



REGULATORY SERVICES COMMITTEE AGENDA

7.30 pm

**Thursday
5 September 2013**

**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)
Jeffrey Brace
Roger Evans
Robby Misir
Becky Bennett
Steven Kelly

Linda Hawthorn
Ron Ower

Paul McGeary

Mark Logan

For information about the meeting please contact:

**Richard Cursons (01708 432430)
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 - 18)

6 SCHEDULE OF ENFORCEMENT NOTICES (Pages 19 - 30)

- 7 **PROSECUTIONS UPDATE** (Pages 31 - 32)

- 8 **PLANNING APPLICATIONS - SEE INDEX AND REPORTS** (Pages 33 - 46)

- 9 **P0830.13 - 40 HIGH STREET ROMFORD** (Pages 47 - 54)

- 10 **P0817.13 - ABBS CROSS ACADEMY AND ARTS COLLEGE, ABBS CROSS LANE, ELM PARK** (Pages 55 - 62)

- 11 **URGENT BUSINESS**

To consider any other item in respect of which the Chairman is of the opinion, by reason of special circumstances which will be specified in the minutes, that the item should be considered at the meeting as a matter of urgency

Andrew Beesley
Committee Administration
Manager

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REGULATORY SERVICES COMMITTEE

REPORT

5 September 2013

Subject Heading:

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

Report Author and contact details:

Simon Thelwell
Projects and Regulations Manager
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. This report updates the position on legal agreements and planning obligations agreed by this Committee during the period 2000-2013

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

5 September 2013

Subject Heading:

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

Report Author and contact details:

Simon Thelwell
Projects and Regulations Manager
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 1 June 2013 and 26 July 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 June 2013, 17 new appeals have been started. Decisions on 12 appeals have been received during the same period 6 have been dismissed, 6 allowed.
- 1.2 Appeals received between 1 June 2013 and 26 July 2013 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

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LIST OF APPEAL DECISIONS MADE BETWEEN 01-JUN-13 AND 26-JUL-13

APPEAL DECISIONS - PLANNING					
Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p>P0680.12 44 Herbert Road Emerson Park Hornchurch <i>Demolition of existing building redevelopment of site to form four detached dwellings, formation of vehicular access and car parking</i></p>	Hearing	Approve With Conditions	Committee	<p>The proposal, by means of the number and size of dwellings and the arrangement of garden space around them, would represent a cramped overdevelopment of the site, out of keeping with the spacious setting of the surroundings properties and street scene and therefore harmful to the character and appearance of the Emerson Park area, contrary to the Emerson Park Policy Area SPD and Policies DC61 and DC69 of the LDF Core Strategy and Development Control Policies DPD.</p> <p>The proposal would fail to make a contribution towards the local infrastructure costs arising from the proposed development, contrary to Policy DC72 of the LDF Core Strategy and Development Control Policies DPD and the Draft Planning Obligations Supplementary Planning Document.</p>	<p>Dismissed</p> <p>The Inspector noted that a scheme for 3 houses on the site had been approved. This scheme was for 4 houses. Whilst the single dwelling to the front of the plot was acceptable, the key issue was the arrangement of other 3 dwellings to the rear of the plot. In this case the sense of space between and around these relatively large dwellings would be appreciably less. The Inspector found that this would be a constrained arrangement, substantially filled by built form with little sense of space in between. This would not be reflective of the character of the area found elsewhere in sector six.</p> <p>A separate application for an award of costs against the Council was refused.</p>
<p>P0897.12 4 Fairfield Close Hornchurch <i>Proposed replacement dwelling</i></p>	Written Reps	Refuse	Delegated	<p>The proposed development involving gabling the hipped roof of this property would, by reason of its height, bulk and mass, visually unbalance the appearance of this semi detached pair of homes and would appear as an unacceptably dominant and visually intrusive feature in the streetscene, harmful to the appearance of the surrounding area, contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD and the Residential Extensions and Alterations SPD</p>	<p>Allowed with Conditions</p> <p>The Inspector considered that gabling of the hipped roof of the replacement bungalow, would not appear as unacceptably dominant or visually intrusive within the street scene. The Inspector noted the proximity of the appeal dwelling to the non-attached neighbour however adequate spacing would remain between the two properties and it would result in harm to the character or appearance of the area.</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 01-JUN-13 AND 26-JUL-13

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p>P1347.11 48 Warwick Road Rainham <i>Demolish existing industrial unit and erect part2/part3 storey building comprising 6 flats with associated parking, cycle store, bin store and amenity space outline</i></p>	Written Reps	Approve With Conditions	Committee	The proposal would, by reason of its excessive bulk and massing result in an overbearing form of development harming the character and appearance of the street scene contrary to Policy DC61 of the Core Strategy and Development Control Policies Submissions Development Plan Document.	<p>Allowed with Conditions</p> <p>The character and form of buildings both residential and commercial within Warwick Road is varied. It was considered that the bulk and massing of the proposed building would be appropriate within the street scene. The proposed block would also replicate architectural elements found in the area including eaves height and roof pitch and would not appear overbearing upon its immediate neighbours or incongruous within the street scene.</p>
<p>M0003.12 adj Harold Hill Medical Centre opposite former Police Station Gooshays Drive Harold Hill <i>The installation of a twin user 11.8metre street furniture column, with antennas within a protective GRP shroud at the top. 2 No. equipment cabinets, 1No. electricy metre cabinet and ancillary development thereto</i></p>	Written Reps	Refuse	Delegated	The proposed development would, by reason of its siting, height, bulk and mass, appear as a visually intrusive feature in the streetscene harmful to the appearance of the surrounding area contrary to Policy DC61 and DC64 of the LDF Core Strategy and Development Control Policies DPD.	<p>Allowed with Conditions</p> <p>A column would be visible in the street scene but its siting close to the wall of the health centre would significantly reduce its impact. Views of it from the south would be interrupted by mature trees. The proposed cabinets would be no more prominent than other similar electrical cabinets within the vicinity.</p>
<p>P0786.12 87 The Drive Collier Row Romford <i>Create a new two storey residential property</i></p>	Written Reps	Refuse	Delegated	The proposed front addition would, by reason of its height, bulk and mass, appear as an unacceptably dominant and visually intrusive feature in the streetscene harmful to the appearance of the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD and the Residential Extensions and	<p>Dismissed</p> <p>The Inspector found that there would be no harm to the character and appearance of the street scene and appropriate parking could be provided. However the quality and usability of the amenity space proposed would be harmful to the living conditions of future occupants of the proposed new family</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 01-JUN-13 AND 26-JUL-13

