



# Havering

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

## REGULATORY SERVICES COMMITTEE AGENDA

**7.30 pm**

**Thursday  
6 December 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 - 4)**

To approve as a correct record the minutes of the meeting of the Committee held on 15 November 2012 and to authorise the Chairman to sign them.

### **5 PLANNING OBLIGATIONS/LEGAL AGREEMENTS (Pages 5 - 8)**

**6 PLANNING AND ENFORCEMENT APPEALS RECEIVED, PUBLIC INQUIRIES/HEARINGS AND SUMMARY OF APPEAL DECISIONS** (Pages 9 - 18)

**7 SCHEDULE OF ENFORCEMENT NOTICES** (Pages 19 - 32)

**8 PROSECUTIONS UPDATE** (Pages 33 - 36)

**9 PLANNING APPLICATIONS - SEE INDEX AND REPORTS** (Pages 37 - 54)

**10 P1076.12 - 233 HIGH STREET, HORNCHURCH** (Pages 55 - 62)

**11 PLANNING CONTRAVENTION - SUTTONS FARM, TOMKYN'S LANE, UPMINSTER**  
(Pages 63 - 74)

**12 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

**13 EXCLUSION OF THE PUBLIC**

To consider whether the public should now be excluded from the remainder of the meeting on the grounds that it is likely that, in view of the nature of the business to be transacted or the nature of the proceedings, if members of the public were present during those items there would be disclosure to them of exempt information within the meaning of paragraph 9 of Schedule 12A to the Local Government Act 1972; and, if it is decided to exclude the public on those grounds, the Committee to resolve accordingly on the motion of the Chairman.

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

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

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**MINUTES OF A MEETING OF THE  
REGULATORY SERVICES COMMITTEE  
Havering Town Hall, Main Road, Romford  
15 November 2012 (7.30 - 8.50 pm)**

**Present:**

**COUNCILLORS:** 11

**Conservative Group** Barry Oddy (in the Chair) Barry Tebbutt (Vice-Chair),  
Sandra Binion, Jeffrey Brace, Garry Pain,  
Wendy Brice-Thompson and Steven Kelly

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

**Labour Group** Paul McGeary

**Independent Residents  
Group** +David Durant

Apologies were received for the absence of Councillors Robby Misir, Fred Osborne and Mark Logan.

+ Substitute Member: Councillors Wendy Brice-Thompson (for Robby Misir), Steven Kelly (for Fred Osborne) and David Durant (for Mark Logan).

18 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.

## 104 **DISCLOSURE OF PECUNIARY INTERESTS**

Councillor Barry Tebbutt declared a personal interest in application P0802.12. Councillor Tebbutt advised that he owned a property in the vicinity of the application site. Councillor Tebbutt left the room during the discussion and took no part in the voting.

Councillor Sandra Binion declared a personal interest in application P0976.12. Councillor Binion advised that she knew of the applicant. Councillor Binion left the room during the discussion and took no part in the voting.

105 **MINUTES**

The minutes of the meetings held on 13 September and 4 October 2012 were agreed as a correct record and signed by the Chairman.

106 **P1047.12 - LAND TO THE REAR OF 223-233 BRENTWOOD ROAD, ROMFORD**

Officers advised the Committee that the item was to be deferred to allow officers to consider ownership and certification of interest of the site as part of the planning application.

107 **P0976.12 - 24 GREENOCK WAY ROMFORD**

The report before members detailed an application for the erection of a two storey side and rear extension and a single storey front extension.

Members noted that the application had been called in by Councillor Michael Armstrong. Councillor Armstrong had been concerned at the impact on the streetscene and the size and mass of the proposed extension.

Officers read out a statement that had been written by Councillor Armstrong which detailed the above reasons and asked that the Committee reject the proposal.

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

During the debate members sought clarification of the proposed size of the extension from a previously refused application.

Mention was also made of the fact that the dwelling was situated on a corner plot and officers sought clarification on the application of guidance. Several members questioned what the mass and bulk implications would be of the proposed extensions on a corner plot. A motion to refuse was put forward and seconded but was later withdrawn with general agreement that members who did not have an opportunity to visit the application site should be afforded the opportunity to do so.

It was suggested that perhaps members could visit the site to try and gain a better insight in how the proposed extensions would affect the streetscene.

The report recommended that planning permission be granted, however following a motion it was **RESOLVED** that the decision to allow/refuse planning permission be deferred to allow Committee members the opportunity to visit the site.

The vote for the motion was carried by 8 votes to 1 with 1 abstention.

Councillor Brace voted against the motion and Councillor Kelly abstained from voting.

*As state at the beginning of the minutes Councillor Sandra Binion declared a personal interest in application P0976.12. Councillor Binion advised that she knew of the applicant. Councillor Binion left the room during the discussion and took no part in the voting.*

108 **P0997.12 - SPRINGFIELD OFF CHURCH ROAD, NOAK HILL, ROMFORD**

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

109 **P1020.12 - 69 OLDCHURCH ROAD**

The report before members detailed an application for the demolition of an existing industrial building and a residential development of 34 flats and 2 houses.

During the debate members discussed vehicular access and egress to the site, location of refuse store, car parking, level of affordable housing to be provided and the provision of CCTV in the underground car park.

The report recommended that planning permission be granted, however following a motion it was **RESOLVED** that decision to grant/refuse planning permission be deferred to allow for the following issue to be addressed by officers.

- Demonstration of how refuse lorry movements would take place without causing obstruction, especially to emergency vehicle movements, in Oldchurch Rise.
- Position/capacity of the refuse store.
- Conditions on control and provision of lighting and CCTV especially for underground car park.
- Controls to prevent formation without prior written consent of access/parking area in front of new housing fronting onto Oldchurch Road.
- Clarification that 8% affordable housing was satisfactory following independent viability assessment.
- Relationship of traffic movements to Oldchurch Rise/Road right turn filter lane.

The vote for the motion was carried by 9 votes to 2.

Councillors Brace and Kelly voted against the motion to defer the granting of planning permission.

110 **P0907.12 - MORELAND CARE HOME, 5 MANOR AVENUE**

The report concerned an application for the demolition of the original care home building and it's rebuilding to connect with the now built rear extensions to provide a 40-bed care home.

Members noted that a legal agreement was required due to the limited parking provided for the care home.

During a brief debate members questioned the lack of parking that would be available to staff and visitors.

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

111 **P0802.12 - ESSEX TIMBER BUILDINGS, THE MOORINGS GARAGE, SOUTHEND ARTERIAL ROAD, HORNCHURCH**

The Committee considered the report and without debate **RESOLVED** that temporary planning permission for a period of 2 years be granted subject to the conditions as set out in the report.

*As stated at the beginning of the minutes Councillor Barry Tebbutt declared a personal interest in application P0802.12. Councillor Tebbutt advised that he owned a property in the vicinity of the application site. Councillor Tebbutt left the room during the discussion and took no part in the voting.*

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**Chairman**



# REGULATORY SERVICES COMMITTEE

6 DECEMBER 2012

# REPORT

**Subject Heading:**

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

**Report Author and contact details:**

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

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

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

**SUMMARY**

Details of S106 agreements can be found as a download from our web page at [www.havering.gov.uk/planning](http://www.havering.gov.uk/planning). This report updates the position on legal agreements and planning obligations agreed by this Committee during the period 2000-2012

## RECOMMENDATIONS

That the report be noted.

## REPORT DETAIL

1. This report updates the position on legal agreements and planning obligations. Approval of various types of application for planning permission decided by this Committee can be subject to prior completion or a planning obligation. This is obtained pursuant to Section 106 of the Town and Country Planning Acts. The purpose of such obligations is to secure elements outside the immediate scope of the planning permission such as affordable housing, education contributions and off site highway improvements. Obligations can also cover matters such as highway bonds, restriction on age of occupation and travel plans plus various other types of issue.
2. The obligation takes the form of either:
  - A legal agreement between the owner and the Council plus any other parties who have a legal interest in the land.
  - A unilateral undertaking offered to the Council by the owner and any other parties who have a legal interest in the land.
3. This report updates the Committee on the current position on the progress of agreements and unilateral undertakings authorised by this Committee for the period 2000 to 2012.

## IMPLICATIONS AND RISKS

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

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

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

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

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# REGULATORY SERVICES COMMITTEE

# REPORT

6 DECEMBER 2012

**Subject Heading:**

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

**Report Author and contact details:**

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

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

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

**SUMMARY**

This report accompanies a schedule of appeals received and started by the Planning Inspectorate and a schedule of appeal decisions between 18 August 2012 and 9 November 2012.

## RECOMMENDATIONS

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

## REPORT DETAIL

- 1.1 Since the appeals reported to Members in September 2012, 27 new appeals have been started. These are listed below.

Decisions on 19 appeals have been received during the same period 13 have been dismissed, 5 allowed, and 1 withdrawn.

- 1.2 Appeals received between 18 August 2012 and 9 November 2012 is on the attached list (mainly dealt with by written representation procedure).

## IMPLICATIONS AND RISKS

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

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

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

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

**LIST OF APPEAL DECISIONS MADE BETWEEN 18-AUG-12 AND 09-NOV-12**

APPEAL DECISIONS - PLANNING				
Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Inspector's Decision and Comments
<p><b>P1589.11</b> 30 The Broadway Elm Park <i>Conversion of ground and first floors into 2no. self contained flat units</i></p>	Written Reps	Refuse	Delegated	<p><b><u>Dismissed</u></b> The Inspector found that that the living conditions of future occupiers of the proposed unit would be unacceptable in regard to outlook, noise and disturbance, outside private space and safety. <a href="#">Click here to see the appeal decision notice</a></p>
<p><b>P1470.11</b> 10 Collier Row Road Romford <i>Change of Use from retail A1- retail to restaurant (A3) with associated extract equipment. 1st Floor extension for the creation of an office. New shopfront</i></p>	Written Reps	Refuse	Delegated	<p><b><u>Dismissed</u></b> The Inspector found that the proposal would lead to the proliferation of too many non-retail uses in the retail core of the Collier Row town centre, a defined shopping area where retail uses are protected. The extension would appear as an intrusive form of development that would appear incongruous in its surroundings. <a href="#">Click here to see the appeal decision notice</a></p>
<p><b>P1345.11</b> 117 Shepherds Hill Romford <i>Two storey detached family dwelling</i></p>	Written Reps	Refuse	Delegated	<p><b><u>Dismissed</u></b> On Green Belt issues, the proposal would represent inappropriate development, which is, by definition, harmful to the Green Belt and it would replace an undeveloped area of land and would, as a result, materially erode the openness of the Green Belt. The proposal would due to its scale and location, appear dominant and visually intrusive, and have an overbearing impact on the neighbouring property. <a href="#">Click here to see the appeal decision notice</a></p>
<p><b>P1761.11</b> 26 Herbert Road Emerson Park Hornchurch <i>Demolition of existing dwelling house for construction of 1No 6 bedroom dwelling house</i></p>	Written Reps	Refuse	Delegated	<p><b><u>Dismissed</u></b> The proposed development would detract from the open and regular character and appearance of the area and would be detrimental to the living conditions of the neighbouring property as it would appear oppressive and overbearing. <a href="#">Click here to see the appeal decision notice</a></p>

