



Havering

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

REGULATORY SERVICES COMMITTEE AGENDA

7.30 pm

**Thursday
6 March 2014**

**Havering Town Hall,
Main Road, Romford**

Members 11: Quorum 4

COUNCILLORS:

Conservative (6)	Residents' (2)	Labour (1)	Independent Residents' (1)	UKIP 1
Barry Oddy (Chairman) Barry Tebbutt (Vice-Chair) Rebecca Bennett Jeffrey Brace Roger Evans Lesley Kelly	Linda Hawthorn Ron Ower	Paul McGeary	David Durant	Fred Osborne

**For information about the meeting please contact:
Richard Cursons 01708 432430
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AGENDA ITEMS

1 CHAIRMAN'S ANNOUNCEMENTS

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

The Chairman will announce the following:

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

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

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

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

2 APOLOGIES FOR ABSENCE AND ANNOUNCEMENT OF SUBSTITUTE MEMBERS

(if any) - receive.

3 DISCLOSURE OF PECUNIARY INTERESTS

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

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

4 MINUTES (Pages 1 - 10)

To approve as a correct record the minutes of the meeting of the Committee held on 9 January 2014 and to authorise the Chairman to sign them.

- 5 **PLANNING OBLIGATIONS / LEGAL AGREEMENTS** (Pages 11 - 14)
- 6 **PLANNING AND ENFORCEMENT APPEALS RECEIVED, PUBLIC INQUIRIES /HEARINGS AND SUMMARY OF APPEAL DECISIONS** (Pages 15 - 42)
- 7 **SCHEDULE OF ENFORCEMENT NOTICES** (Pages 43 - 54)
- 8 **PROSECUTIONS UPDATE** (Pages 55 - 56)
- 9 **PLANNING APPLICATIONS – SEE INDEX AND REPORTS – APPLICATIONS WITHIN STATUTORY LIMITS** (Pages 57 - 80)

Report attached
- 10 **P1474.13 - WHITE BUNGALOW, SOUTHEND ARTERIAL ROAD** (Pages 81 - 92)
- 11 **L0010.13 - PARKLANDS BRIDGE, PARKLANDS PARK** (Pages 93 - 102)
- 12 **P1477.12 - ESSEX HOURSE, 1 HAROLD COURT ROAD, ROMFORD** (Pages 103 - 116)
- 13 **P1524.13 - R/O 38 CORBETS TEY ROAD** (Pages 117 - 132)
- 14 **P1547.13 - STORE AT JUNCTION OF CHUDLEIGH ROAD/LINDFIELD ROAD, HAROLD HILL** (Pages 133 - 142)
- 15 **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

16 EXCLUSION OF THE PUBLIC

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

17 CHIEF EXECUTIVE'S REPORT CONTAINING EXEMPT INFORMATION

**Andrew Beesley
Committee Administration
Manager**

Public Document Pack Agenda Item 4

**MINUTES OF A MEETING OF THE
REGULATORY SERVICES COMMITTEE
Havering Town Hall, Main Road, Romford
9 January 2014 (7.30 - 9.45 pm)**

Present:

COUNCILLORS: 11

Conservative Group Barry Oddy (in the Chair) Barry Tebbutt (Vice-Chair),
Rebecca Bennett, Roger Evans, Steven Kelly and
Lesley Kelly

Residents' Group Ron Ower and Gillian Ford

Labour Group Paul McGeary

**Independent Residents
Group** David Durant

Apologies were received for the absence of Councillors Jeff Brace and Linda Hawthorn.

+Substitute members Councillor Lesley Kelly (for Jeff Brace) and Councillor Gillian Ford (for Linda Hawthorn)

Councillors Frederick Thompson, Ray Morgon, Keith Darvill and Denis O'Flynn were also present for parts of the meeting.

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

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

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

**188 P1054.13 - LAND NORTH OF 8 JACKSON CLOSE, HORNCHURCH -
ERECTION OF SIX DWELLINGS**

The consideration of this planning application was deferred at staff's request to allow an opportunity for the applicant to address Air Quality issues.

189 **P0945.13 - THREE HORSESHOES FARM, NOAK HILL ROAD, ROMFORD**

The planning application before members proposed the demolition of existing stabling, storage, and residential buildings and the erection of five houses, along with landscaping and associated works.

The application was brought before Members on 24 October 2013. Members resolved to defer the application to allow for a committee site visit and for clarification relating to several issues. The applicants had subsequently decided to appeal against non-determination and members were therefore asked to give a determination as to the Council's case at appeal.

Members were advised that the Certificate of Lawfulness reference number referred to on page twenty four of the report should have read E0020.12 and not E0029.12.

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

The objector commented that as no site visit had taken place members could not fully appreciate the affect that the proposed development would have on the local area. The objector commented that the proposed development would: lead to a net loss of open greenbelt; be on a different footprint to the existing building; be significantly higher than the existing buildings. Questions were raised as to whether adequate restrictions could be placed on further development being carried out on the site. The objector also raised issues on intrusive lighting from the new buildings and the new access road.

In response the applicant commented that the report clarified members' previous concerns regarding the proposed development specifically noting that: a large proportion of the site would be returned to open green belt; the applicant had no control over the land surrounding the development site; no animals were kept in the residential units currently on the application site. With its agreement Councillors Denis O'Flynn and Keith Darvill addressed the Committee.

Councillor O'Flynn commented that some local residents were unaware of the existence of the certificates of lawful existing use for the existing buildings on the development site. Councillor O'Flynn also commented that a petition with seventy nine signatures and elven letters of representation had been submitted to the Council objecting to the proposal. Councillor O'Flynn suggested that the development would harm the outlook of existing properties and the semi-rural nature of the area stating that the application represented a threat to the green belt. Councillor O'Flynn questioned why there was no objection from the Highways Authority despite there being issues relating to a sinking road and the potential for future drainage problems and increased traffic volume in the area.

Councillor Darvill commented that the proposal was an inappropriate development of the site which was an area of special character. Councillor Darvill also commented that the proposal was being built on higher ground than the existing buildings which would lead to intrusive lighting affecting neighbouring properties.

During the debate members discussed the current use of the land and received clarification on the boundary of the site. A Member stated that he had gained admittance to the site and was disappointed that other members had been refused entry. The member also queried the ownership of the land surrounding the site. Members discussed the possible precedent that could be set by building on Green Belt land. Members received clarification on the position of the existing buildings on the site. Members also considered the height, mass and scale of the proposed buildings. Members considered the visual impact of the proposed development on the open nature of the green belt. A member noted that it may have preferable for the proposed dwellings to be built on the same footprint of the existing dwellings on the site.

The report recommended that planning permission be granted however following a motion to refuse planning permission it was **RESOLVED** that the Council object to the non-determination appeal on the grounds of:

Inappropriateness:

The proposed development would, by reason of its height/bulk/massing, be harmful to the openness of the Green Belt and would therefore constitute inappropriate development in the Green Belt. Very special circumstances, that overcome the harm by reason of inappropriateness and other harm, have not been demonstrated in this case. The proposal was therefore considered to be contrary to the guidance contained in the NPPF.

Visual Amenities:

The proposed development, by reason of its height/bulk/massing, would be detrimental to the visual amenities and open character of the Green Belt, and was therefore contrary to Policy DC61 of the LDF and the guidance contained in the NPPF.

Absence of Legal Agreement:

In the absence of a completed legal agreement there would be inadequate provision made for the securing of contributions towards infrastructure costs, contrary to Policy DC72 of the LDF, or the removal of existing structures benefitting from certificates of lawfulness, contrary to Policy DC61 of the LDF and the Green Belt guidance contained in the NPPF.

190 **P1388.13 - LAND AT HAYDOCK CLOSE, HORNCHURCH**

The report before members detailed a proposal for the erection of nine flats which would consist of one 1-bed flat and eight 2-bed flats.

Members were advised that a flood risk assessment had been carried out on the area and that there was a low risk of flooding.

Members were advised of an additional letter of representation objecting to the application due to increased traffic congestion and failure to protect trees.

Members were also advised that condition three of the report should have read four visitor parking spaces and not two as shown in the report.

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

The objector commented that they were speaking on behalf of the residents of Haydock Close and Gatwick Way. The objector commented that there was a lack of parking provision in both roads and that the proposed development would exacerbate the problem. The objector also commented that the emergency access to the site was not sufficient and that there had recently been an incident where an ambulance had not been able to access Gatwick Way.

In response the applicant commented that the application was in accordance with all policy; specifically the parking provision met planning guidelines and there had been no objection from the Highways Authority. The applicant stated there was no evidence of parking problems in the area.

With its agreement Councillor Ray Morgon addressed the Committee.

Councillor Morgon commented that there had been an underestimation of the parking provision and that users of the nearby social hall in Haydock Close often parked in the road when the hall's car park was full.

The committee noted that the proposed development would be liable for a Mayoral CIL contribution of £15,100 and **RESOLVED** that the proposal was unacceptable as it stood but would be acceptable subject to the applicant entering into a Section 106 Legal Agreement under the Town and Country Planning Act 1990 (as amended), to secure the following:

A financial contribution of £54,000 to be used towards infrastructure costs associated with the development in accordance with the Planning Obligations SPD.

All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.

To pay the Council's reasonable legal costs in association with the preparation of a legal agreement irrespective of whether the legal agreement is completed.

Payment of the appropriate planning obligation/s monitoring fee prior to completion of the agreement.

That staff be authorised to enter into a legal agreement to secure the above and upon completion of that agreement, grant planning permission subject to the conditions as set out in the report.

The vote for the resolution was carried by 8 votes to 2 with 1 abstention.

Councillors Ford and Ower voted against the resolution to grant planning permission.

Councillor Durant abstained from voting.

191 **P1357.13 - FORMER PETROL STATION, ADJACENT TO 2A SUTTONS LANE, HORNCHURCH**

The report before members concerned an application for a mixed use development comprising of a retail store on the ground floor with five flats over the first and second floors. The provision for on-site parking comprised of five car spaces for the flats and eleven car spaces for the retail store. The proposal included the provision of a new service lay-by off Suttons Lane.

Members noted that nine additional letters of representation and a petition had been received.

Members also noted that the application had been called in by Councillor Ray Morgon on the grounds of the impact on parking in the local area, visual and noise impact and delivery arrangements.

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

The objector commented that there were strong local objections to the opening of a new supermarket because it would be detrimental to existing businesses. The objector stated that the proposed use would result in increased traffic and noise and disturbance compared to the previous use. The objector also commented that the report before members had been completed before the close of the public consultation meaning that the report was not accurate.

The applicant commented that the application was policy compliant and catered for local needs. The applicant also confirmed that deliveries to the supermarket would be made by smaller vehicles and not HGVs and that all deliveries would be carried out with respect for neighbouring properties. The applicant also noted the creation of a new vehicle loading bay.

With its agreement Councillor Ray Morgon addressed the Committee.

Councillor Morgon commented that there was some limited support in the local area for the proposed development but that the vast majority of people strongly objected to the proposal. Councillor Morgon also commented that the proposal would result in parking problems in local streets. Councillor Morgan raised safety concerns over the access / egress arrangement to the site, raising concerns over restricted site lines when the loading bay is in use. Councillor Morgon advised that he wished to see a restriction on delivery hours to protect neighbouring resident's amenity.

During the debate members received clarification on the size of the entrance to the site and on boundary treatment. Members also discussed the parking arrangements for the site and the proximity of the site to the neighbouring nursing home. Members also gave consideration to the arrangements for deliveries to the new retail store including size of delivery vehicles and delivery times.

