



## REGULATORY SERVICES COMMITTEE AGENDA

**7.30 pm**

**Thursday  
23 August 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](mailto:richard.cursons@havering.gov.uk)**

## AGENDA ITEMS

### 1 CHAIRMAN'S ANNOUNCEMENTS

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

The Chairman will announce the following:

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

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

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

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

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

(if any) - receive.

### 3 DISCLOSURE OF PECUNIARY INTERESTS

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

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

### 4 MINUTES (Pages 1 - 12)

To approve as a correct record the minutes of the meeting of the Committee held on 21 June 2012 and to authorise the Chairman to sign them.

### 5 P1390.12 - ROSARY, SOUTHEND ARTERIAL ROAD, HORNCHURCH (Pages 13 - 26)

- 6     **A0035.12 - FORMER BROXHILL CENTRE, BROXHILL ROAD, ROMFORD** (Pages 27 - 34)
  
- 7     **P0814.12 - FORMER BROXHILL CENTRE, BROXHILL ROAD, ROMFORD** (Pages 35 - 42)
  
- 8     **P0735.12 - HAVERING SIXTH FORM COLLEGE, WINGLETYE LANE, HORNCHURCH** (Pages 43 - 48)
  
- 9     **STOPPING UP OF HIGHWAY LAND ADJACENT TO 19 SPRINGBANK AVENUE, HORNCHURCH** (Pages 49 - 54)
  
- 10    **STOPPING UP OF HIGHWAY BEING THE PEDESTRIAN FOOTBRIDGE SPANNING NOAK HILL ROAD BETWEEN THE FORMER WHITWORTH CENTRE AND THE BROXHILL CENTRE, ROMFORD** (Pages 55 - 62)
  
- 11    **URGENT BUSINESS**

To consider any other item in respect of which the Chairman is of the opinion, by reason of special circumstances which will 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**

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# Public Document Pack Agenda Item 4

**MINUTES OF A MEETING OF THE  
REGULATORY SERVICES COMMITTEE  
Havering Town Hall, Main Road, Romford  
21 June 2012 (7.30 - 9.58 pm)**

**Present:**

**COUNCILLORS:** 11

**Conservative Group** Barry Oddy (in the Chair), Robby Misir,  
Frederick Osborne, +Wendy Brice-Thompson,  
+Steven Kelly, +Pam Light and +Billy Taylor

**Residents' Group** Linda Hawthorn and Ron Ower

**Labour Group** +Keith Darvill

**Independent Residents  
Group** +David Durant

Apologies were received for the absence of Councillors Sandra Binion, Jeffrey Brace, Mark Logan, Paul McGeary, Garry Pain and Barry Tebbutt.

+ Substitute Member: Councillor Billy Taylor (for Sandra Binion), Steven Kelly (for Jeffrey Brace), Pam Light (for Garry Pain), Wendy Brice-Thompson (for Barry Tebbutt), Keith Darvill (for Paul McGeary) and David Durant (for Mark Logan).

Councillors Georgina Galpin and Frederick Thompson were also present for parts of the meeting.

35 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.

## 9 **MINUTES**

The minutes of the meetings of the Committee held on 5 and 26 April 2012 were agreed as a correct record and signed by the Chairman.

## 10 **BRANFIL PRIMARY SCHOOL**

The application proposed the erection of 2-3 storey extension which would provide space for classrooms and a nursery. The proposed nursery would

be kept separate from the remainder of the school, and would have a dedicated pedestrian access through a new entrance. The proposed extension would replace existing buildings which would be demolished. The proposal would allow for an increase in the capacity of the school with a potential increase of 201 pupils and 14 staff. An additional 14 spaces were proposed for staff car parking with 72 spaces provided for cycle storage.

It was noted that 71 letters of objection had been received along with 4 letters of support. Comments from 5 statutory consultees had been received including that from the Environment Agency which raised no objections to the proposals.

In accordance with the public speaking arrangements and with the agreement of the Chairman, the Committee was addressed by two speakers who opposed the application with responses provided to each by the applicant.

Much of the debate amongst members focussed on the proposed pedestrian footpath which would be created for access to the proposed nursery and the impact of the proposed buildings on nearby residential properties. Concerns were raised that the new access and close proximity of the proposed extension would cause unacceptable overlooking into neighbouring properties. It was suggested that access to the proposed nursery could be made via the main school entrance. In response, officers explained that the footpath would only be used during discreet periods of the days and as such would not result in a constant flow of people walking past adjoining residential boundaries. It was suggested that its use could be covered by condition.

Discussion also focussed on the likely increase in the number of car journeys made by parents dropping off and collecting children given the proposed significant increase in pupil numbers at the school. Members queried whether sufficient consideration had been given to the likely travel impact and parking congestion on surrounding residential roads. Accordingly, a motion was proposed that consideration be deferred to enable officers to discuss with the applicant the submission of a school travel plan and also to enable members to visit the site and inspect the location of the proposed access and footpath and its potential impact on neighbouring amenity. That motion was defeated by 7 votes to 4. Councillors Darvill, Durant, Ower and Hawthorn voted for the motion to defer.

It was **RESOLVED** that planning permission be granted subject to the conditions as set out in the report and additional conditions to cover the following:

- No external lighting (including for the Multi Use Games Area) to be installed without prior consent from Local Planning Authority.

- Submission, approval, implementation and maintenance of a management scheme for the footpath adjacent to 16 Cedar Avenue.
- Details of the design, levels and boundary treatment for the footpath adjacent to 16 Cedar Avenue.
- Adjust Condition 4 (boundary treatment) to specify closeboard fence for boundary with 16 Cedar Avenue.

The vote for the resolution to grant planning permission was passed by 7 votes to 4. Councillors Darvill, Durant, Ower and Hawthorn voted against the resolution to grant planning permission.

**11 P0540.12 - 91 EASTERN ROAD, ROMFORD**

The proposal comprised a two storey side extension, and a part single, part two storey rear extension. The report explained that 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 comprise a dining room at ground floor level and a bathroom at first floor level. The rear extension would necessitate the demolition of the existing garage.

The application had been called-in for consideration by the Committee by Councillor Frederick Thompson. Councillor Thompson had been concerned at the bulk of the proposal and it being out of keeping with the street scene.

It was noted that 11 letters of representation had been received along with late comments received from the Council's Heritage Officer who advised that the application was broadly in line with heritage requirements although it was not within the Conservation area.

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

With its agreement, Councillor Frederick Thompson addressed the Committee. Councillor Thompson remarked that the proposals would result in an unacceptable loss of light and privacy for neighbouring occupiers and its excessive bulk would result in it being out of character in the street scene. In addition, the increased number of occupiers would increase the number of vehicular movements to and from the property and could increase parking congestion.

Members of the Committee commented that the proposal was unsightly and would look unacceptably dominant in the street scene. Members were particularly unimpressed by the proposed gutter concealment and considered that the proposal overall would be detrimental to neighbouring amenity.

The report recommended that planning permission be granted but following a motion it was **RESOLVED** that planning permission refused on the grounds that the extension would, by reason of its excessive depth and bulk, its design (including the eaves/gutter detail causing an oppressively high flank wall) and its proximity to the side boundary would significantly harm the setting of the house, its impact on the character of the street scene, the rear garden environment and the amenities of the neighbouring property.

The motion to refuse planning permission was passed to 10 votes to 1. Councillor Oddy voted against the motion to refuse planning permission. The resolution to refuse planning permission was passed unanimously.

12 **P0427.12 - 28 HARROW DRIVE, HORNCHURCH**

The report detailed an application for a single storey front extension and single and two storey rear extensions.

The application had been called in for consideration by the Committee by Councillor Georgina Galpin. Councillor Galpin considered that the proposal raised un-neighbourliness and street scene issues.

It was noted that 4 letters of representation had been received including comments from a local ward Councillor.

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

With its agreement, Councillor Georgina Galpin addressed the Committee. Councillor Galpin explained that the plans were inaccurate. She added that the proposal was only a minor reduction from a previous application which had been refused permission. The application, in her view, was bulky and would result in an unacceptable loss in neighbouring amenity.

Officers stated that the revised plans were accurate but were so minor that neighbours had not been re-consulted following their submission.

Members of the Committee raised concerns that neighbours had not been consulted on the revised plans. Accordingly, a motion was proposed and subsequently passed that consideration be deferred to enable a further round of consultation to take place. It was **RESOLVED** that consideration be deferred to a future meeting of the Committee.

13 **PLANNING OBLIGATIONS/LEGAL AGREEMENTS**

The report updated the Committee on the position of legal agreements and planning obligations. This related to approval of various types of application for planning permission decided by the Committee that could be subject to



prior completion or a planning obligation. This was obtained pursuant to Section 106 of the Town and Country Planning Acts.

The report also updated the position on legal agreements and planning obligations agreed by this Committee during the period 2000-2012.

The Committee **NOTED** the report and the information contained therein.

14 **PLANNING AND ENFORCEMENT APPEALS RECEIVED, PUBLIC INQUIRIES/HEARINGS AND SUMMARY OF APPEAL DECISIONS**

The report accompanied a schedule of appeals and a schedule of appeal decisions, received between 11 February 2012 and 18 May 2012.

The report detailed that 31 new appeals had been received since the last meeting of the Monitoring Committee in March 2012.

The Committee **NOTED** the report and the results of the appeal decisions received.

15 **SCHEDULE OF ENFORCEMENT NOTICES**

The Committee considered and noted the schedules detailing information regarding enforcement notices updated since the meeting held in March 2012.

Schedule A showed notices currently with the Secretary of State for the Environment (the Planning Inspectorate being the executive agency) awaiting appeal determination.

Schedule B showed current notices outstanding, awaiting service, compliance, etc. with up-dated information from staff on particular notices.

The Committee **NOTED** the information in the report.

16 **PROSECUTIONS UPDATE**

The report updated the Committee on the progress and/or outcome of recent prosecutions undertaken on behalf of the Planning Service.

The Committee **NOTED** the report.

17 **P0473.12 - LAND AT FORMER DEPOT VERNON ROAD COLLIER ROW**

The report detailed an application for the demolition of the existing garage units at the site, and their replacement with a four bedroom, detached dwelling. The proposed dwelling would be accompanied by a front and rear garden, and driveway with four parking spaces and a detached garage building. It was noted that vehicular access would be taken from Vernon Road.