**LIST OF APPEAL DECISIONS MADE BETWEEN 18-AUG-12 AND 09-NOV-12**

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Inspector's Decision and Comments
<p><b>P1936.11</b> 17 Sims Close Romford <i>Conversion of granny annexe to form separate dwelling with associated parking</i></p>	Written Reps	Refuse	Delegated	<p><b><u>Dismissed</u></b> The proposed outdoor private amenity space would be cramped, due to its small size and awkward layout and would not provide acceptable levels of privacy. Future occupiers would therefore experience unacceptable living conditions <a href="#">Click here to see the appeal decision notice</a></p>
<p><b>P1187.11</b> 2 Tennyson Road Romford <i>Conversion of existing side extension into a separate dwelling (retrospective)</i></p>	Written Reps	Refuse	Delegated	<p><b><u>Dismissed</u></b> The internal floor area of the proposed two bedroom dwelling would be inadequate and so would represent poor quality living conditions for future occupants. The dwelling would appear cramped and would not be in keeping with the prevailing characteristics of the area. <a href="#">Click here to see the appeal decision notice</a></p>
<p><b>P1857.11</b> 15 Victoria Road Romford <i>Single storey flat roofed detached structure to the rear of the site to provide 1 no. studio flat with all required facilities.</i></p>	Written Reps	Refuse	Delegated	<p><b><u>Dismissed</u></b> The cumulative effect of the restricted outlook, lack of privacy, intrusive noise and disturbance and unattractive access would result in unsatisfactory living conditions for future residents. <a href="#">Click here to see the appeal decision notice</a></p>
<p><b>P1851.11</b> 15 Victoria Road Romford <i>Part demolition, alterations and extensions to provide a self contained retail unit to ground floor, install fittings and self contain first floor accommodation to form one bedroomed flat and form new attached studio flat to rear ground floor within</i></p>	Written Reps	Refuse	Delegated	<p><b><u>Dismissed</u></b> The combination of the limited outlook, perceived overlooking from the railway station as well as noise and disturbance would result in unsatisfactory living conditions for future residents. <a href="#">Click here to see the appeal decision notice</a></p>



**LIST OF APPEAL DECISIONS MADE BETWEEN 18-AUG-12 AND 09-NOV-12**

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Inspector's Decision and Comments
<i>rear extension. Proposed New Pavement crossover.</i>				
<b>P0204.12</b> 11 Northumberland Avenue Hornchurch Two storey side extension and installation of first floor rear window.	Written Reps	Refuse	Delegated	<b><u>Dismissed</u></b> The extension would be a disproportionate addition to the house that fails to reflect its original character and form. It would be prominent in the street scene and unbalances the pair of semi detached houses. <a href="#">Click here to see the appeal decision notice</a>
<b>P0483.12</b> 5 Kerry Drive Cranham Upminster Single storey rear extension and conversion of garage to form a habitable room	Written Reps	Refuse	Delegated	<b><u>Allowed with Conditions</u></b> The Inspector found no evidence that this area experiences extreme traffic or parking problems and concluded that the proposal would not have a detrimental effect on highway safety or residential amenity. <a href="#">Click here to see the appeal decision notice</a>
<b>P0545.12</b> 126 Chelmsford Avenue Chase Cross Romford Single Storey Side Extension	Written Reps	Refuse	Delegated	<b><u>Allowed with Conditions</u></b> The proposal would appear as a modest single storey extension. It would not be excessively high and would be set well below the main eaves and ridge of the house. It would not be disproportionate to the original house or harm the general spacing and character of the street scene. <a href="#">Click here to see the appeal decision notice</a>
<b>P0262.12</b> 74 Squirrels Heath Lane Hornchurch Single/two storey side/rear extension and formation of vehicular crossover.	Written Reps	Refuse	Delegated	<b><u>Allowed with Conditions</u></b> The extension would be more than half the width of the house and its roof design would appear somewhat awkward. However, it would not appear as particularly intrusive in the street and would not appear unduly bulky, dominant or out of proportion to this house. <a href="#">Click here to see the appeal decision notice</a>
<b>P0604.12</b> 450 Wingletye Lane Hornchurch	Written Reps	Refuse	Delegated	<b><u>Allowed with Conditions</u></b> The design of the proposal would ensure that the extension is subordinate in size with an appropriate setback in relation to the existing building lines. Therefore the

**LIST OF APPEAL DECISIONS MADE BETWEEN 18-AUG-12 AND 09-NOV-12**

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Inspector's Decision and Comments
<i>First floor side extension</i>				<p>proposed development would cause no significant harm to the character and appearance of the area.</p> <p><a href="#">Click here to see the appeal decision notice</a></p>
<p><b>P0437.12</b>                      369 Upminster Road                      North Rainham  <i>Two storey side extension, room in roof with rear dormer (hip to gable) raising ridge height. Single storey rear extension.</i>                      Resubmission of P1624.11</p>	Written Reps	Refuse	Delegated	<p><b><u>Dismissed</u></b></p> <p>The proposal would be an intrusive feature and its height and mass are unacceptable. This would be exacerbated by the scale of the rear dormer which would dominate the appearance of the dwelling and its neighbours from the rear. Moreover it would have an adverse effect on the living conditions of the neighbours by reason of loss of light.</p> <p><a href="#">Click here to see the appeal decision notice</a></p>
<p><b>P0540.12</b>                      91 Eastern Road                      Romford  <i>Side and rear extension to existing dwelling at ground and first floor</i></p>	Written Reps	Refuse	Committee	<p><b><u>Dismissed</u></b></p> <p>The proposed extension would undermine the established spatial characteristics of the area and would fail to maintain the characteristic gap between neighbouring pairs. It therefore would cause significant harm to the character and appearance of the area.</p> <p><a href="#">Click here to see the appeal decision notice</a></p>
<p><b>P0549.12</b>                      43 Hillcrest Road                      Hornchurch  <i>First floor rear extension</i></p>	Written Reps	Refuse	Delegated	<p><b><u>Allowed with Conditions</u></b></p> <p>The depth and hipped roof form of the proposed extension complied with the Council's guidelines ensuring that it would not be excessively bulky. Therefore the proposed development would not result in an unacceptable loss of light or outlook significant harm to the living conditions at neighbouring properties</p> <p><a href="#">Click here to see the appeal decision notice</a></p>
<p><b>P0563.12</b>                      46 Nelwyn Avenue                      Emerson Park                      Hornchurch  <i>Loft conversion with rear dormer 2 no. velux roof windows to front</i></p>	Written Reps	Refuse	Delegated	<p><b><u>Dismissed</u></b></p> <p>The proposed dormer would be set almost in line with the ridge and slightly above eaves level. Due to its scale, size &amp; position it would appear as an unduly dominant and prominent feature unrelated to the architectural style of property. It therefore would have an adverse effect on the character and appearance of the area.</p>

**LIST OF APPEAL DECISIONS MADE BETWEEN 18-AUG-12 AND 09-NOV-12**

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Inspector's Decision and Comments
<i>elevation</i>				<a href="#">Click here to see the appeal decision notice</a>
<b>TOTAL PLANNING =</b>	<b>17</b>			

**LIST OF APPEAL DECISIONS MADE BETWEEN 18-AUG-12 AND 09-NOV-12**

<b>APPEAL DECISIONS - ENFORCEMENT</b>		
<b>Description and Address</b>	<b>Appeal Procedure</b>	<b>Inspector's Decision and Comments</b>
<b>ENF/144/11/RW</b> 59-61 Warwick Road Rainham	Written Reps	<p><b><u>Dismissed</u></b></p> <p>The Inspector concluded that the current activity falls into a B2 General Industrial use and could not operate without harming the amenities of nearby residents as a result of noise and disturbance. Even if mitigation measures were implemented, there would remain a potential source of noise and disturbance to nearby residents. On the issue of traffic and parking, the servicing arrangements are inadequate for the current business, and planning conditions could not overcome this difficulty.</p> <p><a href="#">Click here to see the appeal decision notice</a></p>

**TOTAL ENF =** 1

**LIST OF APPEAL DECISIONS MADE BETWEEN 18-AUG-12 AND 09-NOV-12**

**Summary Info:**

**Total Planning =**

**Total Enf =**

**Appeals Decided =**

**Appeals Withdrawn or Invalid =**

**Total =**

	<b>Dismissed</b>		<b>Allowed</b>	
<b>Hearings</b>	<input type="text" value="0"/>	0.00%	<input type="text" value="0"/>	0.00%
<b>Inquiries</b>	<input type="text" value="0"/>	0.00%	<input type="text" value="0"/>	0.00%
<b>Written Reps</b>	<input type="text" value="13"/>	72.22%	<input type="text" value="5"/>	27.78%

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# **REGULATORY SERVICES COMMITTEE**

# **REPORT**

**6 DECEMBER 2012**

**Subject Heading:**

Schedule of Enforcement Notice

**Report Author and contact details:**

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

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

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

**SUMMARY**

Attached are schedules detailing information regarding Enforcement Notices updated since the meeting held on 13 September 2012.

## RECOMMENDATIONS

For consideration.

## REPORT DETAIL

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

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

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

The grounds are:

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



**BACKGROUND PAPERS**

Schedule A & B.

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# SCHEDULE A

## CASES AWAITING APPEAL DETERMINATION

ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	DATE OF COMMITTEE AUTHORITY	ENFORCEMENT NOTICE SERVED	APPEAL LODGED
<p>Cranham Hall Farm The Chase Cranham Upminster</p> <p>ENF/541/08/UP</p>	<p>Alleged unauthorised change of use of Green Belt land to garden areas (3 Notices)</p> <p>Alleged unauthorised erection of fences (3 Notices)</p> <p>Alleged unauthorised construction of outbuildings (2 Notices)</p>	<p>Committee 17-11-11</p>	<p>15-03-12</p>	<p>13-04-12</p>
<p>18 Crow Lane Romford</p> <p>ENF/33/08/BL</p>	<p>Alleged unauthorised breach</p> <p>Notice A. Erection of steel clad building</p> <p>Notice B. Erection of canopy building structure (2 Notices)</p>	<p>Committee 03-11-11</p>	<p>12-01-12</p>	<p>06-06-12</p>
<p>The Squirrels Public House 420 Brentwood Road Romford</p> <p>ENF/320/11/SQ</p>	<p>Alleged unauthorised change of use to car wash</p>	<p>Delegated</p>	<p>09-05-12</p>	<p>08-06-12</p>
<p>Benskins Lane east of Church Road Harold Wood Romford</p> <p>ENF/91/12/GS</p>	<p>Alleged unauthorised hardstanding</p>	<p>Delegated</p>	<p>14-05-12</p>	<p>14-06-12</p>

ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	DATE OF COMMITTEE AUTHORITY	ENFORCEMENT NOTICE SERVED	APPEAL LODGED
Chequers Public House (North Street Hornchurch  ENF/305/11/ST	Alleged unauthorised change of use to car wash	Delegated	05-07-12	02-08-12
Bush Farm Bramble Lane Upminster  ENF/173/12/UP	Alleged unauthorised importation of material and engineering operations	Delegated	20-09-12	18-10-12
72 Crow Lane Romford  ENF/77/12/BL	Alleged unauthorised use of outbuilding as residential accommodation	Committee 19-07-12	18-08-12	19-09-12
Tomykns Manor Tomykns Lane Upminster  ENF/617/09/HW	Alleged breach of planning permission  Notice A - Use Notice B - Development  (2 Notices)	Committee 07-06-12	24-08-12	02-10-12
Ashlea View Tomykns Lane Upminster  ENF/363/10/HW	Alleged unauthorised gates and fence constructed with Green Belt	Committee 19-07-12	28-08-12	01-10-12

