-south direction with its main, and most visible, elevation facing towards the west. The proposal would be visible from Cedar Avenue in the east as it would project beyond the northern end of the existing brick buildings that face the public highway.
- 2.3 The extension would have a flat roof and be clad in a combination of glazing, render, and wood. A platform structure attached to the proposal's western, or main, elevation, with stairs at each end, would provide a level entrance area over what is sloped ground.
- 2.4 The proposed development would also involve the demolition of various buildings. One of the buildings forms part of the brick buildings at the southern end of the site and will be directly replaced by the proposed extension. It is also proposed to demolish the extensive complex of single storey buildings at the northern end of the site, which are being used as classrooms. These would be replaced by a car park and multi use games area. Additional sports and play areas would be provided immediately to the south, alongside the retained brick buildings and proposed extension. An outside play area would be provided at the south western end of the site for use in association with the nursery. New landscaping and pathways would also be provided in various parts of the site.
- 2.5 The existing gross internal floor space of buildings at the site is approximately 2705sqm, 815sqm of which is comprised of classrooms. The existing external play areas are 6353sqm in area. The proposed gross internal floor space is 3652sqm, 1360sqm of which would be classroom space, with the proposed external play area being 7057sqm. The proposal

would therefore result in a significant increase in both classroom space and external play areas and this is achieved by replacing a number of single storey buildings with the proposed two storey extension, making more efficient use of the space available within the site.

- 2.6 The site currently has 50 parking spaces and these would be increased by 14, which corresponds with the proposed increase in staff numbers. Cycle parking would be provided at the site with a total of 72 spaces.

3. Relevant History

- 3.1 The previous planning decisions of most relevance to this application are as follows:

P0204.10 - Temporary storage container on playing field.

P0616.10 - Temporary storage container on school playing field.

P1681.99 - Single storey extension to provide computer suite – Approved.

4. Consultations/Representations

- 4.1 Notification letters were sent to 84 neighbouring properties with 70 objection letters being received from residents in the surrounding area along with 4 letter of support. The objections raised are on the following grounds:

- a) There is insufficient capacity in the local highway network for more traffic;
- b) The proposal would provide insufficient parking spaces;
- c) The increase in traffic will result in further damage to the highway and reduce highway safety;
- d) There is intense traffic congestion during the mornings and afternoons;
- e) Vehicles are parked along the highway and prevent the passage of emergency vehicles;
- f) A memorial tree within the site will be destroyed;
- g) The existing school railings are of historical importance;
- h) There will be an increase in noise;
- i) Litter dropped from vehicles;
- j) There will be an adverse effect on property prices;
- k) The site is too small to accommodate the proposed expansion compared to other schools in the area;
- l) The design does not match the existing buildings;
- m) A single storey extension would be preferred;
- n) The proposal would result in the loss of light, overlooking, noise, and odour impacts on neighbouring occupiers;
- o) The need for an expanded school in this location has not been demonstrated;
- p) The proposal would be contrary to planning policies;

- q) The submitted traffic assessment is inaccurate;
- r) The Design and Access Statement is inaccurate in its description of neighbouring properties;
- s) A proposed new footpath at the southern end of the site would result in significant noise and overlooking to No.16 Cedar Avenue.

The four letters of support state that the proposal would provide a welcome improvement to the facilities at the school.

- 4.2 Responses have been received from the following statutory and internal consultees:

Environment Agency – Comments awaited.

Sport England – No objections.

Highway Authority – No objections; conditions recommended.

Crime Prevention Design Advisor – No objections; conditions recommended.

London Fire and Emergency Planning Authority – No objections.

5. Relevant Policies

- 5.1 The following policies of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document (“the LDF”) are material in this case:

CP10 (Sustainable Transport)

CP17 (Design)

DC18 (Parks, Open Spaces, Playing Fields, and Allotments)

DC29 (Educational Premises)

DC32 (The Road Network)

DC33 (Car parking)

DC55 (Noise)

DC58 (Sites of Nature Conversation Importance)

DC61 (Urban Design)

- 5.2 The following policies of the London Plan are of relevance:

Policy 3.18 (Education Facilities)

- 5.3 National Planning Policy Framework is also a material consideration.

6. Staff Comments

- 6.1 This proposal is put before the Committee owing to the application being submitted, and the land being owned, by the Council. The main issues to be considered by Members in this case are the principle of development,

design/street scene issues, amenity implications, parking and highways issues, and other considerations.

7. Principle of Development

7.1 Policy 3.18 of the London Plan states that:

“Development proposals which enhance education and skills provision will be supported, including new build, expansion of existing facilities or change of use to educational purposes. Those which address the current projected shortage of primary school places will be particularly encouraged.”

7.2 Policy DC29 seeks to ensure that the provision of primary and secondary education facilities is sufficient in quantity and quality to meet the needs of residents. The need for increased school places will normally be met by seeking opportunities within existing sites.

7.3 The submitted information states that the proposed expansion of the school’s facilities would address an identified shortage of primary school places and is therefore supported by planning policy. Given the existing use of the site and the objectives of the above mentioned policies, the proposed development is considered to be acceptable in principle.

8. Design/Impact on Street scene

8.1 Policy DC61 seeks to ensure that new developments/alterations are satisfactorily located and are of a high standard of design and layout. Furthermore, it seeks that the appearance of new developments/alterations is compatible with the character of the surrounding area, and does not prejudice the environment of the occupiers and adjacent properties.

8.2 Objections have been raised by neighbouring occupiers stating that the proposal would have a significant adverse visual impact on the character of the area.

8.3 The bulk of the proposal would not be visible from beyond the site. The site’s eastern boundary is heavily screened by adjoining woodland, beyond which is open land. The proposal would be partially visible from the rear of residential properties located along Cedar Avenue and Lime Avenue, although the view would be broken up by a combination of trees and other vegetation, boundary fencing, and the topography of the land. The existing landscaping along the boundary with the Lime Avenue properties would be reinforced by the planting of trees. The proposal would also be partially visible from the public highway, Cedar Avenue, as it would extend beyond the northern elevation of the existing buildings.

8.4 Whilst the proposal would be visible from certain vantage points, it is not considered that it would result in any significant adverse impacts on visual amenity or the character of the area. The height of the proposed extension is below the ridge height of the existing brick buildings, and it is largely

screened by the existing buildings and other features in the surrounding landscape. Whilst the modern design of the extension differs from that of the existing buildings, it is considered that its use of materials and overall appearance would complement the brick buildings to be retained and would be an improvement over the dilapidated complex of buildings in use at the northern end of the site.

- 8.5 The proposed extension, along with the other aspects of the proposal, is considered to be acceptable in terms of their design, appearance, and impact upon the character of the area. In this regard, the proposal is considered to be in accordance with Policy DC61 of the LDF Development Control Policies Development Plan Document.

9. Impact on amenity

- 9.1 Policy DC61 of the LDF states that planning permission will not be granted for proposals that would significantly diminish local and residential amenity.
- 9.2 Objections have been received from neighbouring occupiers stating that the proposal would result in significant adverse impacts on the amenity of neighbouring occupiers, including noise and overlooking. The occupiers of No.16 Cedar Avenue have objected to the proposal on the grounds that a proposed path, to run alongside the southern boundary of the site, would have a significant adverse impact on the amenity
- 9.3 It is considered that in relation to the physical development of the site, only the proposed extension would result in any potential adverse impacts on neighbouring occupiers. Given the change in ground level between these properties and the site, the proposal would be more noticeable than the existing buildings. However, the separation distances and the presence of screening are such that, it is considered, the proposal would not result in a significant adverse visual impact from neighbouring properties.
- 9.4 The proposed extension would be located approximately 41m from the rear of the nearest dwellings located along Lime Avenue, and around 8m from the boundaries of the curtilages of these properties, although the boundaries are screened by vegetation and fencing. The proposal would be located approximately 30m from the rear curtilage of No.16 Cedar Avenue, and in excess of 70m from other properties located along Cedar Avenue. Openings located in the southern and western elevations of the proposed extension, and relating to classrooms and service areas, would face towards properties along Cedar Avenue and Lime Avenue. The openings in the western elevation in particular would be the nearest to neighbouring properties although they would be at an oblique angle. Given the separation distances between these openings and the properties in question and the oblique angles involved, along with the presence of landscaping, it is considered that there would not be any significant adverse overlooking to these properties. Given the siting, design, and scale of the proposal, particularly in relation to neighbouring properties, and given the nature of the surrounding

landscape, it is considered that the proposal would not result in any significant adverse impacts in terms of overlooking, outlook, or loss of light.

- 9.5 In terms of noise impacts, the main outdoor play areas would be located towards the centre and northern end of the site. The site remains as a school and there will inevitably be noise during the school day, particularly during break times. The Council's Environmental Health officers have been consulted about the proposal but comments have yet to be received. Members will be updated at Committee of the comments received.
- 9.6 In relation to the comments made by the occupants of No.16 Cedar Avenue, it is considered that the proposed pathway would not result in a significant adverse impact on their amenity. The proposed path is only intended to provide access to the nursery, which would have around 30 places. For security reasons, access to the pathway would be strictly controlled by a gateway on to the public highway. In terms of noise, it is considered that the proposed pathway would not be used intensively enough to cause any significant nuisance, particularly given the limited numbers that would attend the nursery and the discrete times of weekdays that they would generally visit. In terms of overlooking, a condition could be imposed requiring the submission of details relating to screen fencing along that boundary, to prevent any significant overlooking.
- 9.7 Subject to no adverse comments being received from Environmental Health officers, and subject to the afore mentioned conditions, it is considered that the proposal would be in accordance with Policy DC61 of the LDF in relation to amenity considerations.

10. Highway/parking Issues

- 10.1 The proposal would result in a significant increase in the number of children attending the school, along with an increase in the number of teaching staff. An increase of 14 parking spaces, over and above what is already provided, is proposed to accommodate the increase in staff numbers.
- 10.2 Objections have been received from local residents stating that the proposal would have a significant adverse impact on access arrangements in the local area. It is likely that there will be an increase in the number of vehicle movements in the local area, however, the vast majority of the traffic generated by the school occurs at discrete periods of the day; usually a 30 minute window in the morning and then in the afternoon on weekdays. Moreover, the submitted Travel Plan proposed various measures for reducing car use.
- 10.3 The proposal could result in an increase in traffic congestion in the local area during the morning and afternoon peak times. To address this, the application is accompanied by a draft Travel Plan, which discusses various means of encouraging alternative modes of transport to the use of cars. It is recommended that a condition be imposed requiring the implementation and monitoring of this Travel Plan, should planning permission be granted.

However, even with the proposed Travel Plan measures, it is considered likely that there will still be an increase in the use of car trips to and from the site. Any increase in traffic should be weighed against the favourable policy position of the proposal, in that it would address a shortfall in school places and improve the standard of school provision within the borough by replacing existing, poor quality accommodation.

- 10.4 The Highway Authority was consulted about the proposal but raised no objections subject to the imposition of planning conditions and informatives, which it is recommended should be imposed if planning permission is granted.
- 10.5 Whilst the proposal is likely to result in periodic increases in local traffic congestion, given that no objections have been raised by the Highway Authority, and given that the increased highway impact would generally only occur at specific periods of time, the impact of the proposal, in terms of highway safety and access arrangements, is considered to be acceptable, subject to the use of the afore mentioned conditions.

11. Other Considerations

- 11.1 The Council's Crime Prevention Design Advisor has raised no objections to the proposal but has suggested conditions relating to the installation of CCTV and measures to design out crime. It is recommended that these conditions be imposed should planning permission be granted.
- 11.2 The site is located in Flood Zone 1 but is more than 1 hectare in area, meaning that a Flood Risk Assessment is required. The Environment Agency have been consulted about the proposal but have yet to respond. Members will be updated of any comments received at Planning Committee.
- 11.3 Objections have received stating that the proposal would have a detrimental impact on local property values. This is not a material planning consideration.
- 11.4 Given the nature of the proposal, including its siting, scale and design, it is considered that it would not have any significant adverse impacts on the neighbouring Site of Nature Conservation Importance or open space.

12. Conclusion

- 12.1 The proposal is considered to be acceptable in principle given that it would address an identified shortfall in primary school provision, and improve the standard of the facilities available. Subject to the use of conditions, it is considered that the proposal would not result in any significant adverse impacts in relation to visual amenity and local character, residential amenity, and other considerations, as discussed. The proposal is likely to result in an increase in local traffic congestion during discrete periods of the day during the school week, but given the educational benefits of the proposal and the absence of objections from the Highway Authority, along with the potential

mitigating factors of the Travel Plan, the highways impact is not considered sufficient to warrant refusal in this case.

- 12.2 Subject to there being no adverse comments from consultees, and subject to the recommended conditions, Officers consider the proposal to be acceptable having considered Policies CP10, CP17, DC18, DC29, DC32, DC33, DC55, DC58, DC61, and DC63 of the LDF and all other material considerations, and therefore recommend that the application be approved.