Members noted that the development would be liable for a Mayoral CIL payment of £17,680.08 and **RESOLVED** to delegate to the Head of Regulatory Services to grant planning permission subject to the applicant entering into a Section 106 Legal Agreement under the Town and Country Planning Act 1990 (as amended), and to include revised/additional conditions to:

- Control / limit weight and length of delivery vehicles serving the store to a maximum of 18 tonnes/11m with specific reference made to MOT descriptors.
- Parking management scheme to prevent misuse (including commuters) of shopper parking spaces.
- Scheme to prevent any other use of dedicated residential parking spaces.
- Delivery times 7am to 22.00 Monday to Saturday and 8am to 22.00 Sundays and Public Holidays.

The vote for the resolution was carried by 7 votes to 3 with 1 abstention.

Councillors Tebbutt, Ford and Durant voted against the resolution to grant planning permission.

Councillor McGeary abstained from voting.

192 **P1134.13 - 17 BOXMOOR ROAD - CHANGE OF USE OF THE EXISTING VACANT RETAIL (A1) UNIT TO A HOT FOOD TAKEAWAY (A5) WITH NEW REAR EXTERNAL EXTRACT DUCT**

It was **RESOLVED** that consideration of this application be deferred to allow objectors to have the opportunity to present their representations in light of their late awareness of the proposal.

193 **P0721.13 - HILL VIEW BOWER FARM ROAD, HAVERING-ATTE-BOWER - REPLACEMENT STABLES WITH TACK ROOM, HAY STORE AND WC**

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

194 **P1095.13 - 89 MAIN ROAD ROMFORD**

The report before members concerned an application for a change of use from Retail (A1) to Hot Food Takeaway (A5) and the installation of extract ducting.

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

Members noted that Councillor Frederick Thompson had called the application in only if it was not recommended for refusal.

During a brief debate members discussed the local parking provision adjacent to the site and the planning uses of other units in the parade of shops.

It was **RESOLVED** that planning permission be refused for the following reasons;

1. The proposal, by reason of the resultant reduction of the number of units in retail use in the relevant frontage of the core area of the Gidea Park Major Local Centre would, adversely impact on the vitality and viability of the retail function of the Centre as a whole, contrary to Policy DC16 of the Development Control Policies Development Plan Document.
2. The proposed development would, by reason of the inadequate on site car parking provision, result in unacceptable overspill onto the adjoining roads to the detriment of highway safety and residential amenity and contrary to Policies DC32 and DC33 of the Development Control Policies Development Plan Document.

195 **P1238.13 - 3 FESTIVAL COTTAGES NORTH ROAD, HAVERING ATTE BOWER - SINGLE STOREY REAR EXTENSION**

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

The vote for the resolution to grant planning permission was carried by 10 votes to 1.

Councillor Lesley Kelly voted against the resolution to grant planning permission.

196 **P1159.13 - LAND REAR OF 4-12 TANSY CLOSE, 10-50 DEWSBURY ROAD AND 1-9 WOODLANDS HOUSE HAROLD HILL - DEMOLITION OF EXISTING GARAGES AND CONSTRUCTION OF 5 NEW DWELLINGS, PRIVATE AMENITY SPACE, PARKING AND AN ACCESS ROAD**

The Committee considered the report noting that the proposed development attracted a Mayoral CIL payment of £5,276.15 and **RESOLVED** that the proposal was unacceptable as it stood but would be acceptable subject to the applicant entering into a Section 106 Legal Agreement under the Town and Country Planning Act 1990 (as amended), to secure the following:

- A financial contribution of £30,000 to be used towards infrastructure costs in accordance with the Planning Obligations Supplementary Planning Document.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the agreement, prior to completion of the agreement, irrespective of whether the agreement is completed;
- The Developer/Owner to pay the appropriate planning obligation/s monitoring fee prior to completion of the agreement.

That staff be authorised to enter into a legal agreement to secure the above and upon completion of that agreement, grant planning permission subject to the conditions as set out in the report.

197 **P1136.12 - 1A HILLVIEW AVENUE HORNCHURCH - SINGLE STOREY HOUSE (OUTLINE APPLICATION)**

The Committee considered the report noting that the proposed development would be liable for a Mayoral CIL payment and that the applicable charge would be calculated at the submission of reserved matters application and without debate **RESOLVED** that the proposal was unacceptable as it stood but would be acceptable subject to the developer / owner(s) entering into a

Legal Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended), to secure the following:

- Prior to commencement of the proposed dwelling in question, the land to the south-east corner of the adjoining church and the south-west corner of No.1 Hillview Avenue as indicated in the submitted 'Private Access and pedestrian visibility splay plan' and plan number 910/03A, both dated 10 September 2013, shall remain as clear and unobstructed pedestrian visibility splays for the lifetime of the development. No obstruction above 0.6 meters in height shall be placed within these visibility splays.
- A financial contribution of £6k per dwelling unit towards the infrastructure costs arising from the development would be required at the time of the reserved matter application to fulfil the requirements of the Planning Obligations SPD.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the Legal Agreement prior to the completion of the agreement irrespective of whether the agreement is completed.
- Payment of the appropriate planning obligations monitoring fee prior to the completion of the agreement.

That staff be authorised to enter into a legal agreement to secure the above and upon completion of that agreement, grant planning permission subject to the conditions as set out in the report.

198 **P1137.13 - 55 WHITE HART LANE, ROMFORD - CHANGE OF USE OF AN EXISTING VACANT RETAIL (A1) UNIT TO A HOT FOOD TAKEAWAY (A5) WITH NEW REAR EXTRACT DUCT**

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

The vote for the resolution was carried by 8 votes to 0 with 3 abstentions.

Councillors Ford, Ower and Durant abstained from voting.

199 **P1405.13 - CAR PARK, REAR OF TOWN HALL, MAIN ROAD, ROMFORD - INSTALLATION OF AN EMERGENCY POWER GENERATOR**

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

Chairman

REGULATORY SERVICES COMMITTEE

6 MARCH 2014

REPORT

Subject Heading:

Planning obligations and agreements

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

6 MARCH 2014

REPORT

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 2 November 2013 and 14 February 2014

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 December 2013, 26 new appeals have been started. Decisions on 30 appeals have been received during the same period 24 have been dismissed, 4 allowed. 1 withdrawn and 1 deemed invalid.
- 1.2 Appeals received between 2 November 2013 and 14 February 2014 is on the attached list (mainly dealt with by written representation procedure).

IMPLICATIONS AND RISKS

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

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

Human Resources implications and risks: No implications identified

Equalities implications and risks: No implications identified

LIST OF APPEAL DECISIONS MADE BETWEEN 02-NOV-13 AND 14-FEB-14

APPEAL DECISIONS - PLANNING					
Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p>P1565.12 14 Beverley Gardens & rear of 8, 10, 12, 14, 16, 18 Beverley Gardens Hornchurch <i>Demolition of No. 14 Beverley Gardens, the formation of a new access road and footpath and the erection of two dwellings consisting of 2No. x3 bedroom bungalows, one with detached double garage and one with integral double garage- Outline Application</i></p>	Hearing	Refuse	Delegated	<p>The proposed development would be harmful to the open and spacious character and appearance of the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD, the Residential Design SPD and the Emerson Park Policy Area SPD. The proposed development would, by reason of its height, roof form, siting and proximity to the rear gardens of neighbouring properties in Channing Close and Beverley Gardens appear dominant and be harmful to neighbouring residents living conditions including an undue loss of outlook contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.</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 Policy DC72 and the Havering Planning Obligations Supplementary Planning Document.</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>Allowed with Conditions</p> <p>.The proposed bungalows would have good-sized front and back gardens, and sufficient space around them, to provide a well planted and spacious landscaped setting. Existing trees would be also be retained, and therefore the open and spacious character of the locality would be maintained.</p> <p>Other development in close proximity to the site has a back land character and the Inspector found that these developments have largely maintained the spaciousness and openness which contribute positively to local distinctiveness, and they are now part of the established pattern of development</p> <p>The proposed dwellings would not be unacceptably close to the site boundaries and their scale and appearance could be controlled at reserved matters stage. The Inspector found no reason to expect that they would be so intrusive or so dominant that they would materially harmful to the outlook of the nearby occupiers in their homes or gardens.</p> <p>A planning obligation for a financial contribution towards infrastructure had not been completed at the time of the appeal hearing. However the Inspector did not consider that the requirement for a Planning Obligations met all of the 3 statutory tests in The Community Infrastructure Levy Regulations 2010. Because all 3 of tests have to be met, even if the planning obligation had been completed, in the Inspectors view it could not have been taken into account.</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 02-NOV-13 AND 14-FEB-14

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				<p>The proposal, if granted planning permission on appeal, would be liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be ££4,640. Further details with regard to CIL are available from the Council's website.</p>	
<p>P1333.12 16 Heather Glen Romford <i>Demolish conservatory, two storey side extension and roof alterations to create a new dwelling</i></p>	<p>Written Repls</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed dwelling would, by reason of its siting, proportions and proximity to the boundaries of the site combined with the width of the plot; give rise to a cramped appearance and overdevelopment, harmful to the open and spacious character of the streetscene contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD and the Residential Extensions and Alterations SPD.</p> <p>In the absence of a legal agreement to secure a financial contribution of £6,000 to be used towards infrastructure costs of new development, the proposal is contrary to the provisions of the Havering Planning Obligations Supplementary Planning Document. 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</p>	<p style="text-align: center;">Dismissed</p> <p>The footprint of the two-storey extension would abut the rear edge of the adjacent pavement. It would result in the loss of the gap between the existing flank wall of the house and the pavement. Resultantly, the proposal would have a flank wall directly adjacent to the footpath, creating an awkward pinch point with the result being an unacceptable visually cramped form of development.</p> <p>No lawfully executed agreement or unilateral undertaking was provided to offset the demands which would arise from the proposed development on local infrastructure and services. The Inspector found the contribution sought satisfied the tests set out in The Community Infrastructure Levy Regulations 2010 and the proposal conflicted with adopted SPD and policy.</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 02-NOV-13 AND 14-FEB-14

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				National Planning Policy Framework 2012.	
<p>E0025.12 4 Writtle Walk Rainham <i>Certificate of lawfulness for existing use as A3 Resturant</i></p>	Written Reps		NON DETERMINATION		<p>Dismissed</p> <p>The Inspector found that despite the long period of closure, the use throughout 4 Writtle Walk's period of active use has been as a retail unit within Use Class A1. Planning permission has not been granted for any other use and the Inspector was satisfied that the premises have not been used at any time as a restaurant; Use Class A3. This was consistent with the Council's case that these premises had been used primarily for retail purposes within Class A1. The Council's deemed refusal to grant a lawful development certificate was well-founded and the appeal was dismissed.</p>
<p>P1495.12 11 Parkstone Avenue Emerson Park Hornchurch <i>Demolish existing house and create a new six bedroom house with detached swimming pool complex and boundary walls/ gates</i></p>	Written Reps	Refuse	Delegated	<p>The height, scale, bulk and mass of the replacement dwelling and its position close to the eastern boundary of the site, would appear incongruous, dominant and visually intrusive in the streetscene harmful to the open and spacious character and appearance of the surrounding area contrary to the Emerson Park Policy Area SPD and Policy DC61 of the LDF Core Strategy and Development Control Policies DPD. The proposed boundary treatment by reason of its length, height and design, including a combination of a brick wall, wrought iron railings and timber gates, would appear incongruous, dominant</p>	<p>Dismissed</p> <p>The proposal would be significantly higher than the existing house and it would be higher than the developments on either side. The combined width and height of the proposed house would be considerably larger than the existing dwelling and the dwellings in the immediately adjoining area. Resultantly its size and scale would result in an unduly dominant development in the context of its Emerson Park surroundings.</p> <p>Turning to the other elements of the proposal, the Inspector found the large bulk of the swimming pool building combined with its proximity to the highway would result in a</p>