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				<p>Alterations SPD.</p> <p>The proposed development would, by reason of a lack of sufficient on site car parking provision, result in unacceptable overspill onto the adjoining roads to the detriment of highway safety and residential amenity contrary to Policy DC33 of the LDF Core Strategy and Development Control Policies DPD.</p> <p>The layout and depth of the amenity space for the new dwelling together with its relationship with the donor property, would result in an unacceptably cramped layout and poor quality of amenity space provision, which is materially harmful to the amenity of future occupiers, contrary to Policy DC61 of the LDF Development Control Policies DPD and the Residential Design SPD.</p> <p>In the absence of a mechanism to secure a planning obligation towards the infrastructure costs of new development the proposal is contrary to the provisions of the Policy DC72 of the LDF Core Strategy and Development Control Policies DPD and the Draft Planning Obligations SPD.</p>	<p>sized dwelling.</p>
<p>P1207.12 20 Brunswick Avenue Upminster <i>Detached garage at rear of property</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed outbuilding by reason of its combined height, bulk, mass and position close to the boundaries of the site, is considered to be an obtrusive and unsatisfactory form of development which is visually intrusive and harmful to the appearance and character of the surrounding area. The development is</p>	<p>Allowed with Conditions</p> <p>The proposed garage would be located to the rear section of the back garden of a dwelling. It would not be readily visible from Brunswick Avenue and would not appear obtrusive when seen from the rear of neighbouring dwellings because of its siting and it would be viewed against a backdrop of a neighbouring</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 01-JUN-13 AND 26-JUL-13

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				therefore considered contrary to the Supplementary Design Guidance (Residential Extensions and Alterations) and Policy DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.	maisonette block.
<p>P1052.12 32 Pettits Close Romford</p> <p><i>Two storey side and rear extension with new front entrance and window with canopy over to front elevation.</i></p>	Written Reps	Approve With Conditions	Committee	The proposed development would, by reason of its position and proximity to neighbouring properties, cause overlooking and loss of privacy which would have a serious and adverse effect on the living conditions of the occupiers of No.177 Parkside Avenue, contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD. The excessive bulk and massing of the proposed extension would result in a significant adverse visual impact, particularly in the rear garden scene, and also significantly diminish the outlook, and therefore harm the amenity, of neighbouring occupiers, contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.	<p style="text-align: center;">Allowed with Conditions</p> <p>The proposed development would predominantly occupy the footprint of an existing single storey garage, car port and conservatory. The Inspector found that that proposed development would not cause unacceptable harm to the living conditions of the occupiers of neighbouring properties.</p>
<p>P1552.12 35 Park Drive Upminster</p> <p><i>Two storey and single storey side extension and single storey rear extension</i></p>	Written Reps	Refuse	Delegated	The proposed development would, by reason of its height, bulk and mass, appear as an unacceptably dominant and visually intrusive feature in the streetscene harmful to the appearance of the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD. The proposed development would, by reason of the inadequate on site car parking provision, result in unacceptable	<p style="text-align: center;">Dismissed</p> <p>The proposal would result in a significant change to the appearance of the dwelling, resulting in a dominant, bulky and visually awkward alteration to the house. It would not relate positively to the existing dwelling. Given its prominence, the impact of this would be unacceptably intrusive, causing harm to the character of the area.</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 01-JUN-13 AND 26-JUL-13

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				<p>overspill onto the adjoining roads to the detriment of highway safety and residential amenity and contrary to Policies DC32 and DC33 of the LDF Core Strategy and Development Control Policies DPD.</p> <p>The proposed single storey rear extension would, by reason of its excessive height and position close to the boundaries of the site, be an intrusive and unneighbourly development as well as having an adverse effect on the amenities of adjacent occupiers contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.</p> <p>Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: Consideration was given to seeking amendments, but given conflict with adopted planning policy, notification of intended refusal, rather than negotiation, was in this case appropriate in accordance with para 186-187 of the National Planning Policy Framework 2012.</p>	
<p>P1451.12 43 Grosvenor Gardens Upminster <i>Enlargement of roof to form half hip/gable</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed development would be to the detriment of the pair of semi-detached properties, No.43 Grosvenor Gardens and No.32 Ingrebourne Gardens, and would appear as an unacceptably dominant and visually intrusive feature in the streetscene, harmful to the appearance of the surrounding area, contrary to Policies</p>	<p>Dismissed</p> <p>The proposed extension would severely unbalance the symmetry of the pair of dwellings. Moreover, the addition would be an obviously discordant feature, contrasting incongruously with attached property. Combined with the additional bulk of the roof extension, the appeal property would appear overly dominant & intrusive.</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 01-JUN-13 AND 26-JUL-13

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				<p>DC61 and DC69 of the LDF Core Strategy and Development Control Policies DPD. Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: Consideration was given to seeking amendments, but given conflict with adopted planning policy, notification of intended refusal, rather than negotiation, was in this case appropriate in accordance with para 186-187 of the National Planning Policy Framework 2012.</p>	
<p>P1484.12 103 Cranston Park Avenue Upminster <i>Part single part two storey side and rear extension,new roof to include dormers on rear elevation</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed development, when seen in conjunction with the proposed half hipped roof design, combined overall height, bulk and mass of the extensions and proximity to the boundary, would relate poorly to the existing dwelling and appear as an unacceptably dominant and visually intrusive feature in the streetscene, harmful to the appearance of the surrounding area and contrary to the Residential Extensions and Alterations SPD and Policy DC61 of the LDF Core Strategy and Development Control Policies DPD. Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: Consideration was given to seeking amendments, but given conflict with adopted planning policy, notification of intended refusal, rather than negotiation, was in this case appropriate</p>	<p>Allowed with Conditions The cumulative effect of the height, scale and mass of the proposed extensions, including the alterations to the roof, would not be detrimental to the character and appearance of the area. The extensions and their proximity to the boundary would not result in an unacceptably dominant or visually obtrusive form of development</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 01-JUN-13 AND 26-JUL-13

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				in accordance with para 186-187 of the National Planning Policy Framework 2012.	
<p>P0161.13 99 Billet Lane Hornchurch <i>Erection of a double storey side and single storey rear extension with alterations to existing windows</i></p>	Written Reps	Refuse	Delegated	The proposed two storey side extension would, by reason of its design, bulk and mass, result in unsympathetic, visually intrusive development which fails to preserve or enhance the special character of this part of the Conservation Area, contrary to Policies DC61 and DC68 of the LDF Core Strategy and Development Control Policies DPD. Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: Consideration was given to seeking amendments, but given conflict with adopted planning policy, notification of intended refusal, rather than negotiation, was in this case appropriate in accordance with para 186-187 of the National Planning Policy Framework 2012.	<p style="text-align: center;">Dismissed</p> The proposed side extension would be an intrusive feature in the street scene because of its scale, massing and siting at a prominent corner location. It would unbalance the symmetry of the pair of semi-detached houses harming the character and appearance of the building. It would neither preserve nor enhance the character or appearance of the Langtons Conservation Area.

TOTAL PLANNING = 11

LIST OF APPEAL DECISIONS MADE BETWEEN 01-JUN-13 AND 26-JUL-13

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
APPEAL DECISIONS - ENFORCEMENT					
Description and Address	Appeal Procedure			Reason for Refusal	Inspector's Decision and Comments
ENF/77/12/BL 72 Crow Lane Romford Alleged unauthorised use of outbuilding as residential accommodation	Written Reps				<p style="text-align: center;">Dismissed</p> The Inspector found that the two buildings are being used as independent self-contained residential accommodation. This use amounts to a material change of use requiring planning permission. The appellant did not provide any relevant arguments to demonstrate that there had not been a breach of planning control. Secondly, no evidence was provided to support the claim that the unauthorised use commenced more than four years before the issue of the notice. Finally it was considered that the notice was properly served on everyone with an interest, contrary to the appellants view. The appeal failed and the notice was upheld.