IMPLICATIONS AND RISKS

Financial implications and risks:

None.

Legal implications and risks:

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

Human Resources implications and risks:

None.

Equalities implications and risks:

The Council's planning policies are implemented with regard to Equalities and Diversity. The proposal will enhance accessibility to educational facilities.

BACKGROUND PAPERS

Application form, plans and a Design and Access Statement.

**REGULATORY
SERVICES
COMMITTEE**

REPORT

21 June 2012

Subject Heading:	P0473.12 – Demolition of garages and construction of new 4 bed detached dwelling with turning area and landscaping on land at garage site, Vernon Road, Collier Row
Report Author and contact details:	Helen Oakerbee (Planning Control Manager) 01708 432800
Policy context:	Local Development Framework London Plan National Planning Policy
Financial summary:	None

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

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

SUMMARY

This planning application proposes the erection of a dwelling at a Council garage site off Vernon Road, Collier Row. The proposal is considered acceptable in all material respects, including design and layout, impact on neighbouring amenity, environmental impact and parking and highway issues. The proposal would be

subject to the Council's tariff under the draft Planning Obligations SPD and therefore requires a S106 agreement. Subject to there being no adverse comments from consultees or the general public, along with the completion of a legal agreement and the conditions detailed below, it is recommended that planning permission be granted.

RECOMMENDATIONS

That subject to the expiration of the consultation period on 29th June 2012 and any consultation responses received raising no new material considerations other than those already considered by Committee, it is recommended that the Committee delegate to the Head of Development and Building Control authority to grant planning permission, subject to the completion of a legal agreement and planning conditions. If new material considerations are raised, then the matter shall be remitted back to Regulatory Services Committee for its further consideration and resolution.

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:

- The sum of £6000 towards the costs of infrastructure associated with the development in accordance with the draft Planning Obligations SPD;
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- The Council's reasonable legal fees for shall be paid prior to completion of the agreement irrespective of whether or not it is completed;
- The Council's planning obligation monitoring fees shall be paid prior to completion of the agreement.

That, subject to there being no new material considerations, the Head of Development and Building Control 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) Accordance with plans: The development hereby permitted shall not be carried out otherwise than in complete accord with the approved plans, particulars and specifications.

Reason:

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

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

Reason:

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

4) 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

5) Boundary Treatment – No development shall take place until details of the proposed boundary treatment at the site have been submitted to and approved in

writing by the Local Planning Authority. The approved details shall be implemented and retained for the life of the development.

Reason:

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

6) Permitted Development rights: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 Article 3, Schedule 2, Part 1, Classes A, B, C, D and E, no extensions, roof extensions, roof alterations or outbuildings shall be constructed to the rear or northern side of the proposed dwelling, 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 visual and residential amenity, and to maintain the openness of the Green Belt, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61

7) Standard flank wall condition: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, no window or other opening (other than those shown on the submitted plan,) shall be formed in the flank wall(s) of the building(s) hereby permitted, unless specific permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

Reason:

In order to ensure a satisfactory development that will not result in any loss of privacy or damage to the environment of neighbouring properties which exist or may be proposed in the future, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

8) Hours of Construction: No construction works or construction related 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 construction related deliveries shall take place on Sundays, Bank or Public Holidays unless otherwise agreed in writing by the Local Planning Authority.

Reason:

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

9) Construction Methodology Statement: 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, nearby occupiers, and the neighbouring Site of Nature Conservation Interest. 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;
- j) Measures to prevent damage to trees.

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.

10) Visibility Splays: The proposals shall provide a 2.1 by 2.1 metre pedestrian visibility splay on either side of the proposed access, set back to the boundary of the public footway. There should be no obstruction or object higher than 0.6 metres within the visibility splay.

Reason:

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

11) Highways Licence Agreement: 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, CP17 and DC61.

12) Secured by Design: Prior to the commencement of the development hereby permitted, details of the measures to be incorporated into the development demonstrating how 'Secured by Design' accreditation might 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

13) Refuse and recycling: Prior to the first occupation of the development hereby permitted, provision shall be made for the storage of refuse and recycling awaiting collection according to details which shall previously have been agreed in writing by the Local Planning Authority.

Reason:

In the interests of amenity of occupiers of the development and also the visual amenity of the development and the locality generally, and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61

14) Road lighting: Before the building (s) hereby permitted is first occupied, a scheme for lighting within the development, to include the lighting along the access road, shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall be provided and operated in strict accordance with the approved scheme.

Reason:

In the interest of residential amenity.

INFORMATIVES

1. Reason for Approval:

It is considered that the proposed development would constitute inappropriate development in the Green Belt, however, very special circumstances have been demonstrated by the applicant, which it is

considered, overcome the harm to the Green Belt, by reason of inappropriateness and any other harm. The proposed residential development is acceptable in principle in all other respects. The design and layout of the proposed development are considered to be in keeping with the character and amenity of the locality and to provide a suitably high quality living environment for the enjoyment of future occupiers. There is judged to be no material harm to neighbouring residential amenity arising from the proposals and the application, subject to a condition, can make acceptable provision for landscaping. The proposal is considered to be acceptable in respect of parking and highways issues.

It is considered that the proposal satisfies the relevant criteria of Policies CP1, CP17, DC2, DC3, DC32, DC33, DC45, DC58, DC61 and DC63 of the LDF Development Control Policies Development Plan Document.

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

2. 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.
3. The developer, their representatives and contractors are advised that planning permission does not 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.
4. The applicant is advised that if construction materials are proposed to be kept on the highway during construction works then they will need to apply for a license from the Council.
5. With regards to surface water drainage it is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water

Developer Services will be required. They can be contacted on 0845 850 2777.

6. In aiming to satisfy Condition 12 the applicant should seek the advice of the Police Crime Prevention Design Advisor. The services of the local Police CPDA is available free of charge through Havering Development and Building Control or Romford Police Station, 19 Main Road, Romford, Essex, RM1 3BJ." It is the policy of the local planning authority to consult with the Borough CPDA in the discharging of community safety condition(s).

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.

REPORT DETAIL

1. Site Description

- 1.1 The application site is a former Council garage court that still includes the hardstanding and 15 domestic garage units, which are now vacant. The site is located at the northern end of Collier Row. The majority of the site is located on unallocated land in a residential area, however, an area of land forming the north eastern part of the site is located in the Green Belt.
- 1.2 The site forms a long, irregular shaped area, running in a south-west to north-east direction. A significant area of the site is comprised of the access road that currently serves the garage court from Vernon Road. The access road runs alongside neighbouring residential properties, which it is separated from by a variety of fence types. The site boundaries are formed by wooden and metal fencing and concrete walls.
- 1.3 The site's northern boundary lies adjacent to neighbouring residential properties located along Kingshill Avenue. The eastern boundary abuts open land located in the Green Belt, and is in close proximity to a Site of Nature Conservation Importance. The southern boundary lies adjacent to residential properties located along Vernon Road, along with land associated with a former depot, and communal grassland associated with flatted dwellings located along Hillrise Road. The western boundary lies adjacent to the public highway, Vernon Road.

2. Description of Proposal

- 2.1 This planning application proposes the demolition of the existing garage units at the site, and their replacement with a four bedroom, detached dwelling. The proposed dwelling would have a pitched roof and would be accompanied by a front and rear garden, a driveway with four parking spaces, and a detached garage building.
- 2.2 Vehicular access would be taken from Vernon Road, along the existing roadway serving the existing garage court.

3. Relevant History

- 3.1 The site, which comprises two rows of garages associated with the neighbouring housing development, has been in use for domestic storage purposes.
- 3.2 Planning permission was granted in 2009 for two dwellings at a former depot site, which is located on the southern side of the access road serving the site under consideration. The planning permission granted (reference P1160.09) expires in October, 2012. Should that planning permission be implemented, then the two dwellings would share the same access road leading to the proposed dwelling under consideration.
- 3.3 That planning permission includes a fire engine turning area, which it would not be possible to implement should the development under consideration be granted consent and be implemented. However, the proposal under consideration also includes a turning area that the London Fire and Emergency Planning Authority consider sufficient for use by a fire engine. The developer of the former depot site may need to amend their planning permission should they choose to implement it.

4. Consultations/Representations

- 4.1 A site notice and a press advertisement have been displayed and the expiry date for these is 29th June 2012. Neighbour notification letters have also been sent to 39 local addresses. One representation has been received from a neighbouring occupier stating that the proposal would be beneficial. However, it is also stated that some of the street lighting columns in the approach road should be replaced owing to their dangerous condition.
- 4.2 Crime Prevention Design Advisor
No objections; condition and informative recommended.
- 4.3 London Fire and Emergency Planning Authority
No objections.
- 4.4 Essex & Suffolk Water
No objections.

- 4.5 Environmental Health
Noise – No objections; conditions recommended.

Contaminated Land - No comments received. Members will be updated at Planning Committee.

- 4.6 Highway Authority
No objections; condition recommended.

5. Relevant Policies

5.1 National Planning Policy

National Planning Policy Framework (“the NPPF”)

5.2 Regional Planning Policy

The London Plan (July 2011) is the strategic plan for London and the following policies are considered to be relevant: 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 3.8 (housing choice), 8.2 (planning obligations).

There is also a range of Supplementary Planning Guidance to the London Plan.

5.3 Local Planning Policy

The following policies of the LDF Core Strategy and Development Control Policies DPD (“the LDF”) are of relevance:

CP1 - Housing Supply
CP17 - Design
DC2 - Housing Mix and Density
DC3 - Housing Design and Layout
DC32 – The Road Network
DC33 - Car Parking
DC45 – Appropriate development in the Green Belt
DC58 – Site of Nature Conservation Importance
DC61 - Urban Design
DC63 - Delivering Safer Places

In addition, Residential Design Supplementary Planning Document (“the SPD”) and the draft Planning Obligations SPD are also material considerations in this case.

6. Staff Comments

- 6.1 The issues arising from this application are the principle of development, design and amenity considerations, highway and parking issues, community infrastructure, and other considerations.

6.2 Principle of Development

- 6.2.1 The principle of residential development on this site, which would increase the Borough's supply of housing, would be in accordance with Policy 3.3 of the London Plan.
- 6.2.2 The existing buildings on the site are not of any particular historic or architectural merit and there is no objection in principle to their demolition.
- 6.2.3 Part of the site, at its north eastern end, is located in the Green Belt. Part of the proposed dwelling, its curtilage, and the whole of the proposed garage would be located in the Green Belt.
- 6.2.4 This planning application therefore proposes the change of use of land and building operations in the Green Belt. Policy DC45 of the LDF states that planning permission will only be granted for development in the Green Belt that is for given purposes, including outdoor recreation, and that new buildings in the Green Belt will only be approved where they are essential to the identified uses.
- 6.2.5 National planning guidance is also a material consideration in the determination of planning applications. In terms of the guidance contained in the NPPF, the preliminary assessment when considering proposals for development in the Green Belt is as follows:-
- a) It must be determined whether or not the development is inappropriate development in the Green Belt. The NPPF and the LDF set out the categories of development not deemed to be inappropriate.
 - b) If the development is considered not to be inappropriate, the application should be determined on its own merits.
 - c) If the development is inappropriate, the presumption against inappropriate development in the Green Belt applies.
- 6.2.6 Paragraph 89 of the NPPF states that the construction of new buildings should be regarded as inappropriate in the Green Belt, except in given cases, providing they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. The proposed buildings in this case are part of a dwelling and a detached garage building. These building types are not included in the categories of acceptable building operations contained in the Development Plan or the NPPF. The proposed building operations would therefore constitute inappropriate development in the Green Belt. It is also considered that these structures would be harmful to the purposes of including land in the Green Belt, given the urbanising effect they would have.
- 6.2.7 The NPPF, in relation to material changes of use in the Green Belt, states that material changes of use constitute inappropriate development. It is

considered that the proposed change of use, which would include residential and domestic curtilage, would constitute inappropriate development in the Green Belt.

- 6.2.8 The proposed building operations and material change of use would constitute inappropriate development in the Green Belt. Inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. It is for the applicant to show why permission should be granted and very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations (NPPF, paragraph 88). Prior to appraising the very special circumstances case put forward, it is necessary to consider whether any other harm would arise from the development. This is explored below.

6.3 Design Considerations

- 6.3.1 Policy DC2 of the LDF stipulates the appropriate residential densities in given areas of the borough. Policy DC61 states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area. The SPD contains guidance in relation to the design of residential development.
- 6.3.2 The application site has an area of approximately 850sqm and proposes 1 residential unit, giving a development density equivalent to approximately 12 units per hectare. Whilst this is below the density range of 30-50 units per hectare set out in Policy DC2 and Policy 3.4 of the London Plan, it is partly a reflection of the site's long access route, and is considered appropriate for the site under consideration.
- 6.3.3 The site is located in a broadly residential area comprising a range of house types, with traditional, two storey, pitched roof dwellings and larger scale, inter and post war flatted development. The site itself is in a vacant condition.
- 6.3.4 The application proposes a traditional form of design and construction, which is considered to be broadly in keeping with the character and context of the surrounding area, which is characterised by a mix of house types. The proposal would have a pitched roof and conventional detailing and would be constructed using stock facing brick with render, and plain roof tiles. It is considered that the proposal would result in a visual improvement at the site, which is in a derelict condition, and would therefore improve the visual amenities of the Green Belt and the surrounding area.
- 6.3.5 It is recommended that further details regarding the proposed landscaping, boundary treatment, and cladding materials be required by planning conditions. As part of the site is located in the Green Belt, it is also recommended that permitted development rights be removed to prevent the erection of extensions and curtilage structures to the rear of the property.