It was noted that should planning permission be granted a Mayoral Community Infrastructure Levy (CIL) payment would be required for the sum £2,660.00.

An amendment to the report was outlined to members. It was noted that paragraph 6.5.3 was to be replaced with the following:

*“The access is 4.5 metres in width and is subject to Condition 15 which secures pedestrian access over Public Footpath 21 which forms part of the otherwise private access road. Drawing Reference Number sps1355/1 which is referred to in planning condition 15 indicates by broken black line the route of the public footpath as used by the public within the application site. The access will be sufficient to allow access for emergency vehicles and the Highway Authority has raised no objections to the arrangements.”*

It was **RESOLVED** that, subject to the expiration of the consultation period on 29 June 2012 and any consultation responses received raising no new material considerations other than those already considered by Committee, 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 were raised, then the matter be remitted back to Regulatory Services Committee for its further consideration and resolution.

In addition, it was **RESOLVED** that the proposal was unacceptable as it stood 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 in association with the preparation of the Agreement 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 as set out in the report and an additional condition to require the following:

*“Condition 15: Public Footpath 21*

*Prior to the commencement of development a scheme shall be submitted in writing to the Local Planning Authority setting out detailed measures to be implemented to ensure continued access for the public over Public Foot Path 21 within the application site as shown by the broken black line on drawing reference sps 1355/1 such approved scheme shall include details of surface treatment for a section of Public Footpath 21 to distinguish it from the remaining part of the access road for the length of the access road to the application site from Vernon Road and the approved scheme shall be implemented prior to the first occupation of any dwelling within the application site.*

*Reason:*

*To ensure that access by the public on foot is not obstructed over that section of Public Foot Path 21 that falls within the application site and that the surface treatment of that section of Public Footpath 21 for its full length along side the access road is clearly distinct from the remaining part of the access road.”*

**18 P0199.12 - 23 WINDERMERE AVENUE ELM PARK**

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

**19 P0257.12 - LAND TO THE REAR OF 182-200 HIGH STREET, HORNCHURCH**

The proposal considered by the Committee was 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 fifth flat in the roof space.

It was noted that 4 letters of representation had been received along with comments from 7 statutory consultees, including 2 late responses from the Council’s Environmental Health and Highways Departments which made some suggested conditions should permission be granted.

It was also reported that should permission be granted, a Mayoral Community Infrastructure Levy (CIL) payment would be required for the sum of £9,090.

It was **RESOLVED** that planning permission be granted subject to the conditions as set out in the report and five additional conditions:

1, Before the development commences details of a scheme shall be submitted to and approved in writing by the local planning authority which specifies the provisions to be made for the control of noise emanating from the commercial part of the site. Such scheme as may be approved shall be implemented prior to first occupation and thereafter retained in accordance with such details.

Reason: To prevent noise nuisance to adjoining properties

2, 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.

3, Before any development is commenced, a scheme for protecting the proposed dwellings from noise from commercial uses in the vicinity shall be submitted to and approved by the Local Planning Authority. Any works which form part of the scheme shall be completed before any of the permitted dwellings is occupied.

Reason: To prevent noise nuisance to adjoining properties

4, The flats shall be so constructed as to provide sound insulation of 45 DnT,w + Ctr dB (minimum values) against airborne noise and 62 L<sub>2</sub>nT,w dB (maximum values) against impact noise to the satisfaction of the Local Planning Authority.

Reason: To prevent noise nuisance to adjoining properties.

5, 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.

The vote for the resolution to grant planning permission was passed by 10 votes to nil with 1 abstention. Councillor Durant abstained from voting.

20 **P0432.12 - 194 ELM PARK AVENUE, ELM PARK, HORNCHURCH**

The Committee considered the report and without debate **RESOLVED** that planning permission be granted subject to the conditions as set out in the report but with a minor alteration to Condition 7 so that it reads "...disperse Odours..."

21 **PLANNING CONTRAVENTION - 2-8 UPMINSTER ROAD SOUTH, RAINHAM**

The report detailed an authorised building within the rear garden of a Listed Building located within the boundaries of the Rainham Conservation Area. It was reported that the building did not have Listed Building Consent or planning permission. It was considered that the building detracted from the setting of the listed building and, in particular, from public views available within the curtilage of the listed Rainham Hall.

A member of the Committee commented that enforcement action was unnecessary and that it was a minor planning infringement which could be resolved by some other means. The member added that the building obscured unsightly views from the rear of Rainham Hall to the rear of the premises on Upminster Road South.

Other members of the Committee disagreed with that view and suggested that in the absence of an application it was necessary to enforce.

It was **RESOLVED** that the Committee considered it expedient that an Enforcement Notice be issued and served to require, within 3 months:

1. Remove the unauthorised building:
2. Remove all resultant debris associated with compliance with the 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.

The vote for the resolution to take enforcement action was passed by 10 votes to nil with 1 abstention. Councillor Durant abstained from voting.

22 **SECTION 106 DEED OF VARIATION FOR THE FORMER WHITWORTH CENTRE NOAK HILL ROMFORD**

The report before members related to proposals for a residential development for 144 residential units on land at former Whitworth Centre, Noak Hill Road, Romford. The site had the benefit of planning permission (under planning reference 1558.11) which was subject to a Section 106 legal agreement completed on 29 March 2012. The Section 106 agreement should include a travel plan and the original agreement would be varied to include that planning obligation.

It was reported that a request had been made to the Council to vary under Section 106A of the Town and Country Planning Act 1990 the legal agreement to amend the definition of 'Shared Equity' in the original agreement to read *"Shared Equity means the sale of a 100% interest in the reversionary title of a residential dwelling to an Approved Person (or such other purchaser as may be permitted pursuant to Schedule Five) at such price as is below market price (as per the definition of Intermediate Affordable Housing within Annex 2 of the National Planning Policy Framework (27 March 2012) but which is otherwise as the Developer and the said Approved Person (or such other purchaser as may be permitted pursuant to Schedule Five) shall agree and provided further that such price shall be paid in part cash payment and part Shared Equity Charge pursuant to paragraph 5 of Schedule Five"*.

Further a definition of 'a Person in Housing Need' suitable to the Council would be added to the definitions in Schedule 5 of the original agreement.

It was **RESOLVED** that the variation of the Section 106 agreement dated 29 March 2012 pursuant to planning permission reference number P1558.11 by Deed of Variation under Section 106A of the Town and Country Planning Act (as amended), be approved:

1. the definition of 'Shared Equity' in the original agreement be amended to read *"Shared Equity means the sale of a 100% interest in the reversionary title of a residential dwelling to an Approved Person (or such other purchaser as may be permitted pursuant to Schedule Five) at such price as is below market price (as per the definition of Intermediate Affordable Housing within Annex 2 of the National Planning Policy Framework (27 March 2012) but which is otherwise as the Developer and the said Approved Person (or such other purchaser as may be permitted pursuant to Schedule Five) shall agree and provided further that such price shall be paid in part cash payment and part Shared Equity Charge pursuant to paragraph 5 of Schedule Five"*.
2. a definition of 'a Person in Housing Need' be inserted in the definitions in Schedule Five of the original agreement which is acceptable to the Council.
3. a planning obligation be inserted requiring the production of a travel plan to encourage the use of sustainable modes of transport, including requirements for the submission of a scheme to encourage use of sustainable modes of transport, implementation, monitoring and review of such scheme as required by the Council
4. the Developer and/or Owner to bear the Council legal costs in respect of the preparation of the legal agreement irrespective of whether or not it is completed

5. the variation of the original agreement to include any consequential changes resulting from 1-3 above and otherwise save as varied as above the original agreement dated 29 March 2012 shall remain in full force and effect.

The planning obligations recommended in the report had been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the obligations were 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.

**23 EXCLUSION OF THE PUBLIC**

The Committee decided on the motion of the Chairman that the public should be excluded from the remainder of the meeting on the ground that it was likely that, in view of the nature of the business to be transacted, if members of the public were present there would be disclosure to them of exempt information within the meaning of paragraph 3 of Schedule 12A to the Local Government Act 1972 and it was not in the public interest to publish the information.

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

Attached to the report was a schedule listing, by Ward, all the complaints received by the Planning Control Service over alleged planning contraventions for the period from 11 February 2012 and 18 May 2012.

The Committee **NOTED** the report and **AGREED** the actions being taken.

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**Chairman**

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**REGULATORY  
SERVICES  
COMMITTEE**

**REPORT**

23 August 2012

**Subject Heading:**

**P1390.11 – Rosary, Southend Arterial Road, Hornchurch**

**Demolition of existing dwelling and construction of replacement dwelling – application for outline planning permission (Application received 22<sup>nd</sup> September 2011)**

**Report Author and contact details:**

**Helen Oakerbee (Planning Control Manager) 01708 432800**

**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  | [x] |
| Championing education and learning for all                                      | [ ] |
| Providing economic, social and cultural activity in thriving towns and villages | [ ] |
| Valuing and enhancing the lives of our residents                                | [ ] |
| Delivering high customer satisfaction and a stable council tax                  | [ ] |

## SUMMARY

This report concerns an application for the demolition of the existing dwelling and the construction of a replacement dwelling. The application is for outline permission seeking approval for access and layout. Appearance, landscaping and scale are reserved matters. Staff conclude the proposal to be acceptable. It is recommended that planning permission be granted subject to conditions and a Section 106 Agreement to ensure that the existing house is demolished.

## RECOMMENDATIONS

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

- Prior to the commencement of the development, the existing dwelling shall be demolished in its entirety and all material arising there from permanently removed from the site unless otherwise agreed. Prior to first occupation of the new dwelling, the site of the former dwelling shall be reinstated in accordance with details previously submitted to and approved in writing by the Local Planning Authority.
- 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.
- To pay the Council's planning obligation monitoring fees.

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

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

1. The development hereby permitted may only be carried out in accordance with detailed plans and particulars which shall previously have been submitted to and approved by the Local Planning Authority, showing the appearance, scale and landscaping, including all matters defined as "landscaping" in the Town and Country Planning (General Development Procedure) Order (herein after called "the reserved matters").

Reason:

The particulars submitted are insufficient for consideration of the details mentioned and the application is expressed to be for outline permission only.

2. Pursuant to Condition 1 above, the replacement dwelling hereby approved shall not exceed 2.4 metres in height at eaves level and 6.8 metres in height at ridge level.