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				<p>and visually intrusive in the streetscene harmful to the character of the surrounding area and the street scene contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.</p> <p>The detached swimming pool building would, by reason of its excessive height, proportions, siting and proximity to the eastern boundary of the site, appear overbearing, dominant and visually intrusive in the streetscene, particularly when viewed from Rockchase Gardens, harmful to the open and spacious character and appearance of the surrounding area contrary to the Emerson Park Policy Area 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 in accordance with para 186-187 of the National Planning Policy Framework 2012.</p>	<p>visually intrusive development. Moreover the 2m high solid front boundary walls would adversely affect the open and spacious character of the road.</p>
<p>P1346.12 Land Adj 109 Saunton Road Hornchurch <i>Construction of new one bedroom bungalow.</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed development would, be reason of its form, height, scale, bulk, siting, proximity to the boundaries of the site and a lack of setting, appear as an incongruous and unacceptably cramped overdevelopment of the site, to the detriment of local character and the</p>	<p>Dismissed</p> <p>The proposed bungalow would be much nearer the highway than the building line formed by other development along Hartland Road. This would therefore be visually prominent in the street scene. Furthermore</p>

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				<p>streetscene, contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.</p> <p>The proposed development would, by reason of its height, scale, bulk and proximity to the boundaries of the site, appear overbearing, intrusive and out of character within the rear garden environment, harmful to the amenity of occupiers of neighbouring residential properties, contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.</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 Havering Planning Obligations Supplementary Planning Document. 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>it's siting, on one boundary and close to another would not allow sufficient space around the bungalow giving it a cramped appearance. Finally the close relationship of the appeal proposal with both the donor property and other houses in Saunton Road would be likely to adversely affect the outlook from the rear of those properties.</p>
<p>P1480.12 179 Cross Road Romford <i>Residential development</i></p>	<p>Written Reps</p>	<p>Approve</p>	<p>Committee</p>	<p>It is considered that the proposal would, by reason of its excessive bulk and intrusive impact in the rear garden scene, have a significant adverse impact on the outlook and amenity of</p>	<p style="text-align: center;">Dismissed</p> <p>The access to the proposed flats would be via a gated narrow drive situated between two houses. The Inspector found that the</p>

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<p><i>to provide 6No. 2 bedroom flats. Demolition of the existing dwelling and garage to the front of the site.</i></p>				<p>neighbouring properties, contrary to Policy DC61 of the Core Strategy and Development Control Policies DPD. It is considered that the proposal would result in a harmful degree of noise and vehicular disturbance caused by traffic using the proposed access road. The proposal would therefore be detrimental to the amenity of neighbouring occupiers, contrary to Policy DC61 of the Core Strategy and Development Control Policies DPD.</p> <p>It is considered that the proposal would, by reason of its scale and bulk, result in a significantly harmful impact on the setting of the adjacent Green Belt, contrary to Policy DC61 of the Core Strategy and Development Control Policies DPD and the guidance contained in the National Planning Policy Framework.</p>	<p>proposal would result noise intrusion and disturbance from vehicle movements within the external areas of the site. Because of the entry gate and the width of the access, there would be the potential for vehicles to wait with their engines running along this access, including waiting by the ground floor front window of one of the houses adjacent to the proposed gate. Other noise would be from the starting of engines and manoeuvring of vehicles within the parking area. The vehicle related activities would introduce noise disturbance into a relatively quiet area to the rear of the existing dwellings and their gardens that would adversely affect the living conditions of the occupiers of neighbouring properties.</p> <p>The Inspector considered that the proposed development would not cause unacceptable harm to the character and appearance of the surrounding area. Moreover, no adverse harm would be caused by overlooking, loss of privacy, sunlight or daylight. However these matters are substantially and demonstrably outweighed by the unacceptable harm caused by noise impacts associated with the vehicle movements and manoeuvres generated by six flats.</p>
<p>P1069.12 R/O 27 Princes Road Romford <i>Conversion of garage to one bed bungalow</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed conversion of the garage would result in a substandard unit of residential accommodation with poor outlook, privacy and living conditions for future occupiers. In this respect the proposal would be contrary to Policy 3.5 of the London Plan, Policies DC2 and</p>	<p>Dismissed</p> <p>The size of the proposed accommodation would be cramped and would not provide a good standard of amenity for future occupants. The cramped nature of the proposal is accentuated by the limited</p>

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				<p>DC4 of the Local Development Framework and the Residential Quality SPD.</p> <p>The proposed development, by reason of its location in close proximity to the adjoining properties, would result in unacceptable loss of privacy and noise disturbance to existing occupiers as well as future occupiers of the proposed dwelling, contrary to Policy DC61 of the LDF.</p> <p>The proposal would result in the loss of existing off street parking for no. 27 Princes Road, resulting in overspill parking and increased demand for on-street parking where there is limited capacity, contrary to Policy DC32 of the LDF.</p>	<p>amenity space. Neighbouring properties and their private amenity space would be overlooked causing a loss of privacy to their occupants. Therefore the proposal would provide unsatisfactory living conditions for both the occupiers of the neighbouring properties and the future occupiers of the proposed bungalow.</p>
<p>P1419.12 1 Rothbury Avenue Rainham <i>New two bedroom end of terrace dwelling with off street parking</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed dwelling would, by reason of its gabled roof form, siting, proportions and proximity to the boundaries of the site combined with the width of the plot; give rise to a cramped appearance and overdevelopment harmful to the open and spacious character of the streetscene contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD. The proposed dwelling would, by reason of its height, gabled roofs, depth, proportions, siting and position close to the boundaries of the site, appear a dominant, overbearing, unneighbourly and visually intrusive in the rear garden environment harmful to the amenity of adjacent occupiers, particularly No. 1 Rothbury Avenue contrary to the</p>	<p style="text-align: center;">Dismissed</p> <p>The appeal site occupies a prominent residential corner plot on the junction of two roads. The proposed dwelling would be located adjacent to the existing dwelling. Its size and prominent siting would reduce the existing spaciousness between the existing dwelling and the highway where spacing between dwelling frontages and the highway is consistent. It would result in an incongruous, unduly dominant form of development. The proposed roof would contrast with the prevailing hipped roofs within the vicinity of the site and unbalance the terrace of which the proposed dwelling would form a part of.</p>

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				<p>Residential Extensions and Alterations SPD and Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.</p> <p>In the absence of a legal agreement to secure a financial contribution of £6,000 to be used towards infrastructure costs of new development, the proposal is contrary to Policy DC72 of the LDF Core Strategy and Development Control Policies DPD and the provisions of the Havering Planning Obligations Supplementary Planning Document. 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>P0273.13 37 Maylands Way Romford <i>Single storey detached garage</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed development would, by reason of its excessive scale, height, bulk and mass, appear as an unacceptably dominant and visually intrusive feature in the rear garden environment which would be out of character and harmful to the appearance of the surrounding area, contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.</p>	<p style="text-align: center;">Dismissed</p> <p>The proposed garage would fill almost the full width of the garden and would be 12 metres in length with a height to the ridge of the roof of 4 metres. It is considered that due to its scale, height and massing would be visually dominant in the rear garden environment and that this would be detrimental to the character and appearance of the area.</p>

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<p>P1163.12 Rear of 107 Dagenham Road Romford <i>1No single storey dwelling</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed development would, by reason of its form, height, scale, bulk, siting and proximity to the boundaries of the site, appear as an incongruous and unacceptably cramped overdevelopment of the site, to the detriment of local character and the streetscene contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD. The proposed new dwelling would result in an overbearing, intrusive and out of character feature within the rear garden environment harmful to the amenity of occupiers of neighbouring residential properties contrary to policy DC61. 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 Havering Draft Planning Obligations Supplementary Planning Document. 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 NPPF</p>	<p>Dismissed</p> <p>The proposed bungalow would be sited closer to the footway than the existing garage and forward of the neighbouring property and the general building line. By reason of its siting and height it would appear as an conspicuous and incongruous form of development that would be a cramped form of development because of the limited amenity space around the proposed bungalow. Finally, the poor levels of daylight reaching the only bedroom would result in unsatisfactory living conditions for the future occupiers.</p>
<p>P1160.12 Site Adj to 151 Avon Road Upminster <i>Proposed ground floor</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed development would, by reason of its height, bulk and mass, roof form and prominent location, be incongruous with the existing form and rhythm of the terrace and would result in</p>	<p>Dismissed</p> <p>The proposal would be three storeys in height and sited forward of the building line to the</p>

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<i>shop(A1/A2) with 2 bedroom maisonette over.</i>				a cramped appearance of the built forms at this corner of the crossroads, harmful to the appearance of the surrounding area contrary to Policy DC61 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document. 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.	north of the site. The overall size of the proposal would differ from the other units in the parade and this aspect would appear incongruous given the strong symmetrical aspect of the existing design and the disruption of that symmetry. The combination of these factors would result in a visually intrusive development.
<p>P0213.13 Land r/o of 3 & 5 Parsonage Road Rainham <i>2No. x two bedroom semi-detached bungalows with associated amenity and parking</i></p>	Written Reps	Refuse	Delegated	The proposed development would, by reason of its layout, size, scale and position of the proposed dwellings within the existing rear garden environment, appear isolated and visually intrusive and result in amenity areas which are uncharacteristically small in comparison to the more spacious gardens in the surrounding area. The proposal is therefore considered to result in development which would be harmful to the character and appearance of the area and contrary to the NPPF, Policy DC61 of the LDF Development Control Policies Development Plan Document and the Residential Design SPD. In the absence of a mechanism to secure a planning obligation towards the infrastructure costs of new development	<p style="text-align: center;">Dismissed</p> The proposed building would be the only back land development of its type in the immediate area, appearing incongruous in the open suburban garden environment, isolated from any similar built form and poorly integrated with the surrounding properties. In view of the particularly open and spacious character of the rear garden scene and the bulk of built development, the proposal would harm the character and appearance of the area.