6.3.6 Given the nature of the proposal, including its appearance, layout, scale, massing and design in relation to the surrounding area and within the proposed development itself; it is considered that the proposal would have an acceptable impact on the character of the area, and that it would therefore be in accordance with Policy DC61 of the LDF and Policy 7.4 of the London Plan.

6.4 Layout and Amenity Considerations

6.4.1 Policy DC2 of the LDF provides guidance in relation to the dwelling mix within residential developments. Policy DC61 states that planning permission will not be granted for proposals that would significantly diminish local and residential amenity. The Residential Design SPD provides guidance in relation to the provision of adequate levels of amenity space for the future occupiers of new dwellings.

6.4.2 The main elevations of the proposed dwelling would face in a broadly east west direction; no windows would be included in the side elevations. The proposed dwelling would be located approximately 32m to the north of the flatted building located along Hillrise Avenue. The nearest dwellings to the proposal are located along Kingshill Avenue and would be approximately 29m to the north. The proposed dwelling would be located approximately 6m from the curtilages of these properties, however, given the length of these gardens and the orientation of the proposal in relation to them, it is considered that the proposal would not result in any significant overlooking. The proposal's front elevation would face towards properties along Vernon Road; the dwellings of these properties would be located approximately 58m away.

6.4.3 The access road of the proposal would pass by neighbouring properties, but the number of vehicle movements would be no higher than during the site's use as a garage court, and would be sufficiently low not to result in any significant adverse noise impacts on the neighbouring occupiers.

6.4.4 Given the siting, layout, scale, and design of the proposal, it is considered that it would not result in any significant adverse impacts on the amenity of neighbouring occupiers, in terms of overlooking, outlook, or loss of light. It is considered that the proposal would provide an adequate amount of amenity space and internal accommodation for the enjoyment of future occupiers of the proposal.

6.4.5 The proposal is considered to be acceptable and would be in accordance with Policy DC61 of the LDF and guidance contained in the SPD.

6.5 Parking and Highway Issues

6.5.1 Policy DC33 in respect of car parking refers to the density matrix in Policy DC2. Two parking spaces are proposed, along with two visitor parking spaces, which is considered to be acceptable.

- 6.5.2 According to the information provided by the applicant, all 15 garages are in a poor condition and all are currently vacant. The loss of these garages in favour of the proposal to provide new family accommodation is therefore considered acceptable and would not result in any highway safety or parking issues through displacement.
- 6.5.3 The access road would have a shared surface for vehicles and pedestrians. The width of the access road measures 4.5m, which is sufficient to accommodate emergency vehicles. The proposed access arrangements have raised no objections from the Highway Authority.
- 6.5.4 In light of the above, the proposal is considered to satisfy the requirements of Policies DC2, DC32, and DC33 of the LDF.

6.6 **Other Issues**

- 6.6.1 The proposed development would result in the demolition of three garages that have been in continuous use for at least six months during the past twelve months.
- 6.6.1 Havering's Crime Prevention Design Advisor has recommended a condition requiring the submission of details relating to the way in which "Secured by Design" standards will be achieved, accompanied by an informative. In the interests of designing out crime, this condition and informative can be imposed should planning permission be granted.
- 6.6.2 This planning application is subject to the Council's tariff under the draft Planning Obligations SPD. The proposal would give rise to a contribution of £6000 towards infrastructure costs. This payment should be secured by a legal agreement, and planning permission should not be granted until this agreement has been completed.
- 6.6.3 The site is located in close proximity to a Borough level Site of Nature Conservation Importance located to the north and east of the site. Policy DC58 of the LDF states that the biodiversity and geodiversity of SNCIs will be protected and enhanced. The neighbouring SNCI contains a number of mature trees and it is recommended that a condition be imposed requiring the approval of a construction method statement detailing the means by which the SNCI will be protected during construction works.
- 6.6.4 A neighbouring occupier has stated that the street lamps along the access road are not in a safe condition. This is a matter for the landowner to investigate. However, a condition can be imposed to require details of lighting to be provided along the access road, which would be shared by pedestrians and vehicles.
- 6.6.5 **The Mayor's Community Infrastructure Levy**

The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The

chargeable floorspace of the development once the demolition works are taken into account is approximately 133sqm, which equates to a Mayoral CIL payment of £2660.

6.7 Green Belt – Very Special Circumstances

- 6.7.1 The applicant has submitted very special circumstances, stating that the proposal would merely replace existing development on a Brownfield site. Several of the existing garages (94.6sqm in area and 218.18cum in volume) are located in the Green Belt; their demolition and replacement with the proposed buildings would result in a reduction in the amount of built development (area and volume) located in the Green Belt. The reduction in the built volume within the Green Belt, as a result of this proposal, would be approximately 108cum. Moreover, the proposal would result in an improvement to the visual amenities of the Green Belt and the surrounding area as it would result in the redevelopment of an unsightly and derelict piece of land.
- 6.7.2 It is considered that the submitted very special circumstances overcome the harm to the Green Belt, by reason of inappropriateness and other harm, and the proposal is therefore considered to be acceptable in terms of Green Belt policy.

7. Conclusion

- 7.1 The proposed residential development is acceptable in principle. The design and layout of the proposed development are considered to be in keeping with the character and amenity of the locality and to provide a suitably high quality living environment for the enjoyment of future occupiers. There is judged to be no material harm to neighbouring residential amenity arising from the proposals and the application, subject to a condition, can make acceptable provision for landscaping. The proposal is considered to be acceptable in respect of parking and highways issues.
- 7.2 Officers consider the proposal to be acceptable having had regard to Policies CP1, CP17, DC2, DC3, DC32, DC33, DC45, DC58, DC61, and DC63 of the LDF and all other material considerations. Subject to there being no adverse comments from consultees or the general public, and the aforementioned legal agreement and conditions, it is recommended that planning permission be granted.

IMPLICATIONS AND RISKS

Financial implications and risks:

The application site comprises land which has been disposed of by the Council.

Legal implications and risks:

Legal resources will be required to prepare and complete the legal agreement.

Human Resources implications and risks:

None.

Equalities implications and risks:

None.

BACKGROUND PAPERS

REGULATORY SERVICES COMMITTEE

REPORT

21 June 2012

Subject Heading:	P0199.12 – 23 Windermere Avenue, Elm Park Two storey side extension, part single, part two storey rear extension. Single storey front extension. Widening of vehicular crossing (Application received 8th May 2012)
Report Author and contact details:	Helen Oakerbee, 01708 432 800 Helen.oakerbee@havering.gov.uk
Policy context:	Local development Framework
Financial summary:	None

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

Ensuring a clean, safe and green borough	<input checked="" type="checkbox"/>
Championing education and learning for all	<input type="checkbox"/>
Providing economic, social and cultural activity in thriving towns	<input type="checkbox"/>
Value and enhance the life of our residents	<input type="checkbox"/>
Delivering high customer satisfaction and a stable council tax	<input type="checkbox"/>

SUMMARY

The application seeks permission for front, side and rear extensions to a semi-detached property in order to provide additional living accommodation.

The application is brought to the committee as the applicant is an elected Councillor. This report has been passed to the Monitoring Officer.

For the reasons set out in the report, Staff consider that planning permission should be approved, subject to conditions.

RECOMMENDATIONS

That planning permission be granted subject to the following conditions.

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

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

2. 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.

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

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

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, no window or other opening (other than those shown on the submitted plan,) shall be formed in the flank wall(s) of the building(s) hereby permitted, unless specific permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

Reason: In order to ensure a satisfactory development that will not result in any loss of privacy or damage to the environment of neighbouring properties which exist or may be proposed in the future, and in order that the

development accords with Development Control Policies Development Plan Document Policy DC61.

5. The roof area of the extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the Local Planning Authority.

Reason: In the interests of the amenity of the occupiers of neighbouring dwelling, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

6. 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, CP17 and DC61.

INFORMATIVE

1. The proposed development is considered to be in accordance with the aims, objectives and provisions of the Residential Extensions and Alterations SPD and Policy DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.

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

2. The Highway Authority requires the Planning Authority to advise the applicant 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.
3. Should this application be granted planning permission, the developer, their representatives and contractors are advised that this does not 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.

REPORT DETAIL

1. Site Description

- 1.1 The application site is a two storey semi-detached property set to the southern edge of Windermere Avenue. The locality is defined by semi-detached and terraced properties, some of which have been previously altered and extended resulting in a mixed streetscene. The streetscene has a staggered building line. The property itself is finished in render with a garage to the flank elevation. The rear of the property has a lean-to extension and open garden, enclosed by boundary fencing. Ground levels are generally flat. No trees are affected by the proposed development.

2. Description of proposal

- 2.1 Permission is sought for a two storey side extension, part single, part two storey rear extension, single storey front extension and widening of vehicular crossing.

- The two storey side extension would measure 2.75m wide, by 12.9m deep at ground floor level (including the 4m rear extension and 1m deep front extension), and 9.9m deep at first floor level (including the 3m deep rear extension), being set back from the front building line by 1m at first floor level.

- The single storey rear extension would measure 4m deep by 8.42m wide by 2.8m high to the top of the flat roof

- The first floor rear extension would measure 3m deep by 2.75m wide. The roof would be set at right angles to the main roof and finished with a hipped end.

- At ground floor the extensions would provide an entrance porch, garage, study, shower room, utility room and kitchen. At first floor the extensions would provide a bedroom (4 in total) and an en-suite bathroom.

- The front extension would measure 1m deep, by 4.9m wide (including the side extension) and would be finished with a tiled canopy.

3. Relevant History

- 3.1 P1173.11 – Two storey side extension, part single, part two storey rear extension, single storey front extension and widening of vehicular crossing – Approved but not yet implemented

4. Consultations/Representations

- 4.1 Neighbour notification letters were sent to 8 properties. No representations were received.

5. Staff Comments

- 5.1 This application is brought before committee because it is an application submitted by a Councillor. The application file has been seen by the Monitoring Officer and pursuant to the constitution the Monitoring Officer has confirmed that the application has been processed in accordance with standard procedures. The main issues to be considered by Members in this case are the principle of development in relation to design/street and amenity issues.

- 5.2 The LDF Core Strategy and Development Control Policies DPD Policies to be considered are CP17 (Design), DC33 (Parking) and DC61 (Urban Design). The Residential Extensions and Alterations SPD is also relevant.

5.4 Principle of development

- 5.4.1 The site lies outside the Metropolitan Green Belt and designated Conservation Areas and is not a listed building. There is in principle no objection to extensions or alterations to the property, subject to the design of the proposal.

- 5.4.3 Policy DC61 states that planning permission will only be granted where development responds to distinctive local building forms, and respects the scale, massing and height of surrounding development.

5.5 Design/Impact on Street scene

- 5.5.1 The existing streetscene is characterised by two storey semi-detached and terraced dwellings, set in varying positions back from the highway, creating a staggered building line. Nearby dwellings have been previously extended with various extensions, creating a varied streetscene.

- 5.5.2 The proposals here would alter the front elevation of the dwelling by way of a two storey side extension. The side extension would be highly visible within the streetscene and the ground floor element would project forward from the existing location of the garage to meet the front elevation of the porch. This is considered acceptable and creates a flat fronted elevation, as found on other properties in the locality. The first floor element of the extension is set 1m back from the line of the original dwelling to reduce the bulk of the property as recommended by the Residential Extensions and Alterations SPD. The roof is arranged with an identical pitch to the main roof but appears subservient to the main dwelling due to its set back location. This is acceptable in streetscene terms and follows a pattern of development in Windermere Avenue, where other dwellings have been similarly extended.

5.5.3 The existing entrance porch has a pitched roof, this would be replaced with a tiled canopy which extends across the porch and side extension, there is no objection to this as a clear entrance would remain on the principle elevation.

5.5.4 The property is also to be extended to the rear with a single and double storey extension. These would be visible from the garden and their impact in the garden scene needs to be considered accordingly. The ground floor element of the extension would run the full width of the dwelling and have a flat roof. It complies with the policies contained in the adopted Residential Extensions and Alterations SPD and is considered to relate acceptably to the existing property.

5.5.5 The first floor element of the rear extension is finished with a fully hipped roof which neatly integrates into the main roof of the dwelling; this is acceptable in design terms.

