



## REGULATORY SERVICES COMMITTEE AGENDA

<b>7.30 pm</b>	<b>Thursday 7 March 2013</b>	<b>Havering Town Hall, Main Road, Romford</b>
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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 PLANNING OBLIGATIONS/LEGAL AGREEMENTS (Pages 1 - 4)**

### **5 PLANNING AND ENFORCEMENT APPEALS RECEIVED, PUBLIC INQUIRIES/HEARINGS AND SUMMARY OF APPEAL DECISIONS (Pages 5 - 16)**

### **6 SCHEDULE OF ENFORCEMENT NOTICES (Pages 17 - 30)**

**7 PROSECUTIONS UPDATE (Pages 31 - 34)**

**8 PLANNING APPLICATIONS - SEE INDEX AND REPORTS (Pages 35 - 46)**

**9 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

**10 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.

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

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

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# REGULATORY SERVICES COMMITTEE

7 MARCH 2013

# 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 2013.

## 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

7 MARCH 2013

**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 10 November 2012 and 8 February 2013.

## 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, 29 new appeals have been started. These are listed below.

Decisions on 40 appeals have been received during the same period 32 have been dismissed, 4 allowed, 3 withdrawn and 1 deemed invalid .

- 1.2 Appeals received between 10 November 2012 and 8 February 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 10-NOV-12 AND 08-FEB-13**

APPEAL DECISIONS - PLANNING				
Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Inspector's Decision and Comments
<b>P1723.11</b> 93 Upminster Road South Rainham <i>Proposed extension and alteration to existing dwelling along with additional dwelling</i>	Written Reps	Refuse	Delegated	<b><u>Dismissed</u></b> The Inspector found that parking arrangements and design and layout issue were not sufficient to justify a refusal. However, the proposed flats would not provide adequate amenity / private sitting out space nor would the space provided have a suitable degree of privacy. <a href="#">Click here to see the appeal decision notice</a>
<b>P0496.11</b> 8 Cranham Hall Mews Upminster <i>Retention of boundary fence, internal fence and outbuilding</i>	Written Reps	Refuse	Delegated	<b><u>Dismissed</u></b> The fencing and gates are inappropriate development in the Green Belt. The Inspector considered that the very special circumstances case was not sufficient to clearly outweigh the substantial harm identified both to the Green Belt and to the character and appearance of the Conservation Area. <a href="#">Click here to see the appeal decision notice</a>
<b>P0028.12</b> 121 North Street Hornchurch <i>Change of use from car park to hand car wash.</i>	Written Reps	Approve With Conditions	Committee	<b><u>Dismissed</u></b> The Inspector found that the use of the car park by the carwash gives rise to significant concerns about material harm to residential amenity of neighbours with specific regard to noise and to the free and safe flow of traffic and the access arrangements. <a href="#">Click here to see the appeal decision notice</a>
<b>P0027.12</b> Car Park at the Squirrels Public House Brentwood Road Romford <i>Change of use of part of public house car park to hand car wash with ancillary timber cabin and refuse store.</i>	Written Reps	Refuse	Delegated	<b><u>Dismissed</u></b> The Inspector found that the use of the car park by the carwash gives rise to significant concerns about material harm to residential amenity of neighbours with specific regard to noise from the equipment used, vehicle movements and water spray. <a href="#">Click here to see the appeal decision notice</a>
<b>P0157.12</b> 65 Avon Road Upminster  <i>Proposed 3 bedroom detached dwelling, with alterations to entrance of</i>	Written Reps	Refuse	Delegated	<b><u>Dismissed</u></b> The Inspector found that the proposed house would be a dominant intrusion that would substantially diminish the openness of the area to the detriment of its present character and appearance. <a href="#">Click here to see the appeal decision notice</a>

**LIST OF APPEAL DECISIONS MADE BETWEEN 10-NOV-12 AND 08-FEB-13**

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Inspector's Decision and Comments
<i>donor dwelling.</i>				
<b>A0001.12</b> 187 London Road Romford <i>Projecting illuminated sign</i>	Written Reps	Refuse	Delegated	<p><b><u>Dismissed</u></b></p> <p>The Inspector found that the position of the sign on the first-floor front façade appreciably detracts from the character and appearance of the terrace and is harmful to the visual amenity of the area.</p> <p><a href="#">Click here to see the appeal decision notice</a></p>
<b>P0007.12</b> Land Rear of 171 Victoria Road Romford <i>Construction of a two storey Light Industrial building B1(c)</i>	Written Reps	Refuse	Delegated	<p><b><u>Dismissed</u></b></p> <p>The proposed building would not be out of keeping with the character &amp; appearance of the area. This would not outweigh the harm caused to the outlook from the garden of neighbour and the aim of maintaining an adequate supply of housing land.</p> <p><a href="#">Click here to see the appeal decision notice</a></p>
<b>P0234.12</b> Land Adj 20 Ambleside Avenue Hornchurch <i>Construction of one, two bedroom detached house to side of existing dwelling, plus demolition of existing garage</i>	Written Reps	Refuse	Delegated	<p><b><u>Dismissed</u></b></p> <p>The proposed house would diminish the present open and spacious feel to this part of the streetscape. Moreover it would have an unacceptably overbearing and oppressive presence as viewed from either the garden or rear windows of the donor property to the detriment of the living conditions of its occupants.</p> <p><a href="#">Click here to see the appeal decision notice</a></p>
<b>P0393.12</b> 311-313 Collier Row Lane Romford <i>Variation of condition 18 of P1557.11 to extend trading hours from 08.00-21.00 Mondays to Sundays and Bank Holidays to 08.00-23.00</i>	Written Reps	Approve With Conditions	Committee	<p><b><u>Dismissed</u></b></p> <p>The proposed increase during the relatively peaceful hours of 2100 to 2300 on Sundays and public holidays would be detrimental to the living conditions of occupiers of nearby residential properties.</p> <p><a href="#">Click here to see the appeal decision notice</a></p>