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				<p>the proposal is contrary to Policy DC72 of the LDF Development Control Policies Development Plan Document and the provisions of the Havering Planning Obligations Supplementary Planning Document.</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 NPPF.</p>	
<p>P1313.12 159 Station Lane Hornchurch <i>Retrospective application for the formation of hardstanding, soft landscaping and associated drainage to the front garden of 159 Station Lane.</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The provision of off-street parking in the manner proposed would, by reason of its close proximity to neighbouring bedroom windows, be an intrusive and unneighbourly development giving rise to an unacceptable level of noise, general disturbance as well as headlight and other pollution, seriously prejudicial to the amenities of adjacent occupiers, contrary to Supplementary Design Guidance and Policy DC61 of the Core Strategy and Development Control Policies Submission Development Plan Document.</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</p>	<p>Dismissed</p> <p>Council guidance states that the formation of parking spaces for first floor flats is unlikely to be acceptable where located adjacent to neighbours' ground floor living room or bedroom windows. The Inspector found that proposed car parking space would more or less directly face a ground floor living room window at very close range. This relationship would unacceptably harm living conditions at the ground floor flat due to disturbance caused by noise and light.</p>

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				negotiation, was in this case appropriate in accordance with para 186-187 of NPPF	
<p>P1526.12 Rear of 19-25 Ferndale Road Collier Row Romford <i>Variation of condition 9 for part of turning circle now to be block paved.</i></p>	Written Reps	Refuse	Delegated	<p>The car parking area extends beyond the area hatched black on approved plan No. 02.178.01B of planning application P1734.03. Due to the block paving surface, the revised scheme would invite parking in the two areas marked "turning space." Any parking in these areas would prevent the egress of vehicles parked in Parking Spaces 3 and 4 and negate the function of the turning area to facilitate access to the adjoining garages at the rear of properties in Ferndale Road. The proposal will adversely affect the functioning of the site and the turning facilities for vehicles and is therefore considered to be contrary to the Policies DC32, DC33 and DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document. Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: Improvements were required to make the proposal acceptable and suitable amendments were suggested during the course of the application, in accordance with para 186-187 of the National Planning Policy Framework 2012. The applicant declined to make the suggested revisions.</p>	<p style="text-align: center;">Dismissed</p> <p>The main issues in respect of the enforcement notice appeal (Appeal A) are the effect on (i) the character and appearance of the area and (ii) highway safety with particular regard to the adequacy of space for turning. The main issue in respect of the planning appeal against the refusal to vary condition 9 (Appeal B) is highway safety with particular regard to the adequacy of space for turning.</p> <p>The appeal site sits at the rear of 19-25 Ferndale Road, a predominantly residential area. Planning permission granted on appeal for the erection of two chalet style bungalows subject to conditions. Condition 4 (the landscaping condition) provides that the site shall be landscaped and planted with trees and shrubs in accordance with a scheme approved by the Council before development is commenced. A scheme was submitted to the Council in 2005 and approved in writing confirming the soft landscaping plans were acceptable and condition 4 was discharged. The soft landscaping as implemented is less than that shown on the approved scheme. The failure to implement the approved landscaping scheme causes harm to the character and appearance of the area.</p> <p>Condition 9 (the access condition) attached to the permission provides that neither of the dwellings shall be occupied until the access</p>

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					<p>road and the area of land has been constructed and marked out in accordance with details approved by the Council. A scheme was submitted to the Council in 2005 and approved in writing confirming the access condition were acceptable and condition 9 was discharged. A planning application submitted in 2012 sought consent to vary condition 9 of the permission. It sought consent for part of the turning circle to be block paved but it was refused in February 2013.</p> <p>The Inspector concluded that the use of brick paving instead of tarmac as shown on the approved drawing encourages parking on the paving which reduces the perceived useable size of the turning circle. Harm to highway safety is caused by encouraging reversing onto the public highway and increasing the potential for on street parking. The functioning of the site as a turning facility for vehicles is adversely affected and does not accord with the development plan. Both the planning and enforcement notice appeals did not succeed.</p>
<p>P1086.12 6 The Parade Colchester Road Romford <i>Change of use of existing storage/workshop into pre-school for children aged 2-5 years during term times and staff continuous professional</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposal would not include sufficient staff parking or a drop-off zone and therefore falls short of the parking standards contained in the LDF. It is considered that the proposal would result in overspill parking in the area, potentially resulting in significant adverse impacts on highway safety and a nuisance to local residents. The proposal is therefore contrary to Policies</p>	<p>Dismissed</p> <p>.The Inspector found that the access to the pre-school area is narrow and there is little turning space for vehicles and a workable drop-off space could not be provided for parents dropping children off which is a Council requirement. Most people would bring children to the pre-school by car and would need to park or drop-off in the street. Given</p>

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<i>development holiday club.</i>				DC26 and DC32 of the Core Strategy and Development Control Policies DPD. Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: Improvements were required to make the proposal acceptable and suitable amendments were suggested during the course of the application, in accordance with para 186-187 of the National Planning Policy Framework 2012. The applicant declined to make the suggested revisions.	the lack of off street parking provided and sufficient on-street space to accommodate an increase in demand, it would be highly likely to lead to increased manoeuvring and danger to road users, including pedestrians. Any back up of vehicles on The Parade could make it difficult to turn into the street from the A12.
<p>P0438.13 Former Petrol Service Station Eastern Avenue West Romford <i>Extension of part-completed 2-/3-storey building in mixed commercial/residential building with A1/A2 Use to the ground floor with 7 flats and 12 ancillary parking spaces, to provide two additional one bedroom flats (amendment to P1707.11); totalling 9 units.</i></p>	Written Reps	Refuse	NON DETERMINATION		<p>Dismissed</p> <p>The two additional flats at second floor level would have a mansard roof; however such a feature on a contemporary building would appear at odds with both the character and appearance of the building and its setting. The proposal would also significantly weaken the characteristic stepped appearance of the existing building. Finally, the bulk, scale and position of the proposal would appear unacceptably visually intrusive to occupiers of the nearest dwelling to the north, particularly when in their rear garden</p>
<p>P0515.13 76 Halesworth Road Romford <i>Two storey side extension</i></p>	Written Reps	Refuse	Delegated	The proposed development would, by reason of its width, bulk and mass, appear as an unacceptably dominant and visually intrusive feature in the streetscene and will close the characteristic gap which separates the	<p>Allowed with Conditions</p> <p>The extension would appear subordinate to the appeal property and would blend in with the existing terrace and there would be no detrimental effect on the area's character and appearance. Furthermore it would not result</p>

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				<p>subject dwelling from the adjacent terraced block. The resultant development is therefore considered to be harmful to the character and appearance of the surrounding area, contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.</p> <p>The proposed development would, by reason of its particular position and proximity to the neighbouring property, No.78 Halesworth Road seriously overbear and dominate the outlook and general amenity of this property as well as resulting in loss of light. The proposal is therefore considered to have a serious and adverse effect on the living conditions of this occupier and is 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: Improvements were required to make the proposal acceptable and suitable amendments were suggested during the course of the application, in accordance with para 186-187 of the National Planning Policy Framework 2012. The applicant declined to make the suggested revisions.</p>	<p>in appreciable loss of daylight and sunlight to the neighbouring garden or habitable rooms within the dwelling nor would the neighbours' privacy be compromised.</p>
<p>P0485.13 land r/o 19 Mildmay Road Romford <i>Conversion of the</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposal, by reason of the self-contained nature of the accommodation proposed, is considered likely to give rise to the creation of a separate planning unit, which would result in</p>	<p>Dismissed</p> <p>The proposed residential annexe does not include a kitchen. Future occupiers of the proposed accommodation would be entirely</p>

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<i>outbuilding to a residential unit</i>				<p>development which is materially out of character with the open, spacious rear garden environment and would potentially result in material harm to neighbouring residential amenity to the detriment of the character of the locality and contrary to the provisions of Policies DC4 and DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document. The proposal would, by reason of its incidental nature and physical separation from the existing kitchen facilities of the flat no. 19, limited privacy and level of overlooking of the new single-aspect property, result in a substandard standard level of amenity for the proposed occupiers, to the detriment of residential amenity, contrary to Policies DC4 and DC61 of the LDF Core Strategy and Development Control Policies DPD.</p> <p>The proposed development would, by reason of inadequate on site car parking provision and likely exiting of the site in a reverse gear, result in unacceptable vehicle manoeuvres and overspill of car parking provision onto the adjoining roads to the detriment of highway safety and residential amenity, contrary to Policies DC4 and DC32 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</p>	<p>reliant upon No. 19 Mildmay Road which is physically separate from the proposed residential annexe. To be entirely reliant upon No. 19 for all cooking facilities would not be a realistic or a workable solution, and would not provide those occupiers with a satisfactory standard of living accommodation. The proposed accommodation would be single-aspect, with all windows facing onto the hard-surfaced parking area the rear elevations of the flats opposite. Consequently, the outlook for future occupiers of would be poor and a number of the flat also directly overlook the proposed residential annexe at a relatively short distance, which would result in further loss of privacy to the future occupiers.</p>

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				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>P0554.13 31 Preston Road Romford <i>Hardstanding to front of property</i></p>	Written Reps	Refuse	Delegated	<p>The proposed development, entailing paving over of the majority of the front garden area, would be visually harmful to the character and appearance of the surrounding area, contrary to the Residential Extensions and Alterations SPD and 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 style="text-align: center;">Dismissed</p> <p>The proposal is retrospective as whole of the property frontage is hard surfaced. It was noted there are generally green, planted front gardens of most properties nearby and the hard surfacing to the front of the site gives it a rather harsh and stark appearance. Part of a grass verge which separates the site from the road would need to be removed. This would exacerbate the visual harm caused by the development.</p>
<p>P1303.12 8 Elm Grove Emerson Park Hornchurch <i>Single/two storey side and rear extensions and single storey front extension.</i></p>	Written Reps	Refuse	Delegated	<p>The proposed development would, by reason of its design, 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</p>	<p style="text-align: center;">Dismissed</p> <p>.In the Inspectors opinion, the bulk and design of the proposed side extension position would appear as a dominant addition to the dwelling, which would be unacceptably visually intrusive within the street scene. Although the proposal would not affect the root structures of trees along the boundary in the neighbouring garden, there could be</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 02-NOV-13 AND 14-FEB-14

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				<p>reason of lack of a minimum separation from the site boundary of 2m, result in a cramped development, contrary to Policy DC69 of the LDF Core Strategy and Development Control Policies DPD.</p> <p>The proposed development may result in the loss of valuable landscaping which is a feature of the Emerson Park Policy Area. The proposal is therefore contrary to Policy DC69 of the LDF Core Strategy and Development Control Policies DPD.</p>	<p>pressure to remove branches in the future which would be to the detriment of the verdant landscape character</p>
<p>P0572.13 33 McIntosh Road Romford <i>Two storey side extension</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed development would, by reason of its lack of subservience and unsatisfactory design, fail to relate acceptably and would visually unbalance the appearance of this semi-detached property. Moreover, due to the close proximity of the development to the public highway, the proposals would appear as an unacceptably dominant and visually intrusive feature in the street scene. The development is therefore harmful to the character and appearance of the surrounding area and contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.</p>	<p style="text-align: center;">Dismissed</p> <p>The Inspector concluded that due to the width, bulk and position of the proposed extension, it would appear as a dominant and incongruous addition which would project forward of the established building line. It would not be in keeping with the spacious corner location and would unbalance this pair of semi-detached dwellings.</p>
<p>P0351.13 58 Norman Road Hornchurch <i>Rear dormer at 1st floor level</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed development would, by reason of its height, bulk and mass, appear as an unacceptably dominant and visually intrusive feature within the roofscape of this dwelling which is widely visible both from the streetscene and the rear garden environment. The development would therefore be harmful to the appearance of the surrounding</p>	<p style="text-align: center;">Allowed with Conditions</p> <p>The proposed dormer window would be located in the rear roof slope of the existing bungalow. Although it would be prominent within the rear roof plane it would be well contained within the existing roof plane and would not rise above the ridge. It would appear as a harmonious addition to the building.</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 02-NOV-13 AND 14-FEB-14

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				<p>area and is contrary to 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 in accordance with para 186-187 of the National Planning Policy Framework 2012.</p>	
<p>P0801.13 18 Little Aston Road Harold Wood <i>Part single and part two storey rear extension</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed two storey rear extension would, by reason of its excessive depth and position close to the boundary with No.20 Little Aston Road, be an intrusive and unneighbourly development which will overbear and dominate the outlook and amenity of this neighbour. The development is therefore contrary to the Residential Extension and Alteration Supplementary Planning Document and Policy DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document. 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</p>	<p>Dismissed .The two storey element of the appeal proposal, due to its height and depth would be seen clearly from the rear of neighbouring dwelling. The first floor bedroom and the dining room of neighbouring dwelling which are closest to the common boundary, would be adversely affected. The combined depth and height of the proposed extension in close proximity to these rooms would create a sense of enclosure and an overbearing effect that would be unacceptable.</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 02-NOV-13 AND 14-FEB-14