5.6 Impact on Amenity

5.6.1 The adopted Residential Extensions and Alterations SPD states that rear extensions to semi-detached properties can project up to a maximum of 4m at ground floor (measured externally). The ground floor rear extension measures 4m and therefore conforms to this aspect of the policy. At first floor the SPD states that rear extensions on attached properties should project no more than 3m rearward and be inset from the boundary with the attached property by 2m. The plans here show a 3m deep first floor rear extension which is inset from the party wall by over 5m. This is in accordance with the policy and is not considered to result in a loss of amenity to the attached occupier at No. 21 Windermere Avenue.

5.6.2 The non-attached neighbouring property, No. 25 Windermere Avenue is set further back than the application site and has been extended to the rear garden at single storey level. Given the spacing between these two properties the rear extensions here are not considered to result in a loss of visual amenity or light/ privacy to this occupier. No flank windows are proposed at ground or first floor which could result in overlooking.

5.6.3 The proposals include an area of flat roof which projects beyond two first floor bedrooms. A condition is recommended to be attached, restricting the use of this flat roof as any type of balcony or terrace, which could result in overlooking of the adjacent property.

5.7 Highway/Parking/Access

5.7.1 It is proposed to extend the existing crossover, to enable additional parking on the forecourt of the property. There would be two off street parking spaces which is considered acceptable and mitigates the loss of the garage. The Highways Authority have no objections to the proposals.

6. Conclusion:

- 6.1 Staff consider that the proposed extensions are acceptable. They would form part of the Windermere Avenue streetscene but are of a subservient nature and are not considered to appear incongruous or overly dominant. The projection and arrangement of the extensions conform to the relevant sections of the Residential Extensions and Alterations SPD and are not considered to result in a loss of residential amenity. Staff therefore recommend that planning permission is granted.

IMPLICATIONS AND RISKS

Financial implications and risks: None

Legal implications and risks:

This application is considered on its own merits and independently from the applicant's status as an elected Councillor.

Human Resources implications and risks: None.

Equalities implications and risks:

The Council's planning policies are implemented with regard to Equalities and Diversity. The extensions are not considered to appear harmful in the streetscene, nor it is considered that there would be a loss of residential amenity.

BACKGROUND PAPERS

Application forms and plans received 1st August 2011

1. The planning application as submitted or subsequently revised including all forms and plans.
2. The case sheet and examination sheet.
3. Ordnance survey extract showing site and surroundings.
4. Standard Planning Conditions and Standard Green Belt reason for refusal.
5. Relevant details of Listed Buildings, Conservation Areas, Article 4 Directions.

6. Copy of all consultations/representations received and correspondence, including other Council Directorates and Statutory Consultees.
7. The relevant planning history.

Regulatory Services Committee

21 June 2012

OUTSIDE STATUTORY PERIOD

Page No.	Application No.	Ward	Address
1-8	P0257.12	St Andrews	Land r/o 182-200 High Street, Hornchurch
9-14	P0427.12	Hylands	28 Harrow Drive, Hornchurch
15-20	P0432.12	St Andrew's	194 Elm Park Avenue, Elm Park
21-26	P0540.12	Romford Town	91 Eastern Road, Romford

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REGULATORY SERVICES COMMITTEE

21st June 2012

OUTSIDE STATUTORY PERIOD

APPLICATION NO:	P0257.12	
WARD :	St Andrew's	Date Received: 27th February 2012
ADDRESS:	Land Rear of 182-200 High Street Hornchurch	
PROPOSAL:	Demolition of existing building and garages, construction of new building consisting of 2No. B1 units and 5No. 1 bedroom flats and of street parking for 6 No. cars and amenity space revised plans received 2/5	
DRAWING NO(S):	2366_3_PL01; -PL02; -PL02A; -PL03A; -PL04A; _PL05A; _PL06; -PL07_1; - PL07_2; topographic survey	
RECOMMENDATION :	It is recommended that planning permission be GRANTED subject to conditions given at the end of the report.	

SITE DESCRIPTION

The site located to the rear of the existing shops/residential properties and fronting High Street, Hornchurch comprises a building located to the Eastern and southern boundary used previously as a garage for the repair of motor vehicles with garages/lock-ups to the rear (southern boundary) and hardstanding otherwise. The wall to the southern boundary of the application site is just under 3.3m high with the part adjacent to the commercial unit being 3.8m high. Access to the site is via a shared service road connecting to High Street to the east/north of the application site. The site is within the Hornchurch Major District Centre. The site area is 0.176 Acres.

The surrounding area is a mixture of buildings and uses with two- and three-storey commercial/residential properties to the north and west fronting onto High Street and Station Road, a swimming pool sales building to the east with Lodge Court (2-storey residential accommodation) further east and to the south are two-storey residential properties fronting onto Mavis Grove.

DESCRIPTION OF PROPOSAL

The proposal is for the demolition of the existing building and garages and the erection of a single building to provide two B1 Uses to the ground floor with four flats at first floor level and a fifth flat provided in the roof space.

The building would be located across the site on a generally East-West orientation with the two end sections projecting to the southern boundary. The building would be set back from the access way by approximately 11.5m (in part due to the existing electricity sub-station) and would have a maximum width of 33.5m with section depths of 10.7m, 7.8m and 13.4m (from west to east) and a mansard-style roof with a maximum ridge height of 8.15m. The nearest part of each section of the building to the southern boundary would be 3.7m, 9.3m and 0.5m(min.) (from west to east).

There would be an area of communal amenity space to the rear (south) of the building of 290 sq.m. There would also be a single balcony/terrace at first floor to Flat 4 of 23 sq.m. Each B1 use would have a separate outside area: the western B1 unit s area would be provided to the rear whilst the eastern B1 Unit would have a narrow strip around the building with a small covered area to the north adjacent to its entrance.

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It is proposed to provide 6 parking spaces; 5 of which would be provided in an under-croft.

The main differences between this proposal and the previously refused schemes - P1041.09 (also dismissed on appeal) and P1563.09 - are:

- reduction from 9/8 residential units to 5 units
- introduction of commercial uses at ground floor level
- relocating the building further away from the southern boundary
- reduction in the height/bulk of the proposed building
- relocation of vehicle parking to the front of the application site

RELEVANT HISTORY

P1041.09 - Redevelopment of the site with a two storey flatted block to form 9 units consisting of 5x1beds and 4x2beds and parking spaces - refused 02-10-09; subsequent appeal dismissed 30-06-2010

P1563.09 - Demolition of existing buildings and garages and construction of new building consisting of 8 units (6x1 bed and 2x2-bed) and off street parking for 8 cars and amenity space - Refused 11-01-2010

CONSULTATIONS/REPRESENTATIONS

82 neighbouring occupiers were notified of the proposal. There have been 4 pieces of correspondence objecting on the following grounds:

- insufficient parking for both proposed and existing flat dwellers and their visitors
- the access to High Street is unsuitable for Emergency Vehicles/Service Vehicles
- Changing the width of the access road to two-way would reduce parking available for existing occupiers, particularly from the access itself
- Overlooking of gardens and houses

Thames Water have written to advise that they have no objection with regard to waste providing that storm flows are attenuated/regulated through on or off site storage and that site drainage should be separate.

Essex and Suffolk Water have no objections regarding water supply.

The Metropolitan Police Crime Prevention Design Advisor has written to advise that the site's location is in an area of higher than the Havering average crime levels. He requests the addition of a condition and informative regarding Secured by Design and ones for external lighting and details of cycle storage if permission is granted.

English Heritage indicate that the site is within an Archaeological Priority Area and that it is likely that there are archaeological remains including from the original village and the industrial period when Hornchurch Brewery was located at the application site. They request a condition and informative are attached to any grant of planning permission.

The Fire Brigade (LFEDA) previously indicated that access should meet 16.3 of ADB Volume 2 but if this cannot be achieved a fire main should be provided in accordance with 15.3 and access meet 16.6. These are the Building Regulations documents and a separate Buildings Regulations application would be needed.

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RELEVANT POLICIES

Policies CP1, CP2, CP9, CP10, CP15, CP17, DC2, DC3, DC11, DC12, DC16, DC24, DC33, DC34, DC35, DC36, DC53, DC55, DC61, DC62, DC63 and DC72 of the LDF Core Strategy and Development Control Policies DPD.

The SPD on Residential Extensions and Alterations (as relevant), SPD on Residential Design, SPD on Sustainable Design and Construction and draft SPD on Planning Obligations.

London Plan Policies 2.15 (town centres), 3.3 (Increasing London's Supply of Housing), 3.5, 3.8, 3.9, 4.2, 4.3 (mixed use development and offices), 4.7, 6.9, 6.13, 7.3, 7.4 and 7.6, as well as the NPPF are applicable.

STAFF COMMENTS

The issues arising from this application are the principle of development, the impact on local character, density and site layout, the impact on amenity and parking and highway issues.

BACKGROUND

The reasons for refusal of the P1563.09 8-flat scheme are:

1. The proposed development would, by reason of its poor design, bulk and massing, appear as a visually intrusive and overly dominant feature in this backland location, harmful to the appearance of the surrounding area, contrary to Policy DC61 of the LDF Development Control Policies Development Plan Document.
2. The proposal would, by reason of noise and disturbance and light overspill caused by users of the rear access road as well as prospective occupiers entering and leaving the site, vehicles parking and manoeuvring, particularly during the evening hours, be unacceptably detrimental to the amenities of prospective occupiers of the development, contrary to Policy DC55 and DC61 of the LDF Development Control Policies DPD.

In relation to the appeal for P1041.09 which was decided after the later scheme was refused, the Planning Inspector considered that the 9 flat scheme was not acceptable:

- "Due to the poor outlook, inadequate amenity space, and the likelihood of significant noise and disturbance, I conclude that the proposal would not provide satisfactory living conditions for future residents and would fail to comply with policy DC61 of the Core Strategy."
- "I conclude that the proposal would harm the character and appearance of the surrounding area and would not comply with Core Strategy policies DC2, DC61 or the guidance in PPS3."

PRINCIPLE OF DEVELOPMENT

Policy CP1 indicates that housing will be the preferred use of non-designated sites. The site is located within the Hornchurch Major District Centre where Policy DC16 promotes retail uses and a degree of service uses. The policy however does not specifically refer to redevelopment of vacant or brownfield land.

The site does border a residential area to the south and there are flats to the upper floors of ground floor commercial uses along High Street/Station Road. The principle of mixed use development with B1 Uses (offices, research and development, light industrial) below new housing development therefore accords in principle with Policy CP1 and Policy DC11 and would be acceptable in principle in relation to The London Plan Policies 4.3 (mixed use) and 4.7 (town centre development), subject to acceptable design and layout.

DENSITY/SITE LAYOUT

The proposal is to provide two B1 uses and 5 residential units, each with 1 bedroom. The

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application site area is 0.0176 ha and therefore the density would be approximately 56 units per hectare. Policy DC2 indicates that in this location, the range would be 50-110 units per hectare and this proposal would be at the lower end of this range. However the proposal also includes two B1 uses to the ground floor and the main consideration is whether the scheme is of a high standard of design and layout in accordance with Policies DC2 and DC61.

The London Plan indicates at Policy 3.5 (and Table 3.3) that 1-bed units for 2 people should be a minimum of 50 sq.m (gross internal area). The minimum proposed flat size would be 50.5sq.m (Flat 4) which means that all 5 flats would be in excess of the minimum internal space standards.

In respect of the site layout, the vehicular access is to the north and access to the site and the car parking spaces is drawn from the northern boundary of the site. The amenity area would be provided to the rear adjoining the amenity areas of the adjoining residential properties. It is considered that this layout would be acceptable.

Staff therefore consider that the proposal would therefore accord with Policy DC2, DC61 and the Residential design SPD and London Plan.

DESIGN/IMPACT ON STREET/GARDEN SCENE

The proposal would be on two-storeys with a mansard-style roof with accommodation of one flat within the roofspace; the remaining roofspace being void. There is a three-storey terrace with shops to the ground floor and mainly residential accommodation above to High Street and to the rear are 2-storey dwellings. It is considered that the proposed building would represent a stepping down from the three-storey development to the north and, as such would not be out of character with existing development in the town centre and beyond into the mainly residential area to the south.

In terms of impact in the street, given the backland development proposed and lack of any obvious building lines along this stretch of land, no material impact on a pattern of development would occur. Although the scheme would introduce a new development on a previously mainly open site, it would have minimal impact on the appearance of the streetscene. This is due to the fact that the development would not be visible from High Street and there would be limited views afforded to the site from Mavis Grove to the south, mainly due to the existing high rear wall which is to be retained. It is also considered that the building would be sufficiently set back from the existing access road and would not appear overly dominant and obtrusive along this frontage.

The proposed development would be located a minimum of 43m from houses to the south of the application site. Staff consider that while a section of the proposed building would be located less than 1m from the boundary, that the main section of the building would be located over 9m from the boundary and that due to the distances involved and the higher than normal height of the separating wall at 3.8m high and that the existing building which lies adjacent to the boundary is 6m high to its ridge (3.3m to eaves level), that there would be no significant undue impact on the rear garden environment of these existing dwellings. While there are no gardens associated with the flatted development to the north, there is rear access and, again due to the separating distances involved Staff consider that any amenity which the flat dwellers derive would not be adversely affected by the proposed building.