**LIST OF APPEAL DECISIONS MADE BETWEEN 10-NOV-12 AND 08-FEB-13**

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Inspector's Decision and Comments
<i>Mondays to Sundays and Bank Holidays</i>				
<p><b>P1791.11</b> 63 Avon Road Upminster</p> <p><i>Demolition of part of existing property; two storey two bedroom attached dwelling and single storey rear extension to No63 Avon Road</i></p>	Written Reps	Refuse	Delegated	<p><b><u>Dismissed</u></b></p> <p>The proposed dwelling would be out of keeping with, and harmful to, the character and appearance of this part of the adjacent streetscene and would be harmful to the living conditions of the occupants of No. 63 with regard to the level of enclosure and overshadowing of outlook.</p> <p><a href="#">Click here to see the appeal decision notice</a></p>
<p><b>P0739.12</b> 213 Wingletye Lane Hornchurch</p> <p><i>Front dormer window, rear dormer window, single storey and two storey side extension, single storey front projection and front porch extension.</i></p>	Written Reps	Refuse	Delegated	<p><b><u>Dismissed</u></b></p> <p>The design, mass and position of the elements of the appeal proposal would cumulatively result in an unduly dominant and prominent feature to the detriment of the street scene that would be particularly intrusive from Braemar Gardens.</p> <p><a href="#">Click here to see the appeal decision notice</a></p>
<p><b>P0514.12</b> 43 Squirrels Heath Avenue Gidea Park Romford</p> <p><i>Two storey side extension and demolition of existing garage.</i></p>	Written Reps	Refuse	Delegated	<p><b><u>Dismissed</u></b></p> <p>The Inspector considered the relationship between the flank gable of No 41 and the proposed hipped roof flank of the extended No.43, would diminish the open nature of the adjacent streetscene to the detriment of its character and appearance and would neither preserve nor enhance the character or appearance of the Conservation Area.</p> <p><a href="#">Click here to see the appeal decision notice</a></p>
<p><b>P0818.12</b> 11 Kent Drive Hornchurch</p>	Written Reps	Refuse	Delegated	<p><b><u>Dismissed</u></b></p> <p>The present proposal would be a substantial addition to the roof. It would further unbalance the relationship between the appeal dwelling and its adjoining neighbour and</p>

**LIST OF APPEAL DECISIONS MADE BETWEEN 10-NOV-12 AND 08-FEB-13**

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Inspector's Decision and Comments
<i>Extension to existing dormer to front of property</i>				appear as an intrusive feature conflicting with the prevailing characteristics of the roofscape along Kent Drive. <a href="#">Click here to see the appeal decision notice</a>
<b>P0862.12</b> 34 Cornell Way Romford <i>Single storey side extension</i>	Written Reps	Refuse	Delegated	<b><u>Allowed with Conditions</u></b> The Inspector considered that the appeal proposal would not unbalance the appearance of the pair of semis, in spite of its width, or look out of keeping in the street scene when viewed from the front. <a href="#">Click here to see the appeal decision notice</a>
<b>P1097.12</b> 54 St Leonards Way Hornchurch <i>Single/two storey side extension.</i>	Written Reps	Refuse	Delegated	<b><u>Dismissed</u></b> The proposal would damage the character and appearance of the host building and would have a harmful effect on the character & appearance of the area. Furthermore it would unacceptably harm the living conditions of the neighbouring property. <a href="#">Click here to see the appeal decision notice</a>
<b>P0724.12</b> 27 Sylvan Avenue Emerson Park Hornchurch <i>Retention of new roof dome skylight</i>	Written Reps	Refuse	Delegated	<b><u>Allowed with Conditions</u></b> The proposal whilst located above the ridgeline, because of its shape, limited scale and the use of glass, the proposed skylight would not have an unacceptable effect on the character and appearance of the surrounding area or the Emerson Park PA <a href="#">Click here to see the appeal decision notice</a>
<b>P0747.12</b> 50 Eversleigh Gardens Upminster <i>Single storey front and rear, second storey rear extension</i>	Written Reps	Refuse	Delegated	<b><u>Allowed with Conditions</u></b> The proposal would maintain the quality of the existing residential environment and there would be no material loss of daylight or privacy or damage to the outlook for neighbouring residents. Moreover the design of the extensions would respect to the character and appearance of the host building and surrounding area. <a href="#">Click here to see the appeal decision notice</a>
<b>P0568.12</b> 65 Northumberland Avenue Hornchurch <i>Two storey extension to side, one storey extension to rear and</i>	Written Reps	Refuse	Delegated	<b><u>Allowed with Conditions</u></b> A single-storey rear extension would replace an existing rear extension and this was considered to be acceptable. The side extension would comply with Council guidance and would not have an unacceptable architectural relationship with the neighbouring dwelling nor would it be overbearing.