TOTAL ENF = 1

LIST OF APPEAL DECISIONS MADE BETWEEN 01-JUN-13 AND 26-JUL-13

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<u>Summary Info:</u>					
Total Planning =		11			
Total Enf =		1			
Appeals Decided =		12			
Appeals Withdrawn or Invalid =		0			
Total =		12			
	Dismissed		Allowed		
Hearings	1	8.33%	0	0.00%	
Inquiries	0	0.00%	0	0.00%	
Written Reps	5	41.67%	6	50.00%	

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REGULATORY SERVICES COMMITTEE

REPORT

5 September 2013

Subject Heading:

Schedule of Enforcement Notice

Report Author and contact details:

Simon Thelwell
Projects and Regulations Manager
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 20 June 2013

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
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
Buttons Farm Tomykns Lane Upminster ENF/110/09/HW	Unauthorised boundary treatment & engineering works	Committee 06-12-12	19-03-13	23-04-13
Welstead Place Benskins Lane Romford ENF/200/11/GS	Storage of 2 mobile homes on land without the benefit of planning permission	Delegated	23-05-13	04-07-13

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SCHEDULE B

ENFORCEMENT NOTICES – LIVE CASES.

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

ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	DATE OF COMMITTEE AUTHORITY	NOTICE ISSUED	NOTICE SERVED	APPEAL LODGED	APPEAL DECISION	COMMENTS
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
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	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	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 Kentwood	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	Notice complied with
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
End off Church Road Oak Hill Romford	Development	Committee 15-07-10	10-09-10	10-09-10			Pursuing compliance
83A London Road Romford	Use	Committee 02-12-10	04-03-11	04-03-11	26-03-11	Appeal Withdrawn	Monitoring
5 Writtle Walk Rainham	Use	Delegated 14-01-11	18-04-11	18-04-11	19-05-11	Appeal Dismissed	Pursuing compliance
59/61 Warwick Road Rainham	Use	Delegated 12-07-11	22-08-11	22-08-11	17-10-11	Appeal dismissed	Pursuing compliance
County Service Station Essex Gardens Hornchurch	Use	Committee 23-06-11	19-09-11	19-09-11	21-10-11	Appeal Dismissed	Pursuing compliance
11 Ryder Gardens Rainham	Use	Delegated 14-09-11	19-09-11	19-09-11	21-10-11	Appeal Dismissed	Pursuing compliance

ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	DATE OF COMMITTEE AUTHORITY	NOTICE ISSUED	NOTICE SERVED	APPEAL LODGED	APPEAL DECISION	COMMENTS
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	Appeal Dismissed	Pursuing compliance/prosecution
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	Appeal Dismissed	Pursuing compliance
Penkins Lane east of Church Road Harold Wood Romford	Development	Delegated	14-05-12	15-05-12	14-06-12		See Schedule A
72 Crow Lane Romford	Use	Committee 19-07-12	28-08-12	28-08-12	19-09-12	Appeal dismissed	Pursuing compliance
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			Notice complied with
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	Appeal Dismissed	Pursuing compliance

ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	DATE OF COMMITTEE AUTHORITY	NOTICE ISSUED	NOTICE SERVED	APPEAL LODGED	APPEAL DECISION	COMMENTS
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 Aveley Road Upminster	Development X 2 1 Enforcement Notice 1 Stop Notice	Delegated	20-09-12	20-09-12	18-10-12	Appeal withdrawn	Pursuing Compliance
Suttons Farm Tomykns Lane Upminster	Development /Use	Committee 06-12-12	20-03-13	21-03-13	23-04-13		See Schedule A
Welstead Place Benskins Lane Oak Hill Romford	Development/Use	Delegated	23-05-13	23-05-13			See Schedule A

REGULATORY SERVICES COMMITTEE

REPORT

5 September 2013

Subject Heading:

Prosecutions update

Report Author and contact details:

Simon Thelwell
Projects and Regulations Manager
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	<input type="checkbox"/>
Opportunities for all through economic, social and cultural activity	[x]
Value and enhance the life of every individual	[x]
High customer satisfaction and a stable council tax	[x]

SUMMARY

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

RECOMMENDATIONS

That the report be noted.

REPORT DETAIL

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

IMPLICATIONS AND RISKS

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

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

Human Resources implications and risks: None identified.

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

Regulatory Services Committee

5 September 2013

Page No.	Application No.	Ward	Address
1-4	P0085.13	Squirrels Heath	28 Ashlyn Grove Hornchurch
5-12	P0208.13	Upminster	Fishing Lake adj Bramble Farm Bramble Lane, Upminster

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REGULATORY SERVICES COMMITTEE

5th September 2013

APPLICATION NO:	P0085.13	
WARD :	Squirrels Heath	Date Received: 23rd January 2013 Expiry Date: 20th March 2013
ADDRESS:	28 Ashlyn Grove Hornchurch	
PROPOSAL:	Rear extension, front, rear and side dormer windows Revised Plans received 28th June 2013	
DRAWING NO(S):	OS map PL/01 (2nd revised)	
RECOMMENDATION :	It is recommended that planning permission be GRANTED subject to the condition(s) given at the end of the report given at the end of the report.	

CALL-IN

This application has been called into Committee for decision as Councillor Oddy considers it raises streetscene concerns.

SITE DESCRIPTION

The application site comprises a hipped roof, detached bungalow. Two off-street parking spaces can be provided on the front hardstanding.

No trees will be affected by the development and the ground is fairly level.

DESCRIPTION OF PROPOSAL

The application is for a rear extension, front, rear and side dormer windows

It is proposed to construct a 4m deep extension to the same ridge height as existing, to the full width of the bungalow. It will be provided with a hipped roof.

In the front, rear and side roofslopes are hipped roof dormer windows are proposed which will each be 2m wide by 1.8m high by 1.8m deep.

RELEVANT HISTORY

None.

CONSULTATIONS/REPRESENTATIONS

The proposal as originally submitted proposed a 4.5m deep extension to the same ridge height as the existing bungalow. It would have been provided with a gabled end.

Additionally, 5.4m wide by 2m high by 3.7m deep, flat roofed, side dormer windows were proposed in each side roofslope. A 1.5m wide by 1.9m high by 1.8m deep hipped roof, dormer was proposed in the front roofslope.

The first objection letter received was based on this proposal and commented that the writer had been under the impression that the rear extension was to be single storey and didn't realise it

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would be to the same ridge height as existing. The writer had concerns that light coming into the rear rooms of their property would be severely reduced. Additionally, the writer had concerns that a "two storey extension" of this kind would be detrimental to the streetscene.

Negotiations took place with the Agent and the proposal was revised to its present form. Following neighbour renotification, a further letter was received from the same writer reiterating the previous comments.