Staff therefore consider that the design and siting of the proposed block, given its location at the rear of a three-storey building and within this backland site, would not appear materially obtrusive in the street scene, nor would it have an adverse impact on the rear garden environment. It would be a large feature on this site, nonetheless Staff consider that it would not

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result in it being overbearing or intrusive.

IMPACT ON AMENITY

The development is proposed to be located to the north of the properties on Mavis Grove at an average distance of some 40m. The southern elevation as well as the other elevations which face inwards onto the rear amenity area each have at least one Juliette balcony. However, given the distances/oblique angles involved and the height of the retained rear wall at a minimum of 3.3m/max 3.8m, Staff do not consider that the proposal would result in any loss of light or unacceptable levels of overlooking of these existing properties. Additionally, given the existing mature landscaping outside the application site to the south and the three-storey building along High Street, no loss of outlook would occur sufficient to warrant grounds for refusal.

The proposed B1 Uses would replace the existing (former) car servicing/MOT facility which does not appear to have any hours restrictions. Staff consider that the proposed B1 uses would be less intrusive than the existing use and that there would be no adverse impact from this part of the scheme on existing occupiers. A suitable condition can be attached in relation to hours of use, should planning permission be granted.

In relation to the properties along High Street, the proposed building is located to the south of these neighbours which could cause loss of southerly and easterly light. However, staff consider that there would be sufficient separation distance (22m) between the application site and these properties which are located at first floor and above, and would therefore not cause any unacceptable loss of light.

In relation to the amenities of the proposed occupiers of this backland site, Staff consider that B1 Uses within the 2 ground floor units would be acceptable within a residential area; nonetheless given the close proximity of the residential units directly above these commercial units and that this is a town centre location that the B1 use should be restricted such that they are not used for light industrial purposes and that the hours of use are restricted. Anyone buying a flat within the town centre would need to take into account that at this site it would be in close proximity to the ground floor business uses which front onto High Street, with cars passing within the rear service road and large parking areas close to the proposed building and that the access road would be used not only by the occupiers but by all those servicing the business properties. It is considered that suitable sound insulation to the flats would help ameliorate noise and other disturbance for the future occupants.

While the outlook from north facing windows would be of the rear servicing areas and rear access to the shops/flats fronting onto High Street, the main outlook for the proposed flats including the roof flat (Flat 5) with its near vertical hanging velux windows, would be to the rear onto the amenity area. Staff consider that the new occupiers would have a general level of amenity derived from this outlook and would also all have access to the communal amenity area (even if not directly) with flat 4 benefiting from a large north-facing balcony/terrace.

Staff therefore consider that the proposed development would result in an acceptable level of amenity for the new occupiers whilst not affecting existing residential amenity to an unacceptable degree.

HIGHWAY/PARKING

The car parking requirements for developments in this location is 1.5 to 1 parking spaces per residential unit. The proposed development would have 5 parking spaces for the 5 flats. It is considered that the provision of one space per unit in this instance would be justifiable,

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particularly in view of the site's location within the town centre with a number of public car-parks and the nature of units proposed, which comprise smaller households.

In relation to the proposed B1 Units car parking provision would be expected to be 1 space per 100 sq.m. In this case, 2 spaces. A single space would be provided. Highways have indicated that 7 spaces should be provided with one for each unit. Nonetheless given the town centre location Staff consider that the provision of 6 spaces overall with some overlap of use (mainly day-time for the commercial uses and evenings/weekends for the residential uses) would not result in any adverse impact on highway safety.

In respect of access, the proposed development would take access off the High Street frontage, which would be shared with the existing commercial and residential traffic in the area, to which no objection is raised by Streetcare staff, although an observation is made that the Borough's refuse vehicles currently service the flats above shops of 182-200 High Street from the access road. The plans indicate a shared bin store would be provided. While Highways have asked for the bin store to be relocated to enable easier access for waste collection teams, the current arrangement would have a locked gate such that arrangements would be needed for occupiers to put their waste out on collection day. Details would need to be submitted and a suitable condition can be attached to any grant of planning permission.

The London Fire Brigade previously raised no objections to the means of access to the site for emergency vehicles, despite the reduced width of the access. It would appear that sufficient space is maintained adjacent to the electricity sub-station for access by EDF Energy and the proposed building is no closer than the existing vacant car repairs centre.

Although the development would result in an increase in traffic in this part of the town centre, no concerns are raised regarding congestion or overspill car parking. It is therefore not considered that the development would lead to pedestrian or highway safety concerns.

In line with Annex 6, cycle parking provision is made on site and would be subject to a suitable planning condition for its implementation and retention.

OTHER ISSUES

The Secured by Design Officer has requested the inclusion of a suitable condition in relation to secured by design.

The site lies in an Archaeological Priority Area and a suitable condition to enable investigation of possible archaeology would be attached to any grant of planning permission.

KEY ISSUES/CONCLUSIONS

The proposal is for 2 B1 Units and 5 self-contained flats within Hornchurch Town Centre. Staff consider that the proposal would be acceptable in principle and that the details of the scheme are acceptable such that this would overcome the reasons for refusing the previous schemes, in accordance with Policies DC2, DC33, DC36 and DC61 of the LDF Core Strategy and Development Control Policies DPD.

RECOMMENDATION

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

1. SC4 (Time limit) 3yrs

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2. SC09 (Materials) (Pre Commencement Condition)
3. SC32 (Accordance with plans)
4. SC58 (Storage of refuse)
5. SC77 (Archaeological investigation) (Pre Commencement)
6. SC78 (Secure by Design) (Pre Commencement)
7. SC11 (Landscaping) (Pre Commencement Condition)
8. SC19 (Restricted use) ENTER DETAILS

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 the use hereby permitted shall be Class B1a (offices) and B1b (research and development) only and shall be used for no other purpose(s) whatsoever including any other use in Class B1 including B1c (light industrial) of the Order, unless otherwise agreed in writing by 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 Development Control Policies Development Plan Document Policies DC11 and DC61.

9. SC34A (Obscure and fixed glazing)

The proposed windows to Flat 1 and Flat 5's flank elevations shall be permanently glazed with obscure glass and thereafter be maintained and permanently fixed shut to the satisfaction of the Local Planning Authority.

Reason:-

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

10. SC60 (Contaminated land condition No. 1) (Pre Commencement)

11. Non Standard Condition 33

The B1 Uses shall not operate except between 08:00 and 18:00 on Mondays to Saturdays and not at all on Sundays, Bank and Public Holidays without the written consent of the Local Planning Authority

Reason: To protect residential amenity in accordance with Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.

12. Non Standard Condition 31

Prior to completion of the works hereby permitted, the cycle storage shall be provided and permanently retained thereafter.

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

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13. Non Standard Condition 32

Prior to completion of the works hereby permitted, details of external lighting which shall have previously been submitted to and agreed in writing by the Local Planning Authority shall be provided and permanently retained thereafter.

Reason: In the interests of residential amenity and public safety in accordance with Policies DC61 and DC63 of the LDF Core Strategy and Development Control Policies DPD.

1 Reason for Approval

The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies CP17, DC2, DC3, DC11, DC12, DC16, DC24, DC33, DC34, DC35, DC36, DC53, DC55, DC61, DC62, DC63 and DC72 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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APPLICATION NO:	P0427.12	
WARD :	Hylands	Date Received: 3rd April 2012
ADDRESS:	28 Harrow Drive Hornchurch	
PROPOSAL:	Single and two storey rear extensions, single storey front extension	
DRAWING NO(S):	P.01 P.02 P.03 Rev A P.04 P.05 P.06 P.07 P.08	
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 Galpin as she considers the proposal raises neighbourliness and streetscene issues.

SITE DESCRIPTION

The subject dwelling is a substantial and previously extended detached house on the east side of Harrow Drive. There is an attached double garage located on the northern side of the dwelling and ample off-street parking available at the property. The surrounding area comprises mixed residential properties and the land is fairly level. No trees will be affected by the development.

DESCRIPTION OF PROPOSAL

Planning permission is sought for a single storey front extension and single and two storey rear extensions.

In the front facade an extension will be constructed to provide an extended hall and wc which will be 1.9m deep for a width of 3.1m and will then step back 300mm and extend a further 1.970m. It will have a gabled roof 3.8m high.

On the left hand side of the property (north), a single storey rear extension is proposed which will step in 400mm from the existing flank wall at the rear of the existing garage (with study beyond) for a depth of 3.10m and width of 5.210m and will then step back 2.450m for a width of 12.430m.

This will result in this element being 3.10m deeper than the existing projection on the left hand side of the property (north) and 3.80m deeper in the centre with the existing projection on the right hand side (south) 1.690m deeper. A hipped roof will be provided on the northern side and a mono-pitched roof will be provided over to the rest.

At the rear at first floor level on the left hand (northern) side of the property, a 3.80m deep by 4.150m wide extension is proposed and on the southern side a 3.0m deep by 4.150m extension is also proposed. Hipped roofs 8m high will be provided over both first floor extensions.

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The proposed development will provide no additional bedrooms.

RELEVANT HISTORY

Building Control records are copied below:

1841/54 - Private garage

8666/78 - Kitchen modification and new cloakroom

7307/85 - Rear extension

Available planning history:

L/HAV/1539/87 - Two storey side extension and garage - Approved

P0151.11 - Two storey side and rear extensions and single storey side extension - Refused

P0911.11 - Single storey front extension, single/two storey, side/rear extensions and single/two storey rear extensions - Refused

CONSULTATIONS/REPRESENTATIONS

The application has been advertised by the direct notification of surrounding residential properties.

Two letters of objection have been received from two neighbours at the same address and a local Councillor. Their comments are summarised below:

* The writers have objected to both previous applications on broadly similar grounds each time, namely - the impact of the scale, bulk and massing of the proposal on the amenity of adjacent properties and the physical incongruity between the excessive scale of the proposal and its immediate surroundings in the street and rear garden scenes.

Whilst it is acknowledged the application now under consideration represents a variation on the previous schemes, with specific reference to their property, the proposed changes remove none of the previous objections; the proposed extension to the southern side of the rear elevation includes a 3m deep extension at first floor level, identical to the last application; it is noted that the ground floor extension in this location proposes a slightly shorter rearward extension (1.69m as opposed to 1.99m in the last application) but this minimal alteration does not sufficiently help to overcome the impact on their property.

The writers also draw attention to the emphasis that Members placed upon the poor relationship between this element of the proposed extension and their bungalow and the impact such an out of scale scheme would have on the single storey property. Visual impact, bulk and massing were also raised.

Turning to the development on the northern side of the property, it is acknowledged that the proposed extension at first floor level has been reduced in scale, but the ground floor extension (annotated as a kitchen) extends a significant distance into the rear garden (3.10m). Although the overall height will be reduced, height, bulk and massing, complete with the proposed roof design, will still render the proposal inappropriate in respect of the way it negatively impinges on the rear garden environment and how it adversely affects the residential amenity of No.34.

The extension of the rear wall across the entire width of the property will be harmful to the rear garden environment;

The submitted plans are inaccurate in that they seem to delineate the bungalow by utilising the

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outline of the roof and associated eaves, rather than the actual position of the exterior walls which has the effect of misrepresenting the relative positions of the two properties and also the position of the flank windows in relation to the proposed flank wall of the subject dwelling;

Certain health problems are being experienced by the writers which are being made worse by the stress of the proposed development;

It is also requested that the application be called into Committee for decision and if approved a construction condition attached.

One letter has also been received from a local Councillor objecting to the proposal on the grounds that this resubmission is not unlike the one refused recently at Committee and that the refusal put emphasis on the impact the resultant building would have on the character, and local environment and the bungalow at No.24;

The Councillor goes on to say that the plans are incorrect insofar as the position of the windows in the bungalow property are concerned. The proposed development continues to be out of character and over-development for the site.

RELEVANT POLICIES

Policies DC33 and DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.
Residential Extensions and Alterations SPD.

STAFF COMMENTS

A previous application, reference P0151.11, was refused planning permission on 31st March 2011 under Delegated Powers. It was considered the proposed development would, by reason of its height, bulk and mass, appear as an unacceptably dominant and visually intrusive feature in the street and rear garden scene, harmful to the appearance of the surrounding area and also that it 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.

A subsequent application, reference P0911.11 -

- * altered the gabled roof at first floor level on the northern side to a hip;
- * provided a 1m separation from the northern boundary instead of about 600mm;
- * reduced the width of the first floor rear extension in the centre of the property from 6.930m wide to 5.560m.
- * reduced the length of the first floor on the southern side from 4.090m to 3m and provided a hipped roof over the single storey element below;

That scheme was considered to be acceptable by officers but was called into Committee by a Councillor for decision. The decision was to refuse planning permission for the same reasons as before.