# SCHEDULE B

## ENFORCEMENT NOTICES – LIVE CASES.

ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	DATE OF COMMITTEE AUTHORITY	NOTICE ISSUED	NOTICE SERVED	APPEAL LODGED	APPEAL DECISION	COMMENTS
South side of Lower Bedford's Road, (Hogbar Farm) west of junction with Straight Road, Romford	(1) Siting of mobile home and touring caravan.  (2) Earth works and ground works including laying of hardcore.	28.6.01  Delegated	6.9.01  31-05-02	10.9.01  31-05-02	6.11.01 Grounds (a) and (g)	Allowed 14.2.03 Notice quashed temporary planning permission granted  Dismissed and extended the compliance to 15 months	Temporary planning permission granted for one -year period – expired Feb 2004. Monitoring. In abeyance pending adoption of new Planning Guidance. 2 February Regulatory Services Committee agreed to hold enforcement decisions in abeyance pending above. Traveller site policy incorporated within LDF.
Land junction of Lower Bedford's Road (Vinegar Farm) and Straight Road, Romford	(1) Unauthorised residential use and operations.  (2) Erection of fencing and construction of hardstanding	Delegated Authority  “	9.11.01  “	9.11.01  “	21.12.01  “	Allowed 14.2.03 Notice quashed temporary planning permission granted for 1 year.  Dismissed and extended the compliance to 15 months	Temporary planning permission granted for one -year period – expired Feb 2004. Monitoring. In abeyance pending adoption of new Planning Guidance. 2 February Regulatory Services Committee agreed to hold enforcement decisions in abeyance pending above. Traveller site policy incorporated within LDF.
Hogbar Farm (East), Lower Bedford's Road Romford	Residential hardsurfacing Operational development	Committee 3.7.03	16.1.04	22.1.04	26.2.04 Grounds (a) and (g)	Appeal Dismissed Public Inquiry 11 and 12 December 2007	Temporary planning permission granted until 30-04-2013.
Fairhill Rise, Lower Bedford's Road Romford	Residential, hardsurfacing etc. Operational development	Committee 3.7.03	16.1.04	22.1.04	27.2.04 Ground (a) and (g)	Appeal part allowed Public Inquiry 24.4.07	Appeal part allowed for 5 years plus 3 month to reinstate the land
Arnolds Field, Launder's Lane, Upminster	Unauthorised landfill development x 2	Committee 24.4.04		29.7.04	Appeal lodged.	Appeal dismissed 27.11.05	Enforcement Notices upheld. Pursuing compliance.
21 Brights Avenue, Rainham	Unauthorised development.	Committee 22.10.04	14.12.04	20.12.04			Enforcement Notice served. Second prosecution 30-09-10. Conditional discharge 2 years. Costs £350.00 . Pursuing compliance

ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	DATE OF COMMITTEE AUTHORITY	NOTICE ISSUED	NOTICE SERVED	APPEAL LODGED	APPEAL DECISION	COMMENTS
Adj 1 Bramble Cottage, Bramble Lane Upminster	Compound and storage	Committee 27.5.04	13.02.06	13.02.06			Pursuing compliance
1 Woodlands, Brookmans Park Drive Upminster	2 Notices Development laying of hardstanding. Change of use living on land	Committee 23.2.06	5.5.06	5.5.06	Public Inquiry 06.06.06	Appeal dismissed 01.02.07	No action at present time Notice remains on land
179-181 Cherry Tree Lane, Rainham	1. Development 2. Use	Committee 30.8.06	27.10.06	30.10.06			Third prosecution fined (A) £5,000 (B) £5,000 Cost £2500 Pursuing compliance
Land at Church Road, Noak Hill Romford	1. Development 2. Use	Delegated	17.7.07	17.7.07		Appeal dismissed	1. Development. Appeal Dismissed Enforcement Notice varied  2. Use. Appeal Dismissed Pursuing compliance
Woodways & Rosewell, Benskins Lane, Noak Hill Romford	Change of Use	Delegated	21.6.07	27.6.07	20.7.07	Appeal dismissed 02-05-2008	Pursuing compliance
Sylvan Glade Benskins Lane Noak Hill Romford	Change of Use and Development	Delegated	18.9.07	18.9.07	24.10.07	Appeal dismissed	Pursuing compliance
The White House Benskins Lane Romford 2 Notices	1. Alleged construction of hardstanding. 2. Alleged Change of Use for storage	Committee 06-12-07	29-07-08	29-07-08			Pursuing compliance
14 Rainham Road Rainham	Alleged operation of car wash without full compliance with planning conditions and unauthorised building  (2 Notices)	Committee 26-06-08	07-11-08	13-11-08	12-01-09 15-12-08	Appeal dismissed	Pursuing compliance

ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	DATE OF COMMITTEE AUTHORITY	NOTICE ISSUED	NOTICE SERVED	APPEAL LODGED	APPEAL DECISION	COMMENTS
Damyns Hall Aveley Road Upminster	Unauthorised construction of a Hanger and various breach  (9 Notices served)	Committee 18.09.08	23.12.08  24-04-09	23.12.08  24-04-09	02-02-09  26-05-09	Various decisions (9 Notices)	Pursuing compliance
Lakeview Caravan Park Cummings Hall Lane Noak Hill Romford	Unauthorised developments and changes of use  (5 Notices served)	Committee 20-11-08	16-02-09	17-02-09	11-04-09	Various decisions (5 Notices)	Pursuing compliance/prosecution
137 Marks Road Romford	Use _ Unauthorised conversion to flats	Committee 05-02-09	06-05-09	08-05-09			Notice complied with
57 Nags Head Lane Brentwood	Development (5 Notices)	Committee 15-01-09	06-03-09	06-03-09	15-04-09	Appeal part allowed/part dismissed	Pursuing compliance
Chanlin Boxhill Road Havering-atte-Bower	Use	Delegated 14-07-09	27-11-09	27-11-09	29-12-09	Appeal dismissed	Temporary planning permission expires 25-11-13
64 Berwick Road Rainham	Unauthorised fence	Delegated 27-08-09	27-08-2009	02-10-09	12-03-10	Appeal dismissed	Pursuing compliance
118 Mashiters Walk Romford	Development	Delegated 20-08-09	23-12-09	24-12-09	11-08-09	Appeal dismissed	Pursuing compliance
111 Albany Road Hornchurch	Use	Committee 19-11-09	22-12-0-	22-12-09	03-12-10	Appeal dismissed	Pursuing compliance
222 Havering Road Romford	Development	Committee 29-10-09	18-01-10	18-01-10	25-02-10	Appeal dismissed	Pursuing compliance

ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	DATE OF COMMITTEE AUTHORITY	NOTICE ISSUED	NOTICE SERVED	APPEAL LODGED	APPEAL DECISION	COMMENTS
179-181 Cherry Tree Lane Rainham	Use	Delegated 03-08-10	28-01-10	29-01-10			Pursuing compliance
Folkes Farm Folkes Lane Upminster	Use x 2	Committee 11-03-10	07-10-10	07-10-10	01-11-10	Appeal dismissed	Pursuing compliance
The Former Brook Street Service Station Colchester Road Harold Wood	Use & Development	Delegated 01-07-10	22-07-10	23-07-10	26-08-10	Temporary Permission given	Monitoring
Lessington Avenue Romford	Development	Committee 20-04-10	37-07-10	28-07-10	01-09-10	Appeal dismissed	Pursuing compliance
End off Church Road Noak Hill Romford	Development	Committee 15-07-10	10-09-10	10-09-10			Pursuing compliance
39 Benets Road Hornchurch	Use	Committee 26-08-10	29-11-10	29-11-10	09-12-10	Appeal dismissed	Pursuing compliance
83A London Road Romford	Use	Committee 02-12-10	04-03-11	04-03-11	26-03-11	Withdrawn 12-10-11	Monitoring
5 Writtle Walk Rainham	Use	Delegated 14-01-11	18-04-11	18-04-11	19-05-11		Pursuing compliance/prosecution pending
Small Acres Folkes Lane Upminster	Use/Development	Committee 19-05-11	25-07-11	27-07-11			Pursuing compliance
59/61 Warwick Road Rainham	Use	Delegated 12-07-11	22-08-11	22-08-11	17-10-11	Appeal dismissed	See pursuing compliance



ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	DATE OF COMMITTEE AUTHORITY	NOTICE ISSUED	NOTICE SERVED	APPEAL LODGED	APPEAL DECISION	COMMENTS
County Service Station Essex Gardens Hornchurch	Use	Committee 23-06-11	19-09-11	19-09-11	21-10-11	Dismissed 11-06-12	Pursuing compliance
11 Ryder Gardens Rainham	Use	Delegated 14-09-11	19-09-11	19-09-11	21-10-11	Dismissed 06-06-12	Pursuing compliance
1a Willoughby Drive Hornchurch	Use	Committee 14-08-11	14-10-11	21-10-11			No action at present time Notice remains on land.
2A Woburn Avenue Elm Park Hornchurch	Use	Delegated 07-11-11	17-11-11	17-11-11	21-12-11	Dismissed 15-03-12	Pursuing compliance
Folkes Farm (Field) Folkes Lane Upminster	Development	Delegated 22-12-11	23-12-11	23-11-11			Pursuing compliance
8 Crow Lane Romford	Development x 2	Committee 03-11-11	12-01-12	12-01-12	06-06-12		See schedule A
Cranham Hall Farm The Chase Cranham Upminster	Use x 5 Development x7	Committee 17-11-11	15-03-12	15-03-12	13-04-12		See Schedule A (Notices appealed 8)
2 Pettley Gardens Romford	Development	Committee 15-03-12	09-05-12	09-05-12			Notice complied with
The Squirrels Public House 420 Brentwood Road Romford	Use	Delegated	09-05-12	09-05-12	08-06-12		See Schedule A

ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	DATE OF COMMITTEE AUTHORITY	NOTICE ISSUED	NOTICE SERVED	APPEAL LODGED	APPEAL DECISION	COMMENTS
Benskins Lane east of Church Road Harold Wood Romford	Development	Delegated	14-05-12	15-05-12	14-06-12		See Schedule A
Chequers Public House North Street Hornchurch	Use	Delegated	04-07-12	05-07-12	02-08-12		See Schedule A
178 Crow Lane Romford	Development	Committee 03-11-11	12-01-12	12-01-12	07-06-12		See Schedule A
186A Main Road Romford	Development	Committee 17-05-12	30-07-12	01-08-12			Pursuing compliance
Bobions Farm Collier Row Road Romford	Use	Committee 17-05-12	28-06-12	02-07-12			Pursuing compliance
72 Crow Lane Romford	Use	Committee 19-07-12	28-08-12	28-08-12	19-09-12		See Schedule A
Ashlea View Tomkyns Lane Upminster	Use	Committee 19-07-12	28-08-12	28-08-12	28-09-12		See Schedule A
624 Upper Brentwood Road Romford	Development	Committee 19-07-12	08-08-12	08-08-12			Pursuing compliance
29 Main Road Romford	Use	Delegated	26-07-12	26-07-12			Pursuing compliance

ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	DATE OF COMMITTEE AUTHORITY	NOTICE ISSUED	NOTICE SERVED	APPEAL LODGED	APPEAL DECISION	COMMENTS
Tomykns Manor Tomkyns Lane Upminster	Development  2 Notices	Committee 07-06-12	24-08-12	24-08-12	27-09-12		See schedule A
14A Lower Mardyke Avenue Rainham	Development	Delegated	28-08-12	28-08-12			Pursuing compliance
2-8 Upminster Road South Rainham	Development	Committee 14-09-12	14-09-12	20-09-12			Pursuing compliance
Bush Farm Apley Road Upminster	Development X 2  1 Enforcement Notice 1 Stop Notice	Delegated	20-09-12	20-09-12			Pursuing compliance

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# REGULATORY SERVICES COMMITTEE

# REPORT

6 DECEMBER 2012

**Subject Heading:**

Prosecutions update

**Report Author and contact details:**

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

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

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

## SUMMARY

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

## RECOMMENDATIONS

That the report be noted.

## REPORT DETAIL

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

## IMPLICATIONS AND RISKS

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

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

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

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

Appendix 1.