**LIST OF APPEAL DECISIONS MADE BETWEEN 10-NOV-12 AND 08-FEB-13**

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Inspector's Decision and Comments
<i>internal alterations</i>				<a href="#">Click here to see the appeal decision notice</a>
<b>P0302.12</b> 119 Northumberland Avenue Hornchurch <i>Single storey rear extension with two story side extension</i>	Written Reps	Refuse	Delegated	<b><u>Dismissed</u></b> The Inspector found that the proposal would not be harmful in respect of living conditions of neighbouring dwellings however the harm to the character and appearance of the surrounding area would be significant. <a href="#">Click here to see the appeal decision notice</a>
<b>P0829.12</b> 34 Lake Avenue Rainham <i>Conversion of garage to habitable room and single storey side extension.</i>	Written Reps	Refuse	Delegated	<b><u>Dismissed</u></b> The close proximity of the proposed single-storey side extension to the boundary with the neighbouring property as well as its height and overall length would result in appearing as a dominant addition. It would cause material harm to the character and appearance of the surrounding area. <a href="#">Click here to see the appeal decision notice</a>
<b>P1024.12</b> 26 Rosewood Avenue Hornchurch <i>Two storey side and first floor rear extension</i>	Written Reps	Refuse	Delegated	<b><u>Dismissed</u></b> The proximity to the side boundary and the size of the extension would result in it being a prominent feature of the area and would have the effect of enclosing the entrance to this part of St Andrews Avenue. It would therefore detract from the open character and appearance of the area <a href="#">Click here to see the appeal decision notice</a>
<b>TOTAL PLANNING =</b>	<b>21</b>			

**LIST OF APPEAL DECISIONS MADE BETWEEN 10-NOV-12 AND 08-FEB-13**

<b>APPEAL DECISIONS - ENFORCEMENT</b>		
<b>Description and Address</b>	<b>Appeal Procedure</b>	<b>Inspector's Decision and Comments</b>
<b>ENF/541/08/UP</b> Cranham Hall Farm The Chase Cranham Upminster	Written Reps	<p><b><u>Dismissed</u></b></p> <p>This is a summary for all 13 of the Enforcement Notice appeals for the Cranham Hall Mews site.</p> <p>The site comprises a rectangular development of residential properties which have been formed from the conversion, with some new build, of a collection of farm buildings. The three appeal properties 6, 7 &amp; 8 are located along the western side of the development. The land the subject of these appeals immediately adjoins the western side of the approved residential development and comprises open land which is bounded along its northern and western sides by a public footpath. The Council served eight Enforcement Notices concerning the unauthorised use of the land for residential purposes, the erection of fencing and outbuildings. The cases are summarised as follows;</p> <p>Notices A: For all three properties, the fencing (and gate in the case of number 8) are inappropriate development in the Green Belt. The Inspector considered that the very special circumstances were not sufficient to clearly outweigh the substantial harm identified both to the Green Belt and to the character and appearance of the Conservation Area.</p> <p>Notices B: For all three properties, the evidence was clear that the land has been used for residential purposes incidental to the use of properties as dwelling houses. The Inspector found residential use of the land has occurred as a matter of fact and requirements of the notices were not excessive.</p> <p>Notices C: For the two properties concerned, 6 &amp; 8, the outbuildings were considered to be inappropriate development in the Green Belt. The Inspector considered the very special circumstances case and found that the character and appearance of the Conservation Area is preserved but there was harm to the openness of the Green Belt. The case was therefore not sufficient to clearly outweigh the substantial harm identified to the Green Belt.</p> <p><a href="#">Click here to see the appeal decision notice</a></p>
<b>ENF/541/08/UP</b> Cranham Hall Farm The Chase Cranham Upminster	Written Reps	<p><b><u>Dismissed</u></b></p> <p>See above</p> <p><a href="#">Click here to see the appeal decision notice</a></p>
<b>ENF/541/08/UP</b> Cranham Hall Farm The Chase Cranham Upminster	Written Reps	<p><b><u>Dismissed</u></b></p> <p>See above</p> <p><a href="#">Click here to see the appeal decision notice</a></p>



**LIST OF APPEAL DECISIONS MADE BETWEEN 10-NOV-12 AND 08-FEB-13**

<p><b>ENF/541/08/UP</b> Cranham Hall Farm The Chase Cranham Upminster</p>	<p>Written Reps</p>	<p><b><u>Dismissed</u></b> See above <a href="#">Click here to see the appeal decision notice</a></p>
<p><b>ENF/541/08/UP</b> Cranham Hall Farm The Chase Cranham Upminster</p>	<p>Written Reps</p>	<p><b><u>Dismissed</u></b> See above <a href="#">Click here to see the appeal decision notice</a></p>
<p><b>ENF/541/08/UP</b> Cranham Hall Farm The Chase Cranham Upminster</p>	<p>Written Reps</p>	<p><b><u>Dismissed</u></b> See above <a href="#">Click here to see the appeal decision notice</a></p>
<p><b>ENF/541/08/UP</b> Cranham Hall Farm The Chase Cranham Upminster</p>	<p>Written Reps</p>	<p><b><u>Dismissed</u></b> See above <a href="#">Click here to see the appeal decision notice</a></p>
<p><b>ENF/541/08/UP</b> Cranham Hall Farm The Chase Cranham Upminster</p>	<p>Written Reps</p>	<p><b><u>Dismissed</u></b> See above <a href="#">Click here to see the appeal decision notice</a></p>
<p><b>ENF/541/08/UP</b> Cranham Hall Farm The Chase Cranham Upminster</p>	<p>Written Reps</p>	<p><b><u>Dismissed</u></b> See above <a href="#">Click here to see the appeal decision notice</a></p>
<p><b>ENF/541/08/UP</b> Cranham Hall Farm The Chase Cranham Upminster</p>	<p>Written Reps</p>	<p><b><u>Dismissed</u></b> See above <a href="#">Click here to see the appeal decision notice</a></p>