The application now under consideration has reduced the scale of development again in the following ways:

- * Apart from the addition of a new front porch, the property will not appear altered from existing when viewed from the front streetscene;

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- * The first floor element on the northern side of the property (above the existing garage) is now deleted;
- * The existing garage will remain as existing (600mm off the northern boundary) with the single storey extension to the rear now being brought 1.0m off the boundary. The depth will remain at 3.100 as in the previous proposal;
- * The depth of the single storey extension at the rear, roughly in the middle of the property, will remain as in the previous application 3.80m.
- * The depth of the single storey rear extension on the southern side will now be 1.690m rather than 1.990m and provided with a mono-pitched roof;
- * At first floor level at the rear the extension closest to the northern boundary will now be 4.150m wide rather than 5.560m. The depth will remain the same 3.86m;
- * The first floor rear extension close to the southern boundary will remain the same (4.150m wide by 3.000m deep).

The acceptability of these changes will be discussed later in the report.

DESIGN/IMPACT ON STREET/GARDEN SCENE

Harrow Drive is an attractive road of very mixed size and design residential properties, with many dwellings being set within generally spacious plots.

The subject dwelling lies on the east side of Harrow Drive, between a two storey house to the north, No.34 and a bungalow to the south, No.24 (note numbering anomaly). The subject dwelling was originally a modest, detached, gabled property with a two storey front projection and a small detached hipped roof building to the side, separated by a small picket gate. It is noted that the property in its original form measured approx 12.7m wide by 5.5m deep with a two storey, front forward projection of 1.3m on the southern side.

Following two recent refusals for substantial additions to this property, the proposal now under consideration, when viewed from the front streetscene, only intends a front porch addition which is considered to relate acceptably to the property. No undue front streetscene issues will now arise.

When viewed in the rear garden environment, it was considered in both the previous applications that the development would have resulted in development that would have appeared bulky, dominating and incongruous, to the detriment of the property itself and the surrounding area.

When viewed from the rear garden environment, the current application differs in that the space above the garage is now maintained, the extension behind the garage has been reduced in width and the larger of the first floor rear elements has been reduced in width from 5.560m to 4.150m.

On balance, staff consider the general bulk of the development in the rear elevation has been reduced sufficiently to overcome previous concerns.

Having regard to the above, Staff consider that the development as revised has addressed previously identified visual impact concerns. The design, bulk and scale of the development is considered acceptable and will not now cause harm to the surrounding area.

IMPACT ON AMENITY

Dealing firstly with the bungalow property to the south, No.24, this property has an approximate separation from the party boundary of 1.3m and the proposed development on the southern side

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of the subject dwelling will be approximately 3.43m further away. It should be noted at this point that this bungalow's rear building line is approximately 800mm deeper into the garden than the subject dwelling would be if extended at ground level and 2.2m than the first floor. This bungalow has two windows in the flank wall facing the subject dwelling and it is noted that submitted plans indicate their positions to be slightly incorrect. Nonetheless, one is an obscure glazed window which serves the bathroom, therefore less weight will be attached to any loss of light and the second window is a secondary source of light to the kitchen. Objection therefore is difficult to substantiate on the grounds of loss of sunlight that may occur to the flank windows of this property.

Although it is accepted the single storey rear extension close to this neighbour has only been reduced in depth by 300mm, the overall bulk of the proposed development has been greatly reduced when viewed from the rear garden area of this neighbour.

Turning now to No.34, this property lies to the north of the subject dwelling and is a two storey dwelling house. Site visit reveals this property is set away from the common boundary by about 5.5m and has a 1.6m high approx screen hedge. It has an attached double garage with a small greenhouse to the rear close to the common boundary. It has no flank windows to be affected by the proposals.

The development on this side is now to only be at single storey level which will be 400mm less wide than the existing garage. Staff consider these changes drastically reduce the bulk of the proposed development and its potential impact upon the patio area and general outlook of this neighbour.

It is noted that a flank window is proposed at ground level facing this neighbour which serves a utility room. In the event of planning permission being granted, a condition is suggested to ensure this window is obscure glazed with top hung fanlight opening only to protect this neighbours' privacy.

Having regard to the above, Staff consider the scheme as revised to have satisfactorily addressed neighbourliness concerns and no objections are raised to this aspect of the development.

HIGHWAY/PARKING

No additional bedrooms will now be provided to the property, and present parking arrangements will remain, therefore no highway issues arise.

KEY ISSUES/CONCLUSIONS

For the reasons discussed above, the proposal is now considered to be in accordance with the above Policies and approval of planning permission is now recommended, subject to conditions.

RECOMMENDATION

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

1. SC4 (Time limit) 3yrs
2. SC10 (Matching materials)
3. SC32 (Accordance with plans)

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4. SC34B (Obscure with fanlight openings only) ENTER DETAILS

The proposed window in the north facing flank wall that serves the utility room hereby permitted, 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.

5. SC46 (Standard flank window condition)

2

The proposed development is considered to be in accordance with the aims, objectives and provisions of the Residential Extensions and Alterations SPD and Policy DC61 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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APPLICATION NO:	P0432.12	
WARD :	St Andrew's	Date Received: 11th April 2012
ADDRESS:	194 Elm Park Avenue Elm Park	
PROPOSAL:	Change of use from A1 to A3 on ground floor unit including extract equipment	
DRAWING NO(S):		
RECOMMENDATION :	It is recommended that planning permission be GRANTED subject to conditions given at the end of the report.	

SITE DESCRIPTION

The subject site comprises a vacant, ground floor retail (A1) unit in a three storey, terraced building in a shopping parade. The parade is located in the retail core of the Elm Park Minor District Centre. The site is surrounded predominantly by town centre uses on the ground floor, and offices or residential units on the upper floors. Immediately adjacent to the subject site is a restaurant and takeaway (A3) at No. 192 and a clothes and outfit hire business (A1) at No. 196. A flat is immediately above the site.

The unit comprises the original ground floor and a single storey rear extension. The most recent use was as an off-licence and the unit has been vacant for approximately 12 months. The site is serviced by an access road to the rear of the parade. Public car parking facilities are located approximately 70m away and Elm Park Underground Station is located approximately 150m away from the site.

DESCRIPTION OF PROPOSAL

The proposal comprises the change of use of the vacant unit from A1 to a restaurant, Use Class A3. The restaurant would seat approximately 20 people and would employ up to 6 members of staff. The opening hours would be from 9am-9pm Monday to Saturday and 11am-5pm on Sundays and Bank Holidays. The unit would be used as a Pie and Mash shop.

The only external alteration would be the installation of an extraction unit to the single storey rear extension. The extension projects 10m rearward from the facade of the three storey building and the duct would protrude from its end elevation before returning upwards.

RELEVANT HISTORY

No relevant history

CONSULTATIONS/REPRESENTATIONS

Neighbouring occupiers were directly notified of the application; four responses were received. Two letters were from local restaurant owners, concerned about the impact another restaurant in the vicinity would have on their business. Staff note that this is not a material planning consideration.

The third response contained concerns about the anti-social behaviour that another takeaway in the area would potentially bring. It is noted that the application is for a restaurant, not a takeaway, which would come under Use Class A5. The Crime Prevention Design Advisor has

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been consulted on the proposal, and has no objections or issues relating to the application.

The fourth response raises concerns regarding odour emissions and potential noise from the extractor unit. The respondent is also concerned about noise impacts of early or late deliveries and would like to restrict parking in the residential area.

Environmental Health has also been consulted on the proposal. The response requires the addition of conditions, should planning permission be granted, requiring the control of odour and noise. An informative should also be added regarding guidance on the discharge of the odour condition and reminding the applicant that all food premises should be registered with Environmental Health.

The Highway Authority were also consulted and had no objection to the proposal as a pay and display car park is located nearby for the use of potential customers.

RELEVANT POLICIES

DC16, DC33, DC36, DC55, DC61 - LDF Core Strategy and Development Control Policies Development Plan Document.

PRINCIPLE OF DEVELOPMENT

The site is located within the Elm Park Minor District Centre Retail Core. Policy DC16 indicates that the change of use from A1 to a service use (A2, A3, A4, A5) would be acceptable in principle where:

- (a) the use provides a service appropriate to a shopping area
- (b) the proposal will not result in the grouping of 3 or more adjoining A2-A5 uses
- (c) the proposal will not result in the proportion of non-retail uses within the relevant frontage exceeding 33% of its total length.

The proposed use would provide a service appropriate to a shopping area. The use would contain an active frontage, and would be open during the core shopping hours. The proposal would also not result in the grouping of 3 or more adjoining A2-A5 units as No. 196 has an A1 use. However, it should be noted that the percentage of non-retail uses within the relevant frontage would increase from 27.5% to approximately 42.5%, which would bring the parade over the 33% threshold.

Policy DC16 states that exceptions to the policy may be made where the applicant can demonstrate through 12 months marketing information, that the premises have proved difficult to dispose of for the designated use. A letter has been received from a Readings Property Services confirming that the property has been marketed for over a year and little response has been received. Those enquiries which were received were not followed through by the enquirers.

The proposed use would bring a vacant unit back into use and provide a use which would be open during the day thus creating a footfall. Another unit in the parade, No. 188 is presently vacant. This unit was last used as an A2 use, so there is still the potential for the parade to support further retail uses in the future. On this basis Members may take the view that the proposed use would be appropriate to a shopping area as it would be likely to attract both dedicated customers and those on more general shopping trips. Staff are of the view that the proposal has the potential to make a contribution to pedestrian flows and Members may agree that the proposal would display many similar characteristics to some Class A1 uses in terms of

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the general level of activity and expenditure, particularly as it is proposed that the A3 use would be open during normal shopping hours and beyond.

Staff consider that this application would potentially benefit the vitality of the parade by bringing a vacant unit back in to use. For these reasons Staff consider that the proposal would be appropriate within this shopping area. Members are invited to exercise their judgement as to whether or not this proposal would be materially harmful to the vitality and viability of this parade within the Major Local Centre, taking into account the extent to which non-retail uses are already present within the parade.

DESIGN/IMPACT ON STREET/GARDEN SCENE

The proposal does not involve any changes to the external appearance of the front of the premises and would therefore not have any impact on the character and appearance of the Elm Park Avenue streetscene.

Towards the rear, the proposal would involve the introduction of an extract duct. The neighbouring property at No. 192 Elm Park Avenue has an A3 use class with an extract duct towards the rear. The rear of the application site consists of an access way to the rear with a few parking spaces, garages, refuse storage areas and access to some of the commercial units on the ground floor and residential units on the upper floors. Given this, it is considered that the extract flue would be acceptable in principle with no adverse impact on the streetscene.

IMPACT ON AMENITY

The application site is within the Elm Park Minor District Centre and the area is characterised by commercial uses at ground floor level and a mixture of commercial and residential flats above. The impact on residential properties is of concern when determining a planning application for a change of use. A judgement must be made in each case as to whether there is any likelihood of the proposal resulting in unreasonable noise and disturbance.

Should planning permission be granted for an A3 use, the opening hours would be between 9am and 9pm. Within the vicinity of the application site, being part of a Minor District Centre, a certain level of background noise can be expected within the area. Noise and disturbance to surrounding residents is unlikely to detract from residential amenity over and above the impact of existing background noise generated by activities within the Elm Park District Centre. Restricted hours of use can prevent undue disturbance to neighbouring occupiers, including those living above the application premises. Staff therefore do not consider that the proposed internal use of the application site's floorspace would have a detrimental impact on the amenities of the neighbouring occupiers.

Extraction ducts are not uncommon in Minor District Centre's and it is considered by Staff that with the correct noise and odour reducing measures in place to the satisfaction of Environmental Health, the extract duct would be acceptable and would not have a detrimental impact on the amenities of neighbouring properties.

Consequently, subject to conditions, no material harm to amenity is considered to result and the proposal is compliant with Policies DC16 and DC61.

HIGHWAY/PARKING

The proposal makes no provision for off-street parking for customers, but the site is within the Elm Park Minor District Centre, which is well served by public transport and public car parks.

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Servicing can be safely carried out via the access road to the rear of the premises. No objections have been received by the Highways Authority. It is therefore considered that the proposal would not be likely to adversely affect the highway, road safety or amenity.

KEY ISSUES/CONCLUSIONS

The proposal does conflict with Policy DC16 as it would result in the frontage consisting of over 33% non-retail uses. However, the premises have been unsuccessfully marketed as a retail unit for over a year, and under those circumstances, DC16 does allow some flexibility. The proposed use would be suitable for a Minor District Centre and staff consider there is merit in bringing the unit back into use, to contribute to the vitality and viability of the centre.

The change of use application does not involve any changes to the external appearance of the building apart from the extraction flue to the rear of the property. It is not considered that this part of the proposal would have any impact in terms of its visual appearance on the street scene.

It is not considered that the proposal would have any unacceptable impact on the amenities of neighbouring properties within this location and any potential impact can be restricted with appropriate conditions.