Reason: In the interest of residential amenity of the occupiers of the adjoining properties and in order to accord with Policy DC61 of the Development Control Policies Development Plan Document.

3. Application/s for approval of the reserved matters shall be submitted to the Local Planning Authority within three years from the date of this permission.

Reason:-

To comply with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

4. The development to which this permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last reserved matter to be approved.

Reason:-

To comply with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

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

Reason:-

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

6. 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.

7. 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.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, Schedule 2, Part 1, no development and hardstanding under Classes A, B, C, D, E and F and fences and boundary treatments under Part 2, Class A shall be carried out without the prior permission in writing of the Local Planning Authority.

Reason: To enable to the Local Planning Authority to retain control of future development, given the site's location within the Metropolitan Green Belt and in particular to maintain the openness of the green Belt.

9. The residential curtilage of the new dwelling shall solely comprise of the area outlined in red on the Ordnance survey site plan, drawing No. 6652/0/6 dated 6<sup>th</sup> June 2012.

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

10. Prior to the commencement of the development, the existing dwelling shall be demolished in its entirety and all material arising there from permanently removed from the site. Prior to first occupation, the site shall be reinstated in accordance with details previously submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the character and openness of the Metropolitan Green Belt and of amenity.

11. Prior to the commencement of the development, details of the surfacing materials to be employed in the extension of the existing driveway to the new dwelling shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of amenity.

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

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

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

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

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

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

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

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

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

Reason:

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

13. 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.

14. Prior to the commencement of any development an assessment shall be undertaken of the impact of road noise emanating from Southend Arterial Road upon the development in accordance with the methodology contained in the Department of Transport/Welsh office memorandum, 'Calculation of Road Traffic Noise' 1988. Reference should be made to the good standard to be found in the World Health Organisation Document number 12 relating to community noise and BS8233:1999. Following this, a scheme detailing measures, which are to protect occupants from road traffic noise shall be submitted to, and approved in writing by the Local Planning Authority and shall be implemented prior to occupation.

Reason: To protect future residents against the impact of road noise in accordance with Department of Environments and the National Planning Policy Framework.

15. INFORMATIVES:

Reason for approval:

The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies CP1, CP2, CP14, CP17, DC3, DC32, DC33, DC60 and DC61 of the Local Development Framework Core Strategy and Development Control Development Plan Document together with Policies 6 (Delivering a wide choice of high quality homes), 7 (Requiring good design) and 9 (Protecting Green Belt land) of the National Planning Policy Framework.

In promoting the delivery of safer, stronger, sustainable places the Local Planning Authority fully supports the adoption of the principles and practices of the Secured by Design Award Scheme and Designing against Crime. Your attention is drawn to the free professional service provided by the Police Crime Prevention Design Advisor through Havering Development and Building

Control or Romford Police. Mr Tyler is able to provide practical designing against crime advice, taking account of local conditions and risks. You are strongly advised to contact him at the earliest opportunity.

## 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 roughly rectangular shaped open piece of land situated some 15 metres to the south of the A127, to the eastern side of the track, from which it takes access. The application plot covers an area of some 0.1 hectares and forms part of a larger area owned by the applicant. The proposal is linked to The Rosary, an existing single storey bungalow. Across the access track is a filling station. The site is within the Metropolitan Green Belt and falls within the Thames Chase Community Forest.

### 2. **Description of development:**

- 2.1 The application seeks planning permission for the demolition of the existing dwelling at The Rosary and the construction of a replacement dwelling to the south east of the existing dwelling. The proposed replacement bungalow measures, at its maximum, 11.5m wide by 7.5m deep with a height of 2.4m to the eaves and 6.8m to the ridge. A similar application had previously been approved, but has now lapsed (P0644.05). The current application is in outline form only. Approval of the access and layout are being sought now, with the appearance, scale and landscaping reserved for future consideration.

### 3. **Relevant History:**

P1455.01 - Replacement dwelling - Outline – Approved.

P0644.05 – Demolition of existing dwelling and construction of replacement dwelling – Outline – Approved.

P0685.10 – Demolition of existing dwelling and construction of replacement dwelling – outline – Withdrawn.

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

- 4.1 The application has been advertised in a local newspaper and by way of a site notice as a departure from Green Belt policies. Six neighbouring occupiers were notified of the planning application. At the time of drafting this report, the consultation period had yet to expire. Members will be verbally updated of any representations received.
- 4.2 Environmental Health – Recommend a condition in respect of contamination if minded to grant planning permission.
- 4.3 Crime Prevention Design Advisor – Recommends an informative if minded to grant planning permission.
- 4.4 The Highway Authority has no comment or objection to the application as the road leading to the proposed development is not adopted by the London Borough of Havering.
- 4.5 London Fire and Emergency Planning Authority – Access should comply with Section 11 of ADB volume 1. A pump appliance should be able to approach to within 45m of all points within the dwelling. Any roadway should be a minimum of 3.7m between kerbs and be capable of supporting a vehicle of 14 tonnes. Turning facilities should be provided in any access road which is more than 20m in length.

5. **Staff Comments:**

- 5.1 This application is brought before committee because a Section 106 Agreement is required to ensure that the existing house is demolished.
  - 5.1.1 The application is in outline form only with approval of access and layout being sought now. As such, the main issues in this case are considered to be the principle of development, the impact upon the character and appearance of the Green Belt and the Thames Chase Community Forest, the impact on the streetscene, impact on local amenity and parking and highways issues.
  - 5.1.2 Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP14 (Green Belt), CP17 (Design), DC2 (Housing Mix and Density), DC3 (Housing Design and Layout), DC32 (The Road Network), DC33 (Car Parking), DC45 (Green Belt), DC60 (Trees and Woodlands), DC61 (Urban Design) and DC63 (Delivering Safer Places) of the LDF Core Strategy and Development Plan Document are considered material, together with the Residential Design Supplementary Planning Document.
  - 5.1.3 Policies 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 6.13 (parking), 7.1 (building London's neighbourhoods and communities), 7.13 (safety, security and resilience to emergency), 7.4 (local character) and 7.16 (green belt) of the London Plan 2011 are relevant.



5.1.4 Policies 6 (Delivering a wide choice of high quality homes), 7 (Requiring good design) and 9 (Protecting Green Belt land) of the National Planning Policy Framework are relevant.

## **5.2 Background**

5.2.1 Planning permission was granted for an outline application to demolish the existing dwelling and construct a replacement dwelling in 2005, although this was not implemented. This application seeks permission for a replacement dwelling, which would be located in a different position to that approved under application P0644.05.

## **5.3 Principle of Development**

5.3.1 Within the Green Belt national and local planning policy seeks to prevent urban sprawl by keeping land permanently open. Government guidance in respect of Green Belts contained within the National Planning Policy Framework (NPPF) advises that the essential characteristics of Green Belts are their openness and their permanence. Chapter 9 (protecting green belt land) of the NPPF states that the construction of new buildings are inappropriate in the Green Belt, with the exception of the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.

5.3.2 Policy DC45 states that the replacement of existing dwellings will be allowed provided that the cubic capacity of the resultant building is not more than 50% greater than that of the original dwelling. In this regard, the policy has regard to the size of the original dwelling and where proposals involve properties which were small, more substantial rebuilding may in some circumstances be appropriate. It is noted that a single storey rear extension and alterations were constructed to the existing dwelling under a building notice in 1991 (BN/9080/91). As the current application is in outline form only, details have not been provided in order for a full assessment to be made in respect of the cubic capacity the proposed replacement dwelling would occupy. However, having carefully reviewed the indicative plans submitted with the application, based on the footprint alone, the replacement dwelling appears to be of a very similar size to that of the existing dwelling including its single storey rear extension.

5.3.3 Drawings of the existing bungalow have been submitted. The existing bungalow has a maximum depth of approximately 14.9 metres, a width of 10.4 metres and a height of 3.5 metres to the eaves and 6.85 metres to the ridge. According to the submitted plans, the replacement dwelling would have a maximum depth of approximately 9 metres and a width of 11.5 metres. The agent advised that the replacement dwelling would have a height of 2.4m to the eaves and 6.8m to the ridge. The agent advised that there is no intention to have floor space at first floor level for the replacement dwelling. Staff are, therefore, of the view that it is likely that a replacement dwelling could reasonably be constructed on the site within the acceptable volume limits,

which would not result in disproportionate additions over and above the size of the original building. Therefore, it is considered that the proposed development would be acceptable in principle and comply with Policy in Chapter 9 of the NPPF and Policy DC45 of the Local Development Framework Development Plan Document.

#### **5.4 Impact on the character and appearance of the Green Belt**

5.4.1 Although the application is for the replacement of the bungalow at The Rosary, the replacement dwelling would not be sited in the location of the existing dwelling, but would occupy the adjacent land. While the existing dwelling appears to be in a structurally sound condition, the building is not of any particular architectural or historic merit and no in principle objection is therefore raised to its demolition. Furthermore, the alternative location of the replacement dwelling further away from the A127 would also allow a greater impression of space.

5.4.2 The replacement dwelling would be screened by the stables as well as numerous mature trees adjacent to the northern and eastern boundaries of the site. In addition, the conifer hedgerows on the western boundary of the site would provide further screening. Given the size of the application site and the open land surrounding the site, it is considered that a replacement dwelling could reasonably be achieved on the site, without compromising the impression of space around the building. As such, it is considered that the outline proposals would not compromise the open character of the Metropolitan Green Belt and therefore, the proposed layout is deemed to be acceptable. Furthermore, the principle of the replacement dwelling had previously been accepted under planning permission P0644.05 (outline) which has since lapsed.

5.4.3 Given the siting of the proposed bungalow in comparison to the siting of the existing bungalow, to prevent a scenario where one bungalow is retained and one bungalow is constructed, which would cause harm to the character and appearance of the Green Belt, Staff recommend that the applicant enters into a Section 106 Agreement to ensure that the existing house is demolished prior to the commencement of the development.

5.4.4 The Council supports the concept of the Thames Chase Community Forest in which the application site is situated. It is considered that the replacement dwelling would not have an adverse impact on the open character of the locality, particularly as the existing dwelling would be demolished.