Address	Summary of Breach	Legal Action	Outcome
Lakeview Caravan Park Cummings Hall Lane Noak Hill Romford Essex	Non-compliance with Enforcement Notice	18 September 2012 Haverling Magistrates Court.	Found Guilty 2 years Conditional discharge.  Cost awarded £13,552.70

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## Regulatory Services Committee

### MONITORING MEETING

6 December 2012

<b>Page No.</b>	<b>Application No.</b>	<b>Ward</b>	<b>Address</b>
1-7	P0641.12	St Andrews	Devonshire Hotel, 94 Station Lane, Hornchurch
8-15	P0777.12	Emerson Park	The Willows, Hubbards Close, Hornchurch

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**REGULATORY SERVICES COMMITTEE**  
**6th December 2012**

<b>APPLICATION NO:</b>	<b>P0641.12</b>	
<b>WARD :</b>	St Andrew's	<b>Date Received:</b> 15th May 2012 <b>Expiry Date:</b> 10th July 2012
<b>ADDRESS:</b>	Devonshire Hotel 94 Station Lane, Hornchurch	
<b>PROPOSAL:</b>	Single-storey detached Bed and Breakfast building to rear of the property and minor alterations to the ground floor of the existing Bed & Breakfast hotel to provide four additional bedrooms.  further additional information received 21/9	
<b>DRAWING NO(S):</b>	07.331.12 Rev A; -13 Rev A; -11 Rev A; 11.445.1	
<b>RECOMMENDATION :</b>	It is recommended that <b>planning permission be REFUSED</b> for the reason(s) given at the end of the report given at the end of the report.	

### **CALL-IN**

The application has been called-in to Committee by Councillor Robert Benham for reasons summarised as follows:

- it is appropriate for the Committee to take into account the merits of the hotel and business expansion
- a precedent has been set by similar development proposals

### **SITE DESCRIPTION**

The site comprises a 2-storey detached building with side, rear and roof extensions which has been converted from a complementary medicine (D1 Use) with residential above into a 12-bedroom bed and breakfast (C1 Use) hotel (under planning approval P1446.09).

There is a car parking area to the front and a 6-space car park to the rear which replaced the previous garden. There is an existing vehicular access onto Station Lane and a public footpath adjoining the southern boundary of the application site.

There is also an amenity area of 72 sq.m located to the rear together with a Conservatory for the use of visitors with a tree filled area to the rear boundary.

The surrounding area is mainly 2-storey residential development, although there is a mixed use development adjoining the northern boundary at 92 Station Lane: financial services to the ground floor with residential flat above with access to a rear garden area.

### **DESCRIPTION OF PROPOSAL**

The proposal is for a single-storey bed and breakfast building to the rear of the property to contain 5 bedrooms. It also includes minor alterations to the ground floor of the existing bed and breakfast to provide an enlarged reception area with a lounge/hotel bar, which would result in the loss of one existing bedroom from the existing hotel building. The overall increase is of 4 bedrooms, totalling 15.

The new building would be 19.3m long by 4.6m deep with a hipped pitched roof with a ridge height of 3.85m above ground level. It would be located 1.14m from the rear boundary and a minimum of 1m from each side boundary. Each bedroom would have an en-suite facility and its

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own access door.

The proposal would result in the rearrangement of the existing 6 parking spaces solely to the rear of the main building, reducing soft landscaping to the rear to a small kitchen garden against the boundary with the public footpath which runs parallel to the site's southern boundary.

The applicant has submitted an Arboricultural Report with the application. It is proposed to remove all the existing trees to the rear boundary and to replace them with a row of 6 Hornbeam trees. Two new fruit trees are to be located close to the boundary with the public footpath.

**RELEVANT HISTORY**

A0058.10 - 1 no. fascia sign and 1 no free standing sign  
Aprv with cons 31-12-2010

N0045.10 - Minor amendment to P1446.09 - for internal alterations to front ground floor rooms, disabled toilet provided kitchen altered and laundry room located in basement (existing area) and roof material and shape to rear conservatory proposed - w.c. area demolished to assist disabled access from rear car park.  
Approve no cons 14-06-2010

N0010.10 - Minor amendment to planning application P1446.09  
Refuse 23-04-2010

P1446.09 - Conversion of existing building to create a bed and breakfast (Class C1 Use) together with proposed side and roof extensions and new car parking and access arrangements to provide 12 roomed bed and breakfast hotel  
  
Aprv with cons 14-12-2009

P0208.09 - Conversion of existing building to create a bed and breakfast (Class C1 Use) together with proposed side and roof extensions and new car parking and access arrangements to provide 12 roomed bed and breakfast hotel  
  
Refuse 01-05-2009

P1796.08 - Conversion of existing building to create a Bed and Breakfast(Class C1 use) together with single/two storey side extensions and roof extension including rear dormer window and new car parking and access arrangement to provide a 13 room Bed and Breakfast Hotel  
Withdrawn 10-12-2008

**CONSULTATIONS/REPRESENTATIONS**

59 neighbouring and nearby properties were notified of the application. 4 letters have been received (2 from the same address) objecting on the following grounds:

- unacceptable increase in ratio of bedrooms to parking provision (2:1)
- increase in parking on-street affecting residential amenity
- loss of mature trees
- the building will be visible from surrounding properties and the streetscene and the proposed trees will be too small to provide an effective screen
- rise in hotel usage resulting in greater disturbance to adjoining occupiers
- the existing rear parking area has on a number of occasions had 8 or 9 vehicles parked; the additional bedrooms will require additional parking of which none is proposed resulting in more

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on-street parking

- there is already noise from the existing parking area which is used at all times of the day and night; the proposal will increase the noise of people coming and going from the building to their cars but also from their rooms to the main building
- articulated lorries servicing the existing hotel often arrive in the early hours of the morning or late at night, the increase in rooms would result in more lorries
- the proposal would result in neighbours being expected to tolerate the extra noise and activity which is not fair

The Metropolitan Police Crime Prevention Design Advisor has written to advise that there are no material objections concerning crime or community safety issues raised by this application.

Thames Water has responded to remind the developer that it is their responsibility to make proper provision for surface water drainage to ground, water courses or a suitable sewer. They have no objection with regard to sewerage infrastructure.

The London Fire and Emergency Planning Authority have written to advise that a management strategy will need to be established to ensure that the gate is available for Fire Brigade use in an emergency after hours which should be included in the emergency plan and fire risk assessment, otherwise they are satisfied with the proposals.

### **RELEVANT POLICIES**

#### LDF

- CP17 - Design
- CP9 - Reducing the need to travel
- DC14 - Hotels
- DC33 - Car Parking
- DC35 - Cycling
- DC36 - Servicing
- DC55 - Noise
- DC60 - Trees and Woodlands
- DC63 - Delivering Safer Places
- SPD1 - Designing Safer Places SPD
- SPD3 - Landscaping SPD

#### OTHER

- LONDON PLAN - 6.10 - Walking
- LONDON PLAN - 6.13 - Parking
- LONDON PLAN - 6.9 - Cycling
- LONDON PLAN - 7.21 - Trees and woodlands
- LONDON PLAN - 7.3 - Designing out crime
- LONDON PLAN - 7.4 - Local character
- LONDON PLAN - 7.5 - Public realm
- LONDON PLAN - 7.6 - Architecture
- LONDON PLAN - 8.3 - Community infrastructure Levy
- NPPF - National Planning Policy Framework

### **MAYORAL CIL IMPLICATIONS**

The proposal is for a building with an internal gross floor area of 98 sq.m. Since this is less than 100 sq.m, it would not be liable for the Mayoral CIL.

## **REGULATORY SERVICES COMMITTEE**

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### **STAFF COMMENTS**

The main issues are the principle of the development, the impact in the rear garden environment, the impact on residential amenity and highways/parking/servicing.

### **PRINCIPLE OF DEVELOPMENT**

Policy DC14 indicates that small hotels will be appropriate in locations within or close to district centres, depending on the scale of proposal and whether the sites are well served by public transport. The application site is located between Hornchurch Town Centre and Hornchurch Railway Station and is therefore located close to a district centre. The site is well served by both buses and rail services.

The proposal would increase the existing 12-bed hotel into one with 16 bedrooms. It is therefore considered that the proposal would be acceptable in principle.

This proposal to increase the number of bedrooms to 16 would also help to support "Destination Hornchurch", a project to increase visitor attraction to the Cultural Centre of the Borough and the former RAF Airfield.

### **DENSITY/SITE LAYOUT**

While there is no specific amenity area requirement for hotels, the proposal would reduce the former mainly grassed rear garden (and current 72 sq.m sitting out area) to a small kitchen garden and would therefore comprise of almost all hardstanding including the proposed building and car parking spaces and driveway access.

It is considered that this would no longer retain any element of usable rear garden amenity space and that the B&B accommodation where the occupier is also resident would not provide any level of amenity space for the use of occupiers/visitors.

In respect of the layout, it would be similar to the existing building arrangement at the adjoining site, No.92 Station Lane where there is a large garage and garden room, and the new building would partly replace buildings within the garden area which were removed as part of the previous approval in late 2009.

It is therefore considered that the layout of itself would be acceptable.

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

The proposal is for a single-storey building containing additional B&B hotel accommodation located some 14m or so from the main building close to the existing rear and side boundaries. The proposal would also remove existing trees to the rear boundary which would mean that while any new trees were getting established, it would appear as a large outbuilding.

The proposed building would essentially occupy the whole length of the neighbouring garden at No.1, Devonshire Road. However for comparison purposes, there is a large outbuilding/garage at the rear of 92 Station Lane and it is considered that of itself the proposed development would not be out of character with other structures located in rear gardens, most of which could be erected under permitted development allowances. As it would be less than 4m to its pitched roof Staff consider that the building itself would have an acceptable impact in the rear garden environment.

It is therefore considered that the building in itself would have an acceptable relationship with the neighbouring properties.

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Permitted development allowances allow residential occupiers the ability to provide hardstanding to the whole of their rear gardens and it is considered the hardstanding of itself would not be unacceptably out of character in the locality. The provision of 6 parking spaces to the rear of the main building has previously been considered acceptable and their rearrangement therefore raises no new issues in respect of the impact in the rear garden environment.

**IMPACT ON AMENITY**

Those neighbouring properties most affected by the proposed development are the flat at No.92 (and their garden area) and the house at No.96 Station Road, together with No.1 Devonshire Road.

The proposed building would introduce additional activity to the rear area of the Bed and Breakfast Hotel. This would be in addition to the use of 6 parking spaces as 6 parking spaces would continue to be provided. Unlike most residential outbuildings which are used mainly during the day/evening, the main use of the proposed annex building would be during the evening and, specifically, overnight.

Given that there are existing residential occupiers directly to the rear and each side of the application site Staff consider that the proposal would add additional activity to the rear of the main building over and above that of using the 6 parking spaces. In any event, the side gate is closed at 11pm such that any activity after this time is specifically controlled. Staff consider that the proposed building would give rise to a level of noise and disturbance specifically during evening and night hours.

It has been considered whether any conditions could be attached to any grant of permission to mitigate against such noise and disturbance, nonetheless it is likely that noise from the use of the bedrooms and from occupiers going backwards and forwards between the annex and the main building to visit the new bar/lounge area could not be controlled, nor could the use of televisions (which are now normally provided in each room) or other noise making equipment including radios, MP3 players etc which the occupiers may bring in themselves. It is recognised that sound insulation and the fact that there are no windows in the rear or side elevations would minimise sounds from within the proposed building, however, with activity from upto 10 people together with possible additional cars is likely to result in harm to residential occupiers in Station Lane.

The proposal would also remove the existing amenity area and shrub planting to the southern boundary with the public footpath which was previously considered to provide a buffer to avoid any undue impact on these adjoining occupiers amenity. While new trees are proposed, it is not considered that these would mature sufficiently quickly to provide any protecting against noise and disturbance, particularly in the short to medium term.