**LIST OF APPEAL DECISIONS MADE BETWEEN 10-NOV-12 AND 08-FEB-13**

<p><b>ENF/541/08/UP</b> Cranham Hall Farm The Chase Cranham Upminster</p>	<p>Written Reps</p>	<p><b><u>Dismissed</u></b> See above <a href="#">Click here to see the appeal decision notice</a></p>
<p><b>ENF/541/08/UP</b> Cranham Hall Farm The Chase Cranham Upminster</p>	<p>Written Reps</p>	<p><b><u>Dismissed</u></b> See above <a href="#">Click here to see the appeal decision notice</a></p>
<p><b>ENF/541/08/UP</b> Cranham Hall Farm The Chase Cranham Upminster</p>	<p>Written Reps</p>	<p><b><u>Dismissed</u></b> See above <a href="#">Click here to see the appeal decision notice</a></p>
<p><b>ENF/320/11/SQ</b> Squirrels Public House 420 Upper Brentwood Road Romford</p>	<p>Written Reps</p>	<p><b><u>Dismissed</u></b> The Inspector found that the use of the car park by the carwash gives rise to significant concerns about material harm to residential amenity of neighbours with specific regard to noise from the equipment used, vehicle movements and water spray. <a href="#">Click here to see the appeal decision notice</a></p>
<p><b>ENF/305/11/ST</b> The Chequers Public House 121 North Street Hornchurch</p>	<p>Written Reps</p>	<p><b><u>Dismissed</u></b> The Inspector found that the use of the car park by the carwash gives rise to significant concerns about material harm to residential amenity of neighbours with specific regard to noise and to the free and safe flow of traffic and the access arrangements. <a href="#">Click here to see the appeal decision notice</a></p>

**TOTAL ENF =**

**15**

**LIST OF APPEAL DECISIONS MADE BETWEEN 10-NOV-12 AND 08-FEB-13**

**Summary Info:**

**Total Planning =**

**Total Enf =**

**Appeals Decided =**

**Appeals Withdrawn or Invalid =**

**Total =**

	Dismissed		Allowed	
Hearings	<input type="text" value="0"/>	0.00%	<input type="text" value="0"/>	0.00%
Inquiries	<input type="text" value="0"/>	0.00%	<input type="text" value="0"/>	0.00%
Written Reps	<input type="text" value="32"/>	88.89%	<input type="text" value="4"/>	11.11%

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# REGULATORY SERVICES COMMITTEE

7 MARCH 2013

# REPORT

**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 6 December 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
Benskins Lane east of Church Road Harold Wood Romford  ENF/91/12/GS	Alleged unauthorised hardstanding	Delegated	14-05-12	14-06-12
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
Tomkyns Manor Tomkyns 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

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# SCHEDULE B

## ENFORCEMENT NOTICES – LIVE CASES.

ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	DATE OF COMMITTEE AUTHORITY	NOTICE ISSUED	NOTICE SERVED	APPEAL LODGED	APPEAL DECISION	COMMENTS
South side of Lower Bedford's Road, (Hogbar Farm) west of junction with Straight Road, Romford	(1) Siting of mobile home and touring caravan.  (2) Earth works and ground works including laying of hardcore.	28.6.01  Delegated	6.9.01  31-05-02	10.9.01  31-05-02	6.11.01 Grounds (a) and (g)	Allowed 14.2.03 Notice quashed temporary planning permission granted  Dismissed and extended the compliance to 15 months	Temporary planning permission granted for one -year period – expired Feb 2004. Monitoring. In abeyance pending adoption of new Planning Guidance. 2 February Regulatory Services Committee agreed to hold enforcement decisions in abeyance pending above. Traveller site policy incorporated within LDF.
Land junction of Lower Bedford's Road (Vinegar Edge) 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

ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	DATE OF COMMITTEE AUTHORITY	NOTICE ISSUED	NOTICE SERVED	APPEAL LODGED	APPEAL DECISION	COMMENTS
14 Rainham Road Rainham	Alleged operation of car wash without full compliance with planning conditions and unauthorised building  (2 Notices)	Committee 26-06-08	07-11-08	13-11-08	12-01-09 15-12-08	Appeal dismissed	Pursuing compliance
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
5 Nags Head Lane Bentwood	Development (5 Notices)	Committee 15-01-09	06-03-09	06-03-09	15-04-09	Appeal part allowed/part dismissed	Pursuing compliance
Manlin Broxhill Road Havering-atte-Bower	Use	Delegated 14-07-09	27-11-09	27-11-09	29-12-09	Appeal dismissed	Temporary planning permission expires 25-11-13
64 Berwick Road Rainham	Unauthorised fence	Delegated 27-08-09	27-08-2009	02-10-09	12-03-10	Appeal dismissed	Pursuing compliance
118 Mashiters Walk Romford	Development	Delegated 20-08-09	23-12-09	24-12-09	11-08-09	Appeal dismissed	Pursuing compliance
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
29 Lessington Avenue Romford	Development	Committee 20-04-10	37-07-10	28-07-10	01-09-10	Appeal dismissed	Pursuing compliance
Land off Church Road Oak 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
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		Pursuing compliance
The Squirrels Public House 420 Brentwood Road Romford	Use	Delegated	09-05-12	09-05-12	08-06-12		Pursuing compliance
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		Pursuing compliance

ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	DATE OF COMMITTEE AUTHORITY	NOTICE ISSUED	NOTICE SERVED	APPEAL LODGED	APPEAL DECISION	COMMENTS
186A Main Road Romford	Development	Committee 17-05-12	30-07-12	01-08-12			Pursuing compliance
Gobions 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
28 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
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



ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	DATE OF COMMITTEE AUTHORITY	NOTICE ISSUED	NOTICE SERVED	APPEAL LODGED	APPEAL DECISION	COMMENTS
Bush Farm Aveley Road Upminster	Development X 2  1 Enforcement Notice 1 Stop Notice	Delegated	20-09-12	20-09-12	18-10-12		See schedule A

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# REGULATORY SERVICES COMMITTEE

# REPORT

7 March 2013

**Subject Heading:**

Prosecutions update

**Report Author and contact details:**

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

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

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

## SUMMARY

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

## RECOMMENDATIONS

That the report be noted.

## REPORT DETAIL

1. Failure to comply with the requirements of an Enforcement Notice is an offence prosecutable through the Courts.
2. A Local Planning Authority is not obliged to proceed to prosecution. In practice this power tends to be sparingly used by Local Planning Authorities primarily for two reasons. Firstly, LPAs are encouraged through national guidance to seek negotiated solutions to planning breaches. Formal action should be used as a last resort and only where clearly expedient and proportionate to the circumstances of the case. Secondly, prosecutions have significant resource implications which can compete for priority against other elements of workload both for Planning and Legal Services.
3. As confirmed in the Policy for Planning Enforcement in Havering, prosecutions should only be pursued on legal advice, when it is clearly in the public interest and when the evidential threshold has been reached, ie where it is more likely than not (a greater than 50% probability) that a conviction will be secured.
- 4 There have been no prosecutions this quarter.

## IMPLICATIONS AND RISKS

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

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

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

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



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## Regulatory Services Committee

7 March 2013

<b>Page No.</b>	<b>Application No.</b>	<b>Ward</b>	<b>Address</b>
1-5	P1080.12	Elm Park	39 Wood Lane Hornchurch
6-10	P1536.12	Upminster	30 Station Road Upminster

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## **REGULATORY SERVICES COMMITTEE**

**7th March 2013**

<b>APPLICATION NO:</b>	<b>P1080.12</b>	
<b>WARD :</b>	Elm Park	<b>Date Received:</b> 6th September 2012 <b>Expiry Date:</b> 1st November 2012
<b>ADDRESS:</b>	39 Wood Lane Hornchurch	
<b>PROPOSAL:</b>	Retention of infill extension of existing patients entrance, relocation of patients entrance with front canopy, single storey rear extension with external alterations	
<b>DRAWING NO(S):</b>	11.0026.PL20 11.0026 X02 11.0026 X03 Revision A X01	
<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.	

### **BACKGROUND**

This application was last brought to the 30th November 2012 Regulatory Services Committee. At that meeting, Staff requested the deferral of the application to enable Members to visit the site. The main content of the report set out below is the same as that reported on 30th November.

### **SITE DESCRIPTION**

The site comprises of a two storey semi-detached property, which is located on the northern side of Wood Lane, which is utilised as Wood Lane Medical Centre. The attached dwelling, No. 41 Wood Lane, is in residential use. There are blocks of flats to the west of the site. The surrounding area comprises of two storey semi-detached properties and flats.

### **DESCRIPTION OF PROPOSAL**

The proposal is for the retention of an infill extension of the existing patients' entrance, the relocation of the patients' entrance with a front canopy and a single storey rear extension with external alterations.

The existing patients' entrance has been in filled. The new patients' entrance has been located on the western flank of the building leading directly into the waiting room.

The front canopy would have a depth of 3.5 metres, a width of 3.5 metres and a height of 3.5 metres. At the time of the site visit, the front canopy had not been erected.

The single storey rear extension has a depth of 11.3 metres and a maximum width of 4.2 metres.

Planning permission was granted for the proposal, although the single storey rear extension was not built in accordance with the approved plans. According to the approved plans, the single storey rear extension would have had a maximum and minimum height of 2.75 metres and 2.41 metres respectively. Instead, the single storey rear extension was built with a sloped roof that varies in height from 3.06 to 2.975 metres. The space created has enlarged the existing treatment room (with a velux window) and create a new treatment room and

## **REGULATORY SERVICES COMMITTEE**

**7th March 2013**

consulting/examination room.