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				2012.	
<p>P0675.13 34 Lake Rise Romford <i>Proposed raised patio area to rear of property and boundary screening</i></p>	Written Reps	Refuse	Delegated	The proposed development would, by reason of its height, 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 adjacent occupiers, contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.	<p style="text-align: center;">Allowed with Conditions</p> <p>The Inspector concluded that in its present form there is unacceptable harm to the neighbours. However with the imposition of planning conditions including screening along the boundary, this could mitigate the harm caused by overlooking and protect the living conditions of the occupiers of the neighbouring dwelling.</p>
<p>P0924.13 149 Lancaster Drive Hornchurch <i>Single storey front extension and first floor rear extension</i></p>	Written Reps	Refuse	Delegated	<p>The proposed front extension would, by reason of its excessive depth, 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.</p> <p>The alteration of the main entrance to the property to the flank wall, accessed from the shared drive which gains access to two garages in the rear garden environment, is considered to be detrimental to the safety of pedestrians leaving the property, 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</p>	<p style="text-align: center;">Dismissed</p> <p>The proposed extension would be significantly larger than the majority of porches and front extensions in the road, which would be particularly apparent in relation to the front extensions to other properties in the terrace. It is therefore out of keeping with the typical scale of porches and front extensions in the street, and as such would be visually intrusive in the street scene detracting from the character and appearance of the area.</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 02-NOV-13 AND 14-FEB-14

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				<p>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>P0749.13 R/O 9 Hood Road Rainham <i>Proposed two bedroom detached chalet bungalow</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed development would, by reason of its excessive height, roof form, bulk and mass, combined with the narrow width of the plot give rise to a cramped appearance and appear a dominant, overbearing, unneighbourly and visually intrusive feature in the rear garden environment harmful to the amenity of adjacent occupiers contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD. 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 Havering Planning Obligations Supplementary Planning Document and Policy DC72 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>Dismissed</p> <p>The Inspector concluded that the living conditions of neighbouring occupiers would not be affected by an undue loss of outlook as a result of the proposed development. Council policy DC72 aims to ensure that all development contributes to the provision of the services and infrastructure needed in the Borough. All developments providing a net increase of one or more dwellings are required to pay a standard charge of £6,000 per dwelling. The appellant declined to enter into a legal agreement to secure the payment of the standard charge. The Inspector therefore concluded that the scheme would not make sufficient provision for services and infrastructure in the Borough.</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 02-NOV-13 AND 14-FEB-14

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				The proposal, if granted planning permission on appeal, would be liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be £1,314.06. Further details with regard to CIL are available from the Council's website.	
<p>P1063.13 37 Glanville Drive Hornchurch <i>Single Storey Side Extension</i></p>	Written Repls	Refuse	Delegated	The proposed side extension lacks subservience and by reason of its close proximity to the flank boundary of the site would appear as an visually intrusive feature in the streetscene. The proposals is therefore contrary to 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 in accordance with para 186-187 of the National Planning Policy Framework 2012.	<p style="text-align: center;">Dismissed</p> The Inspector concluded that whilst the proposed side extension would be sufficiently set back from the frontage of the existing dwelling. However due to its position so close to the side boundary, it would have an adverse effect on the appearance of the surrounding street-scene creating an adverse sense of enclosure at its corner location.

TOTAL PLANNING = 27

LIST OF APPEAL DECISIONS MADE BETWEEN 02-NOV-13 AND 14-FEB-14

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
APPEAL DECISIONS - ENFORCEMENT					
Description and Address	Appeal Procedure			Reason for Refusal	Inspector's Decision and Comments

LIST OF APPEAL DECISIONS MADE BETWEEN 02-NOV-13 AND 14-FEB-14

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p>ENF/83/12/PT land rear of 19-25 Ferndale Road Collier Row Romford</p>	<p>Written Reps</p>				<p style="text-align: center;">Dismissed</p> <p>The main issues in respect of the enforcement notice appeal (Appeal A) are the effect on (i) the character and appearance of the area and (ii) highway safety with particular regard to the adequacy of space for turning. The main issue in respect of the appeal against the refusal to vary condition 9 (Appeal B) is highway safety with particular regard to the adequacy of space for turning.</p> <p>The appeal site sits at the rear of 19-25 Ferndale Road, a predominantly residential area. Planning permission granted on appeal for the erection of two chalet style bungalows subject to conditions. Condition 4 (the landscaping condition) provides that the site shall be landscaped and planted with trees and shrubs in accordance with a scheme approved by the Council before development is commenced. A scheme was submitted to the Council in 2005 and approved in writing confirming the soft landscaping plans were acceptable and condition 4 was discharged. The soft landscaping as implemented is less than that shown on the approved scheme. The failure to implement the approved landscaping scheme causes harm to the character and appearance of the area.</p> <p>Condition 9 (the access condition) attached to the permission provides that neither of the dwellings shall be occupied until the access road and the area of land has been</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 02-NOV-13 AND 14-FEB-14

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p>ENF/83/12/PT land rear of 19-25 Ferndale Road Collier Row Romford</p>	<p>Written Reps</p>				<p style="text-align: center;">Dismissed</p> <p>constructed and marked out in accordance with details approved by the Council. A scheme was submitted to the Council in 2005 and approved in writing confirming the access condition were acceptable and condition 9 was discharged. A planning application submitted in 2012 sought consent to vary condition 9 of the permission. It sought consent for part of the turning circle to be block paved but it was refused in February 2013.</p> <p>The Inspector concluded that the use of brick paving instead of tarmac as shown on the approved drawing encourages parking on the paving which reduces the perceived useable size of the turning circle. Harm to highway safety is caused by encouraging reversing onto the public highway and increasing the potential for on street parking. The functioning of the site as a turning facility for vehicles is adversely affected and does not accord with the development plan.</p> <p>The appeals against the enforcement notice and refusal to vary condition 9 of the permission did not succeed</p>

TOTAL ENF =

1

LIST OF APPEAL DECISIONS MADE BETWEEN 02-NOV-13 AND 14-FEB-14

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<u>Summary Info:</u>					
Total Planning =		27			
Total Enf =		1			
Appeals Decided =		30			
Appeals Withdrawn or Invalid =		2			
Total =		28			
		Dismissed	Allowed		
Hearings	0	0.00%	1	3.57%	
Inquiries	0	0.00%	0	0.00%	
Written Reps	24	85.71%	3	10.71%	

REGULATORY SERVICES COMMITTEE

6 MARCH 2014

REPORT

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 6 December 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.

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
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
26 Lower Bedford Road Romford ENF/460/11/HP	Unauthorised conversion of the existing bungalow with front dormers and Juliet balcony to the front which included extensions to the original rear roof and linked extensions at the first floor level over existing single storey extension	Committee 06-06-2013	12-08-13	19-08-13
Lakeview Caravan Park Cummings Hall Lane Noak Hill Romford ENF/517/13/HT	Without planning permission, the formation of residential curtilages and use of the land for single dwelling house purposes. The use of the land for the storage purposes unrelated to the use of Lakeview Park as a residential caravan park	Committee 27-06-13	13-09-13	21-10-13
39 Collier Row Lane Collier Row Romford ENF/476/11/PT	Alleged unauthorised building being used as a gym	Committee 12-09-13	25-09-13	31-10-13

ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	DATE OF COMMITTEE AUTHORITY	ENFORCEMENT NOTICE SERVED	APPEAL LODGED
3 Austral Drive Hornchurch ENF/397/12/ST	Alleged unauthorised patio/decking	Committee 03-10-13	23-12-13	30-01-14
Upminster Court 133 Hall Lane Upminster ENF/125/12/CM	Unauthorised installation of external lighting including bollard lighting, floodlights and spike up lights on the land	Committee 24-10-13	24-12-13	31-01-14
34 Lake Rise Romford ENF/218/11/RT	Romford Alleged unauthorised development comprising : (a) the construction of a raised patio are enclosed by boundary railings attached to the rear ground floor of the property ("the Patio") (b) the construction of a first floor balcony area enclosed by boundary railings and parapet wall ("the balcony").	Delegated	23-10-13	27-11-13

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, Launders 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. 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
6 Panlin Broxhill Road Havering-atte-Bower	Use	Delegated 14-07-09	27-11-09	27-11-09	29-12-09	Appeal dismissed	Planning permission granted
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
222 Havering Road Romford	Development	Committee 29-10-09	18-01-10	18-01-10	25-02-10	Appeal dismissed	Pursuing compliance
179-181 Cherry Tree Lane Rainham	Use	Delegated 03-08-10	28-01-10	29-01-10			Pursuing compliance

ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	DATE OF COMMITTEE AUTHORITY	NOTICE ISSUED	NOTICE SERVED	APPEAL LODGED	APPEAL DECISION	COMMENTS
Folkes Farm Folkes Lane Upminster	Use x 2	Committee 11-03-10	07-10-10	07-10-10	01-11-10	Appeal dismissed	Pursuing compliance
The Former Brook Street Service Station Colchester Road Harold Wood	Use & Development	Delegated 01-07-10	22-07-10	23-07-10	26-08-10	Temporary Permission given	Monitoring
29 Lessington Avenue Romford	Development	Committee 20-04-10	37-07-10	28-07-10	01-09-10	Appeal dismissed	Pursuing compliance
Land off Church Road Noak Hill Romford	Development	Committee 15-07-10	10-09-10	10-09-10			Pursuing compliance
2A 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	Prosecuted, pursuing compliance
59/61 Warwick Road Rainham	Use	Delegated 12-07-11	22-08-11	22-08-11	17-10-11	Appeal dismissed	Notice complied with
11 Ryder Gardens Rainham	Use	Delegated 14-09-11	19-09-11	19-09-11	21-10-11	Appeal Dismissed	Pursuing compliance
1a Willoughby Drive Hornchurch	Use	Committee 14-08-11	14-10-11	21-10-11			No action at present time Notice remains on land.
2A Woburn Avenue Elm Park Hornchurch	Use	Delegated 07-11-11	17-11-11	17-11-11	21-12-11	Appeal Dismissed	Prosecuted, pursuing compliance

ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	DATE OF COMMITTEE AUTHORITY	NOTICE ISSUED	NOTICE SERVED	APPEAL LODGED	APPEAL DECISION	COMMENTS
Folkes Farm (Field) Folkes Lane Upminster	Development	Delegated 22-12-11	23-12-11	23-11-11			Pursuing compliance
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
Benskins 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	Preparing prosecution
51 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
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

ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	DATE OF COMMITTEE AUTHORITY	NOTICE ISSUED	NOTICE SERVED	APPEAL LODGED	APPEAL DECISION	COMMENTS
Welstead Place Benskins Lane Noak Hill Romford	Development/Use	Delegated	23-05-13	23-05-13	04-07-13		See Schedule A
Land rear of 19-25 Ferndale Road Collier Row Romford	Breach of condition	Committee 27-06-13	31-07-13	01-08-13	14-08-12	Appeal Dismissed	Pursuing compliance
76 Lower Bedford Road Romford	Development	Committee 06-06-13	12-08-13	12-08-13	19-08-13		See Schedule A
Lakeview Caravan Park Cummings Hall Lane Noak Hill Romford	Development/Use	Committee 27-06-13	13-09-13	13-09-13	21-10-13		See Schedule A
Rear of 39 Collier Row Lane Collier Row Romford	Development/Use	Committee 12-09-13	23-09-13	25-09-13	31-10-13		See schedule A
34 Lake Rise Romford	Development	Delegated	23-10-13	23-10-13	27-11-13		See Schedule A
3 Austral Drive Hornchurch	Development	Committee 31-10-13	23-12-13	23-12-13	30-01-14		See Schedule A
38 Heaton Avenue Romford	Development	Committee 03-10-13	20-01-14	20-01-14			Pursuing compliance
Upminster Court Hall Lane Upminster	Development	Committee 24-10-13	23-12-13	13-12-13	23-12-13		See Schedule A
Hogbar Farm Lower Bedfords Road Romford	Development/Use	Delegated	12-02-14	13-02-14			Pursuing compliance
Vinegar Hill Lower Bedfords Road Romford	Development/Use	Delegated	12-02-14	13-02-14			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	1. Breach of conditions 2. Development	Committee 14-11-13	15-01-14	16-01-14			Pursuing Compliance

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REGULATORY SERVICES COMMITTEE

6 MARCH 2014

REPORT

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

6 March 2014

Page No.	Application No.	Ward	Address
1-5	P1463.13	Romford	112-116 South Street, Romford
6-12	P1490.13	St Andrews	Havering Sixth Form College, Wingletye Lane, Hornchurch
13-17	P1563.13	Mawneys	50 Marlborough Road, Romford
18-22	P0024.14	Heaton	134 Daventry Road, Romford

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REGULATORY SERVICES COMMITTEE

6th March 2014

APPLICATION NO:	P1463.13	
WARD :	Romford Town	Date Received: 11th December 2013 Expiry Date: 12th March 2014
ADDRESS:	112-116 South Street Romford	
PROPOSAL:	Change of Use to D2 Gym with associated internal alterations.	
DRAWING NO(S):	Drawing Number 6417/PA/01 Drawing Number 6417/PA/02 Drawing Number 6417/PA/03 Drawing Number 6417/PA/04 Drawing Number 6417/PA/05 Drawing Number 6417/PA/06 Drawing Number 6417/PA/07 Drawing Number 6417/PA/08 Drawing Number 6417/PA/09 Drawing Number 6417/PA/10 Drawing Number 6417/PA/11	
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.	

SITE DESCRIPTION

The application relates to the premises 112-116 South Street, Romford. This is a 4-storey commercial block with a restaurant at ground floor level and a kitchen and storage areas in the upper floors. The site is in a prominent location adjacent to Romford Train Station and on the fringe of Romford Major District Centre area. The surrounding area is characterised by town centre commercial uses. The site is subject to an LDF Site Specific Allocation as it lies within a Crossrail Safeguarded Land Area.

DESCRIPTION OF PROPOSAL

The proposal comprises the change of use of the upper three floors to a D2 Gym use with associated internal alterations and the formation of an entrance lobby to the side and rear of the ground floor. Access will be gained via an existing doorway leading onto the side street The Battis. The first, second and third floors will be refurbished and partitioned to form changing rooms, WCs, studio space, exercise suites and an associated office.

The proposed gym has requested 24 hour opening times on Monday to Sunday including Public and Bank Holidays.

The gross internal floorspace subject to this change of use application is 1612 sq.m.

RELEVANT HISTORY

P1559.05 - Conversion of upper storeys into 22 self-contained flats. Change of use of ground and basement to A3 restaurant.
Refuse 26-10-2005

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P0031.05 - Conversion of upper storeys into 22 self-contained flats
Withdrawn 22-02-2005

P2325.03 - Change of use of basement ground and first floor from class A1 shop to class A3
(food and drink)
Apprv with cons 08-03-2004

CONSULTATIONS/REPRESENTATIONS

Neighbour notification letters were sent to 134 properties and a site notice displayed. No representations were received as a result of the consultation.

The London Fire and Emergency Planning Authority have raised no objections to the proposal.

Thames Water have raised no objections to the proposal.

Environment Agency - no objection to the proposal as the proposed change of use is not increasing the flood risk vulnerability.

Environmental Health - no objections, but have requested a condition relating to the extraction ventilation system is included in any approval notice.

Local Highway Authority - no objections or comments in relation to the proposal.

Network Rail - the application will have no impact on the Crossrail proposals at Romford Station and as a result Network Rail has no further observations to make.

RELEVANT POLICIES

LDF

CP4 - Town Centres

CP7 - Recreation and Leisure

DC16 - Core and Fringe Frontages in District and Local Centres

DC20 - Access to Recreation and Leisure, Including Open Space

DC33 - Car Parking

DC34 - Walking

DC35 - Cycling

DC36 - Servicing

DC48 - Flood Risk

SSA - Crossrail

OTHER

LONDON PLAN - 2.15 - Town Centres

LONDON PLAN - 3.19 - Sport facilities

LONDON PLAN - 4.7 - Retail and town centre development

NPPF - National Planning Policy Framework

MAYORAL CIL IMPLICATIONS

The proposal comprises no additional gross internal floorspace and is therefore not CIL liable.

STAFF COMMENTS

The main considerations for this application is its siting within a Crossrail Safeguarded Land

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Area, the principle of the change of use to a non retail use within a town centre location and the 24 hour opening times.

PRINCIPLE OF DEVELOPMENT

The site lies within a Crossrail Safeguarded Land Area, however following consultation with Network Rail it is not considered that the application will have any undue impact on future Crossrail proposals for Romford Station. Therefore with regard to this issue the proposal is considered to be acceptable in principle.

In terms of the change of use to a D2 - Gym use, Policy D20 states that the Council will seek to ensure that there is adequate provision of a varied range of accessible leisure and recreation facilities throughout the borough. The policy stresses the significance of leisure facilities by adding that access to informal and formal recreation and leisure opportunities is important to residents 'quality of life' as they provide sources of enjoyment and also bring related health benefits. The proposed gym will provide a further town centre opportunity for exercise and well-being.

In terms of accessibility the site occupies a highly accessible and sustainable town centre location close to the main railway station, on numerous bus routes and close to the South Street Bus terminus.

Policy DC 16 states that all shop fronts in retail core and fringe areas must be active and maintain the impression of a visual and functional continuity to aid in enhancing the vitality of the town centre. Although his application proposes a change of use, the ground floor unit will remain as a restaurant and will not result in the loss of an active frontage. The proposal will serve to make active use of areas of the building not currently occupied or used for storage.

DESIGN/IMPACT ON STREET/GARDEN SCENE

It is considered that the change of use does not represent an adverse impact on the street scene as no external or physical changes are proposed to the site. The external appearance of the building corresponds with the frontages of the adjacent commercial units.

IMPACT ON AMENITY

The use has requested 24 hour opening on Monday to Sunday including Public and Bank Holidays. Members would be able to access the gym at night using a security pin code provided to them when they sign up for membership. The gym will be fitted with a high level 24 hour security system and CCTV cameras throughout to ensure safety at all times.

Romford town centre has ongoing issues relating to anti-social behaviour and noise in the early hours relating to nearby drinking establishments on South Street. However, it is unclear what impact a 24 hour gym use may have within the town centre and is unprecedented within Romford. There are concerns that intensifying any use within the town centre into the early hours can result in concentrations of noise and antisocial behaviour which may spread into nearby residential areas.

The proposal will not be located within close proximity to residential accommodation. The nature of the use will be relatively low key and will exclusively operate from within the upper floors of a commercial building in the town centre. Taking these factors into consideration it is considered reasonable to grant consent for 24 hour opening for a temporary period of one year, in order to monitor the impact of the use and assess how this relates to other evening and nighttime uses

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within the town centre. After this period the gym opening times will be restricted to 06:00 to 00:00 Monday to Sunday and Public and Bank Holidays.

HIGHWAY/PARKING

Local Highway Authority has raised no objections or comments in relation to the proposal.

The proposed change of use would be located within the town centre close to rail and bus transport links and town centre car parks. As a result the proposal is not expected to provide the provision of off street parking.

FLOOD RISK

The site lies within a Flood Zone 3, however, the Environment Agency has raised no objection to the proposal as the change of use is not increasing the flood risk vulnerability.

KEY ISSUES/CONCLUSIONS

Having regard to all relevant factors and material planning considerations it is considered that this proposal would be acceptable. The proposed gym would be located in a sustainable town centre location and would not result in a loss of active street frontage. Given the location of the site and the low-key nature of the use it is considered reasonable to grant temporary consent for the 24 hour opening in order to monitor and assess what impact the proposal may have before reverting to more standard gym opening times.

The proposal is considered to be acceptable in all other respects and it is therefore recommended that planning permission be granted subject to conditions.

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. SC19 (Restricted use) ENTER DETAILS

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 the use hereby permitted shall be as a gym only and shall be used for no other purpose(s) whatsoever including any other use in Class D2 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

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3. SC27A (Hours of use) ENTER DETAILS

The premises shall be open for 24 hours a day on Monday to Sunday including Bank or Public Holidays for the purposes hereby permitted for a temporary trial period ending on 1st July 2015. After which time the 24 hour opening will cease and the use hereby permitted will operate between the hours of 06:00 to 00:00 on Monday to Sunday, including Bank or Public Holidays.

Reason:-

To assess the impact of 24 hour opening for a trial period and to enable the Local Planning Authority to retain control in the interests of amenity, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

4. SC32 (Accordance with plans)

The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans (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.

5. Non Standard Condition 1 (Pre Commencement Condition)

Prior to occupation a scheme showing the details of a CCTV system to be installed for the safety of gym members, visitors and staff and the prevention of crime throughout, shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Metropolitan Police Designing Out Crime Officer. No part of the development shall be occupied or used before the scheme is implemented as agreed. The approved scheme shall be retained and maintained in working order thereafter.

Reason: In the interest of creating safer, sustainable communities, in accordance with Policies CP17 and DC63 of the LDF and 4B.6 of the London Plan.

INFORMATIVES

1 Approval - No negotiation required

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

2 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.

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APPLICATION NO:	P1490.13	
WARD :	St Andrew's	Date Received: 13th December 2013 Expiry Date: 7th February 2014
ADDRESS:	Havering Sixth Form College Wingletye Lane Hornchurch	
PROPOSAL:	The erection of a two-storey extension adjacent to the existing Drury Falls Wing consisting of 9 classrooms, office, staff room and toilet facility.	
DRAWING NO(S):	156-B(20) E00 156-B(20) P00 156-B(20) P01 156-PL(10) P00 156-PL(10) P01 156-PL(20) E01 156-PL(20) P00 156-PL(20) P01 156-A(20) P02 156-PL(20) S00 Site survey 156-PL(20) E00 Rev. P1	
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.	

SITE DESCRIPTION

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

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

The proposed extensions would be located in the south western corner of the site alongside the existing Dury Falls Building. This part of the site consist of a single storey structure, hardstanding and parking spaces.

DESCRIPTION OF PROPOSAL

The proposal consists of a two storey extension which would replace an existing single storey extension to the southwestern corner of the current buildings on site. The new structure would also provide replacement accommodation for the Newcourt building which is situated in the northern part of the site. The proposed development would measure approximately 29.6m in width, 17m in depth and between 8.7 and 9.35m in height to the top of the flat roof.

The proposed extension would will provide 930m² of new modern accommodation that will

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include 9 classrooms which would each accommodate 25 students, a staff room accommodating 10 staff, an office, storage areas and toilet facilities. Additional work will be carried out in the existing building to improve goods delivery to the college.

The proposed development will provide replacement space and is not proposed as an expansion of the College. The applicant has stated that the proposal is to enable the College to improve the experience quality for staff, students and visitors and enhance the learning environment of students studying at the College.