Staff therefore consider that the likely noise and disturbance associated with the use of a separate building overnight to the rear of the main B&B Hotel building would result in an unacceptable level of harm to residential amenity.

**HIGHWAY/PARKING**

Policy DC2 and Annex 5 of the LDF Development Control Policies DPD indicate that hotels are expected to provide 1 space per bedroom, although outside Romford Town Centre lower provision may be acceptable where there is good public transport. The hotel would therefore be expected to provide 15 parking spaces. The proposal would continue to provide 8 parking spaces, a motorbike stand and two cycle hoops. In line with Policy DC14, a hotel would only be

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acceptable if it is close to a district centre and is well served by public transport.

It is considered that while more parking could be accommodated to the rear and front of the building, given the close proximity to the town centre and rail station and on bus routes such that it has a PTAL score of 4, that in line with Annex 5, a lower than maximum provision would be acceptable in this case.

There are no Highways objections to the proposal.

### **TREES**

An Arboricultural Report was submitted with the application and the proposal would result in the removal of all trees to the rear of the application site. While the existing trees were retained in the late 2009 approval, the proposed building's location would be likely to result in the need to cut existing branches and/or tree roots. The trees are not protected and while there is a public footpath to the south of the application site, they offer limited public amenity value. While it would be preferable to retain the trees, their loss and replacement is acceptable.

The proposed 5m specimen Hornbeam would be planted into a deep wide trench lined with geotextile membrane to help retain root growth from extending under the proposed building or into neighbouring gardens, however, it is considered that they would provide little screening until established. Once established the proposed trees would help to break up the unrelieved over 19m long building.

The proposed fruit trees to the southern boundary would overhang the hardstanding within the application site and could overhang the public footpath. While Highways/Streetcare would prefer alternatives to the proposed fruit trees espalier training of the tree branches against the fence or a free standing post/wire structure could overcome any concerns relating to likely fruit fall. A suitable condition could be attached to any grant of planning permission that the fruit trees are trained not to overhang the highway/public footpath

### **SECURED BY DESIGN**

There are no issues raised by the Metropolitan Police Crime Prevention Design Advisor.

### **KEY ISSUES/CONCLUSIONS**

The proposal is for a hotel annex of 5 bedrooms to be located to the rear of the application site and changes to the internal layout of the existing hotel building removing an existing bedroom and replacing it with an enlarged reception/lounge/bar area. While the proposed building itself is considered to be acceptable, it is considered that the comings and goings and other activities of the occupiers of the proposed new bedrooms would result in a level of noise and disturbance beyond that normally acceptable in a residential area contrary to Policy DC14 and DC61 of LDF Core Strategy and Development Control Policies DPD.

### **RECOMMENDATION**

It is recommended that **planning permission be REFUSED** for the reason(s) given at the end of the report

#### **1. REFUSAL - Non Standard**

The proposal would, by reason of noise and disturbance caused by visitors using the proposed annex building be unacceptably detrimental to the amenities of occupiers of



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adjacent properties, contrary to Policies DC14 and DC61 of the LDF Core Strategy and Development Control Policies DPD.

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**REGULATORY SERVICES COMMITTEE**  
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<b>APPLICATION NO:</b>	<b>P0777.12</b>	
<b>WARD :</b>	Emerson Park	<b>Date Received:</b> 25th June 2012 <b>Expiry Date:</b> 20th August 2012
<b>ADDRESS:</b>	The Willows Hubbards Close Hornchurch	
<b>PROPOSAL:</b>	Amendments to replacement bungalow approved under reference P1212.11	
<b>DRAWING NO(S):</b>	2875 sk03D 2875 sk04C 1/711 2875 sk05-31 2875 sk05-32/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 given at the end of the report.	

#### **SITE DESCRIPTION**

The application site is located to the northern side of Hubbards Close, Hornchurch and is known as The Willows. The site is within the Metropolitan Green Belt and the area surrounding the application site has an open feel and appearance. To the east of the application site is Hubbards Chase Piggery and towards the north are open fields. Towards the west and south of the site, the area is characterised by single storey bungalows on relatively large plots. The site is accessed via a track which leads from the adopted part of Hubbards Close. Ground levels slope down towards the east.

A replacement bungalow (approved under reference P1212.11) is currently under construction.

#### **DESCRIPTION OF PROPOSAL**

The Council is in receipt of an application seeking amendments to the approved replacement bungalow.

The main differences between the approved and proposed bungalow are:

A slight increase in width (from 20m wide to 20.5m wide) and overall height (from 6m high to 6.15m);

A shallower roof pitch (from 40 to 33 degrees);

The introduction of 3 no. dormer windows to the front and rear elevations measuring 2m wide by 2.5m high by 2.3m deep, all with hipped roofs;

A reconfiguration of the window and door pattern on all elevations.

The bungalow is set back from Hubbards Chase by approximately 9.5m.

#### **RELEVANT HISTORY**

P0038.10 - Pitched roof to flat roofed dwelling - Approved, but not implemented

P1212.11 - Replacement of bungalow - Approved, currently under construction

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**CONSULTATIONS/REPRESENTATIONS**

Notification letters were sent to 5 neighbouring properties with no letters of representation received.

Havering Crime Prevention Design Advisor: No material objections concerning any crime or community safety issues

Environmental Health: Seek a contaminated land condition

Highways: No objections

London Fire Brigade: Recommend the installation of 1 private fire hydrant

**RELEVANT POLICIES**

Policies CP14 (Green Belt), CP17 (design), DC32 (road network), DC33 (car parking), DC45 (appropriate development within the Green Belt), DC61 (urban design) and DC63 (Delivering Safer Places) of the Core Strategy and Development Control Policies Development Plan Document are material considerations.

Residential Extensions and Alterations SPD  
Design for Living SPD

Policies 3.3 (Increasing Housing Supply), 3.5 (Quality and design of housing developments) 7.16 (Green Belt) and 8.3 (Community Infrastructure Levy) of the London Plan 2011

The National Planning Policy Framework.

**MAYORAL CIL IMPLICATIONS**

As an amendment, the proposal would be liable for the London Mayor's Community Infrastructure Levy. Offsetting the floorspace of the original bungalow against that now proposed, net gain in gross internal floorspace equals 73.75sq.m, giving rise to a payment of £1,475.

**STAFF COMMENTS**

The issues to be considered in this case are the principle of development and its impact upon the Metropolitan Green Belt, design/street scene issues and amenity implications.

**PRINCIPLE OF DEVELOPMENT**

The application site falls within the Metropolitan Green Belt. The National Planning Policy Framework indicates that the replacement of a building with a new one is appropriate within the Green Belt provided that the new building is in the same use and not materially larger than the one it replaces. The NPPF goes on to say that the extension or alteration of a building is also appropriate provided that it does not result in disproportionate additions over and above the size of the original building.

Policy DC45 of the LDF deals specifically refers to dwellings in the Green Belt and states that "Extensions, alterations and 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".

The principle of replacing the original property with another was agreed under reference

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P1212.11. At that time, Staff calculated that the volume of the replacement bungalow to be 56% greater than the original property. In assessing this application, the calculations for P0777.12 have been revisited. This recalculation suggests that the volume of the approved replacement was actually 41% greater than the original bungalow, rather than the 56% suggested.

In calculating the volume for the amendments now proposed, Staff conclude that the revisions result in a volume which would be 53% greater than the original bungalow. Given that an increase of 56% was previously found to be acceptable and the amendments sought do not result in a dwelling which is disproportionately larger than that previously approved, Staff are satisfied that the aims and objectives of Policy DC45 and the NPPF are achieved.

### **GREEN BELT IMPLICATIONS**

The impact of the replacement bungalow upon the character, appearance and openness of the Green Belt was considered in the assessment of P1212.11 and found to be acceptable.

Staff consider that the amendments now proposed would not impact upon the Green Belt in any more a significant way when compared to that already approved.

A condition is recommended requiring the removal of the remaining parts of the former bungalow, which has been largely demolished. As the construction works are already under way, the wording of the condition requires removal within 1 month of the completion of the bungalow, instead of the normal 'prior to commencement wording'. Previously, a condition was attached requiring removal of all equipment and goods stored on the site and the use of the land as residential curtilage only. This condition is no longer considered to be necessary.

As before, to ensure that any future changes to the bungalow are controlled, a condition restricting permitted development rights for extensions, roof alterations and outbuildings is recommended.

### **DENSITY/SITE LAYOUT**

The amenity space previously approved would continue to be provided. This is considered to be satisfactory.

Site layout also remains as previously approved.

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

The dwellings along this part of Hubbards Close are typically single storey bungalows of simple design and without dormer windows within the roof space.

Although the dormer windows are contained well within the roof space, they are poorly positioned in relation to the ground floor windows. Taken together with the floor to ceiling high arch style windows proposed at ground floor (to the front and rear elevations), the elevational treatment would appear overly detailed when compared to the simplicity of other dwellings within the street. Although it is considered the design could be improved, on balance, Staff judge that the impact of the dormers as proposed would not be harmful in street scene terms.

### **IMPACT ON AMENITY**

There are no neighbouring dwellings towards the north or east of the application site. The nearest neighbouring dwellings are towards the west and south, both approximately 40m away.

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The Old Forge is on the opposite side of the road towards the south and Clarewood is towards the west. There is a garage between the subject site and Clarewood.

Given the distance of neighbouring dwellings from the proposed bungalow, the proposal was previously considered not to have any harmful impact in terms of dominance or overshadowing to neighbouring properties and this would remain the case with the amendments proposed. It is neither considered that the amendments, specifically the dormer windows, would give rise to an unacceptable degree of overlooking. The proposal is considered to comply with the aims and objectives of Policy DC61 of the LDF with no material harm to any of the neighbouring properties.

### **HIGHWAY/PARKING**

Policy DC33 of the Local Development Framework is relevant. For a development of this type and in this location, a parking standard of 1.5-2 spaces per unit would be required. Although the previously approved drawings indicated no provision for car parking, Staff were satisfied that the site could easily accommodate the required number of spaces and a condition was attached to this effect. A similar condition is recommended again.

### **KEY ISSUES/CONCLUSIONS**

The scheme is contrary to Policy DC45 as the development would result in a 53% increase in volume. However, Staff are of the view that the proposal would not be disproportionately larger than the original building it replaces and the already approved replacement bungalow and would therefore, comply with the NPPF.

The proposed amenity space would continue to fulfil the requirements of the Council's Residential Design SPD. On balance, the amendments proposed would not be harmful to the character and appearance of the street scene. No harm to the amenities of neighbouring occupiers is considered to arise. No parking or highway issues are raised.

Subject to conditions, the proposal is considered acceptable and therefore recommended for approval.

### **RECOMMENDATION**

It is recommended that **planning permission be GRANTED** subject to the condition(s) given at the end of the report

**1. S SC4 (Time limit) 3yrs**

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

Reason:-

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

**2. S SC32 (Accordance with plans)**

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

Reason:-

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**3. SC45A Removal of permitted development rights**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 Article 3, Schedule 2, Part 1, Classes A, B, C, D and E no extensions, roof extensions, roof alterations or outbuildings shall take place unless permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

Reason:-

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

**4. SC46 (Standard flank window condition)**

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

Reason:-

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

**5. SC62 (Hours of construction)**

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

Reason:-

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

**6. Non Standard Condition 31**

The bungalow hereby permitted shall be constructed of All About Bricks Selstead Blend and a Marley Eternit Acme Single Camber Plain Clay Tile in Red.