#### **5.5 Site Layout**

5.5.1 The Council's Residential Design SPD in respect of amenity space recommends that every home should have access to suitable private and/or communal amenity space in the form of private gardens, communal gardens, courtyards, patios, balconies or roof terraces. In designing high quality amenity space, consideration should be given to privacy, outlook, sunlight,

trees and planting, materials (including paving), lighting and boundary treatment. All dwellings should have access to amenity space that is not overlooked from the public realm and this space should provide adequate space for day to day uses. Amenity space provision for the dwelling accords with the Residential Design Supplementary Planning Document.

## **5.6 Design/impact on street/Garden scene**

5.6.1 Following a site visit, it is noted that the existing dwelling is not directly visible in the streetscene, as it is screened by conifer hedgerows on the western boundary of the site. The replacement dwelling would be more visible in the streetscene than the existing dwelling, as it would be located at the end of the existing driveway which has a relatively open aspect when viewed through the gated entrance. Although it is Staff's view that the replacement dwelling would not appear unduly prominent in the streetscene, as it would be sited at an oblique angle and set back further in the site than the existing dwelling (approximately 41 metres from the front of the site).

## **5.7 Impact on amenity**

5.7.1 As the site is bounded by open fields to the north, east and west, it is not considered that it would appear unduly overbearing or dominant or give rise to an unacceptable loss of privacy or amenity.

## **5.8 Highway/parking issues**

5.8.1 The application site is located within PTAL Zone 1-2, where 2-1.5 parking spaces are required for each property. The replacement dwelling would benefit from 2 no. driveway spaces, therefore no objection is raised in this regard.

5.8.2 The replacement dwelling would utilise the existing vehicular access from the Southend Arterial Road, which is deemed to be acceptable. The Fire Brigade has no objection to the proposal.

## **5.9 The Mayor's Community Infrastructure Levy**

5.9.1 The proposal is not liable for the Mayoral Community Infrastructure Levy, as it is an outline planning application. The Mayoral CIL would apply to the reserved matters planning application.

## **6. Planning Obligations**

6.1 The proposal does not require a financial contribution of £6,000 towards infrastructure costs, as it is a replacement dwelling.

## **7. Conclusion**

- 7.1 It is considered that the proposed development would be acceptable in principle and comply with Policy 9 of the NPPF and Policy DC45 of the Local Development Framework Development Plan Document. It is considered that the outline proposals would not compromise the open character of the Metropolitan Green Belt on the basis that the existing dwelling is required to be removed as a prerequisite to the commencement of the proposed development. The proposal is considered to be acceptable in terms of its site layout, the impact on the streetscene and would not result in any material harm to neighbouring amenity. There are no highway or parking issues. For the reasons mentioned in this report, it is considered that planning permission should be granted, subject to conditions and a Section 106 Agreement that to ensure that the existing house is demolished prior to the commencement of the development.

## IMPLICATIONS AND RISKS

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

None.

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

Legal resources will be required for the drafting of a legal agreement.

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

None.

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

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

## BACKGROUND PAPERS

Application forms and plans received 22/09/2011.

1. The planning application as submitted or subsequently revised including all forms and plans.
2. The case sheet and examination sheet.
3. Ordnance survey extract showing site and surroundings.
4. Standard Planning Conditions and Standard Green Belt reason for refusal.

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

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# REGULATORY SERVICES COMMITTEE

# REPORT

23 August 2012

**Subject Heading:**

**A0035.12: Former Broxhill Centre,  
Broxhill Road, Romford**

**Report Author and contact details:**

**Non-illuminated adverts to proposed  
sales area comprising 2 no. fascia  
signs, 4 no. sale boards and 4 no. flag  
signs (application received 2 July  
2012).**

**Helen Oakerbee, 01708 432800  
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	[ ]
Championing education and learning for all	[ ]
Providing economic, social and cultural activity in thriving towns and villages	[x]
Valuing and enhancing the lives of our residents	[ ]
Delivering high customer satisfaction and a stable council tax	[ ]

**SUMMARY**

The application is for proposed advertisements. The application is connected to a separate planning application for a temporary sales centre on the site of the former

Broxhill Centre (P0814.12), which is reported separately on this agenda. The advertisements include fascia signs, sale boards and flag signs. The application is brought before Committee as it affects land which is in the ownership of the Council.

The proposal is considered to be inappropriate in principle within the Green Belt but that there are very special circumstances which justify the development. The proposal is considered acceptable in all other material respects and it is recommended that planning permission be granted for a temporary period of one year.

## RECOMMENDATIONS

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

1. Temporary Permission: This permission shall be for a limited period only expiring on 23 August 2013 on or before which date the advertisements approved under this permission shall be removed and the site reinstated to its former condition to the satisfaction of the Local Planning Authority.

Reason:-The location of the advertisements in the Green Belt would not be appropriate on a permanent basis. This permission is therefore granted on a temporary basis to enable the Local Planning Authority to retain control, and that the development accords with the Development Control Policies Development Plan Document Policy DC65.

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 (as set out on page one of this decision notice).

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. SC01A Standard Advert Conditions:- Compliance with the five standard conditions as defined in regulation 2(1) and set out in schedule 2 of the Town and Country Planning: (Control of Advertisements) (England) Regulations 2007

Reason for Approval:

The proposed development is considered to be inappropriate in principle within the Metropolitan Green Belt. However, it is considered that there are very special circumstances which justify the development as set out in paragraph 6.7 of this report, such that the proposal accords in principle with the National



Planning Policy Framework, as well as Policies DC45, DC61 and DC65 of the LDF Core Strategy and Development Control Policies Development Plan Document.

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

## REPORT DETAIL

### **1. Site Description**

- 1.1 The application site is the former Broxhill Centre, which is located on the north side of Noak Hill Road, at its junction with Broxhill Road. The site is within the Metropolitan Green Belt. The buildings on the site have already been demolished as the initial phase of development works and there is an unused area of land to the south-western corner of the site, which includes an existing car park, where the proposed development is to be sited.
- 1.2 There is an existing access to the site from Broxhill Road. There is a slight fall in levels towards the south. The site is predominantly hard surfaced, comprising the existing car park and road access to it. There is some mounding on either side of the access road.

### **2. Description of Proposal**

- 2.1 The application is for advertisements, in conjunction with a separate planning application for the creation of a temporary sales area associated with the residential redevelopment of the nearby former Whitworth Centre. Planning permission for the redevelopment of the Whitworth Centre was granted earlier this year.
- 2.2 Advertisement consent is sought for non-illuminated signage comprising fascia boards to the proposed sales building, and free standing sale boards and flag signs. All signage is coloured dark/light green and white.
- 2.3 There are proposed to be 2 no. sale boards at the site entrance from Broxhill Road (one either side of the access); a sale board flanked by a flag advert on either side at the south-west corner of the site and a further sale board flanked by flag adverts, approximately 100m further to the east along Noak Hill Road. The sale boards measure 2m wide by 3.6m high and the flags are 1.8m by 900mm supported on 4.2m high flagposts.

- 2.4 Permission is sought for a temporary period of one year only, after which it is proposed to restore the site to its current site and to provide a sales facility within the Whitworth development site.

### **3. Relevant History**

#### **Whitworth Centre:**

- 3.1 P1558.11 Demolition of existing buildings and redevelopment of the site to create 144 no. one, two, three and four bedroom houses and apartments, plus associated roads, paths, car parking, garages, other ancillary structures and landscaping - Approved.

#### **Broxhill Centre:**

- 3.2 D0200.11 Certificate of Lawfulness for determination as to whether prior approval is required for demolition of the former Broxhill Centre, Broxhill Road – Prior approval not required.
- 3.3 P0814.12 Creation of a temporary sales area as part of the redevelopment of the former Whitworth Centre including single storey buildings, gates and fence – not yet determined.

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

- 4.1 The application has been advertised on site and in the local press as development affecting the Metropolitan Green Belt. Neighbour notification letters have also been sent to 48 local addresses. No representations have been received.

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

- 5.1 Policies 7.4 (local character and 7.16 (Green Belt) of the London Plan are material considerations, as is the National Planning Policy Framework.
- 5.2 Policies CP14, CP17, DC45, DC61 and DC65 of the Local Development Framework (LDF) Core Strategy and Development Control Policies Development Plan Document (DPD) are material considerations, as is Policy SSA2 of the Site Specific Allocations DPD.

### **6. Staff Comments**

- 6.1 The issues arising from this application are the principle of the development, the impact on the character and openness of the Green Belt, the visual impact of the development, the effect on local amenity and parking and highway implications.

#### **6.2 CIL Liability:**

- 6.2.1 The application is not liable for Mayoral CIL as no new floorspace is created.

### 6.3 Principle of Development:

6.3.1 The application site is located within the Metropolitan Green Belt, where there is a presumption against new development unless it is for specifically identified uses that are judged, by policy, to be acceptable in principle. The proposed advertisements do not fall within a category of development that is specifically identified within planning policy and is therefore considered to be unacceptable, in principle, under the provisions of both the National Planning Policy Framework and Policy DC45 of the LDF.

6.3.2 It will therefore be considered later in this report whether there exist any very special circumstances which outweigh the, in principle, objection to the proposed development within the Green Belt.

### 6.4 Impact on the Green Belt:

6.4.1 As stated above, the development is considered inappropriate in principle within the Green Belt under the provisions of the NPPF and the LDF.

6.4.2 In terms of the impact on the character and openness of the Green Belt, it is noted that the proposed advertisements are required in connection with the proposed use of the land as a temporary sales facility, including a sales building (which is the subject of a separate planning application). The acceptability of these proposals therefore is linked to the separate planning application, particularly the proposed fascia signs, which would be displayed on the sales building if approved.

6.4.3 In the event that planning permission for the sales building is granted, Staff consider the proposed fascia signs would also be acceptable and would not have any cumulatively harmful impact on the character or openness of the Green Belt. The proposed sale boards and flags would, to some extent, detract from the character and openness of the Green Belt at this point as, by their very purpose, they are designed to be of a scale that attracts attention and stand out in the streetscene. In the short term however, Staff consider that the proposal could be accepted given its location within a site where development works have (i.e. demolition of the former site buildings) and will be taking place. The advertisements are relatively tall but care has been taken to restrict their number to a reasonable minimum and to space them reasonably far apart. These factors serve to reduce the impact of the development on the character and openness of the Green Belt.

6.4.4 Staff therefore consider, that the proposed development would not materially harm the character and appearance of the Green Belt providing any permission was limited to a temporary period. One year has been suggested by the applicant and Staff consider this to be reasonable.