RELEVANT HISTORY

- P0342.13 - Single storey glazed infill adjoining existing library and administration wings
Apprv with cons 15-05-2013
- P1090.12 - Two storey front extension
Apprv with cons 09-11-2012
- P1741.05 - Two storey side extension to provide additional teaching areas and ancillary services.
Apprv with cons 31-10-2005
- P1841.02 - First floor extension to form additional staff room space
Apprv with cons 28-11-2002
- P1167.01 - Erection of extension to existing classroom building
Apprv with cons 30-11-2001
- D0042.01 - A rooftop installation consisting of 6 sectored dual-polar antenna, 4 x 0.6m microwave dishes and associated feeder trays and cabling. In conjunction with the installation of 2H cabin with dimensions no greater than 30 cubic metres shall also be installed on the ground floor and be enclosed by materials matching the existing structure
PP not required 27-07-2001
- P0047.01 - Proposed staff car park
Apprv with cons 06-04-2001
- P0502.00 - Extension to existing dining-room and sub-division extension of car park
Apprv with cons 31-05-2000
- P0922.98 - Construction of two storey extension to drama hall and sports hall to create additional teaching areas
Apprv with cons 22-12-1998
- P0054.92 - Construction of new single storey buildings and access road in accordance with drawing nos . X1325/03D; X1325/104B; X1325/01A; X1325/13A.
Approve no cons 20-02-1992
- P0597.91 - The location of two portable classrooms for a period of 5 years, Havering Sixth form College (Revised plans received 08/08/91)
Approve no cons 21-08-1991

CONSULTATIONS/REPRESENTATIONS

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Notification letters were sent out to 99 neighbouring properties and 2 letter of objection was received raising the following concerns:

- overlooking neighbouring properties
- reduced light to neighbouring properties
- increase noise due to parking close to neighbouring properties

Highways has raised no objection to the proposal.

RELEVANT POLICIES

LDF

DC29 - Educational Premises

DC33 - Car Parking

DC61 - Urban Design

OTHER

LONDON PLAN - 3.18 - Education facilities

LONDON PLAN - 8.3 - Community infrastructure Levy

NPPF - National Planning Policy Framework

MAYORAL CIL IMPLICATIONS

There are no CIL implication as educational facilities are exempt from the Regulations.

STAFF COMMENTS

The issues arising from this proposal are the principle of the development, the impact on the character of the existing building and the locality in general, the impact on local residential amenity, parking and highway impact and environmental issues.

PRINCIPLE OF DEVELOPMENT

The site has an existing use as an educational establishment. The two storey extension would replace an existing single storey extension and is acceptable in principle.

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

DESIGN/IMPACT ON STREET/GARDEN SCENE

The proposed building has been developed to integrate into the existing two storey building context and in particular to relate to the 1930's Dury Falls wing to the West and recently finished Sports and Tourism Building. Several simple principles established by the Dury Falls wing are used to articulate the mass of the proposal and create a contemporary building that fits within the local context.

Staff consider the proposal to successfully integrate into the existing building without resulting in a harmful impact to the streetscene and the surrounding area. Any potential impact on Wingletye Lane is also mitigated by the setback of the proposed addition well into the site.

Any views from surrounding properties would be mitigated by existing vegetation to the rear boundaries of these residential properties and the acceptable visual integration of the proposed addition in relation to the existing building.

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IMPACT ON AMENITY

The proposed development would be situated to the rear gardens of the properties along Upminster Road and Wingletye Lane. Although there will be an increase to the amount of possible overlooking to these properties as a result of the development Staff do not consider it to be to such a degree as to recommend a refusal.

There are several mitigating factors that would minimise the potential for overlooking. The proposed first floor windows to the southern elevation will be obscure glazed and a distance of in excess of 45m would remain between the proposal and the nearest residential dwelling, approximately 12m to the rear boundaries. The provision of additional landscaping would further alleviate any perception of loss of privacy to the back gardens of the residential properties to the south.

The proposed fenestration to the western elevation are also not considered to result in an unacceptable impact in terms of overlooking as there are several mitigating factors that would minimise the potential for overlooking. There is currently a number of trees situated between the proposal and the rear gardens of the properties along Wingletye Lane which forms a natural buffer and limit the amount of overlooking to these properties. Also a separation distance in excess of 50m would remain between the proposal and the nearest residential dwelling to the west, approximately 38m to the rear boundaries of these properties.

Given the distances between the proposed development and neighbouring dwellings Staff do not consider there to be an unacceptable impact in terms of loss of light or outlook.

In conclusion, Staff consider any potential impact to residential amenity to be acceptable.

HIGHWAY/PARKING

The proposal would not increase pupil and staff numbers. There will be a reduction of parking spaces from 5 to 3 as a result of the reconfiguration of part of the existing hardstanding. The Highway Authority has raised no objection to the proposals.

Staff consider the proposal to be acceptable in terms of parking provision.

KEY ISSUES/CONCLUSIONS

The principle of the two storey extension is supported by policies within the LDF, London Plan and National Planning Policy Framework. The impact of the proposal on neighbouring properties is considered acceptable. The scale and design of the proposal is considered to acceptably integrate into the college surroundings, and would have a limited impact within the wider streetscene. Given the parking facilities on site, staff do not consider that the two storey addition would result in adverse harm to the highway or parking demand.

Therefore, the proposal is considered to be in accordance with the aims and objectives of Policies DC29, DC33, and DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document, Policy 3.18 and 8.3 of the London Plan and the National Planning Policy Framework. Approval is recommended accordingly, subject to conditions.

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**

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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. SC09 (Materials) (Pre Commencement Condition)

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. 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

4. 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.

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

The proposed window at first floor to the southern elevation shall be permanently glazed with obscure glass and with the exception of top hung fanlight(s) shall remain permanently fixed shut and thereafter be maintained to the satisfaction of the Local Planning Authority.

Reason:-

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

6. SC57 (Wheel washing) (Pre Commencement)

Before the development hereby permitted is first commenced, wheel scrubbing/wash down facilities to prevent mud being deposited onto the public highway during construction works shall be provided on site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be retained thereafter and used at relevant entrances to the site throughout the duration 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, and in order that the development accords with the Development Control Policies Development Plan Document Policies DC61 and DC32.

7. SC62 (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.

8. SC63 (Construction Methodology) (Pre Commencement)

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;

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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 Approval - No negotiation required

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

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APPLICATION NO:	P1563.13	
WARD :	Mawneys	Date Received: 20th December 2013 Expiry Date: 14th February 2014
ADDRESS:	50 Marlborough Road Romford	
PROPOSAL:	Single/Two storey side extension (granny annexe) Revised plans Received 17.02.14 & Revised Description	
DRAWING NO(S):	HR/4 Amended HR/2 & HR/6/BC HR/1 & HR/3	
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.	

BACKGROUND

This application is brought to committee as there are matters of judgement as to the acceptability of the proposed extension which as it stands is contrary to advice set out in the Council's adopted Supplementary Planning Document.

SITE DESCRIPTION

Residential, two storey, semi-detached dwelling finished in facing brickwork. The application dwelling is located on the junction of Marlborough Road and Amberley Way. There is parking for three vehicles on the driveway to the front of the property. No trees are affected by the development. The site is bounded by a close boarded fence and wall adjacent to Amberley Way.

Surrounding area is characterised by two storey dwellings of various styles and designs and by three storey flats.

DESCRIPTION OF PROPOSAL

The application comprises of a part single and part two storey side extension which is to be used as a granny annexe for the applicant's elderly parents.

The two storey side extension would measure 3.3m wide, 9.6m deep at ground floor with a 1m set back at first floor level to create a break in the roof line when viewed from the front. A mono-pitched roof joins the ground and first level with an eaves line of 2.25m rising to an overall height of 3.4m. There is a small bay window to the front elevation which projects 0.2m. The main bulk of the development is to be set 0.85m in from the flank boundary.

The single storey element would project up to the side boundary adjacent to Amberley Way and would measure 0.85m wide, 5.6m deep with an eaves line of 2.7m rising to an overall height of 4.55m. One roof light would be located in the front roof slope to provide an additional light to the stairwell.

RELEVANT HISTORY

No relevant planning history.

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CONSULTATIONS/REPRESENTATIONS

No letters of representation were received.

RELEVANT POLICIES

LDF

DC33 - Car Parking

DC61 - Urban Design

SPD4 - Residential Extensions & Alterations SPD

MAYORAL CIL IMPLICATIONS

Application is not CIL liable.

DESIGN/IMPACT ON STREET/GARDEN SCENE

The character of many streets in the borough is derived from the uniform spacing of dwellings and side extensions should be carefully designed so they do not interrupt this rhythm and do not detract from Havering's open and spacious character. Side extensions are often also highly visible from the street, so it is important that their design closely reflects the original house in terms of finishing materials, roof style and positioning and style of windows.

The Residential Extensions and Alterations SPD states that the flank wall of side extensions to corner properties should be set back at least one metre from the back edge of the foot way and should not project forward of the building line of properties along the adjoining street in order to maintain the building line.

In this instance, the single storey side extension would be located on the boundary of the site and the two storey side extension would be set in from the boundary by 0.85m, both aspects being contrary to the Residential Extension and Alterations SPD.

As a matter of judgement, it could be argued that the single and two storey side extension would, by reason of its siting and proximity to the western boundary, result in a cramped form of development harmful to the open and spacious character of the street scene. Consideration has therefore been given to a possible refusal of planning permission on this basis.

However, having reviewed the merits of this application, it is Staff's view that there are exceptional circumstances in this case which justify a relaxation of the normal SPD requirements. Firstly, the openness of this particular corner is derived mainly by the set back frontage of houses in Amberley Way opposite the proposed extension, with this unlikely to change significantly in the future. Building up to the boundary in this case does not therefore unacceptably reduce the characteristic of openness of this part of Marlborough Road/Amberley Way.

Secondly, the single storey side extension does not extend the full depth of the property. Instead it is set back 3.5m back from the front of the two storey side extension and by 0.6m at the rear therefore reducing the bulk and visual impact of this part of the proposed extension on the street scene.

Thirdly, the two storey extension is set back 0.85m from the back edge of the footpath, 0.15m less the guidelines. It is considered this nominal difference would not sufficiently impact on the street scene. In addition, the two storey side extension has been set back by a metre to comply with Council guidelines and the proposed extensions would relate acceptably to the existing

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dwelling.

Finally, the plans show that an existing boundary wall will be removed and that once the extension is constructed a 2m high boundary fence will be reinstated on the western boundary of the site, which would provide some screening.

Taking the above factors into account, it is considered that the proposal relates acceptably to the existing property and that the development would not unacceptably impact on the street scene or rear garden environment.

Notwithstanding the above, it is recognised that this is an area of judgement to which Members could reasonably take an opposite view.

IMPACT ON AMENITY

Consideration has been given to the impact on neighbouring dwelling in terms of loss of light and loss of privacy.

The single and two storey side extension would be located on the west side of the dwelling. It is not envisaged that the proposal would have any impact on the amenity of the attached neighbour at No.48 as they are located to the east and the separation distance would mitigate any potential impact.

On the opposite side, there is significant separation across the road such that any impact would be within acceptable limits.

It is therefore considered the proposal would not unacceptably impact upon the amenity of the adjacent neighbours.

The extension falls within the aims of Council guidelines for householder extensions and is not deemed to be unneighbourly.

HIGHWAY/PARKING

Policy DC33 of the Core Strategy is relevant. The proposal maintains three parking spaces on the hard standing to the front of the dwelling. No highway or parking issues would arise from the proposal.