Reason:

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

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**7. Non Standard Condition 32**

The bungalow hereby permitted shall be demolished to ground level and all materials resulting from the demolition shall be removed within 3 months of the date of failure to meet any one of the requirements set out in (i) to (iv) below:-

(i) Within 3 months of the date of this decision a written scheme of hard and soft landscaping shall be submitted to the Local Planning Authority. The scheme shall include indications of all existing trees and shrubs on the site, and details of any to be retained. All planting, seeding or turfing comprised within the scheme shall be carried out in the first planting season following completion of the development.

(ii) If within 11 months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.

(iii) If an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.

(iv) The approved scheme shall have been carried out and completed in accordance with the approved timetable and thereafter permanently maintained. If 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, they 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

**8. Non Standard Condition 33**

Before the building hereby permitted is first occupied, a scheme shall be submitted in writing to the Local Planning Authority indicating an area set aside for 2 (two) car parking spaces. Each parking space shall be dimensioned to 2.4m x 4.8m and details of the surfacing of the car parking area included. The parking area shall be retained permanently thereafter for the accommodation of vehicles visiting the site and shall not be used for any other purpose.

Reason:

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

**9. Non Standard Condition 34**

The bungalow hereby permitted shall be demolished to ground level and all materials resulting from the demolition shall be removed within 3 months of the date of failure to meet any one of the requirements set out in (i) to (iv) below:-

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(i) Within 6 months of the date of this decision:

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".

(ii) If within 11 months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.

(iii) If an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.

(iv) The approved scheme shall have been carried out and completed in accordance with the approved timetable.



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Reason:

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

**10. Non Standard Condition 35**

Unless within 1 month of the completion of the bungalow, the remaining elements of the former bungalow are demolished to ground level and the materials resulting from this demolition removed from the site, the bungalow hereby permitted shall be demolished to ground level and the materials resulting from this demolition removed from the site.

Reason:

In the interests of the character, appearance and openness of the Metropolitan Green Belt and to ensure the development complies with Policy DC45 of the Development Control Policies Development Plan Document.

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**INFORMATIVES**

**1 Reason for Approval**

The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies DC33, DC45 and DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.

Note: A fee is required when submitting details pursuant to the discharge of conditions. In order to comply with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which came into force from 22.11.2012, a fee of £97 per request or £28 where the related permission was for extending or altering a dwellinghouse, is needed.

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**REGULATORY  
SERVICES  
COMMITTEE**

**REPORT**

6 December 2012

**Subject Heading:**

**P1076.12 – 233 High Street,  
Hornchurch**

**Installation of a metal storage  
container (Application received 20<sup>th</sup>  
September 2012)**

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

**SUMMARY**

This report relates to land in the ownership of the Council and is for the installation of a metal storage container. Staff consider that the proposal would accord with the residential, environmental and highways policies contained in the Local Development Framework Core Strategy and Development Control Policies Development Plan

Document. It is recommended that planning permission be granted subject to conditions set out in the report.

## RECOMMENDATIONS

That Staff be authorised to grant planning permission subject to the conditions set out below.

1. Temporary planning permission – This permission shall be for a limited period only expiring on 7<sup>th</sup> December 2017 on or before which date the use hereby permitted shall be discontinued, the storage container and works carried out under this permission shall be removed and the site reinstated to grass to the satisfaction of the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain control.

2. Materials – The metal storage container shall be green in colour unless otherwise agreed in writing by the Local Planning Authority.

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

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

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

### INFORMATIVES

1. Reason for Approval

The proposal is considered to be in accordance with Policies DC33, DC61 and DC68 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document as well as the Heritage Supplementary Planning Document and the St Andrew's Conservation Area Appraisal. The proposal is also considered to be in accordance with the provisions of Policies 7.4 (Local character) and 7.8 (Heritage Assets and Archaeology) of the London Plan, and the relevant paragraphs 56 to 66 and 126 to 141 of chapters 7 (Requiring good design)

and 12 (Conserving and enhancing the historic environment) respectively of the National Planning Policy Framework.

## REPORT DETAIL

### 1. **Background:**

- 1.1 The Robert Beard Youth Centre was built in the 1960's for young people residing in the local area. In the early 2000's, an extension was added to accommodate a pupil referral unit and is known as the Annexe. In 2010, the Annexe was extended to accommodate a kitchen, shower room and WC facilities. The centre is used by a number of youth clubs, including young people with disabilities, a drum and trumpet corps, a karate club for young people, a music group and the Havering's Duke of Edinburgh's Award Scheme.

### 2. **Site Description:**

- 2.1 The application site is located on the northern side of the High Street, Hornchurch. The site comprises of the Robert Beard Youth House Annexe, which is accessed via the entrance on the High Street or from Inskip Drive. There is a flood lit tennis court and field to the rear of the Annexe. There are residential properties to the north, east and west of the site. The site is located in the St Andrew's Conservation Area.

### 3. **Description of development:**

- 3.1 The application seeks permission for the installation of a metal storage container, which would be located between the rear of the Robert Beard Youth House Annex and a green palisade fence. The prefabricated metal storage container would have a width of 2.44 metres, a depth of 6.06 metres and a height of 2.59 metres. The container will open facing the playing court.
- 3.2 The container will be positioned on 2.4 metre long railway sleepers resting directly on the grass. Access to the container will be from existing pathways. The steel container will be green in colour.
- 3.3 The storage container is required for the sole use of the Havering Duke of Edinburgh Award Scheme to store camping and outdoor pursuit equipment. The equipment is essential for young people aged 14 to 24 to participate in the Duke of Edinburgh's award scheme. Previously, the Duke of Edinburgh's Award Scheme utilised storage space in the Youth Base 21 Property (Elm Park) and Century Youth House, Albert Road, Romford. However, the London Borough of Havering has surrendered the lease on the YB21 property and Century YH is being used by the ARC Pupil Referral Unit; this has resulted in storage space being urgently sought elsewhere. The container would enable

all the equipment to be stored together at the registered site of the DofE. There is currently no free storage space in the Robert Beard Youth House Annexe or suitable alternative storage space across the London Borough of Havering.

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

- 4.1 P0033.10 – Single storey extension to existing annexe, new steps and access ramp and new timber porch to existing annexe – Approved.

P0585.10 – Erection of 2m high fencing to site boundary (part) – mixture of chainlink and bowtop – and 2m high palisade fencing and gates within the site – Withdrawn.

P1186.00 – Removal of timber shed. Erection of 2 no. masonry store buildings. Additional door to outside play area for pre-school unit – Approved.

P1513.99 – Single storey extension for use as an educational premises pupil referral unit and new hard play area – Approved.

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

- 5.1 The application has been advertised in a local newspaper and by way of a site notice as it is located in a conservation area. The occupiers of 9 neighbouring properties were notified of this proposal. At the time of drafting this report, the consultation period had yet to expire. Members will be verbally updated of any representations received.

- 5.2 The Highway Authority has no objections to the proposals.

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

- 6.1 Policies DC33 (Car Parking), DC61 (Urban Design) and DC68 (Conservation Areas) of the LDF Core Strategy and Development Control Policies Development Plan Document are considered material together with the Heritage Supplementary Planning Document and the St Andrew's Conservation Area Appraisal. Policies 7.4 (Local character) and 7.8 (Heritage Assets and Archaeology) of the London Plan, and Policies 7 (Requiring good design) and 12 (Conserving and enhancing the historic environment) of the National Planning Policy Framework are relevant.

- 6.2 The main issues in this case are the principle of the development, the impact on the St Andrew's Conservation Area and the streetscene, the amenity of neighbouring occupiers and highway and parking provision.

#### **7. Principle of development**

- 7.1 The site lies outside the Metropolitan Green Belt, Employment Areas, Commercial Areas, Romford Town Centre and District and Local Centres and

falls within a mainly residential area. The principle of installing a metal storage container is acceptable in principle in this instance.

## **8. Design/impact on street/Garden scene**

- 8.1 Policy DC61 of the LDF seeks to ensure that all new developments are satisfactorily located and are of a high standard of design and layout. In this regard it is important that the appearance of new developments is compatible with the character of the local street scene and the Conservation Area.
- 8.2 The application site is located in the St Andrews Conservation Area and as such, the general consideration would be whether the metal storage container would preserve or enhance the character and appearance of the Conservation Area and meet the guidance set out in Chapter 12 (Conserving and enhancing the historic environment) of the National Planning Policy Framework. The statutory duty applied to planning authorities in the exercise of their planning functions in conservation areas is set out in section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This is that "special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area". This aim is reflected in Policy DC68.
- 8.3 Council policy and guidance seeks to ensure that all works are sympathetic in design and materials to the character of the area and will not detract from the architectural and environmental quality of the Conservation Area.
- 8.4 It is considered that the proposed storage container would not adversely affect the streetscene, as it would be located towards the north of the existing annexe building, between the existing tennis court and the site's eastern boundary. It was noted upon site inspection that the eastern and western boundaries have a substantial degree of vegetation. The degree of vegetation, in particular on the Inskip Drive boundary in conjunction with the tennis court is considered to obscure any street scene views of the proposed container. The container would be located approximately 68 metres from the edge of Inskip Drive.
- 8.5 It is considered that as a temporary measure, the container would not negatively affect the character of the conservation area as it will be removed after 5 years following the approach taken by the House of Lords in applying the statutory test on *South Lakeland District Council v Secretary of State for the Environment* [1991] 2PLR 51. Its siting, adjacent to the Annex buildings will ensure that it does not detrimentally affect the open character of the site, as it is clustered with existing development. However, a metal container is not considered an acceptable permanent solution to the storage requirements of the centre; the nature of structure is not one which would be considered to preserve or enhance the architectural character of the conservation area in the longer term. As such, it is recommended that temporary planning permission is granted for 5 years to enable sufficient time to provide a more

suitable permanent storage solution. The green colour of the container will be secured by condition if minded to grant planning permission.

## **9. Impact on amenity**

- 9.1 The container would be located approximately 0.8 metres from the rear boundaries of dwellings along Allenby Drive. There are mature trees and dense vegetation on the site's eastern boundary and the development would have a maximum height of 2.59 metres. As such, Staff are of the opinion that the container would not have a visually intrusive impact on the amenities of neighbours backing on to the eastern boundary of the site.
- 9.2 It is considered that the container would not have an intrusive impact, as it would be located approximately 24 metres from the rear wall of the nearest dwelling at No. 20 Allenby Drive.
- 9.3 Properties towards the north are approximately 50 metres from where the container would be located and therefore, it is Staff's view that it would not be harmful to the amenities of these dwellings along Westland Avenue.
- 9.4 Properties towards the west are approximately 70 metres from where the container would be located and therefore, it is Staff's view that it would not be harmful to the amenities of these dwellings along Inskip Drive.

## **10. Highway/parking issues**

- 10.1 The application site has a large car parking area towards the west of the main building and west and south of the tennis court. The proposed container would not increase the number of staff or people attending the site. The existing parking provision of 40 No. spaces is considered sufficient in this instance and the proposal is not considered to result in any highways or parking issues. The proposal is therefore considered acceptable from a Highways point of view and complies with Policy DC33.

## **11. The Mayor's Community Infrastructure Levy**

- 11.1 The proposal is for the installation of a metal storage container and as such, is not liable for Mayoral CIL.

## **12. Conclusion**

- 12.1 It is considered that the installation of a metal storage container is acceptable in principle. It is Staff's view that the container would not be harmful to the streetscene or the amenity of adjacent occupiers. The proposal would not create any highway or parking issues. However, a metal container is not considered an acceptable permanent solution to the storage requirements of the centre; the nature of structure is not one which would be considered to preserve or enhance the architectural character of the conservation area in the longer term. As such, it is recommended that temporary planning



permission is granted for 5 years to enable sufficient time to provide a more suitable permanent storage solution. For the reasons mentioned in this report, it is considered that temporary planning permission should be granted, subject to conditions.