### 6.5 Impact on Amenity:

6.5.1 The proposed advertisements are non-illuminated and are set well away from the nearest residential properties in Sunset Drive. It is not therefore considered they would materially harm nearby residential amenity.

6.6 Parking and Highway Issues:

6.6.1 The proposal is not considered to present any material highway concerns.

6.7 Very Special Circumstances:

6.7.2 As referred to in section 6.3 above, the proposal represents inappropriate development in principle in the Green Belt and should only be approved where there are very special circumstances to justify the development.

6.7.3 The case for very special circumstances submitted with the application refers to the linkage between the Broxhill Site and the Whitworth Centre site under the provisions of Policy SSA2, the extent of works that are necessary to be undertaken at the Whitworth centre site before a sales presence can be established on the site and the local regeneration benefits stemming from the redevelopment of the Whitworth Centre site and the opportunity to create an early sales presence. The proposed advertisements would be a necessary part of the proposed sales area.

6.7.4 Staff acknowledge that the redevelopment of the Broxhill and Whitworth Centre sites are inextricably linked under the provisions of Policy SSA2. The redevelopment of the Whitworth Centre site will enable the improvement of the leisure facilities at Broxhill and the first stages of this have already commenced with the demolition of former buildings on the Broxhill site, which have been undertaken by the developers of the Whitworth site.

6.7.5 Substantial works are required on the Whitworth site, including the creation of a new roundabout on Noak Hill Road, which means that a sales site cannot yet be established here. However, the opportunity to establish a temporary sales centre across the road at Broxhill will allow homes to be sold off-plan, prior to their completion, and complements the wider aim of local regeneration.

6.7.6 The sales facility is only required for a temporary period of one year and this factor, combined with the reasonable short term impact of the development on the character of the Green Belt and the contribution of the development of these sites to wider regeneration objectives is considered to constitute the very special circumstances required to justify this development.

## **7. Conclusion:**

7.1 The proposal gives rise to development which is inappropriate in principle within the Green Belt. However, it is considered that the impact on the Green Belt is not materially harmful for the short term duration proposed and that very special circumstances exist to justify the development. The

proposal does not materially harm local amenity or adversely impact on the functioning of the highway. It is therefore recommended that advertisement consent be granted for a temporary period of one year.

## IMPLICATIONS AND RISKS

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

None directly arising from this proposal.

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

None.

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

None.

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

None.

## BACKGROUND PAPERS

*None*

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**REGULATORY  
SERVICES  
COMMITTEE**

**REPORT**

23 August 2012

**Subject Heading:**

**P0814.12: Former Broxhill Centre,  
Broxhill Road, Romford**

**Report Author and contact details:**

**Creation of a temporary sales area as  
part of the redevelopment of the former  
Whitworth Centre, including single  
storey building, gates and fence  
(application received 2 July 2012).  
Helen Oakerbee, 01708 432800  
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 [ ]
- Championing education and learning for all [ ]
- Providing economic, social and cultural activity in thriving towns and villages [x]
- Valuing and enhancing the lives of our residents [ ]
- Delivering high customer satisfaction and a stable council tax [ ]

**SUMMARY**

The proposal is for a temporary sales centre on the site of the former Broxhill Centre connected to the residential development that has been approved on the opposite side of Noak Hill Road on the site of the former Whitworth Centre. The

proposal will include the provision of a temporary sales building and is required for a period of one year. The application is brought before Committee as it affects land which is in the ownership of the Council.

The proposal is considered to be inappropriate in principle within the Green Belt but that there are very special circumstances which justify the development. The proposal is considered acceptable in all other material respects and it is recommended that planning permission be granted for a temporary period of one year.

## RECOMMENDATIONS

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

1. Temporary Permission: This permission shall be for a limited period only expiring on 23 August 2013 on or before which date the temporary building and fencing erected on the application site under this permission shall be removed and the site reinstated to its former condition to the satisfaction of the Local Planning Authority.

Reason:-The temporary nature of the building and its location in the Green Belt would not be appropriate on a permanent basis. This permission is therefore granted on a temporary basis to enable the Local Planning Authority to retain control, and that the development accords with the Development Control Policies Development Plan Document Policy DC61.

2. Accordance with Plans: The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans, particulars and specifications (as set out on page one of this decision notice).

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. Parking: The area set aside for car parking, as shown on drawing number 1474/27 hereby approved, shall be retained permanently for the accommodation of vehicles visiting the site throughout the duration of the approved development and shall not be used for any other purpose.

To ensure that car parking accommodation is made permanently available to the standards adopted by the Local Planning Authority in the interest of highway safety, and that the development accords with the Development Control Policies Development Plan Document Policy DC33.



4. Hours of Use: The premises shall not be open to members of the public other than between the hours of 10:00 and 17:00 hours 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.

Reason for Approval.

5. Lighting: There shall be no external lighting erected within the site until details have been submitted to and approved in writing by the Local Planning Authority thereafter subject to approval of the details submitted such approved details shall be fully implemented.

Reason: In the interests of amenity and to ensure the development has an acceptable impact in the Metropolitan Green Belt.

Reason for Approval:

The proposed development is considered to be inappropriate in principle within the Metropolitan Green Belt. However, it is considered that there are very special circumstances which justify the development, which are set out in paragraph 6.7 of this report, such that the proposal accords in principle with the National Planning Policy Framework, as well as Policies DC45 and 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.

## REPORT DETAIL

### 1. Site Description

- 1.1 The application site is the former Broxhill Centre, which is located on the north side of Noak Hill Road, at its junction with Broxhill Road. The site is within the Metropolitan Green Belt. The buildings on the site have already been demolished as the initial phase of development works and there is an unused area of land to the south-western corner of the site, which includes an existing car park, where the proposed development is to be sited.

- 1.2 There is an existing access to the site from Broxhill Road. There is a slight fall in levels towards the south. The site is predominantly hard surfaced, comprising the existing car park and road access to it. There is some mounding on either side of the access road.

## **2. Description of Proposal**

- 2.1 The application proposes the creation of a temporary sales area in connection with the redevelopment of the former Whitworth Centre, which lies to the immediate south of the site, for residential development. Planning permission for the redevelopment of the Whitworth Centre was granted earlier this year.
- 2.2 The proposal would utilise the existing hard surfaced access road and car parking area within the site and involves the provision of a temporary sales building with ancillary fencing. A separate application has been submitted in respect of sales advertising, including flag advertisements, and is reported separately on this agenda.
- 2.3 The proposed sales building is a temporary, demountable structure, located in the north-west corner of the existing car park. It measures 10.35m long, 3.05m deep and 2.9m high to a flat roof. The building will be finished in green and white and carry the Persimmon branding. The opening hours will be 10am until 5pm seven days a week. The existing car park will be retained for parking. A 0.6m high knee rail will be erected along the site access, with a gap to provide pedestrian access to a footpath link on to Noak Hill Road.
- 2.4 Permission is sought for a temporary period of one year only, after which it is proposed to restore the site to its current site and to provide a sales facility within the Whitworth development site.

## **3. Relevant History**

### **Whitworth Centre:**

- 3.1 P1558.11 Demolition of existing buildings and redevelopment of the site to create 144 no. one, two, three and four bedroom houses and apartments, plus associated roads, paths, car parking, garages, other ancillary structures and landscaping - Approved.

### **Broxhill Centre:**

- 3.2 D0200.11 Certificate of Lawfulness for determination as to whether prior approval is required for demolition of the former Broxhill Centre, Broxhill Road – Prior approval not required.
- 3.3 A0035.12 Non-illuminated adverts to proposed sales area comprising 2 no. fascia signs, 4 no. sale boards and 4 no. flag signs – not yet determined.

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

- 4.1 The application has been advertised on site and in the local press as development affecting the Metropolitan Green Belt. Neighbour notification letters have also been sent to 48 local addresses. No representations have been received.
- 4.2 Environmental Health, Property Services, Parks, Streetcare and Highways have all been consulted in respect of this application. No response to consultation has been received at the time of writing this report.

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

- 5.1 Policies 7.4 (local character) and 7.16 (Green Belt) of the London Plan are material considerations, as is the National Planning Policy Framework.
- 5.2 Policies CP14, CP17, DC45 and DC61 of the Local Development Framework (LDF) Core Strategy and Development Control Policies Development Plan Document (DPD) are material considerations, as is Policy SSA2 of the Site Specific Allocations DPD.

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

- 6.1 The issues arising from this application are the principle of the development, the impact on the character and openness of the Green Belt, the visual impact of the development, the effect on local amenity and parking and highway implications.

#### **6.2 CIL Liability:**

- 6.2.1 The application is not liable for Mayoral CIL as the new floorspace of the proposed building is less than 100 square metres.

#### **6.3 Principle of Development:**

- 6.3.1 The application site is located within the Metropolitan Green Belt, where there is a presumption against new development unless it is for specifically identified uses that are judged, by policy, to be acceptable in principle. Although the re-use of the land is not unacceptable in principle on a temporary basis, the proposal would involve the provision of a new, albeit temporary, demountable style building within the Green Belt. This development is therefore considered to be unacceptable, in principle, under the provisions of both the National Planning Policy Framework and Policy DC45 of the LDF. It would not comply with the provisions of Policy SSA2 either, which requires the continued use of the Broxhill site for leisure and recreation purposes.
- 6.3.2 It will be considered later in this report whether there exist any very special circumstances which outweigh the, in principle, objection to the proposed development within the Green Belt.

#### 6.4 Impact on the Green Belt:

- 6.4.1 As stated above, the development is considered inappropriate in principle within the Green Belt as it involves the provision of a demountable building, that would be located on the site for the duration of any planning permission granted.
- 6.4.2 In terms of the impact of this on the character and openness of the Green Belt, Staff consider that in the long term this building would be harmful to the openness of the Green Belt at this point, as it would represent an alien feature within the landscape. In the short term however, Staff consider that the proposal could be accepted given its location within a site where development works have (i.e. demolition of the former site buildings) and will be taking place. The sales building is relatively small scale within the overall context of the site and is set in a favourable location towards the edges of the site but sufficiently far from the boundary to benefit from boundary screening to Broxhill Road. These factors serve to reduce the impact of the development on the character and openness of the Green Belt.
- 6.4.3 The proposed development involves no new hard surfacing and utilises an existing access. The proposed knee rail fencing is 0.6m high and would have a negligible impact on the character and openness of the Green Belt.
- 6.4.4 Staff therefore consider, that the proposed development would not materially harm the character and appearance of the Green Belt providing any permission was limited to a temporary period. One year has been suggested by the applicant and Staff consider this to be reasonable.