The increase in roof height to the single storey rear extension is due to a number of factors:

1. The ground level of the neighbouring property, No. 41 Wood Lane, is lower by approximately 100mm than the original ground level of the surgery.
2. The relationship between the eaves of the existing roof and the proposed roof was originally designed to align (as it was originally proposed as a pitched roof) and when it changed to a flat roof this was not adjusted sufficiently to allow for the interior ceiling height of 2.4m and this accounts for approx 100 - 150mm.
3. The building control insulation requirements increased the roof thickness by up to 100mm.
4. The roof that was constructed over the single storey rear extension features a small parapet wall adjacent to No. 41 Wood Lane, which ensures no water runs off of the roof on that side and this added approximately 75mm to its height.

### **RELEVANT HISTORY**

P0517.11 - Infill extension of existing patients' entrance, relocation of patients entrance with front canopy, single storey rear extension with external alterations - Recommended for refusal and approved by the Regulatory Services Committee.

P0274.96 Ground floor side and rear extensions Approved.

P0495.90 Change of use to GP surgery and erection of side extension Approved.

### **CONSULTATIONS/REPRESENTATIONS**

A total of 11 neighbouring occupiers were notified of the proposal. One letter of objection was received with detailed comments that have been summarised as follows:

- The height of the single storey rear extension should be 8ft 9" and instead it is 10ft.
- Loss of light.
- Requested the Case Officer to visit this neighbouring property.

The Case Officer visited this neighbouring property as requested on 31st October 2012. The above comments will be addressed in the following sections of the report.

### **RELEVANT POLICIES**

Residential Extensions and Alterations Supplementary Planning Document CP17, DC33 and DC61 of the LDF Core Strategy and Development Control Policies DPD.

### **MAYORAL CIL IMPLICATIONS**

The proposed development is not liable for the Mayor's Community Infrastructure Levy (CIL), as the internal gross floor area of the single storey rear extension is 35 square metres, which is

### **STAFF COMMENTS**

The proposal was recommended for refusal and subsequently approved by the Regulatory Services Committee. In granting planning permission, the Committee concluded that the proposed single storey rear extension, by reason of its excessive depth, would have a harmful effect on the rear garden setting of the attached neighbouring property creating a relationship contrary to supplementary planning guidance. However, the Committee were also of the view that the flat roofed extension would be of modest height such that any harm would be limited in degree. As an exceptional circumstance, the Committee considered that the harm in this case

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**7th March 2013**

would be outweighed by the proposal's benefits in meeting the local community's medical needs by providing improved GP premises for existing and future populations of the area, consistent with the objectives of Policy CP8 of the Local Development Framework.

The issues arising from this application are the principle of development, the impact on the streetscene, amenity implications and any highway or parking issues. Consideration is also given to the height of the single storey rear extension, which has increased from between 2.41 and 2.75 metres to between 2.975 and 3.06 metres.

### **PRINCIPLE OF DEVELOPMENT**

The site lies outside the Metropolitan Green Belt, Employment Areas, Commercial Areas, Romford Town Centre and District and Local Centres and indeed, falls within a mainly residential area. The proposal does not involve a change of use and the principle of extensions and alterations is acceptable in this instance, subject to an acceptable design and appearance with no harmful impact on the amenities of neighbouring properties.

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

Although 39 Wood Lane has a community use as a Medical Centre, it is considered that the principles of the Residential Extensions and Alterations SPD can still be applied to this semi-detached property.

It is Staff's view that infilling the existing patients entrance is acceptable and would not be harmful to the streetscene.

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 surrounding area.

The Residential Extensions and Alterations SPD states that large front extensions are generally unacceptable in Havering due to the adverse effect they can have on the appearance of the original house and the character of the street. In the exceptional circumstance of a front extension being acceptable, for example, in the case of a detached house set well back from the street or where the street comprises an irregular building line, it should not project more than one metre forward of the main building line and must be designed to appear as part of the original house through employing matching finishing materials and roof style. The Council will closely scrutinise applications of this kind to ensure that the proposal does not detrimentally affect the character of the house and immediate surroundings.

In this instance, the front canopy would have a depth of 3.5 metres. Although the application was recommended for refusal as Staff considered that the front canopy would, by reason of its excessive depth, design, bulk and mass, appear incongruous, dominant and visually intrusive in the streetscene, it was subsequently approved by the Regulatory Services Committee. Therefore, the front canopy does not constitute a reason for refusal for this planning application.

### **IMPACT ON AMENITY**

The Residential Extensions and Alterations SPD states that generally houses can be extended from the rear wall of the original dwelling by up 4 metres in depth for a semi-detached dwelling. This is to ensure the extension is subordinate to the original dwelling. Any greater depth required should be within an angle of 45 degrees, taken from the 3 metre or 4 metre dimension on the

## **REGULATORY SERVICES COMMITTEE**

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property boundary, in order to ensure a reasonable level of amenity is afforded to neighbouring properties.

The single storey rear extension has a depth of 11.3 metres, which is contrary to the SPD, but was approved by the Regulatory Services Committee and does not constitute a reason for refusal for this planning application.