RELEVANT POLICIES

LDF

DC33 - Car Parking

DC61 - Urban Design

SPD4 - Residential Extensions & Alterations SPD

MAYORAL CIL IMPLICATIONS

The application is not CIL liable.

DESIGN/IMPACT ON STREET/GARDEN SCENE

The subject dwelling is a detached property which lies in the bottom section of Ashlyn Grove which comprises six, fairly modest, detached bungalows on the east side (which includes the subject dwelling) and two pairs of semi-detached bungalows opposite. One two storey house lies at the end of the road on the western side.

No other bungalows in this part of the street have extended thus far into the roof area and the character of the immediate area is of a low level and spacious nature.

The bungalows on this side of the road are set on slightly staggered front building lines and the extension of the roof ridge to the rear of the subject property will not be readily visible from the front streetscene due to the close proximity of neighbouring bungalow properties on either side. It will not be any higher.

The proposed side dormer windows are now set approximately 4m back from the main front roofslope and are much reduced in size with hipped roofs rather than box shaped, flat dormers.

With regards the proposed front dormer window, although its dimensions are not strictly in accordance with criteria contained within Guidance, it does sit well within the available front roofspace and will not be to the detriment of the appearance of the property.

It is a matter of judgement therefore, as to whether the proposal will result in an unacceptable streetscene impact.

Neighbouring bungalow properties nearby have, in the main, extended at single storey level at the rear. Inspection of Council records has found that No.26 has had its roof ridge extended to the rear, albeit to a slightly lesser depth than that now under consideration.

Staff therefore consider the proposal to be acceptable.

IMPACT ON AMENITY

Turning firstly to No.30, the neighbouring bungalow to the north. This property is of a slightly different design and has extended at single storey level at the rear with an extension which projects over 6m from the rear wall of the subject dwelling. It only has two flank windows which

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5th September 2013

are secondary sources of light to the lounge/kitchen and staff consider no loss of amenity will occur.

With regards No.26, the bungalow property to the south. This is of the same design as the subject dwelling and is set slightly closer to the highway. It has been extended at the rear with its main ridge being extended in a similar manner to that now proposed at the subject dwelling, albeit not quite as deep, which then drops to two different heights.

Its main extended area is to the southern side of the property, separated from the common boundary with the subject dwelling, but it has a covered patio area close to the boundary. This will obscure view of the proposed extension and in addition it has a large timber shed close to the patio which will also help to screen the extension.

It has two flank windows facing the subject dwelling but these are obscure glazed and a secondary source of light to the lounge.

The side dormer windows serve a bathroom and landing area, and in the event of planning permission being granted, a condition will be attached to ensure the windows in these dormers are obscure glazed with top hung fanlight openings only to protect neighbours' privacy.

Staff consider overlooking from the rear dormer window will not be demonstrably worse than overlooking that already occurs from the two storey properties in Stafford Avenue.

On balance, therefore, the proposal is considered to be acceptable and one which will not result in any serious loss of amenity for any neighbouring properties.

HIGHWAY/PARKING

Two additional bedrooms will be provided at the property but existing parking provision which complies with Policy DC33 will remain. No highway issues therefore arise.

KEY ISSUES/CONCLUSIONS

The proposal is considered to accord with the above Policies and planning permission 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. SC10 (Matching materials)

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

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

Reason:-

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

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

The proposed window in the side dormer windows hereby permitted which serve the bathroom and stairwell, shall be permanently glazed with obscure glass and with the exception of top hung fanlight(s), which shall be a minimum of 1.7m above finished floor level, shall remain permanently fixed shut and thereafter be maintained to the satisfaction of the Local Planning Authority.

Reason:-

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

5. SC46 (Standard flank window condition)

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.

INFORMATIVES

1 Approval following revision

Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: Improvements required to make the proposal acceptable were negotiated and submitted, in accordance with para 186-187 of the National Planning Policy Framework 2012.

REGULATORY SERVICES COMMITTEE

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APPLICATION NO:	P0206.13	
WARD :	Upminster	Date Received: 19th February 2013 Expiry Date: 16th April 2013
ADDRESS:	Fishing lake adj Bramble Farm Bramble Lane Upminster	
PROPOSAL:	Inert material importation and engineering operations to create safety ledge and island within the lake together with excavation to increase average lake depth from 3m to 3.8m revised plans received 12.08.13	
DRAWING NO(S):	2012/01/04 Rev. B	
RECOMMENDATION :	It is recommended that planning permission be GRANTED subject to the condition(s) given at the end of the report given at the end of the report.	

CALL-IN

The application was called in by Councillor Linda van den Hende for the following reason:
The proposals are inappropriate in terms of size, lack of car parking and consideration for health and safety. Access to the site is shared and therefore whilst suggesting it would be for family only, control would be impossible. In addition the proposal would be very intrusive to the neighbouring property.

BACKGROUND

This application was originally report to Committee on 1 August 2013, where it was deferred at staff request due a land ownership issue. A revised site plan and ownership certificate have now been submitted. The proposal is otherwise unchanged and the report presented below is the same as that presented on 1 August save for two additional conditions and and amendment to condition 10.

SITE DESCRIPTION

The application site, which consists of a lake, is located in the Green Belt on the northern side of Bramble Lane approximately 180m from the junction with Sunnings Lane. The application site is situated adjacent and to the east of the dwelling and various outbuilding of Bramble Farm.

The site covers an area of approximately 0.4ha and consists predominantly of a lake which has an average depth of 3m. The lake is man-made and was originally formed by RMC Aggregates for the purposes of gravel extraction. Messrs. CEMEX Limited, a multi national company, subsequently acquired the site when they took over RMC and sold it recently to the current owner. The subject lake has no inlet or outlet to adjacent controlled waters.

The surrounding area consist of Bramble farm house and associated buildings to the east and farmland to the north, south and west.

DESCRIPTION OF PROPOSAL

The Council is in receipt of a planning application for the upgrading of the existing lake in order to utilise it for fishing.

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Works would include the increase of the average depth from 3m to 3.8m and create a 2m wide ballast safety ledges around two sides of the lake which are most suitable for use by anglers. In addition it is proposed to create a small "wildlife island" within the lake approximately 300mm above the water level to encourage ducks and the other birds to the lake, and improve facilities for wildlife whilst enhancing the appearance of the lake.

The applicant proposes to import approximately 1000 tons of material from an approved source. This would equate to a maximum of 50 No. 20 ton lorry loads as approved by the Environment Agency on their UI certificate. The applicant states that there is no intention to remove any existing material from the lake or surrounding area. The drag-line excavator on site would be used to level out the average depth of the lake.

The applicant has stated that the lake would remain a private fishing lake with limited use of up to 8 anglers at any one time, which will be restricted to immediate family and friends of the current owner. In order to provide parking for 4 vehicles the applicant is proposing to improve the existing hard standing area on site by providing a shingle surfaced in keeping with the rural setting.

The existing reed bed on the northeast corner is to be retained, and the existing undergrowth and banks around the lake are to be maintained and re-landscaped with grass and shrub planting.

Access to the site would be restricted by the installation of security gates to the existing access off Bramble Lane.