Having regard to all relevant factors and material planning considerations Staff are of the view that this is an acceptable use in this location. Staff are of the view that the proposal would not be harmful to the vitality and viability of this part of this Minor District Centre and it is recommended that planning permission is granted, subject to conditions.

RECOMMENDATION

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

1. SC4 (Time limit) 3yrs
2. SC27 (Hours of use) ENTER DETAILS

The premises shall not be used for the purposes hereby permitted other than between the hours of 9am and 9pm on Mondays to Saturdays and between 11am and 5pm on Sundays and 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.

3. SC32 (Accordance with plans)
4. SC58 (Storage of refuse)
5. Non Standard Condition 1 (Pre Commencement Condition)

Before the use commences, the building shall be insulated in accordance with a scheme which shall previously have been approved by the Local Planning Authority in order to secure a reduction in the level of noise emanating from the building.

Reason: To prevent noise nuisance to adjoining properties in accordance with the

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recommendations of the National Planning Policy Framework.

6. Non Standard Condition 2 (Pre Commencement Condition)

Before any works commence a scheme for any new plant or machinery shall be submitted to the local planning authority to achieve the following standard. Noise levels expressed as the equivalent continuous sound level LAeq (1 hour) when calculated at the boundary with the nearest noise sensitive premises shall not exceed LA90 -10dB and shall be maintained thereafter 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.

7. Non Standard Condition 3 (Pre Commencement Condition)

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

Reason: To protect the amenity of occupiers of nearby premises

8. Non Standard Condition 4 (Pre Commencement Condition)

Before the uses commences a scheme to control the transmission of noise and vibration from any mechanical ventilation system installed shall be submitted to and approved in writing by the Local Planning Authority and implemented prior to the permitted use commencing. Thereafter, the equipment shall be properly maintained and operated during normal working hours.

Reason: To protect the amenity of occupiers of nearby premises

9. Non Standard Condition 5 (Pre Commencement Condition)

This permission relates solely to the change of use of the premises and the installation of the extract duct illustrated by drawing number PL-5157_05 and to no other matters whatsoever.

Reason: For the avoidance of doubt.

10. Non Standard Condition 6 (Pre Commencement Condition)

Prior to the commencement of the use hereby permitted, a grease trap shall be fitted to the foul drainage system and thereafter the equipment shall be properly maintained and retained.

Reason: In the interests of amenity.

3 Reason for Approval

The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies DC16, DC33, DC36, DC55, and DC61 of the LDF Core

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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.

- 4** The applicant should have regard to the following guidance and issues:
- The Food Industry Guides to Good Hygeine Practice
 - Workplace, Health, Safety and Welfare Approved Code of Practice L24 ISBN 0-7176-0413-6 available to order from book shops
- Further information is available at the following web sites:
- Food safety - www.food.gov.uk/foodindustry/
 - Occupational safety & health - www.hse.gov.uk

Applicants have found it beneficial to consider the items below before final detailed plans are produced:

1. provision of suitable outside bin storage
2. provision of a grease trap on the foul drainage
3. proper storage and disposal of waste oil
4. vehicle and pedestrian routes when loading and unloading
5. vehicle and pedestrian routes for customers

Finally, food premises must be registered with Environmental Health at least 28 days before opening. It is an offence for premises to trade without registration. A registration form is available from our office or at our website: online.havering.gov.uk/officeforms/licence_food_business.ofml

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OUTSIDE STATUTORY PERIOD

APPLICATION NO:	P0540.12	
WARD :	Romford Town	Date Received: 25th April 2012
ADDRESS:	91 Eastern Road Romford	
PROPOSAL:	Side and rear extension to existing dwelling at ground and first floor Revised plans received 08-06-2012	
DRAWING NO(S):		
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 Frederick Thompson on the basis of the bulk of the proposal, and the proposal being out of keeping in the street scene.

SITE DESCRIPTION

The subject dwelling is a two-storey, semi-detached, late Victorian dwelling with a pebbledash (front elevation) and facing brick (side and rear elevation) appearance and a tiled, hipped roof. The property has a characteristic two storey rear projection, with an eaves height set 0.7m lower than that of the main house. The roof of the projection is hipped and shared with the identical projection of the attached neighbour at No. 89. The property has a detached single garage in the rear garden. There is also parking for one vehicle on a hardstanding to the front of the property and the capacity to create 1 further space.

The surrounding area is characterised by two storey semi-detached dwellings. No trees will be affected by the proposed development. The property is bounded to both sides by 1.8m high close boarded fences.

DESCRIPTION OF PROPOSAL

The proposal comprises a two storey side extension, and a part single, part two storey rear extension.

The two storey side extension would measure 2.34m wide by 7.63 deep at ground floor level and 6.63m deep at first floor level, being set back by 1m from the front building line. The side extension would extend to the boundary with the unattached neighbour at No. 93. The roof would be hipped, continuing the eaves from the main house but with a lower ridge line of 7.48m high. A hidden gutter arrangement would be utilised to prevent encroachment onto the neighbouring property. The ground floor would comprise an enlarged living room and a bike store with a passage to the rear garden. At first floor level the extension would comprise a bedroom and en-suite bathroom.

The rear extension would sit adjacent to the original rear projection and would have a width of 3.7m, being set off the boundary with the unattached neighbour by 1m. The ground floor element would measure 4m deep and the first floor element would measure 3m deep with a monopitch roof to the projecting ground floor element. The roof to the first floor rear extension would be set at right angles to the main roof and finished with a hipped end. The eaves would be slightly lower than the eaves of the main house, and the ridgeline would be 6.67m high. The

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rear extension would comprise a dining room at ground floor level and a bedroom at first floor level. The rear extension would necessitate the demolition of the existing garage.

RELEVANT HISTORY

P0124.12 Single / two storey side and rear extensions - refused

CONSULTATIONS/REPRESENTATIONS

Neighbouring occupiers were notified of the application; objections have been received from 10 neighbouring occupiers, and from a local historian. The concerns raised were as follows:

1. Eastern Road consists of largely unspoilt traditional late Victorian architecture. The proposed extensions would detract from the character and appearance of the subject dwelling and the streetscene.
2. No. 91 sits forward of the unattached neighbour, so the extension would be clearly visible within the streetscene, despite the setback at first floor level.
3. The bulk and mass of the two storey rear extension will block daylight and sunlight to the unattached neighbour at No. 93
4. The door at the front of the side extension would disrupt the rhythm of the street and make the extension look like a separate dwelling, and 89-91 appear as a set of terraces
5. The proposed hidden gutter feature is out of keeping with the subject dwelling and the streetscene and will appear incongruous with the overhanging eaves of the subject dwelling
6. The extensions are over large and would be overbearing
7. Building to the boundary would close the gap between the two pairs of semi-detached properties, which would be detrimental to the streetscene, breaking the rhythm of regular spacing between the properties.
8. The side extension would cause maintenance issues for the unattached neighbour at No. 93, as workmen would be left with a small gap to repair gutters etc
9. The extension would prejudice the development of the unattached neighbour at No. 93.
10. The proposed rear extension would be oppressive and overbearing to the unattached neighbour at No. 93.
11. The proposal contravenes Policy DC61, in that the development would not complement or improve the area, would have an unacceptable impact on the unattached neighbour and would prejudice the development of adjoining land.
12. The proposed extension would remove parking from the side of the house without finding other provision within the curtilage of the property.
13. The proposal fails to address the issues raised by the Heritage Officer in response to the previously refused application.
14. The rear windows in the side and rear extensions would intrude on the privacy of the unattached neighbour at No. 93.
15. The side extension would destroy the symmetry of the pair of semi-detached properties
16. The rear extension would be excessively deep and bulky and too close to the neighbouring boundary, having an unacceptable impact on the amenity of No. 93.
17. The side extension would result in a narrow alleyway, between the subject dwelling and the unattached neighbour. The alleyway would be a dark, unlit, non-defensible area, contrary to government guidelines.
18. The proposal does not comply with the Residential Extensions and Alterations SPD.
19. The rear extension would be visible from Carlton Road and would have a detrimental impact on this view.
20. The extension is located to the south of the unattached neighbour and would therefore result in an unacceptable loss of sunlight

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In reference to point 8, it should be noted that this is not a valid planning consideration. The remaining issues raised in these responses will be considered in the Design and Amenity sections below.

Despite the application not being located in the Conservation Area, the Heritage Officer was also consulted as a result of the character and relatively unspoilt nature of the streetscene. The Heritage Officer's advice is pending and Members will be updated verbally at the meeting of any comments received.

RELEVANT POLICIES

Residential Extensions and Alterations Supplementary Planning Document.
DC33 & DC61 - LDF Core Strategy and Development Control Policies Development Plan Document.

STAFF COMMENTS

Since the consultation with neighbouring properties and the Heritage Officer, revised plans have been submitted. The proposed door and window to the front of the side extension have been replaced with a garage door.

The current application is a resubmission of the previously refused application, reference no. P0124.12. The application was refused for the following two reasons:

1. The proposed two storey rear extension would, by reason of its excessive depth, bulk and position close to the boundaries of the site, be an intrusive and unneighbourly development, to the detriment of the rear garden environment, as well as having an adverse effect on the amenities of adjacent occupiers contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD and the Residential Extensions and Alterations Supplementary Planning Document.

2. The proposed alterations to the roof of the existing rear projection would, by reason of its poor design and relationship with the neighbouring roof, have an unacceptable impact on the rear garden environment, contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD

The revised application differs from the previous application in the following ways:

- The alterations to the roof of the rear projection have been deleted from the scheme.
- The proposed first floor rear extension has been reduced to 3m in depth and brought off the boundary with the neighbouring property by 1m, subsequently reducing the width by 1m. The eaves height of the rear extension has been lowered in height.
- An undercroft on the ground floor has been removed from the scheme

DESIGN/IMPACT ON STREET/GARDEN SCENE

The proposed two storey side extension would impact on the streetscene as it would reduce the characteristic spacing between the properties and unbalance the pair of semi-detached properties. However, the principal of two storey side extensions to semi-detached properties, which extend to the boundary with the unattached neighbour, has been widely accepted on the proviso that a 1m set back from the front building line is achieved at first floor level, to reduce the terracing effect and create a subservient impression. Therefore, staff do not consider that a refusal of the scheme can be justified on this basis.

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The proposed hidden gutter arrangement is not ideal as it does not replicate the traditional deep overhanging eaves to be found within the streetscene, however the Residential Extensions and Alterations SPD notes that although a traditional gutter arrangement is preferred, a hidden gutter detail may be acceptable. Staff consider that the proposed hidden gutter detail is not so detrimental to the character of the property and the streetscene that a refusal could be justified on this basis.

The proposed side extension is not substantial in width compared to the subject dwelling. Despite the 1m set back, the extension would partially be visible from the side as the unattached neighbour is set back 1m from the front building line of the subject dwelling. However, as the proposed extension would not protrude beyond the unattached neighbour, staff consider that the side extension is not of such bulk and mass as would cause significant harm to the streetscene.

To conclude, staff consider that the design of the two storey side extension as viewed from the street would be acceptable, replicating the hipped roof design and with appropriate materials, fenestration and a traditional garage door, and therefore the proposed two storey side extension would have an acceptable impact on the streetscene.

The proposed two storey rear extension complies with the policies in the SPD. The first floor element has been restricted to 3m in depth and the ground floor element restricted to 4m in depth. The roof would be set at 90 degrees to the main roof and finished with a hipped end. The width has been reduced from the previous scheme, and no longer appears overly bulky or dominant.

The eaves line of the proposed rear extension has been set lower than the main roof, but higher than the original rear projection, and the first floor element of the rear extension is set back by 1m from the rear projection. This arrangement of successive eaves lines stepping up on the retreating built elements is considered to be a sympathetic approach, with the proposed rear extension providing a link between the rear projection and the main roof, rather than dominating the rear elevation.

IMPACT ON AMENITY

The side extension would not be visible to the attached neighbour at No. 89, and the rear extension would not protrude beyond the existing two storey rear projection and would therefore also not be visible to the attached neighbour. Therefore the proposed development would not have an impact on that occupiers amenity.

The proposed side extension would be built up to the boundary of No. 93, the unattached neighbour. However, it would not protrude beyond the rear building line of No. 93, and No. 93 has no flank windows which would face the side extension. The proposed side extension would not therefore result in a loss of light to no. 93, or appear overbearing or intrusive. There are no proposed side windows to the side extension, and the rear window would be set forward of the rear building line of the No.93 and therefore would not result in any loss of privacy to No. 93.

The proposed side extension would result in an enclosure of the passage to the side of No. 93, which would darken it. However, staff do not consider that this would prove sufficiently harmful to the amenity and safety of the occupants of No. 93 to justify a refusal.

From the previous scheme, the proposed two storey rear extension has been reduced in both depth and width, and no longer sits on the boundary with the neighbouring property. The first floor element of the extension would now protrude only 1.2m beyond the rear building line of No.