#### 6.5 Impact on Amenity:

- 6.5.1 The proposed sales building is small scale and sufficiently far from the nearest residential properties in Sunset Drive not to materially harm amenity.
- 6.5.2 The proposed use as a sales centre will attract visitors to the site, many of whom would be expected to arrive by car. However, the number of visitors is unlikely to be of a magnitude that would give rise to unacceptable levels of noise and disturbance to nearby residents and there is provision for parking within the site. The proposed hours of opening are 10:00 to 17:00 hours daily and these are considered reasonable and not to prevent material harm to neighbouring amenity.

#### 6.6 Parking and Highway Issues:

- 6.6.1 The proposed development will use the existing vehicular access into the site, which is acceptable. There is an existing car park within the site, which will be used by visitors to the sales centre and provides over 50 parking spaces. This is considered adequate to meet the likely needs of the development.

## 6.7 Very Special Circumstances:

- 6.7.2 As referred to in section 6.3 above, the proposal represents inappropriate development in principle in the Green Belt and should only be approved where there are very special circumstances to justify the development.
- 6.7.3 The case for very special circumstances submitted with the application refers to the linkage between the Broxhill Site and the Whitworth Centre site under the provisions of Policy SSA2, the extent of works that are necessary to be undertaken at the Whitworth centre site before a sales presence can be established on the site and the local regeneration benefits stemming from the redevelopment of the Whitworth Centre site and the opportunity to create an early sales presence.
- 6.7.4 Staff acknowledge that the redevelopment of the Broxhill and Whitworth Centre sites are inextricably linked under the provisions of Policy SSA2. The redevelopment of the Whitworth Centre site will enable the improvement of the leisure facilities at Broxhill and the first stages of this have already commenced with the demolition of former buildings on the Broxhill site, which have been undertaken by the developers of the Whitworth site.
- 6.7.5 Substantial works are required on the Whitworth site, including the creation of a new roundabout on Noak Hill Road, which means that a sales site cannot yet be established here. However, the opportunity to establish a temporary sales centre across the road at Broxhill will allow homes to be sold off-plan, prior to their completion, and complements the wider aim of local regeneration.
- 6.7.6 The sales facility is only required for a temporary period of one year and this factor, combined with the limited short term impact of the development on the character of the Green Belt and the contribution of the development of these sites to wider regeneration objectives is considered to constitute the very special circumstances required to justify this development.

## 7. Conclusion:

- 7.1 The proposal gives rise to development which is inappropriate in principle within the Green Belt. However, it is considered that the impact on the Green Belt is not materially harmful for the short term duration proposed and that very special circumstances exist to justify the development. The proposal does not materially harm local amenity or adversely impact on the functioning of the highway. It is therefore recommended that planning permission be granted for a temporary period of one year.

**IMPLICATIONS AND RISKS**

**Financial implications and risks:**

None arising directly from this application.

**Legal implications and risks:**

None.

**Human Resources implications and risks:**

None.

**Equalities implications and risks:**

Planning applications are determined with regard to issues of equality. The proposed sales building will be constructed with level access ensuring that it is accessible to all users.

**BACKGROUND PAPERS**

*None*

## REGULATORY SERVICES COMMITTEE

23rd August 2012

<b>APPLICATION NO:</b>	<b>P0735.12</b>	
<b>WARD :</b>	St Andrew's	<b>Date Received:</b> 11th June 2012 <b>Expiry Date:</b> 6th August 2012
<b>ADDRESS:</b>	Havering Sixth Form College Wingletye Lane Hornchurch Essex	
<b>PROPOSAL:</b>	Reinstatement of a Multiple Use Games Area (MUGA) close to the boundary of the Sixth Form College site with The Walk and the erection of a 3.6 metre high perimeter fence, including an extension to the hours of use to Monday-Friday 08.00 to 22.00hrs, Saturday 09;00-21.00hrs, Sunday and Bank Holidays 09.00-21.00hrs.  Revised description 23/07/12	
<b>DRAWING NO(S):</b>	4073-01-A, 4073-02-A, T_sk(90) P00 Rev A,	
<b>RECOMMENDATION :</b>	It is recommended that <b>planning permission be GRANTED</b> subject to the condition(s) given at the end of the report.	

### CALL-IN

The application has been called in by Councillor John Mylod on the basis that the proposal would have an adverse effect on the neighbours bordering the school in respect of possible light pollution, noise and disturbance.

### SITE DESCRIPTION

The subject site comprises a shingled area of open space within the grounds of the Havering Sixth Form College. It currently holds picnic tables and table tennis tables for the recreational use of students of the College. The site is located in the south east of the College grounds and faces The Walk. Planning permission was previously granted for a Multi-Use Games Area on the site and this was implemented. The MUGA was removed when planning permission was granted for the redevelopment of the College in 2008, albeit that redevelopment did not take place.

The Havering Sixth Form College is located within a predominantly residential area. The northern and southern boundaries of the site are shared with the rear gardens of residential properties. The college grounds meet The Walk and Wingletye Lane to the east and west respectively.

The college has a parking area with 189 car parking spaces to the north of the site. The main entrance to the college grounds, including the car park is obtained from Wingletye Lane. Access can also be gained to the College from The Walk. The school buildings comprise a mixture of single, two and three storey buildings.

### DESCRIPTION OF PROPOSAL

The proposal comprises the reinstatement of the Multi Use Games Area as the development of the college has been put on hold. The MUGA would measure 28.2m wide by 34.7m long. The surface would consist of Water Efficient Tiger Turf, a durable, polyethylene yarn. It would be marked out for tennis, 7-aside football and hockey.

## **REGULATORY SERVICES COMMITTEE**

**23rd August 2012**

The MUGA would be surrounded by a fence measuring 3m high on three sides and 3.6m high on the side facing the access to The Walk. The fencing system would be a Corrie Power Play system consisting of steel mesh fencing, coloured green. It would include a neoprene gasket set between the fence panels and the posts and rails to eliminate any noise from rebounding balls.

The proposed MUGA would be open for bookings from the public. The application requests that the hours of use be from 8am to 10pm on Mondays to Fridays, 9am to 9pm on Saturdays, Sundays and Bank Holidays.

The application does not propose the installation of any floodlighting.

### **RELEVANT HISTORY**

There have been a significant number of applications for the site including new buildings, extensions to existing buildings and car parking. The relevant application is detailed below:  
P0774.97 All-weather multi-sports playing surface Approved

### **CONSULTATIONS/REPRESENTATIONS**

Neighbouring occupiers were directly notified of the application; twenty responses were received. The objections and comments are summarised below:

- The noise from users of the MUGA is regular, sustained and excessive
- The noise of rebounding balls and users of the facility will be disruptive to neighbouring residents
- Allowing the public to use the MUGA will allow access close to the rear gardens of the properties backing onto the college, which is a security concern
- Parking problems already exist in the area and the proposed MUGA will exacerbate the problem
- The proposed land use is unsuitable in close proximity to residential homes
- Users of the MUGA would use foul language
- How can the MUGA be used in the evening without lighting?
- The college failed to manage the facility properly before it was removed
- Stray balls will be kicked into the gardens of neighbouring properties
- The teenagers who attend the college exhibit anti-social behaviour; the proposed MUGA is likely to increase the problem

Sport England have been consulted and have no comments to make on the proposal.

The Crime Prevention Design Advisor has been consulted on the proposal and has no objections or concerns in relation to the proposal.

A member of the Council's Park's team was consulted on the proposed fencing, and confirmed that this type of fencing is successful in significantly reducing the noise of rebounding balls.

Environmental Health consider that the proposal has the potential to cause unacceptable levels of noise and therefore recommends a condition restricting the hours of use to Monday-Friday 08.00 to 19.00hrs, Saturday 09:00-19.00hrs and not at all on Sundays and Bank Holidays.

### **RELEVANT POLICIES**

DC28, DC33, and DC61, - LDF Core Strategy and Development Control Policies Development



## **REGULATORY SERVICES COMMITTEE**

**23rd August 2012**

Plan Document.  
Policy 3.18 and 3.19 The London Plan  
National Planning Policy Framework

### **MAYORAL CIL IMPLICATIONS**

CIL Liable: No

### **STAFF COMMENTS**

The planning permission for the previous MUGA restricted the use of the MUGA to be solely for the use of members of the College. The hours of use were restricted to Monday to Friday 0800 hours - 1800 hours and Saturdays 0800 hours - 1300 hours x 15 times a year. The MUGA was not to be used on Sundays and Bank Holidays. Application P0774.97 initially included the use of the facility by the general public, but, in response to comments from neighbouring residents, the college amended the application.

### **PRINCIPLE OF DEVELOPMENT**

Policy DC28 of the LDF Core Strategy and Development Control Policies Development Plan Document states that opportunities to make existing schools and their facilities (including playing fields) available to wider community use will be encouraged where such use results in no unacceptable amenity, environmental, safety or traffic problems. Both the reinstatement of the MUGA and the opening of it to the general public are therefore acceptable in principle; the matters to be considered further therefore are the impact of the proposed development in this location including its visual impact, effect upon amenity to neighbouring properties, potential traffic and parking implications.

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

The proposal would alter the street scene; both the surface itself and the fenced enclosure. In particular, the run of 3.6m high fencing would be set some 7m from the highway boundary. However, the fencing is of a height and design commonly found on educational establishments and the landscaped boundary to The Walk would further soften the impact of the fencing.

The location of the proposed MUGA is currently an informal open recreation area; the proposed MUGA would still retain an open character to the site frontage. Staff consider that the facility would not appear incongruous within this educational setting, nor would it materially harm The Walk streetscene or character of the area.

### **IMPACT ON AMENITY**

It is proposed to open the use of the MUGA beyond the immediate college site; this is to include the local community and activity groups, who would need to book the facility via the college. No further details of this have been provided.

Given the extended use to other groups aside from the school, it is acknowledged that the MUGA would create an element of noise from the levels of activity on site, from users of the facility and from the rebound fencing. The proposed hours of use are Monday-Friday 08.00 to 22.00hrs, Saturday 09;00-21.00hrs, Sunday and Bank Holidays 09.00-21.00hrs.