RELEVANT HISTORY

CONSULTATIONS/REPRESENTATIONS

Notification letters were sent to 5 neighbouring properties and one letter of objection was received raising the following concerns:

- no digging of test holes to determine underlying substrata and assess water supply has been done as per Environment Agency Guidance
- lake takes up approximately 95% of site area with insufficient space for safe access, pathways and car parking
- there is not a 3-4m of bank around the of the lake which raises concerns over safe access and future maintenance
- concerns with regards to the creation of the island and the potential impact on the water levels
- concerns with the control of access and the practicality of it
- no toilet facilities on site
- concerns with health and safety
- loss of privacy to neighbouring occupier
- security concerns relating to people accessing the adjoining property
- erosion concerns due to a rise in water level as a result of proposed works
- unacceptable levels of traffic and insufficient parking provision
- ledge proposed will be an eyesore during drier months when water levels drop
- unacceptable noise and disturbance during evening hours and construction
- concerns that the proposal would effect wildlife
- litter concerns
- concerns regarding the type of material that would be brought onto the site

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The Environment Agency has raised no objection to the proposed work and has stated that any concerns or additional information that they require could be dealt with under the Environmental Permitted Regulations.

Environmental Health has requested a condition to be imposed in order to have all site derived and/or imported soils tested for chemical contamination.

RELEVANT POLICIES

No relevant recorded history.

LDF

CP14 - Green Belt

CP17 - Design

DC33 - Car Parking

DC45 - Appropriate Development in the Green Belt

DC61 - Urban Design

OTHER

LONDON PLAN - 7.16 - Green Belt

LONDON PLAN - 7.4 - Local character

NPPF - National Planning Policy Framework

STAFF COMMENTS

The issues to be considered in this case are a) the principle of development; b) design/street scene issues; c) impact upon the Metropolitan Green Belt and d) amenity implications.

PRINCIPLE OF DEVELOPMENT

The NPPF indicates that"As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

88. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

89. A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:

- buildings for agriculture and forestry;
- provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or
- limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land

within it than the existing development."

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Policy DC45 indicates that "The Council will promote uses in the Green Belt that have a positive role in fulfilling Green Belt objectives. Planning permission for development in the Green Belt will only be granted if it is for the following purposes:

- agriculture and forestry, outdoor recreation, nature conservation, cemeteries
- mineral extraction provided policies in the Council's Local Development Framework are complied with

Park and Ride facilities provided that certain criteria are met.

Planning permission for new buildings will only be granted for the following purposes:

- they are essential for the uses listed above; or
- they involve limited infilling or redevelopment on a site designated as a Major Developed Site in accordance with DC46"

The applicant has stated that the lake has been used for fishing by the previous owners of Bramble farm as long ago as 1982 and therefore confirms its established use for fishing purposes.

In line with the NPPF and Policy DC45, it is considered that the proposed island in the middle of the lake, safety ledge and hardstanding for car parking would be ancillary to an outdoor recreation, namely fishing lake. However, the development must also be appropriate and preserve the openness of the Green Belt such that it does not result in conflict with the purposes of including land within it. This is considered in greater detail below.

GREEN BELT IMPLICATIONS

Staff do not consider the proposal to have a harmful impact on the openness of the Green Belt. The proposed island and 2m wide safety ledge would be set below the existing bank of the lake and would not affect the openness of the Green Belt. Any views from Bramble Lane would be mitigated by proposed vegetation on the southern bank of the lake. The proposed improvement of the existing hardstanding with a shingle surface for parking is not considered to have a harmful impact as the materials would be in keeping with a rural setting.

IMPACT ON AMENITY

The existing lake is situated in close proximity to the residential dwelling on Bramble Farm. Staff do recognise that there could be some impact in terms of noise and disturbance to this residential unit however the potential impact has to be balanced against the amount of anglers using the site and at what time the activity takes place.

The applicant has stated that the lake would only be for personal use and not for commercial purposes and angling would be restricted to only 8 anglers at any one time and would be restricted to the owners immediate friends and family. The applicant has also agreed to the restriction of hours of use between 8:00 and 21:00. Given the restricted use and hours of use of the site, Staff do not consider the amount of noise generated would result in unacceptable harm to the residential use at Bramble Farm.

It should also be noted that only the northern, southern and western banks would be used for angling and the nearest angling spot from the residential dwelling at Bramble farm would be approximately 45m away.

Staff do not consider the proposal to result in unacceptable impact in terms of overlooking. The angling spots closest to the neighbouring residential unit on the northern and southern banks

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would be obscured by dense vegetation and the southern bank is situated approximately 65m away. Views are further mitigated by trees and vegetation situated to the west of the residential dwelling at Bramble Farm.

Staff acknowledges that there would be additional noise and disturbance as a result of construction work and lorries entering and leaving the site however this would only be during the construction phase. A condition would also be attached in the event of an approval to limit deliveries into the site and construction hours.

HIGHWAY/PARKING

The applicant has indicated that provision will be made for 4 cars by improving the existing hard standing area by creating a shingle surfaced hard standing.

The applicant has also confirmed that queries around access arrangements and site security have been resolved in that the owners of the access road and land to the rear of the site (CEMEX) has agreed for a security gate to be installed at the entrance onto Bramble Lane. Staff are satisfied that this arrangement would improve site security and provide a means of controlling the amount of people that will have access to the fishing lake.

Highways have raised no objection to the parking and access arrangements as the access road is in private ownership.

OTHER ISSUES

Neighbouring comments received has raised a number of Environmental Agency related objections. The Environment Agency has raised no objection to the proposed work and has stated that any concerns or additional information that they require could be dealt with under the Environmental Permit Regulations.

Staff are also satisfied that materials brought onto site would be able to be monitored by means of a suitable condition which is also a request by Environmental Health.

KEY ISSUES/CONCLUSIONS

The proposals are considered to be associated facilities in relation to tilising the lake for angling purposes. The proposals are not considered to result in harm to the openness of the Green Belt.

Staff do not consider the proposals to have an unacceptable impact on neighbouring amenity. Parking and impact on the highway is considered acceptable. The proposal is therefore in keeping with the aims and objectives of Policy DC45 of the LDF and the NPPF. Approval is recommended accordingly.

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:-

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2. SC11 (Landscaping) (Pre Commencement Condition)

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

Reason:-

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

3. SC27 (Hours of use) ENTER DETAILS

Use of the lake by anglers shall only take place between the hours of 08:00 and 21:00 on any day.

Reason:-

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

4. 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:-

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

5. SC57 (Wheel washing)

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

Reason:-

In order to prevent materials from the site being deposited on the adjoining public highway, in the interests of highway safety and the amenity of the surrounding area,

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6. M 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.

7. Non standard condition

No heaps of soil or clay shall be left on the site after the completion of the development other than those approved under this consent.

Reason: To ensure that operations take place with minimum harm to the character of the amenity of the site.

8. Non standard condition

Details of the proposed method of removal of any unused spoil from the site shall be submitted to and agreed in writing by the LPA. The unused spoil shall then be removed from the site in accordance with the agreed details.

Reason: To ensure that operations take place with minimum harm to the character of the amenity of the site.