## IMPLICATIONS AND RISKS

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

None.

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

None.

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

None.

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

The Council's planning policies are implemented with regard to Equalities and Diversity and this proposal will assist in the development of those participating in the Duke of Edinburgh's award scheme.

## BACKGROUND PAPERS

Application forms and plans received 20/9/2012.

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**

6 December 2012

**Subject Heading:**

Planning Contravention  
Suttons Farm  
Tomkyns Lane  
Upminster  
Essex

**Report Author and contact details:**

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Local Development Framework

**Policy context:**

**Financial summary:**

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

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

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

**SUMMARY**

This report concerns a residential dwelling house at Suttons Farm, Tomkyns Lane, Upminster. In March 2009, the Council's Planning Enforcement service received a complaint alleging various breaches of planning control at the site. The alleged breaches included newly laid hardstanding and other development such as

extensions and outbuildings. After a site visit, the Council established that there were a number of breaches of planning control around the dwelling house including the laying of hard standing as well as new and altered boundary treatments including brick pillars, brick walls, fencing and gates. Other unauthorised development at the property took the form of engineering operations incorporating stepped levels to the front of the house incorporating the formation of a patio area and a sunken garden.

The Council has tried to resolve these breaches of planning control but despite several planning applications being submitted, none of these have been determined due to the failure to the applicant to provide relevant information and details requested by the Council which were required to progress the applications. Given these problems, the Planning Enforcement Service are not prepared to allow the situation to become further protracted due to the time limits in which it can take action. It is considered that planning permission would not be granted to retain the unauthorised development. It is therefore requested that authority be given to issue and serve an Enforcement Notice in order to seek to remedy the breaches.

## RECOMMENDATIONS

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

- 1. Reduce the height of the boundary walls, brick pillars, fencing, and gates on the land at Suttons Farm, Tomkyns Lane, Upminster (which is shown between points A and B on a plan annexed to this report) to maximum of 1m in height where they are adjacent to highway and to a maximum of 2m in height elsewhere.**
- 2. Restore those parts of the Land (which is shown cross-hatched on a plan annexed to this report) upon which the patio and sunken garden were constructed to its previous condition.**
- 3. Remove all materials from the property resulting from compliance with the above requirements**

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

## REPORT DETAIL

### 1. Site Description

Suttons Farm, Upminster is comprised of a two storey detached dwelling house and ancillary outbuildings, a swimming pool, and a tennis court set in a plot of land as shown outlined in bold black on the attached plan. Vehicular access into the site is via Tomkyns Lane. The Council contend

that the authorised use of the house and ancillary outbuildings is a dwelling house (Class C3 of The Town and Country Planning (Use Classes) Order 1987 (as amended). The site is located within the Metropolitan Green Belt. The surrounding land is also sited within the Metropolitan Green Belt and there are some residential dwellings and some buildings connected with commercial and agricultural uses primarily in the form of ribbon development located close to the Tomkyns Lane frontage. The wider surrounding area has a predominantly undeveloped open appearance although there are some hedgerows, copses dotted in this landscape.

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

Without planning permission,

The formation of three stepped levels to the front of the main house including a hard surfaced patio area adjacent to the house and a level incorporating a sunken garden (the patio)

Boundary walls, brick pillars entry gates and fencing standing at approximately 2.2 m in height to the front of the property (the boundary wall).

## 3. **Relevant Planning History**

There is an extensive planning history for this site

ES\HOR\117\58\P bungalow – Approved

LHAV 518\74 Extension to dwelling house – Approved

LHAV 38\78 Extension to farm house – Approved

P0547.88 Conversion of upper part of existing outbuilding to provide one bed flat for elderly parents – Refused

P0277.90 Conversion of existing outbuilding (upper part) into a one bed flat for elderly parents - Withdrawn

P1468.90 Conversion of Upper part of outbuildings into games room – refused

P0759.91 Conversion of existing barn into a games room - Withdrawn

P0768.91 Conversion of outbuilding to games room (revised plans received 05/08/91) - Approved subject to legal agreement

P0881.95 Construct riding arena 60m x 20m for personal and domestic – Approved

P0374.98 Cover to existing swimming pool - Refused & appeal dismissed

P1311.99 Cover over swimming pool - Refused

P1474.00 Proposed glazed swimming pool enclosure together with site enhancements – Refused & appeal dismissed

E0011.02 Application for Certificate of Lawfulness for Use as Class B8 - storage & distribution (Buildings A & B) - Withdrawn

E0012.02 Application for Certificate of Lawfulness to establish Building C as a residential annex to main dwelling, not as a separate residential unit - No decision

P2304.04 Single and two storey rear extension 2 storey and single storey front extension and new roof - Withdrawn

D0106.11 Certificate of Lawfulness for existing use - Withdrawn

E0013.11 Certificate of Lawfulness for existing use - Invalid.

P0928.11 Proposed new pillars and walls/gates as entrance to property also new front fence and new sunken garden/patio at front of existing dwelling - Withdrawn

E0004.12 Certificate of Lawfulness for the existing use of extensions/works carried out on the site during 2005/2006 Application not determined awaiting further information

P0194.12 New pillars walls and gates – Application on hold – awaiting further information

#### 4. **Enforcement background**

4.1 The Council received a complaint in March 2009 alleging that a number of breaches of planning control; had taken place at Suttons Farm .Staff attempted to contact the owner in writing however there was no response to the Council's letter. Subsequently the Council were notified that the ownership of the property had changed. The new owner contacted the Council in early 2010 and Staff visited the site shortly afterwards.

4.2 After visiting the site, Staff established that there were three alleged breaches. Firstly, an extensive area of hard standing has been laid around the front of the dwelling and forwards of the main front wall (principal elevation) of the original house. The materials used to form this hard surfaced area are impermeable. Staff considered that Planning permission was required for this hard surfaced area as it covers an area significantly greater than the five square metres that is authorized under permitted development allowances for residential dwellings. This potential breach is not being taken forward and the context is explained in paragraphs 4.8 and 4.9 of this report.

- 4.3 The second issue concerns the formation of three stepped levels to the front of the house. The highest of the stepped levels is directly adjacent to the front elevation of the house and is used as a patio, there is a middle level and the lowest of the stepped levels is intended to be used as a sunken garden area and contained two brick walled enclosures. The formation of these features has involved significant works of embanking or terracing to support forming a number of stepped levels with retaining walls to the front of the house. Staff consider that the ground level for the patio or first stepped level nearest to the house has been raised significantly and the height of the step above the natural ground level increases as the patio projects outwards from the house and this is supported by a retaining wall. The formation of the other stepped levels has also involved embanking, terracing, excavation and construction of retaining walls and it is considered that these features require planning permission as they are considered to be engineering operations constituting operational development.
- 4.4 The third breach identified by staff concerned brick walls, brick pillars and gates at the entrances into the site that had been increased in height between 2m and 2.2m in height. In most cases a homeowner does not need to apply for planning permission to take down a fence, wall or gate, or to alter or improve an existing fence, wall or gate (no matter how high) providing there is not an increase in its height. In this instance however Staff considered that the brick walls, brick pillars and fencing have either been increased in height or are new. As these boundary treatments are located on the front boundary of the site adjacent to Tomkyns Lane they are not permitted development as they are over 1m in height and adjacent to the highway.
- 4.5 In 2010 Staff advised the owner of the breaches of planning control and have written to one of the owners of the property on several occasions advising that a planning application was required in order to regularise these breaches. There were regular communications between both parties, however due to changing personal circumstances of the owners, progress of attempts to resolve the breaches was slow. In 2011, applications for a certificate of lawfulness were submitted, one of which was withdrawn and the other was deemed invalid. A planning application described as new pillars and walls/gates at entrance to property also new front fence and new sunken garden/patio at front of existing dwelling was also withdrawn.
- 4.6 In 2012 an application for a certificate of Lawfulness for the existing use of extensions/works carried out on the site during 2005/2006 was submitted however this has not been determined. A separate planning application for new pillars, walls and gates is also on hold and Staff dealing with both applications have contacted the applicant's agent requesting further information. The personal circumstances of the owners and ownership issues have resulted in no further progress being made with the applications. The Council have written to both of the owners separately in order to move the situation forward.
- 4.7 Given these problems Staff are not prepared to allow the situation to become further protracted due to the time limits in which it can take action. It

is therefore requested that authority be given to issue and serve an Enforcement Notice in order to seek to remedy the breaches.

- 4.8 Staff did considered the issue of the hardstanding laid around the residential dwelling house. It is however not considered expedient to pursue enforcement action on this issue as there would be significant risk in defending any potential appeal relating to this. There are two main elements in choosing this course of action. The first relates to the difficulties regarding the interpretation of permitted legislation in regard to what constitutes the principal elevation of the dwelling house. The legislation states that only one elevation can be considered as the principal elevation of a dwelling house. However in this instance, a reasoned argument could be made for two of the elevations to be considered as the principal elevation. One elevation facing the road has a door opening and a patio however historically the elevation of the side of the house has a door opening that historically been used as the main entrance to the house.
- 4.9 The second area of concern is the fact none of the hard surface would be situated on land between a wall forming the principal elevation of the dwelling house and a highway. Having checked the technical guidance issued by the DCLG, the area of hard surface does not sit directly between the principal elevation and the highway for the elevation that faces directly onto the highway. However, the elevation to the side of the house with the frequently entry point does not face onto a highway of any form.

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

- 5.1 The main issues resulting from the breaches of planning control are the effect of the unauthorised developments on the Green Belt. Firstly whether the development is inappropriate development and secondly if there is any other harm
- 5.2 Staff consider that the relevant planning policies are contained within the Havering Local Development Framework (LDF). These include policies CP14, CP17, DC45, DC51 and DC61 of the Core Strategy and Development Control Policies DPD as well as the Council's Residential Extensions & Alterations Supplementary Planning Document (SPD) and Residential Design SPD. London Plan (2011) policies 7.4, 7.6 and 7.16 and the National Planning Policy Framework (NPPF). are also important material considerations. Staff consider that the following section of the NPPF are relevant in this case; Section 9; "Protecting Green Belt Land"; Section 10; Meeting the challenge of climate change, flooding and coastal change and Section 7 "Requiring good design".

6. **Justification for Intended Action**

- 6.1 The key issues resulting from the alleged breaches are the effect of the unauthorised developments on the character and appearance of the Green Belt



## 6.2 **Stepped levels incorporating front patio & sunken garden**

Turning to the issue of the stepped levels, staff note that three stepped levels have been formed to the front of the house. The highest of these forms a patio adjacent to the front of the house. Staff consider that for this level, the ground level has been raised by some 0.7m and that two other stepped levels are some 1.3m and 1.0m in height respectively. The lowest of the stepped levels forms a sunken garden area. These separate features have resulted in the raising of ground levels, the formation of retaining walls, and as well as the excavation of materials and amount to engineering operations for which planning permission is required by virtue of S55 of the Town & Country Planning Act 1990.

For the sake of clarity S55 of the Act states that; “development,” means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land.

For the purposes of this Act “building operations” includes—

- (A) Demolition of buildings;
- (b) Rebuilding;
- (c) Structural alterations of or additions to buildings; and
- (d) Other operations normally undertaken by a person carrying on business as a builder.

S336 of the Act sets out the following definitions;

“building” includes any structure or erection, and any part of a building, as so defined, but does not include plant or machinery comprised in a building;

“buildings or works” includes waste materials, refuse and other matters deposited on land, and references to the erection or construction of buildings or works shall be construed accordingly;

“building operations” includes rebuilding operations, structural alterations of or additions to buildings, and other operations normally undertaken by a person carrying on business as a builder;

In summary, Staff consider that the, stepped levels including the patio level and sunken garden level consolidate development and by virtue of their size and design, these add noticeably to the bulk of the built development within the site. The unauthorised development therefore materially erodes the openness of the Green Belt and is therefore in conflict with policy DC45.