According to the approved plans, the single storey rear extension should have had a maximum and minimum height of 2.75 metres and 2.41 metres respectively. Instead, the single storey rear extension was built with a sloped roof that varies in height from 3.06 to 2.975 metres. It is considered that increasing the height of the roof of the single storey rear extension by between approximately 0.575 metres and 0.31 metres exacerbates its bulk and mass, which is materially harmful to the amenity of the adjoining occupier at No. 41 Wood Lane, in terms of loss of light and poor outlook. It has also exacerbated the undue sense of enclosure in the rear garden environment. It is considered that the single storey rear extension, by reason of its height, is an unneighbourly development and appears dominant and overbearing in the rear garden environment harmful to the amenity of No. 41 Wood Lane contrary to Policy DC61 and the Residential Extensions and Alterations SPD.

### **HIGHWAY/PARKING**

The agent confirmed that Wood Lane Medical Centre has three full time staff and seven part time staff (which equate to 3 full time staff). At present, there is space for five vehicles on hardstanding at the front of the site. The front canopy would result in the loss of one parking space. Taking into account that the Development Control standards may be relaxed in cases of primary health care facilities, the Highway Authority has no objections to the proposals. In addition, there are no parking restrictions in the immediate vicinity of the site. It is considered that the proposal would not create any parking or highway issues. The parking provision was deemed to be acceptable for the previous planning application and therefore, does not constitute a reason for refusal for this application.

### **KEY ISSUES/CONCLUSIONS**

It is Staff's view that infilling the existing patients entrance and the front canopy are acceptable and would not be harmful to the streetscene.

It is considered that the single storey rear extension, by reason of its height, is an unneighbourly development and appears dominant and overbearing in the rear garden environment and results in an unacceptable sense of enclosure and loss of amenity including loss of light to No. 41 Wood Lane contrary to Policy DC61 and the Residential Extensions and Alterations SPD.

### **RECOMMENDATION**

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

#### **1. Reason for refusal**

The single storey rear extension, by reason of its height, is an unneighbourly development and appears dominant and overbearing in the rear garden environment and results in an unacceptable sense of enclosure and loss of amenity, including loss of light, to No. 41 Wood Lane contrary to Policy DC61 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document and the Residential Extensions and Alterations SPD.

**REGULATORY SERVICES COMMITTEE**  
**7th March 2013**

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## **REGULATORY SERVICES COMMITTEE**

**7th March 2013**

<b>APPLICATION NO:</b>	<b>P1536.12</b>	
<b>WARD :</b>	Upminster	<b>Date Received:</b> 18th December 2012 <b>Expiry Date:</b> 12th February 2013
<b>ADDRESS:</b>	30 Station Road Upminster	
<b>PROPOSAL:</b>	Change of use of a Hair and Beauty Salon to a Tanning Studio with hair and beauty Revised Plans Received 22.02.2013	
<b>DRAWING NO(S):</b>	GS002-P-001 GS002-P-020 GS002-P-021 GS002-P-010	
<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**

Two storey end of terrace property with a hair and beauty salon at ground floor. The surrounding area comprises of a commercial row of shops. The site is located within the retail core of Upminster town centre.

### **DESCRIPTION OF PROPOSAL**

The application is for a change of use of a hair and beauty salon (A1) to a tanning studio with hair and beauty.

Opening hours are proposed to be 09:00 to 22:00 Monday to Saturday and 11:00 to 18:00 on Sundays and Bank Holidays.

The application is accompanied by floor plans which indicate the provision of a reception area, sun bed cubicles and a hairdressing area.

### **RELEVANT HISTORY**

No relevant planning history.

### **CONSULTATIONS/REPRESENTATIONS**

Neighbour notification letters were sent to 14 local addresses. No letters of representation have been received.

### **RELEVANT POLICIES**

Policies DC16, DC33 and DC61 of the Local Development Framework Development Control Policies Development Plan Document.

### **MAYORAL CIL IMPLICATIONS**

The application is for a change of use of a hair and beauty salon to a tanning studio with a hairdressers and as such, is not liable for Mayoral CIL.

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### **STAFF COMMENTS**

The issues arising from this application are the principle of the development, including the impact of the proposed change of use on the retail vitality and viability of the Minor District Centre, impact on residential amenities and highways/parking.

### **PRINCIPLE OF DEVELOPMENT**

The application site is located within the retail core of Upminster town centre. Policy DC16 states that planning permission for A1 retail uses will be granted throughout the primary shopping area at ground floor level and planning permission for service uses (Classes A2, A3, A4, A5) will be permitted within the retail core only where the following criteria are met:

- The use provides a service appropriate to a shopping area;
- The proposal will not result in a group of three or more adjoining A2-A5 uses;
- Not more than 20% of the length of the relevant frontage will be in non-retail use following implementation of the proposal.
- All shop fronts in retail core and fringe areas must be active and maintain the impression of a visual and functional continuity to aid in enhancing the vitality of the town centre.

This policy is intended to maintain the viability and vitality of the town centre by protecting the predominantly retail use so that the range and choice of goods sold are maintained. At the same time, it recognises that some non-retail uses provide a complementary service for the shopping public, and it is therefore appropriate to make some provision for them in the centre. The retail core of the town centre has been defined in such a way as to single out the most concentrated areas of shopping for protection. In these areas the policy seeks to restrict the number of non-retail uses and also to prevent their grouping as this would interrupt the continuity of individual shopping frontages thus undermining their contribution to the centre as a whole.