9. Non standard condition

Before any part of the development is occupied, site derived soils and/or imported soils shall be tested for chemical contamination, and the results of this testing together with an assessment of suitability for their intended use shall be submitted and approved in writing by the Local Planning Authority. Without prejudice to the generality of the foregoing, all topsoil used for gardens and/or landscaping purposes shall in addition satisfy the requirements of BS 3882:2007 "Specification of Topsoil".

Reason:

To ensure that the occupants of the development are not subject to any risks from soil contamination in accordance with Development Control Policies Development Plan Document Policy DC53.

10. Non standard condition

No waste processing or recycling activities shall take place and no waste material shall be imported to the site at any time with the exception of inert material.

Reason:-

In the interests of amenity and in accordance with the objectives of the East London Joint Waste Development Plan Document.

11. Non Standard Condition 5 (Pre Commencement Condition)

The car parking spaces hereby permitted shall be provided prior to the first use of the

REGULATORY SERVICES COMMITTEE
5th September 2013

12. Non Standard Condition 6 (Pre Commencement Condition)

The number of persons using the fishing lake shall be limited to 8 at any one time.

Reason:-

To enable to the Local Planning Authority to retain control over the future use of the lake, in the interests of amenity.

INFORMATIVES

1 Fee Informative

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.

2 Highways Informatives

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

Should this application be granted planning permission, the developer, their representatives and contractors are advised that this does not discharge the requirements under the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works) required during the construction of the development.

The developer is advised that if construction materials are proposed to be kept on the highway during construction works then they will need to apply for a license from the Council.

3 Approval following revision

Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: Improvements required to make the proposal acceptable were negotiated and submitted, in accordance with para 186-187 of the National Planning Policy Framework 2012.

**REGULATORY
SERVICES
COMMITTEE**

REPORT

5 September 2013

Subject Heading:

P0830.13 – 40 High Street, Romford

**Change of use from a mixed class A3/A5 to a community centre (faith group) for young adults (D1) and a garage conversion
(Application received 4th July 2013)**

Report Author and contact details:

Helen Oakerbee (Planning Manager, Regulatory Services) 01708 432800

Policy context:

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

Financial summary:

None

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

Clean, safe and green borough	[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	[]
High customer satisfaction and a stable council tax	[]

SUMMARY

This matter is brought before committee as the site is Council owned. The application seeks full planning permission for a change of use from a mixed class A3/A5 to a community centre (faith group) for young adults (D1) and a garage

conversion. Staff conclude the proposal to be acceptable. The application is recommended for approval subject to conditions.

RECOMMENDATIONS

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

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

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

2. Accordance with plans - The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans as detailed on page one of the decision notice.

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

3. Hours of use - The premises shall not be used for the purposes hereby permitted other than between the hours of 9.00am and 10:00pm every day 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.

4. Use - Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 the use hereby permitted shall be for a community centre (faith group) and shall be used for no other purpose(s) whatsoever including any other use in Class D1 of the Order, unless otherwise agreed in writing by the Local Planning Authority.

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

5. Noise - Before the development hereby permitted commences, details of a scheme shall be submitted to and approved in writing by the local planning

authority which specifies the provisions to be made for the control of noise emanating from the site. Such scheme as may be approved shall be implemented prior to first occupation and thereafter retained in accordance with such details.

Reason: To prevent noise nuisance to adjoining/adjacent properties.

INFORMATIVES

1. 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.
2. 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.

REPORT DETAIL

1. Site Description

- 1.1 The application site is located on the north-western side of the High Street, Romford, approximately 18 metres east of the junction with Angel Way. The site is sited in the retail fringe area as defined by the Local Development Framework (LDF) Romford Area Action Plan. The application premise forms the ground floor of a four storey mid terrace building. There are offices on the first floor and the third and fourth floors of the building are in residential use.
- 1.2 The subject property is a ground floor unit within a commercial parade with mixed uses. The frontage of the site is within the Romford Conservation Area. The application premise is presently vacant and formerly an A3/A5 use. The surrounding area is characterised by commercial properties with a variety of shops and services.

2. Description of Proposal

- 2.1 The application seeks permission for a change of use from a mixed class A3/A5 to a community centre (faith group) for young adults (D1) and a garage conversion. The garage would be converted into offices. The proposed change of use would cover an area of 142m².

- 2.2 The application has been submitted on behalf of a registered charity that has been operating several youth focussed projects in central Romford since 2009. Until April 2003, activities have been operating under the umbrella of St James Church, Collier Row with St John's Church, Havering-atte-Bower. The charity is planning to take on its own premises at 40 High Street as a base for its work. The charity is aiming to establish an attractive, high quality and safe space for various community focussed projects.
- 2.3 A draft weekly programme of activity has been provided as a guide, which outlines that the premises would be utilised for morning, afternoon and evening sessions, which involve young adults (aged between 13 to 35 years). The numbers of people per session would vary between a minimum of 10 to a maximum of 35. The agent has indicated that there would be a maximum of 35 people at the application site at any one time. Some of the help and assistance offered by the charity would involve mentoring and supporting young adults on a one-to-one basis.
- 2.4 The charity's current work has been focussed around two specific projects:
1) DIY (Deeply Impacting Youth) is led by a full time youth worker, who mainly works with teenagers who spend their time in the parks in Romford and the shopping centres. The DIY team have established significant relationships with large groups of teenagers and are engaging with up to 80 teenagers every week. The DIY team assist pupil's with their homework.
2) The Deeper Lounge has been operating every Friday night from 10pm - 2am on Saturdays since 2009. Working in conjunction with Street Pastors and with the support of various departments and councillors within the London Borough of Havering and the Metropolitan Police, refreshments are served to young adults (who visit pubs and clubs) from a gazebo in South Street, where the majority of clubs are located. Staff talk to the young adults and offer pastoral support.
- 2.5 40 High Street would become a base for all the activities of the charity. There are plans to introduce new activities, which will enable the organisation to further its defined charitable objectives including the advancement of religion, promotion of social inclusion and engagement with young people.
- 2.6 The agent has advised that there would be a total of approximately eight members of staff, who would operate on a four hour shift rota basis. The staff live locally within a five mile radius of the application site. There would be an average of three staff on site at any one time, which includes one person covering the core hours between 10am to 5pm. Additional staff are available on call if required.

3. Relevant History

- 3.1 P0631.12 – Replacement shop front – Withdrawn.
A0028.12 – Various advertisements – Withdrawn.

P1318.09 – Change of use of ground floor from A1 to a mixed class A3/A5 – Approved.

A0070.09 – One non-illuminated fascia sign – Approved.

4. Consultations/Representations

- 4.1 Notification letters were sent to 100 neighbouring properties. No letters of representation were received.
- 4.2 Crime Prevention Design Advisor – No material objections concerning any significant crime issues caused by the application as it stands. The CPDA would like to be re-consulted should the proposed opening hours be extended beyond 10pm on any day.