Staff note that the nearest houses are located approximately only 30m away from the proposed MUGA and rear gardens of neighbouring dwellings are less than 20m away. However, the proposed MUGA is located on an existing open area used by college students and the application does not include any lighting, so use of the facility would be limited to daylight hours. Staff also note the use of the sound buffering fencing which will reduce the noise of balls

## **REGULATORY SERVICES COMMITTEE**

**23rd August 2012**

rebouncing against the fence. A judgement must be made as to whether there is a likelihood that the proposed MUGA and the proposed opening hours would result in unreasonable noise and disturbance.

Within the vicinity of the application site, being part of a college, a certain level of background noise can be expected within the area. Main college classes run from 08.30 to 16.15hrs Monday to Friday, however some classes take place later in the weekday and the Music School is open on Saturdays. However, ambient noise levels drop significantly by mid evening, and on Sundays. Staff consider that during the daytime, the MUGA would be unlikely to detract from residential amenity over and above the impact of the existing background noise generated by activities at the college and surrounding area. However, staff consider that use of the facility from 7pm is likely to result in an increase of noise levels that would have an unacceptable impact on the amenity of neighbouring residents, especially considering the close proximity of the neighbouring residential properties. Staff therefore suggest that a condition be imposed on the planning permission (if granted) that restricts the opening hours to Monday-Friday 08.00 to 19.00hrs, Saturday 09:00-19.00hrs, and not at all on Sundays and Bank Holidays. Staff note that the Council recently approved opening hours for MUGAs until 10pm at the Albany School (P1327.11) and the Newton School (P1308.10), however, in both these cases, the MUGA was located some 30m further away from neighbouring properties than in this case.

In terms of concerns about security, the College has stated whenever the College lets its facilities appropriate security and site staff presence is provided. A member of College staff and/or a security contractor will be there at the end of any letting in order to supervise the users leaving and then to lock up. Staff consider that such arrangements would reduce the risk of security breaches to the same level as existing.

Representations received have also objected on the grounds of anti-social behaviour and vandalism that occurs around the school. Anti-social behaviour or criminal damage is a matter for the Police and the school, rather than the Local Planning Authority. The MUGA would be managed via the school itself and its availability would be controlled.

### **HIGHWAY/PARKING**

Representations received have objected due to the congestion locally that arises from the lack of parking at the college, specifically on the immediately surrounding streets. The site has a 189 space car park at present located to the west of the site by the college entrance, and users of the facility would be requested to use this car park.

Vehicular access into the site is via Wingletye Lane. It is not proposed to alter either the access or parking layout. Staff consider that users of the MUGA outside of college hours would not give rise to traffic or parking problems as the car park would not be in use by students of the college and there would be available parking within the site.

### **KEY ISSUES/CONCLUSIONS**

The principle of the reinstatement of the MUGA is supported by policies within the LDF, London Plan and National Planning Policy Framework. The impact of the proposal on neighbouring properties would be reduced to acceptable limits by the imposition of a condition controlling the hours of use. The scale and design of the MUGA and enclosure fencing is considered to acceptably integrate into the college surroundings, and would have a limited impact within the wider streetscene. Given the parking facilities on site, staff do not consider that the MUGA would result in adverse harm to the highway or parking demand.

**REGULATORY SERVICES COMMITTEE**  
**23rd August 2012**

Therefore, the proposal is considered to be in accordance with the aims and objectives of policies DC28, DC33, and DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document, Policy 3.18 and 3.19 of the London Plan and the National Planning Policy Framework and approval is recommended, subject to conditions.

**RECOMMENDATION**

It is recommended that **planning permission be GRANTED** subject to the condition(s)

1. SC4 (Time limit) 3yrs
2. SC09 (Materials) (Pre Commencement Condition)
3. SC27 (Hours of use) ENTER DETAILS

The premises shall not be used for the purposes hereby permitted other than between the hours of 8am - 7pm on Mondays to Fridays, 9am to 7pm on Saturdays and not at all on Sundays, Bank or Public holidays without the prior consent in writing of the Local Planning Authority.

Reason:-

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

4. SC32 (Accordance with plans)
5. Non Standard Condition 31

No floodlighting shall be erected to serve the facility hereby permitted. Before any other external lighting is installed details of its location, brightness, design and orientation shall be submitted to and agreed in writing by the Local Planning Authority.

Reason:

For the avoidance of doubt, to protect neighbours' amenity.

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**INFORMATIVES**

- 1 **Reason for Approval**  
Reason for Approval

The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies DC28, DC33 and 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

**REGULATORY SERVICES COMMITTEE**  
**23rd August 2012**

dwellinghouse) is needed.



## REGULATORY SERVICES COMMITTEE

## REPORT

23 August 2012

<b>Subject Heading:</b>	<b>Application for the Stopping Up of Highway Land adjacent to 19 Springbank Avenue, Hornchurch, Essex RM12 5QT (OS 553365, 185440)</b>  <b>(Application received 26<sup>th</sup> March 2012)</b>
<b>Report Author and contact details:</b>	<b>Alexander O'Dwyer, 01708 432468</b> <b>Alexander.odwyer@havering.gov.uk</b>
<b>Policy context:</b>	<b>Local Development Framework</b>
<b>Financial summary:</b>	<b>None</b>

**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 and villages	<input type="checkbox"/>
Valuing and enhancing the lives of our residents	<input type="checkbox"/>
Delivering high customer satisfaction and a stable council tax	<input type="checkbox"/>

## SUMMARY

This report relates to an application received on 26 March 2012 for the stopping up of highway to enable the development of land pursuant to a planning permission (planning reference P1354.08). The planning permission (planning reference P1354.08) dated 30 March 2012 involves the construction of a new bungalow unit, together with the removal of an existing planter and the provision of a new turning head to Springbank Avenue involving some encroachment on public highway land (“the Planning Permission”).

The developer has applied to the Council under S.247 of the Town and Country Planning Act 1990 (as amended) (“the Act”) to stop up the area of highway shown zebra hatched on the plan (entitled ‘Land Adjacent to 19 Springbank Avenue - Stopping Up Plan’ drawing dated ‘10 August 2012’) annexed to this report (“the Plan”) so that the development can be carried out. The Council’s highway officers have considered the application and consider that the stopping up is acceptable to enable the Planning Permission to be carried out.

## RECOMMENDATIONS

Subject to the developer paying the Council’s reasonable charges in respect of the making of, advertising of, any inquiry costs associated with and the confirmation of the Stopping Up Order pursuant to Regulation 5 of The London Local Authorities (Charges for Stopping Up Orders) Regulations 2000 that:-

- 2.1 The Council makes a Stopping Up Order under the provisions of s.247 Town and Country Planning Act (as amended) in respect of the area 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.
- 2.2 In the event that no relevant objections are 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.
- 2.3 In the event that relevant objections are made, 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 can proceed to confirm the Order.

- 2.4 In the event that relevant objections are 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.

## REPORT DETAILS

- 3.1 On 18 December 2008 the Council resolved to grant the Planning Permission (planning reference P1354.08) for a development comprising the construction of a new bungalow unit, together with the removal of an existing planter and the provision of a new turning head to Springbank Avenue. The Planning Permission was issued on 30 March 2012.
- 3.2 The stopping up is necessary in order that the development can be implemented and it involves the stopping up of a section of existing public highway.
- 3.3 The section of public highway to be stopped up is: 14 meters in length and 12 meters in width and lies adjacent to 19 Springbank Avenue, Hornchurch. The terminal points of this section of land are: (a) a point from the Northern end of the highway verge; to (b) a point located at the end of the proposed new turning head.
- 3.3 The development involves building on land which includes areas of adopted highway (footway, maintained verge and access road). In order for this to happen, the areas of the highway shown zebra hatched on the attached Plan need to be formally stopped up in accordance with the procedure set out in the Town and Country Planning Act 1990 (as amended). The Stopping Up Order will not become effective however unless and until it is confirmed.
- 3.4 Section 247 (2A) of the Town and Country Planning Act 1990 allows a London Borough to make an Order authorising the stopping up of any highway if it is satisfied that it is necessary to do so in order to enable development to be carried out in accordance with a planning permission.
- 3.5 The Council makes the necessary Order, advertises it, posts Notices on site and sends copies to the statutory undertakers. There is then a 28 day period for objections to be lodged. If there are no objections or any objections that have been made are withdrawn the Council may confirm the Order, thereby bringing it into legal effect. If objections are made and not withdrawn then the Council must notify the Mayor of London of the objections and the Mayor may determine that a local inquiry should be held. However under Section 252(5A) of the 1990 Act the Mayor of London may decide that an inquiry is not necessary if

the objection/s are not made by a local authority, statutory undertaker or transport undertaker and may remit the matter to the Council for confirmation of the Order. If however a Statutory Undertaker of Transport Undertaker makes a relevant objection which is not withdrawn then the matter may be referred to the Secretary of State for determination.

## IMPLICATIONS AND RISKS

### **Financial Implications and Risks:**

The costs of the making, advertising and confirmation and any associated costs, should the Order be confirmed or otherwise will be borne by the developer pursuant to The London Local Authorities (Charges for Stopping Up Orders) Regulations 2000.

### **Legal Implications and Risks:**

Legal Services will be required to draft the Stopping Up Order and Notices as well as carry out the Consultation process and mediate any negotiation with objectors.

### **Human Resources Implications and Risks:**

None directly attributable to the proposals.

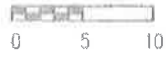
### **Equalities and Social Inclusion Implications:**

None directly attributable to the proposal.