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93 and would be set over 2m away from the flank wall of No. 93. From the corner of No. 93, a line taken at a 30 degree angle would not be impeded by the proposed two storey rear extension; typically if an extension does not break a 45 degree line from neighbouring windows, the impact on neighbouring light and amenity is considered to be acceptable. The proposed extension will therefore have less of an impact than other extensions permitted under the SPD, therefore, despite the extension being located to the south west of No. 93, staff conclude that the impact on the rear windows of No. 93 would be within acceptable limits.

No. 93 also has an original rear projection. It has a flank ground floor window, which acts as the sole light source to a dining room, which constitutes a habitable room. The proposed two storey element of the rear extension would not protrude across the face of this window. However, even if it did, the reduced height and width of the extension means that the extension would not cut a 45 degree line taken from the sill of this window. Therefore, again, the impact of the rear extension on this flank window is considered to be within acceptable limits.

The proposed rear extension would have no flank windows which could intrude on privacy. The rear window would be located over 2m from the boundary with No. 93 and would only have oblique views of windows of No. 93.

To conclude, staff acknowledge that the proposed development would impact on the occupiers of No. 93, but consider that the impact would be within acceptable limits, as determined by the policies within the SPD, and therefore the impact would not be of sufficient harm to justify a refusal of the application.

HIGHWAY/PARKING

The property has one parking space in the front garden and the garage at the rear. The proposed development would create a four bedroom dwelling and result in the loss of parking to the side or rear of the property, leaving only one parking space for a four bedroom dwelling. Council policy typically requires two spaces for a four bedroom dwelling, so the dwelling would be left with a shortfall. However, Eastern Road has a Public Transport Accessibility Level Rating of 5, so it is a highly accessible location and therefore a lower level of parking provision is justified. The dwelling is also located in a controlled parking zone, with no parking permitted between 9.30am and 5.30pm. Staff consider that this will assist in preventing any potential parking issues as a result of overspill.

KEY ISSUES/CONCLUSIONS

The design of the proposed development is considered to be acceptable, and the development would have an acceptable impact on the streetscene and rear garden scene. The development would impact on the amenity of neighbouring properties, but this impact would be within acceptable limits, as defined within the SPD. Parking issues are sufficiently mitigated against as the subject dwelling is located within a Controlled Parking Zone.

The proposal is therefore considered to be in accordance with the aims and objectives of the Residential Extensions and Alterations SPD and DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document and approval is recommended accordingly.

RECOMMENDATION

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

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1. SC03 (Time limit for commencement) 2yrs
2. SC10 (Matching materials)
3. SC32 (Accordance with plans)
4. SC46 (Standard flank window condition)
5. Reason for Approval

The proposed development is considered to be in accordance with the aims, objectives and provisions of the Residential Extensions and Alterations SPD and Policy DC61 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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REPORT

21 June 2012

Subject Heading:

**Planning Contravention
2-8 Upminster Road South, Rainham**

Report Author and contact details:

**Simon Thelwell
Planning Control Manager (Projects
and Compliance)
01708 432685
simon.thelwell@havering.gov.uk
Local Development Framework**

Policy context:

Financial summary:

**Enforcement action and a defence of
the Council's case in any appeal will
have financial implications.**

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

Ensuring a clean, safe and green borough	<input type="checkbox"/>
Championing education and learning for all	<input type="checkbox"/>
Providing economic, social and cultural activity in thriving towns and villages	<input checked="" type="checkbox"/>
Value and enhance the life of our residents	<input checked="" type="checkbox"/>
Delivering high customer satisfaction and a stable council tax	<input type="checkbox"/>

SUMMARY

This report relates to an unauthorised building within the rear garden of a Listed Building which is located within the boundaries of Rainham Village Conservation area. The building does not benefit from Listed Building Consent or planning permission. The building detracts from the setting of the listed building and, in particular, from public views available within the curtilage of the listed Rainham Hall.

RECOMMENDATIONS

That the committee consider it expedient that an Enforcement Notice be issued and served to require, within 3 months:

1. Remove the unauthorised outbuilding;
2. Remove all resultant debris associated with compliance with 1 above, the removal of the unauthorised outbuilding from the land;

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

REPORT DETAIL

1. Site Description

- 1.1 The site is located to the southern side of Upminster Road South, which falls within the boundaries of the Rainham Village Conservation area. The site adjoins the eastern boundary of St Helens and St Giles churchyard and Rainham Hall which is a three storey merchant's house, built in 1729, and Grade II * Listed (designated 1955).
- 1.2 The site currently accommodates a two storey Grade II Listed Building comprising a shop on the ground floor with residential use above. The buildings at no's 2-8 originally formed a small group of cottages which are now in joint ownership. The surrounding area is a mixture of commercial and residential uses.

2. The Alleged Planning Contravention

- 2.1 On 17 December 2009 the Planning Enforcement service received a complaint that an outbuilding has been constructed within the curtilage of a listed building, along the side boundary with Rainham Hall. The building is a prefabricated building with a pitched felt roof and is used for storage purposes.
- 2.2 Outbuildings subject to meeting all of the relevant criteria and conditions generally benefit from permitted development rights if they are located within the curtilage of a residential property however as the building is located within a mixed use property (residential on first floor and commercial on ground floor) and because the building is located within the curtilage of a Listed Building, the building requires planning permission.

- 2.3 The owner was advised that failure to obtain planning permission is a breach of planning control which could be liable to enforcement action. The owner advised that the building is only temporary and will be removed from the site within a few months.
- 2.4 Given that this has become protracted and that the building detracts from the setting of the listed buildings, and particular, from public views available within the curtilage of the listed Rainham Hall it has been deemed expedient that enforcement action be commenced.

3. **Relevant Planning History**

3.1

ES/HOR685/63	House	Refused
513/64	Additions	Approved
L/HAV/250/65	Garage	Refused
L/HAV/1384/69	Development for shops and living accommodation and storage over	Refused
L/HAV/764/83	Change use to offices and shopfront alterations	Approved
L/HAV/792/83	Renovation and reinstatement of original façade. Alterations and extensions	Approved
L/HAV/765/84	Vary use condition from estate agency/building society agency to insurance brokers/building society agents	Approved
A/90/84	Shop sign	Refused
P1355.08	Change of elevational treatment to facade of building from render to weather boarding. Modern casement windows replaced with traditional sash arrangement. New metal gate to passage between dwellings. Reform windows on west elevation with blind windows and new subcills. New shopfront.	Approved

L0008.08	Listed Building consent for change of elevational treatment to facade of building from render to weather boarding. Modern casement windows replaced with traditional sash arrangement. New metal gate to passage between dwellings. Reform windows on west elevation with blind windows and new subcills. New shopfront	Approved
A0058.08	Change of design of sign and fascia	Grant express consent
Q0046.09	Discharge of conditions 3 and 4 of P1355.08	Discharged

4. **Enforcement background**

- 4.1 December 2009 - Outbuilding within the curtilage of a Listed Building – ongoing

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

- 5.1 The site accommodates a two storey Grade II Listed Building and is located within Rainham Village Conservation area. National Planning Policy Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional.
- 5.2 Policy DC67 of the Local Development Framework states that planning permission involving Listed Buildings or their setting will only be allowed where it does not adversely affect a Listed Building or its setting.
- 5.3 Policy DC68 of the Local Development Framework states that the character or appearance of Conservation Areas will be preserved or enhanced. Planning permission for development within a Conservation Area will only be granted where it preserves or enhances the character and appearance of the Conservation Area and is well designed.
- 5.4 Policy DC61 of the Local Development Framework states that planning permission will only be granted for development which maintains, enhances

or improves the character and appearance of the local area. Development must therefore complements or improves the amenity and character of the area through its appearance, materials used, layout and integration with surrounding land and buildings.

6. **Justification for Intended Action**

- 6.1 The issue is whether it is expedient for this Council to serve a planning Enforcement Notice having regard to the impact of this unauthorised building on the setting of the listed building and particular the listed Rainham Hall.
- 6.2 The building, which has a depth in excess of 10 metres, is constructed with a 3.5 metre pitch roof covered in felt. The building is a prefabricated type building and is used for storage purposes.
- 6.3 The siting of the building on the boundary with Rainham Hall, especially the depth of the building, the height of the pitch roof and the nature of the materials (felt roof), detract from the setting of the Listed Building on site, and in particular from public views available within the curtilage of the listed Rainham Hall.
- 6.4 Policy DC67 of the Local Development Framework states that planning permission involving Listed Buildings or their setting will only be allowed where it does not adversely affect a Listed Building or its setting. As the building detracts from the setting of listed buildings it is considered that it is that planning permission would be refused for its retention.
- 6.5 As the building can not be altered to make it more acceptable, it is considered that the building should be demolished in its entirety. Given the prefabricated nature of the building it is considered that 3 months is sufficient time to dismantle and remove the materials resulting from compliance from the land.

IMPLICATIONS AND RISKS

Financial implications and risks:

Enforcement action may have financial implications for the Council.

Legal implications and risks:

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

Human Resources implications and risks:

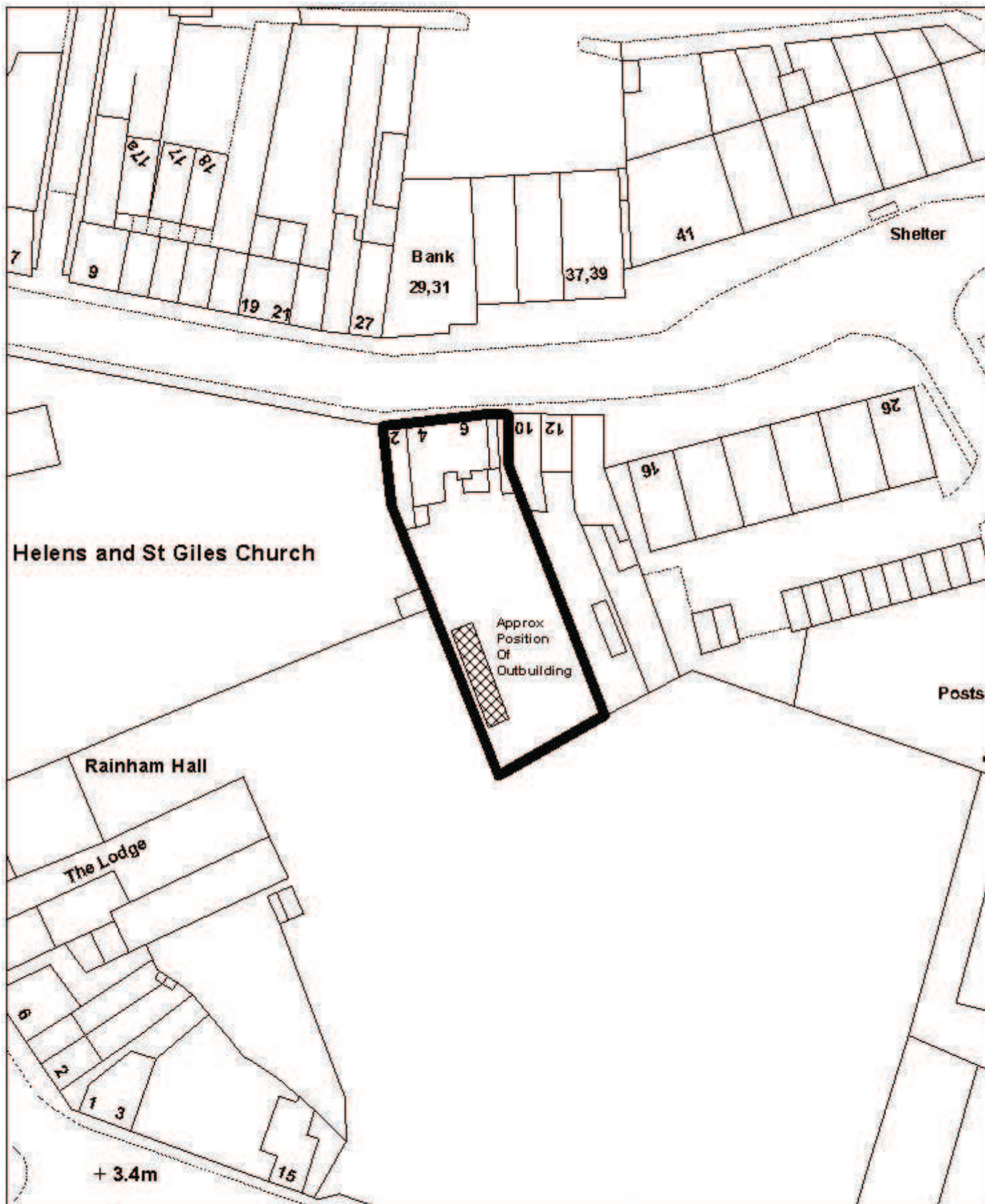
No implications identified.

Equalities implications and risks:

No implications identified.

BACKGROUND PAPERS

None



2-8 Upminster Road South

Map Reference: TQ5282SW



Scale @ A4 1:625
Date: 13/06/2012



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