5. Relevant Policies

- 5.1 Policy ROM11 (Retail Fringe) of the Romford Area Action Plan. Policies CP8 (Community needs), CP17 (Design), DC26 (Location of community facilities), DC33 (Car parking), DC34 (Walking), DC35 (Cycling), DC55 (Noise), DC61 (Urban Design) and DC63 (Delivering safer places) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Documents are material planning considerations. Policies 3.1 (Ensuring equal life chances for all), 6.9 (Cycling), 6.10 (Walking), 6.13 (Parking), 7.1 (building London's neighbourhoods and communities) and 7.4 (Local character) of the London Plan are relevant. Chapters 4 (Promoting sustainable transport), 5 (Supporting high quality communications infrastructure) and 8 (Promoting healthy communities) of the National Planning Policy Framework are relevant.

6. Staff Comments

- 6.1 This proposal is put before the Committee as the site is Council owned. The main issues to be considered by Members in this case are the principle of development, the impact on the streetscene, amenity implications, and parking and highways issues.
- 6.2 Principle of Development
 - 6.2.1 The site is sited in the retail fringe area as defined by the Local Development Framework (LDF) Romford Area Action Plan. Policy ROM11 states that planning permission for non-retail uses will be granted at ground floor level provided that the use complements the retail function, has an active frontage, is open for a significant number of core retailing hours and does not significantly harm the character, function and vitality and viability of the centre.
 - 6.2.2 Policy ROM16 states that the Council will work in partnership with other bodies to enable the provision of a suitable range of health and educational

facilities in Romford town centre to meet existing and future demand. In addition, the fringe retail destinations (referred to in ROM11) allow for the provision of community facilities provided that active frontages are maintained. This will allow health and other community facilities to be located in the fringe retail areas of the High Street. When considering the merits of this application, consideration was given to the fact that the application site has been vacant for up to twelve months and the proposal would bring the unit back into use. Staff consider that the proposal would comply with Policies ROM11 and ROM16 and would contribute to the vitality and viability of this retail fringe area in Romford town centre. Therefore, the proposed change of use is deemed to be acceptable in principle.

6.3 Design/impact on street/Garden scene

6.3.1 The application seeks consent for a garage conversion. There would be a stud partition wall fitted internally, which does not require consent and the garage door would remain in situ. It is considered that the garage conversion would not adversely affect the streetscene.

6.4 Conservation Area

6.4.1 The frontage of the site is within the Romford Conservation Area. It is considered that the garage conversion would not affect the Romford Conservation Area, as it is located to the rear of the site and the garage door is remaining in situ.

6.5 Impact on amenity

6.5.1 In view of the residential properties located on the third and fourth floors of the building, consideration needs to be given to the potential impact on amenity. Staff consider that the proposed opening hours would not result in a significant increase in noise and disturbance to neighbouring properties. It is considered that in this location close to the town centre where daily ambient noise levels are fairly high, any possible noise and disturbance which might occur would be set against the background of existing noise levels and would not result in demonstrable harm to the amenities of adjacent residents. Staff consider that a closing time of 10pm every day is reasonable in this retail fringe area of Romford town centre. When considering the merits of this application, consideration was given to the fact that the Council's Crime Prevention Design Advisor has no objection to the proposal.

6.5.2 The agent has advised that there would be a total of approximately eight members of staff, who would operate on a four hour shift rota basis. There would be an average of three staff on site at any one time, which includes one person covering the core hours between 10am to 5pm. Additional staff are available on call if required. It is considered that several staff would help to organise and manage the activities provided by the charity, which would help to minimise any noise and disturbance. In addition, the numbers of people per session would vary between a minimum of 10 to a maximum of

35. Some of the help and assistance offered by the charity would involve mentoring and supporting young adults on a one-to-one basis. Planning conditions could be used to control hours of operation and noise if minded to grant planning permission.

6.6 Highway/parking issues

6.6.1 Havering has a parking standard for church halls/community centres of 1 parking space per 4m². The total gross internal floor space for the unit has been listed as 141.58m², making a requirement of approximately 35 spaces. The proposal does not provide any parking spaces. However, the site is situated in Central Romford and has a PTAL score of 6a, which indicates good public transport facilities. It is also situated close to Angel Way car park (open 7am-8pm, Mon – Sat) and The Brewery car park (open 24hours – 7 days a week). Further it is not envisaged that many of the people attending the community centre particularly during the day would travel by motor vehicle but would use public transport. The Highway Authority does not object to the proposals. The agent has advised that the staff live locally within a five mile radius of the application site. Given the town centre location, Staff consider that the young adults and staff would walk or use public transport to access the site. It is considered that the proposal would not create any highway or parking issues.

7. Conclusion

7.1 Having regard to all relevant factors and material planning considerations staff are of the view that this proposal for a change of use from a mixed class A3/A5 to a community centre (faith group) for young adults (D1) and a garage conversion would be acceptable. Staff are of the view that the proposal would not have an impact on the streetscene or result in a loss of amenity to neighbouring occupiers. The proposal is considered to be acceptable in all other respects and it is therefore recommended that planning permission 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.

BACKGROUND PAPERS

The plans and application form were received on 4th July 2013.

REGULATORY SERVICES COMMITTEE

REPORT

5 September 2013

Subject Heading:

P0817.13 – Abbs Cross Academy and Arts College, Abbs Cross Lane, Hornchurch

Demolish a two storey teaching block and replace it with a three storey teaching block on the adjacent site (Application received 24th June 2013)

Report Author and contact details:

Helen Oakerbee (Planning Manager, Regulatory Services) 01708 432800

Policy context:

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

Financial summary:

None

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

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

SUMMARY

This matter is brought before committee as the floor space for the proposed teaching block is over 1000 square metres. The application seeks full planning permission to demolish a two storey teaching block and replace it with a three

storey teaching block on the adjacent site. Staff conclude the proposal to be acceptable. The application is recommended for approval subject to conditions.

RECOMMENDATIONS

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

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

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

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

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

3. Accordance with plans - The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans as detailed on page one of the decision notice.

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

4. Archaeological evaluation – A) No development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the Local Planning Authority.
B) No development or demolition shall take place other than in accordance with the Written Scheme of Investigation approved under Part (A).
C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Part (A), and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured.

Reason: Heritage assets of archaeological interest survive on the site. The Planning Authority wishes to secure the provision of archaeological investigation and the subsequent recording of the remains prior to development in accordance with recommendations given by the borough and in the National Planning Policy Framework.

5. Hours of construction – All building operations in connection with the construction of external walls, roof, and foundations; site excavation or other external site works; works involving the use of plant or machinery; the erection of scaffolding; the delivery of materials; the removal of materials and spoil from the site, and the playing of amplified music shall only take place between the hours of 8.00am and 6.00pm Monday to Friday, and between 8.00am and 1.00pm on Saturdays and not at all on Sundays and Bank Holidays/Public Holidays.

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

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

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

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

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

7. Demolition of block A - The existing two storey teaching block entitled block A on Drawing No. AXA/TB shall be demolished prior to the first use of the proposed block B. Prior to demolition, a scheme to show how the land will be reinstated shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full within 6 months of the date block B first comes into use.

Reason: In the interests of the character and openness of the surrounding area and of amenity.