### **Background Papers List**

1. Report of Regulatory Services Committee dated 18 December 2008 which granted planning permission under planning reference P1354.08 [Item No. 9]
2. Plan (Title 'Land Adjacent to 19 Springbank Avenue - Stopping Up Plan' drawing dated '10 August 2012') showing the area to be stopped up





 - HIGHWAY TO BE STOPPED UP

Land adjacent to  
19 Springbank  
Avenue, Hornchurch  
**STOPPING UP PLAN**  
10 August 2012

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# REGULATORY SERVICES COMMITTEE

# REPORT

23 August 2012

<b>Subject Heading:</b>	<p>Application for the Stopping Up of Highway being the pedestrian footbridge spanning Noak Hill Road between the former Whitworth Centre and the Broxhill Centre, Romford</p> <p>(Application received 31<sup>st</sup> May 2012)</p>
<b>Report Author and contact details:</b>	<p>Alexander O'Dwyer, 01708 432468 Alexander.odwyer@havering.gov.uk</p>
<b>Policy context:</b>	<p>Local Development Framework</p>
<b>Financial summary:</b>	<p>None</p>

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

- Ensuring a clean, safe and green borough [X]
- Championing education and learning for all [ ]
- Providing economic, social and cultural activity in thriving towns and villages [ ]
- Valuing and enhancing the lives of our residents [ ]
- Delivering high customer satisfaction and a stable council tax [ ]

## SUMMARY

This report relates to an application received on 31 May 2012 for the stopping up of highway to enable the development of land pursuant to a planning permission (planning reference P1558.11). The planning permission (planning reference P1558.11) dated 29 March 2012 involves the construction of 144 residential units with associated roads, paths, car parking, garages and landscaping (“the Planning Permission”).

The developer has applied to the Council under S.247 of the Town and Country Planning Act 1990 (as amended) (“the Act”) to stop up the pedestrian footbridge shown zebra hatched on the plan (entitled ‘Whitworth Centre Footbridge Stopping Up Plan,’ drawing number ‘PH107-D04’) annexed to this report (“the Plan”).

The footbridge serves as a pedestrian crossing over Noak Hill Road between the former Whitworth Centre site and the Broxhill Centre site (“the Footbridge”). The Footbridge needs to be demolished so that development pursuant to the Planning Permission can be carried out.

The developer has agreed to fund the construction of an alternative, surface level pedestrian crossing on Noak Hill Road to replace the Footbridge and service the development pursuant to the Planning Permission.

The Council’s highway officers have considered the application and consider that the stopping up is acceptable to enable the Planning Permission to be carried out.

## RECOMMENDATIONS

Subject to the developer paying the Council’s reasonable charges in respect of the making of, advertising of, any inquiry costs associated with and the confirmation of the Stopping Up Order pursuant to Regulation 5 of The London Local Authorities (Charges for Stopping Up Orders) Regulations 2000 and an alternative pedestrian crossing being built on Noak Hill Road to the Council’s specification, to an adoptable standard and open for public access prior to any stopping up order becoming effective to carry out the development pursuant to the Planning Permission that:-

- 2.1 The Council makes a Stopping Up Order under the provisions of s.247 Town and Country Planning Act (as amended) in respect of the Footbridge shown zebra hatched on the attached Plan as the

demolition of the Footbridge is required to enable development for which the Council has granted the Planning Permission.

- 2.2 In the event that no relevant objections are 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.
- 2.3 In the event that relevant objections are made, 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 can proceed to confirm the Order.
- 2.4 In the event that relevant objections are 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.

## REPORT DETAILS

- 3.1 On 15 March 2012 the Council resolved to grant the Planning Permission (planning reference P1558.11) for a development comprising the construction of 144 residential units with associated roads, paths, car parking, garages and landscaping. The Planning Permission was issued on 29 March 2012.
- 3.2 The stopping up is necessary in order that development pursuant to the Planning Permission can be implemented and it involves the stopping up of a section of existing public highway being the Footbridge.
- 3.3 The section of public highway to be stopped up is: 161 meters in length and 2 meters in width and spans Noak Hill Road between the former Whitworth Centre and the Broxhill Centre. The terminal points of the Footbridge are: (a) a point 58 meters north eastern of the eastern kerb line of Broxhill Road; to (b) a point located 92 meters north eastern of the eastern kerb line of Broxhill road.
- 3.3 The implementation of the development, pursuant to the Planning Permission, requires the demolition of the Footbridge. In order for this to happen, the Footbridge shown zebra hatched on the attached Plan need to be formally stopped up in accordance with the procedure set out in the Town and Country Planning Act 1990 (as amended). The Stopping Up Order will not become effective however unless and until it is confirmed. The stopping up order will not be confirmed until funding has been secured from the developer for the provision of an alternative, surface level, pedestrian crossing on Noak Hill Road pursuant to an appropriate highways agreement.

- 3.4 Section 247 (2A) of the Town and Country Planning Act 1990 allows a London Borough to make an Order authorising the stopping up of any highway if it is satisfied that it is necessary to do so in order to enable development to be carried out in accordance with a planning permission.
- 3.5 The Council makes the necessary Order, advertises it, posts Notices on site and sends copies to the statutory undertakers. There is then a 28 day period for objections to be lodged. If there are no objections or any objections that have been made are withdrawn the Council may confirm the Order, thereby bringing it into legal effect. If objections are made and not withdrawn then the Council must notify the Mayor of London of the objections and the Mayor may determine that a local inquiry should be held. However under Section 252(5A) of the 1990 Act the Mayor of London may decide that an inquiry is not necessary if the objection/s are not made by a local authority, statutory undertaker or transport undertaker and may remit the matter to the Council for confirmation of the Order. If however a statutory undertaker or transport undertaker makes a relevant objection which is not withdrawn then the matter may be referred to the Secretary of State for determination.

## IMPLICATIONS AND RISKS

### **Financial Implications and Risks:**

The costs of the making, advertising and confirmation and any associated costs, should the Order be confirmed or otherwise will be borne by the developer pursuant to The London Local Authorities (Charges for Stopping Up Orders) Regulations 2000.

### **Legal Implications and Risks:**

Legal Services will be required to draft the Stopping Up Order and Notices as well as carry out the consultation process and mediate any negotiation with objectors.

### **Human Resources Implications and Risks:**

None directly attributable to the proposals.

### **Equalities and Social Inclusion Implications:**

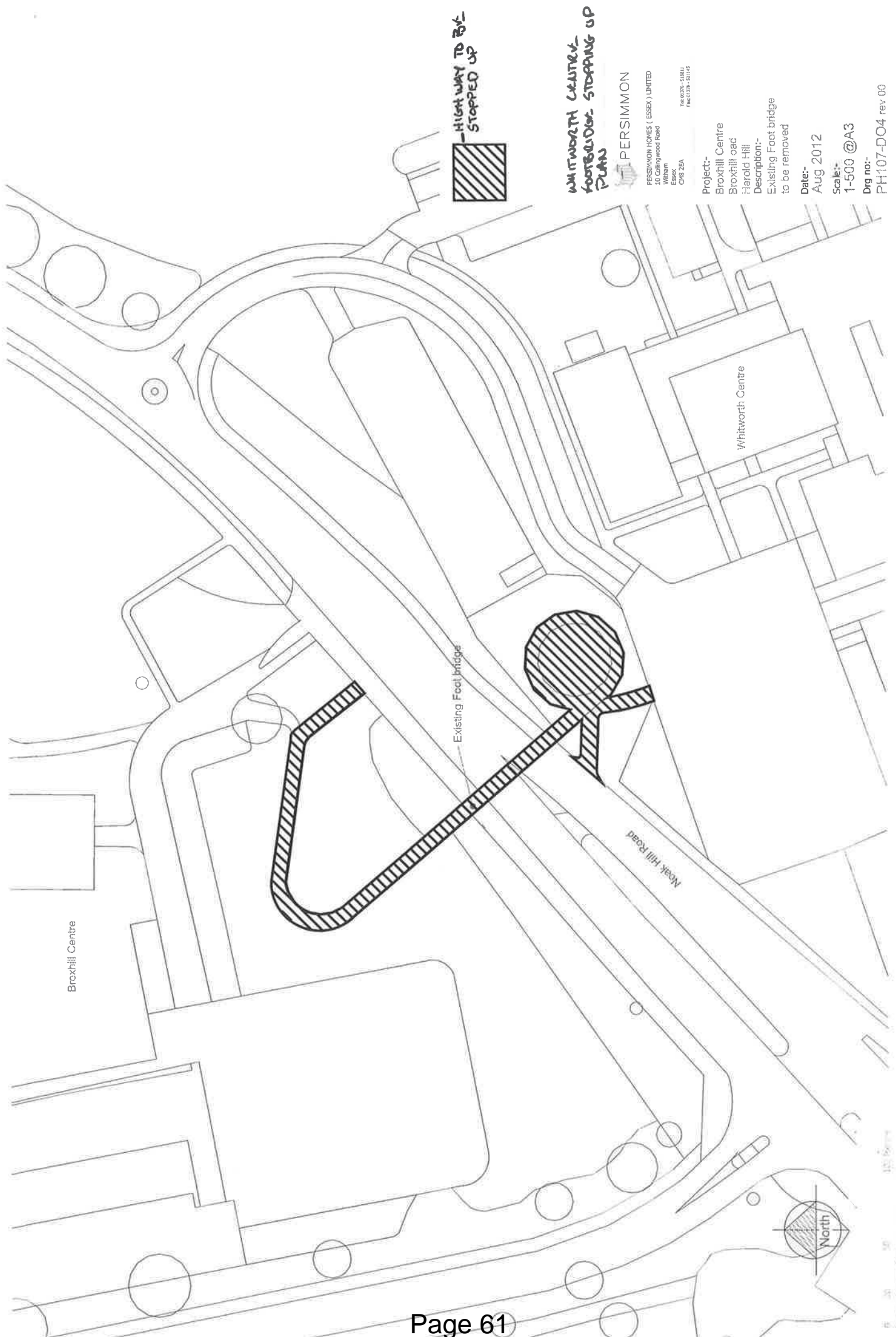
None directly attributable to the proposal.

### **Background Papers List**

1. Report of Regulatory Services Committee dated 15 March 2012 which granted planning permission under planning reference P1558.11 [Item No. 9]
2. Plan (entitled 'Whitworth Centre Footbridge Stopping Up Plan,' drawing number 'PH107-D04') showing the area to be stopped up

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Highway to be  
Stopped up

**WHITWORTH CENTRE  
FOOTBRIDGE STOPPING UP  
PLAN**

**PERSIMMON**  
 PERSIMMON HOMES ( ESSEX ) LIMITED  
 Wherrywood Road  
 Essex  
 CB8 2EA  
 Tel: 01276 51811  
 Fax: 01276 52110

**Project:-**  
 Broxhill Centre  
 Broxhill oad  
 Harold Hill  
 Description:-  
 Existing Foot bridge  
 to be removed

**Date:-**  
 Aug 2012

**Scale:-**  
 1-500 @A3

**Drw no:-**  
 PH107-DO4 rev 00

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