The proposed change of use of a hair and beauty salon to a tanning studio with hair and beauty services would provide an offer appropriate to the retail core of Upminster town centre and therefore would contribute to the vibrancy and vitality of the locality.

The proposed use would not result in a group of three or more adjoining A2-A5 uses or other non-retail uses (for the purposes of this report, No. 34 Station Road comprises of Costa Coffee, which has been classed as a mixed A1/A3 use). In determining the relevant frontage for the purposes of the policy, it is considered that the frontage runs between Nos 30 and 54 Station Road. The frontage begins at the application site, Newtons Unisex Hair Salon (No. 30 Station Road) and ends at Journeys by Westway Travel at No. 54 Station Road. This frontage has a total length of 80 metres.

There are 13 units within this parade. No. 54 Station Road is occupied by two companies Westway Travel company (A1) and Pinney Talfourd LLP solicitors (A2), so this frontage has been divided equally for the following calculations. The six non-retail uses comprise No. 54 Pinney Talfourd LLP solicitors, No. 52 Baracuda Fish and chip shop, No. 50 Wimpy restaurant, No. 42 bacus wealth planning Ltd (independent financial advisors), No. 34 Costa Coffee (mixed A1/A3 use) and No. 32 Gates, Parish & Co estate agents.

These six non-retail uses with a frontage measuring 30.6 metres, represent 38% of the total length of the parade in non-retail use. The proposed change of use at No. 30 Station Road (with a frontage of 6 metres) would result in 45.75% of the total length of the parade in non-retail use, exceeding the 20% given in policy.

Staff consider that a tanning studio with hair and beauty services would provide an offer

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appropriate to a shopping area as stated in Policy DC16. Indeed, the existing premises are already used for health and beauty services. The proposed use would be likely to attract both dedicated customers and those on more general shopping trips. Staff are of the view that the proposal would maintain an active shop front and has the potential to make a contribution to pedestrian flows. It is proposed that the premises be open seven days a week during normal shopping hours.

Although the change of use would be contrary to Policy DC16 in percentage terms, it is considered for the reasons set out above that a tanning studio with hair and beauty services would be acceptable and would contribute positively to the vitality of the retail core of Upminster town centre.

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

The proposal does not involve any external changes to the property.

### **IMPACT ON AMENITY**

With regard to the impact upon neighbouring properties consideration must be given to potential implications in terms of operating hours and noise and disturbance.

The application site is located in an area which is characterised by commercial premises where a certain level of activity and associated noise is to be expected. Staff are of the view that a use such as that proposed is more suitably located within a town centre location than within a predominantly residential setting and that the amenities of residents living within the town centre are not normally expected to be as high as for residents living in purely residential locations. As there is no parking outside the premises, it is expected that patrons would park nearby and/or arrive on foot.

The application property lies within a row of commercial premises which forms part of retail core of Upminster town centre. From the site visit it was observed that Station Road is a heavily trafficked road with high ambient noise levels. Given the nature of this road, there is no reason to believe that these observations are unusual. It is reasonable to assume, given the location of the application site that the ambient noise level would remain reasonably high in the evenings and on Sundays and Bank/Public Holidays.

It is Staff's view that the proposal would not result in significant noise and disturbance over and above existing conditions. Opening hours would be secured by condition if minded to grant planning permission.

In this instance, opening hours are proposed to be 09:00 to 22:00 Monday to Saturday and 11:00 to 18:00 on Sundays and Bank Holidays.

It is considered that the proposed opening hours would not result in a significant increase in noise and disturbance over and above existing conditions, as the site is located on a relatively busy main road with arguably higher ambient noise levels throughout the week.

### **HIGHWAY/PARKING**

The application site has no off-street car parking facilities. There are short term parking meters in St. Lawrence Road and there are numerous car parks in Upminster town centre. The site is accessible by a variety of transport modes including public transport, walking, cycling and the car. For these reasons it is considered that the proposal would pose no adverse effect on the



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function of the highway. The Highways Authority has no objection to the proposal. It is considered that the proposal would not result in any highway or parking issues.

### **KEY ISSUES/CONCLUSIONS**

Although the change of use would be contrary to Policy DC16, it is considered that on balance, a tanning studio with hair and beauty would be acceptable and would contribute positively to the vitality of the retail core of Upminster town centre. It is considered that the opening hours are acceptable. It is considered that the proposal would not be detrimental to neighbouring amenity. There are no parking issues as a result of the proposal and it is not considered the proposal would give rise to any other highway issues. Approval is recommended.

### **RECOMMENDATION**

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

#### **1. 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. SC27A (Hours of use)**

The premises shall not be used for the purposes hereby permitted other than between the hours of 9:00 and 22:00 on Mondays to Saturdays and 11:00 and 18:00 on Sundays, Bank and Public holidays without the prior consent in writing of the Local Planning Authority.

Reason:-

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

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### **INFORMATIVES**

#### **1 Reason for Approval**

It is considered that the proposal satisfies the relevant criteria of Policies DC33 and DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document. Other material considerations namely the provision of services appropriate to a shopping area, the likely footfall to be created and the contribution the use would have to the viability and vitality of this part of the retail shopping area justify exception in this case to the strict application of Policy DC16.

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

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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.

**2 Approval - No negotiation required**

Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.