INFORMATIVES

1. 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.
2. The applicant is advised that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted considered and agreed. The Highway Authority requests that these comments are passed to the applicant. Any proposals which involve building over the public highway as managed by the London Borough of Havering, will require a licence and the applicant must contact StreetCare, Traffic & Engineering on 01708 433750 to commence the Submission/ Licence Approval process.
3. The development of this site is likely to damage heritage assets of archaeological interest. The applicant should therefore submit detailed proposals in the form of an archaeological project design. The design should be in accordance with the appropriate English Heritage guidelines.
4. Pursuant to the provisions of the National Planning Policy Framework responsibility for securing a safe development rests with the developer and/or landowner. It is recommended that a watching brief is implemented for the presence of any land contamination throughout the life of the development. In the event that contamination is found at any time when carrying out the development it should be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must then be undertaken and where remediation is necessary a remediation scheme must be prepared, implemented and verified in accordance with current best practice and submitted to the Local Planning Authority.
5. 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.

REPORT DETAIL

1. Site Description

- 1.1 The application site is Abbs Cross Academy and Arts College, which is accessed from Abbs Cross Lane. There are grounds and playing fields surrounding Abbs Cross School, which separates it from surrounding residential properties. The application site is located within a predominantly residential area, with the railway to the south and two storey housing with associated rear gardens to the north and east.

2. Description of Proposal

- 2.1 The application seeks permission to demolish a two storey teaching block and replace it with a three storey teaching block on the adjacent site.
- 2.2 The three storey teaching block would have a width of 49 metres, a depth of 16 metres and a height of 10.2 metres with a flat roof. The proposed materials for the building are brickwork, plastic boarding, a felt roof and white UPVC windows and doors.
- 2.3 Most of the academy buildings (with the exception of the sports hall) are over fifty years old and reflect the architecture of that period with exposed aggregate panels, curtain glazing and flat roofs, some are single, two and three stories high. The existing two storey block is dated and lacks in amenities with only two WC's and the remaining area comprises of classrooms. The proposed block will have amenities on all floors including disabled WC facilities and a lift. The second floor will be occupied by the Arts Department and house the Drama and Performing Arts classes, which at present, have inadequate facilities and accommodation. The two storey teaching block would be demolished once the new block is operational and will be returned to either a base for court games or a grassed area. The proposal does not involve increasing the number of pupils or staff.

3. Relevant History

- 3.1 No relevant planning history.

4. Consultations/Representations

- 4.1 Notification letters were sent to 40 neighbouring properties. Two letters of representation were received and one comprised of a letter of objection with detailed comments that have been summarised as follows:
- The plans were not available on the Council's website upon receipt of the neighbour notification letter and requested that the consultation period should be extended.
 - Loss of privacy.
 - Overlooking.

- Would prefer a higher boundary fence adjoining the residential properties in Tindall Mews to improve security.
 - Reference was made to the installation of defensive planting adjacent to the boundary fence adjoining Tindall Mews, which was allegedly secured by condition, but not implemented following the grant of an entertainment licence.
- 4.2 In response to the above, the consultation period for the advertisement expired on 16th August 2013, which was later than the neighbour notification period which expired on 9th August 2013. Comments regarding an entertainment licence and defensive planting are not relevant to this planning application and are not material planning considerations. Each planning application is determined on its individual planning merits. The remaining issues will be addressed in the following sections of this report.
- 4.3 English Heritage – The application site lies within an Area of Archaeological Potential and parts of the former Abbs Cross School were archaeologically evaluated in 2003 before redevelopment of the east of the site for housing and the construction of the school sports hall. These areas were not found to contain archaeological remains. Since then, examination of aerial photographs has revealed that cropmarks are visible in the remaining, undeveloped parts of the academy grounds. Although not yet tested archaeologically, their appearance suggests a field system and a ring ditch as being present. Some of these marks are visible on the current Google Earth imagery for the site. In view of the above, it is advised that a planning condition, securing archaeological evaluation and any appropriate mitigation works, would be advisable should the application be granted.
- 4.4 Network Rail – There is no formal objection to the application.

5. Relevant Policies

- 5.1 Policies CP17 (Design), DC29 (Educational Premises), DC33 (Car parking), DC34 (Walking), DC35 (Cycling) and DC61 (Urban Design) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Documents are material planning considerations. In addition, Policies 3.18 (Educational facilities), 6.13 (Parking) and 7.4 (Local character) of the London Plan and Chapters 7 (Requiring good design) and 8 (Promoting healthy communities) of the National Planning Policy Framework are relevant.

6. Staff Comments

- 6.1 This proposal is put before the Committee as the floor space for the proposed teaching block is over 1000 square metres. The issues arising in respect of this application will be addressed under the headings impact on the streetscene, amenity issues and parking and highways implications.
- 6.2 Principle of Development

6.2.1 The proposal is to demolish a two storey teaching block and replace it with a three storey teaching block on the adjacent site. The proposal is acceptable in principle and complies with LDF Policy DC29.

6.3 Design/impact on street/Garden scene

6.3.1 The application would comprise the demolition of the existing two storey block on the site. While the block appears to be in a structurally sound condition, it is not of any particular architectural or historic merit and no in principle objection is therefore raised to its demolition.

6.3.2 Council policy and guidance 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. It is considered that the three storey teaching block would not be harmful to the streetscene, as it would be located to the rear of the Abbs Cross Academy and Arts College. The proposal would be of a similar design to the existing two storey teaching block, which is being demolished and this will help to mitigate its impact. Staff consider that the height of the teaching block would integrate satisfactorily with the existing academy buildings, which are single, two and three stories high.

6.4 Impact on amenity

6.4.1 It is considered that the teaching block would not be harmful to residential amenity, as there would be a separation distance in excess of approximately 95 metres between the block and eastern boundary of the site, which borders the rear gardens of residential properties in Tindall Mews. It is considered that the residential properties to the north of the site in Cedar Road would not be adversely affected by the proposal, as there would be a separation distance of approximately 120 metres between the block and northern boundary of the site. It is considered that the residential properties to the west of the site in Abbs Cross Lane would not be adversely affected by the proposal, as the block would be located to the rear of the Abbs Cross Academy and Arts College. Staff consider that the proposal would not create any additional overlooking over and above existing conditions. In addition, the proposal does not involve increasing the number of pupils or staff.

6.5 Highway/parking issues

6.5.1 There are 91 car parking spaces on the site. As the proposal does not increase the number of teaching staff and the parking standard set by Havering has been met, the Highway Authority has no objection to the proposals. It is considered that the proposal would not create any highway or parking issues.

7. Conclusion

7.1 Having regard to all relevant factors and material planning considerations staff are of the view that this proposal to demolish a two storey teaching block and replace it with a three storey teaching block on the adjacent site would be acceptable. Staff are of the view that the proposal would not have an impact on the streetscene or result in a loss of amenity to neighbouring occupiers. The proposal is considered to be acceptable in all other respects and it is therefore recommended that planning permission 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. The new teaching block features a disabled W.C and a lift to improve access.

BACKGROUND PAPERS

The plans and application form were received on 24th June 2013.