## 6.3 **Boundary treatments**

On the issue of the boundary treatments including, fencing, brick walls and brick pillars, Staff considered the unauthorised development against Schedule 2 Part 2 Class A of The Town and Country Planning (General

Permitted Development) Order 1995 (Minor Operations). This is headed, "The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure." It states that development is not permitted if;

- a) If the height of any gate, fence or wall or means of enclosure erected or constructed adjacent to a highway used by vehicular traffic would, after the carrying out of the development, exceed one metre above ground level;
- b) The height of any other gate fence or wall or means of enclosure erected or constructed would exceed two metres above ground level;
- c) The height of any gate, fence, wall or other means of enclosure maintained, improved or altered would as the result of the development exceed its former height or the height referred to in sub paragraph (a) or (b) as the height, appropriate to it if erected or constructed, whichever is the greater; or
- d) It would involve development within the curtilage of, or to a gate, fence wall or other means of enclosure, surrounding a listed building.

The Council contend that the boundary treatments are not permitted development as they are over 1m in height and adjacent to the highway. In regard to the issue of the highway, the Encyclopaedia of Planning Law and Practice states; "A highway is not defined, even for the purposes of the Highways Act 1980, but in accordance with common usage includes not only a made-up road but any way over which members of the public have the right to pass and repass, including a footpath." This part of Tomkyns Lane adjacent to Suttons Farm is used by vehicles and enables access to residential dwellings in Tomkyns Lane. It is a way that the public have a right to pass and repass. Therefore the limitation on the height of any fence or wall is 1 metre.

Staff contend that the brick pillars, walls and gates would due to their positioning appear as an overly dominant feature within the street scene. It is noted that these boundary treatments appear to be of a relatively simple design however their positioning has formed a complete enclosure around the site boundaries to the front of the house and this is a feature which is not typical of the locality or rural green belt setting. These alleged breaches of control are contrary to policy DC61 as they fail to respond to distinctive local building forms and patterns of development and respect the scale, massing and height of the surrounding physical context.

In the opinion of Staff, the fencing and gates by virtue of their size and design, add noticeably to the bulk of the built development locally and therefore erode, in a small but material way, the openness of the Green Belt. Staff highlight that openness is the most important attribute of Green Belts and substantial weight should be afforded to the harm by reason of loss of openness. The unauthorised development is therefore contrary to policy DC45.

6.4 In summary alleged breaches of planning control; have occurred within the last four years and the Council would be acting within the time limit for taking enforcement action, i.e. the developments are captured within the 4 year rule. Staff consider that the developments are contrary to policy DC45 & DC61 of the LDF Core Strategy and Development Control Policies DPD and the NPPF Finally Staff consider that three months is sufficient time to complete the works necessary to comply with the requirements set out in the recommendation section of this report.

## **IMPLICATIONS AND RISKS**

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

Enforcement action may have financial implications for the Council.

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

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

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

No implications identified.

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

Section 149 of the Equalities Act 2010 (EA) came in to force on 1<sup>st</sup> April 2011 and broadly consolidates and incorporates the 'positive equalities duties' found in Section 71 of the Race relations Act 1976 (RRA), Section 49 of the Disability Discrimination Act 1995 (DDA) and section 76(A)(1) of the Sexual Discrimination Act 1975 (SDA) so that due regard must be had by the decision maker to specified equality issues. The old duties under the RRA, DDA and SDA remain in force.

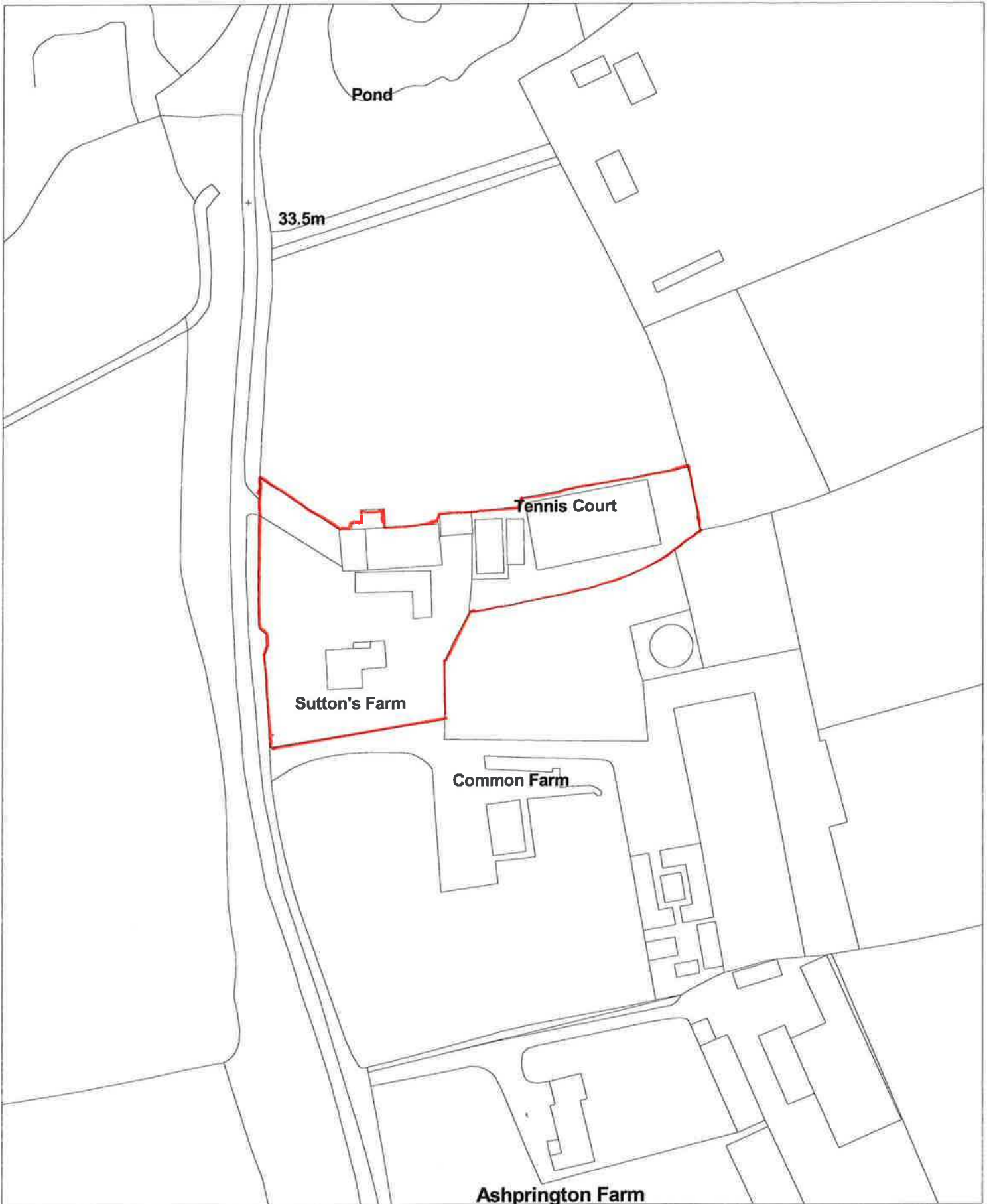
The duties under Section 149 of the EA do not require a particular outcome and what the decision making body decides to do once it has had the required regard to the duty is for the decision making body subject to the ordinary constraints of public and discrimination law including the Human Rights Act 1998.

Having consider the above duty and the Human Rights Act 1998 there are no equality or discrimination implications raised.

## **BACKGROUND PAPERS**

### **1. Attached OS plans**

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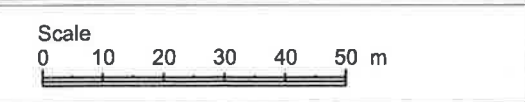
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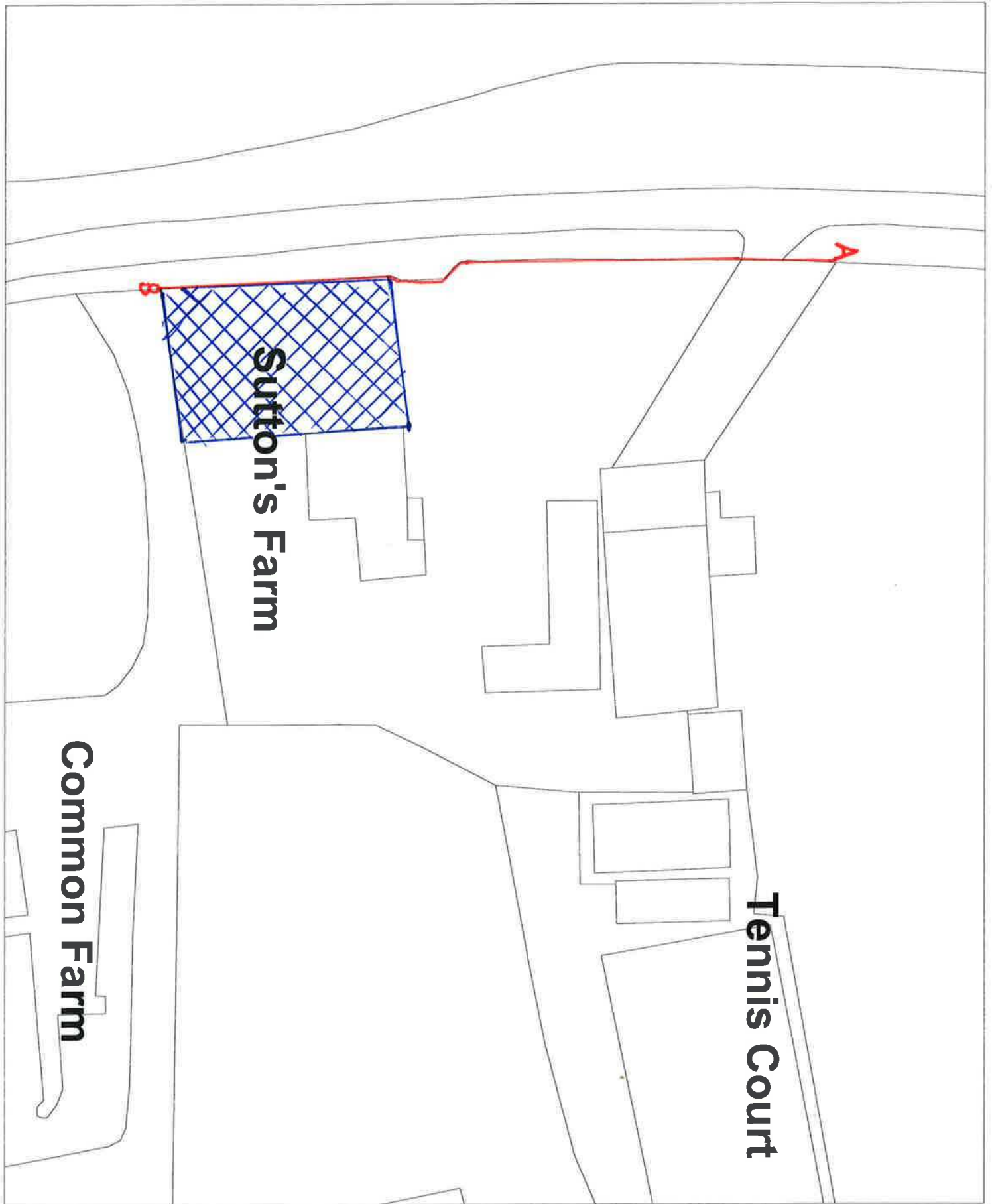
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