KEY ISSUES/CONCLUSIONS

The single storey side extension would be located on the boundary of the site with the two storey side extension being located 0.85m from the western boundary, which is contrary to the Residential Extension SPD.

On the merits of the case and the particular site circumstances, Staff consider that an exception could be made to adopted guidelines and take the view that the development would not result in material harm to the character and appearance of the street scene. Staff are however mindful that this case raises issues of judgement where weight to material considerations may be apportioned differently in which case a refusal on the basis of visual harm could be justified were Members so minded.

It is considered that the proposal would not be materially harmful to residential amenity or give rise to highway or parking issues.

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Having regard to all material planning considerations, it is recommended that planning permission be approved.

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.

Reason:-

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

3. SC31 (Use as part of main dwelling) ENTER DETAILS

The extension hereby permitted shall be used only for living accommodation as an integral part of the existing dwelling known as 50 Marlborough Road, Romford and shall not be used as a separate unit of residential accommodation at any time.

Reason:-

The site is within an area where the Local Planning Authority consider that the sub-division of existing properties should not be permitted in the interests of amenity, and that the development accords with Development Control Policies Development Plan Document Policy DC61.

4. SC32 (Accordance with plans)

The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans (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.

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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.

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APPLICATION NO:	P0024.14	
WARD :	Heaton	Date Received: 8th January 2014 Expiry Date: 5th March 2014
ADDRESS:	134 Daventry Road Romford	
PROPOSAL:	Two storey side extension including re-location of front door from side to front of property Revised plans received 11-02-14	
DRAWING NO(S):	KJM09340 001D KJM09340 002D	
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.	

SITE DESCRIPTION

A two storey, end of terrace property with its main entrance door located on the side facing towards the adjacent Green. There is a hard standing to the front of the property to provide off street parking for one vehicle.

DESCRIPTION OF PROPOSAL

The proposal is for a two storey side extension and provides also for the relocation of the main entrance door from what normally would be described as the side elevation to create a new front elevation.

The two storey side extension measures 1.80m in width, 7.70m in depth, with an eaves height of 4.70m and overall hipped roof ridge height of 6.30m. The development will be built on the flank boundary.

Two high level windows are proposed to the flank to provide light to the new lobby area, 2m from ground level, measuring, 300mm in height and 2.5m in width.

RELEVANT HISTORY

P0584.13 - Two storey side extension including re-location of front door from side to front of property
Refuse 18-07-2013

CONSULTATIONS/REPRESENTATIONS

Consultation letters were sent to eleven neighbouring properties with no representations received.

RELEVANT POLICIES

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

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MAYORAL CIL IMPLICATIONS

N/A

STAFF COMMENTS

This application is a re-submission of a previously refused scheme under planning reference P0584.13.

It is understood that the applicant failed to appeal this decision within the prescribed time period and has resubmitted the current scheme in order to facilitate a further appeal. However, in the intervening period Staff are mindful of other planning applications of a similar nature that have been considered by Members recently and where contrary to Staff recommendation, it was decided to grant planning permission for the development.

Members will recall in particular, two applications recently considered by the Regulatory Services Committee, 14th November 2013 and a brief summary of those cases is provided below for Members convenience:-

P0708.13 - 69 SUTTONS AVENUE, HORNCHURCH

The report recommended that planning permission be refused. However, mindful of other similar developments nearby, Members took the view that the proposal was not out of character with the surrounding area, was of acceptable design, bulk and mass and caused no significant harm in the streetscene. Members considered the development was therefore compliant with guidelines and granted planning permission.

P0761.13 - 2 LINK WAY, HORNCHURCH

The report recommended that planning permission be refused, however Members were mindful to approve the application on the grounds that the proposal was based significantly and exceptionally on the personal need of the applicant's family. In this respect, considerable weight was given to the purposes for which the extension was required and the protected characteristic under the Equality Act 2010 which the extension would address balanced against the limited conflict with design guidance. It was concluded on balance that any harm to local character or amenity was outweighed by the exceptional personal circumstances.

The Committee granted planning permission subject to conditions as set out in the report.

Current Proposal:

It is noted firstly that the current proposal differs from the earlier refusal in that the "twin hipped roof design" previously proposed for the side elevation facing towards the Green (West) has been relocated to the rear elevation in favour of a more traditional roof form.

This resubmission affords the opportunity to reconsider the case in light of the changes to the roof form. However, the scheme still abuts the side boundary adjacent to the public highway and remains contrary to Guidance. The proposal is considered to raise issues of judgment and consistency and it is for this reason that the application is brought before Members for decision.

DESIGN/IMPACT ON STREET/GARDEN SCENE

The proposed development would be widely visible within the public domain and care will need to be exercised to ensure that the development relates acceptably to the subject dwelling and is not unduly intrusive or otherwise harmful to the character and appearance of the surrounding area.

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The subject dwelling is located at the end of a terrace in Daventry Road. The property is stepped back from the front main wall of the remainder of the terrace and its front door is presently sited to the west flank of the property facing a public footpath and a pleasant green. Staff consider the separating gap between the existing flank wall and the public footpath contributes positively to the pleasant and generally spacious character of the immediate surrounding area.

The proposed development will extend hard up to the west flank boundary which abuts a public footpath such that the gutter and eaves actually overhang the highway and the flank wall of the house will become the boundary. The development does not achieve the required 1m set back as set out in current policy guidelines and will also project well forward of the build line of dwellings located the rear in Hailsham Road. Given these circumstances it could be argued that the development will appear cramped on its plot, would be unduly obtrusive and will detract from the generally pleasant, open character of this particular part of Daventry Road. If Members take this view a refusal on this basis could be justified.

On the other hand, the development is modest in width and the re-positioning of the main front door to the south (front) elevation, brings a visual uniformity within the terrace in Daventry Road which is to be welcomed. The revised roof form also provides arguably for a more pleasant, traditional approach which will be widely viewed and seen as a being more in character with both the original dwelling and nearby neighbouring properties. In support of this view, searches have revealed that a similar development was granted approval under reference P1088.09 in the surrounding area at No.1 Daventry Gardens.

Staff consider the issues in this case to be finely balanced and it is accepted that in coming to a view it is recognised that an element of judgment is involved and that different weight may be apportioned to any perceived harm arising from the scheme.

Having regard to the above considerations, the revised roof form and mindful of the strong presumption in favour of development Staff consider on balance that any adverse impact upon the street scene is not so great as to be unacceptable.

No objections are thus raised to the development from the visual impact point of view.

IMPACT ON AMENITY

The attached neighbouring property to the east, no.132, has the benefit of a substantial porch and sits forward of the subject dwelling. The proposed development is sited on the opposite side on the west flank and is considered to cause little or no harm to this neighbouring property.

Although the property is sited adjacent to a footpath to the west, there is the addition of a 'Green' that faces the front gardens of the eight dwellings in Daventry Green providing a good separation distance, retaining the openness of the area.

The two windows at first floor level will remain in the same footprint as the current windows with no additional windows proposed.

The two proposed ground floor windows to the west flank are long and narrow and are placed high up from ground level to provide an element of daylight to the property. In the event of an approval, it is recommended that a condition is attached for these windows to be obscure glazed and non opening to mitigate any impact of overlooking or privacy.

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HIGHWAY/PARKING

Parking arrangements remain the same and no highway issues arise.

KEY ISSUES/CONCLUSIONS

The proposal is in accordance with all the above-mentioned policies and guidance and approval is recommended.

RECOMMENDATION

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

1. SC4 (Time limit) 3yrs

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

Reason:-

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

2. 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.

Reason:-

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

3. SC32 (Accordance with plans)

The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans (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. SC34A (Obscure and fixed glazing)

The proposed windows at ground floor level to the west flank shall be permanently glazed with obscure glass and thereafter be maintained and permanently fixed shut to the satisfaction of the Local Planning Authority.

Reason:-

In the interests of privacy, and in order that the development accords with the

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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 Thames Water informative

With regards to surface water drainage it is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.

2 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

6 March 2014

Subject Heading:

P1474.13 – White Bungalow, Southend Arterial Road, Upminster – Demolition of existing bungalow and erection of 1 no. single storey dwelling (received 29/11/13)

Report Author and contact details:

Helen Oakerbee
Planning Manager
Helen.oakerbee@havering.gov.uk
01708 432800

Policy context:

Local Development Framework
The London Plan
National Planning Policy Framework

Financial summary:

None

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

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

SUMMARY

This matter is brought before committee as the applicant is a Councillor. The application seeks planning permission for the demolition of an existing bungalow and the erection of 1 No. single storey dwelling. Staff consider that the proposal would be

contrary to the Green Belt policies contained in the Local Development Framework Core Strategy and Development Control Policies Development Plan Document and the National Planning Policy Framework. It is recommended that planning permission be refused.

RECOMMENDATIONS

That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable fee would be £3,220.00, subject to indexation. This is based on the creation of 161 square metres of new gross internal floor space.

That planning permission is refused for the following reason:

1. The site is within the area identified in the Local Development Framework as Metropolitan Green Belt. Policy DC45 of the LDF and Government Guidance as set out in the National Planning Policy Framework (Green Belts) states that in order to achieve the purposes of the Metropolitan Green Belt it is essential to retain and protect the existing rural character of the area so allocated and that new development will only be permitted outside the existing built up areas in the most exceptional circumstances. The development is inappropriate in principle in the Green Belt. The proposed dwelling would be disproportionate in size compared to the existing dwelling and the dwelling previously approved dwelling under application P1079.11. The proposal would by virtue of its large footprint and resultant impact on the open nature and character of the Green Belt constitute inappropriate development in the Green Belt. The special circumstances that have been submitted in this case do not outweigh the in principle harm to the openness of the Green Belt arising from this proposal. The proposal is therefore contrary to Policy DC45 of the LDF Development Control Policies Development Plan Document and Part 9 of the NPPF.

INFORMATIVES

1. The proposal, if granted planning permission on appeal, would be liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be £3,220.00 subject to indexation. Further details with regard to CIL are available from the Council's website.
2. 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.

3. If the Committee is minded to seek a resolution contrary to the Recommendation of officers members should be mindful of the following Constitutional provisions:-

(b) Decisions contrary to the development plan should:

(i) be identified as soon as possible.

(ii) be advertised in accordance with the Planning and Compensation Act 2004 .

(iii) if it is intended to approve such an application, the material considerations leading to the conclusions must be clearly identified, and how the considerations justify overriding the development plan clearly identified.

(c) If a member of the Regulatory Services Committee is minded to move a motion contrary to staff recommendation the following steps should be actively considered:

(i) encouraging the formation of tentative reasons by discussing a pre-disposition with planning staff prior to the meeting

(ii) writing down the reasons as part of the mover's motion

(iii) adjourning for a few minutes for those reasons to be discussed

(iv) if there is a strong objection by staff on the validity of those reasons, considering deferring to another meeting to have the putative reasons tested and discussed

(d) Where the Regulatory Services Committee makes a decision contrary to a staff member's recommendation:

(i) a detailed minute of the committees reasons should be made and a copy placed on the application file.

(ii) the staff member should be given the opportunity to explain the implications of the contrary decision.

(iii) reasons for departing from the recommendation should be clear and convincing. The personal circumstances of an applicant will rarely provide such grounds (a notable exception is where a planning policy allows for this).

(iv) Members should be prepared to explain in full their reasons for not agreeing with staff recommendations and in doing so should take all material considerations into account and ignore all non-material matters.

:

REPORT DETAIL

1. **Site Description:**

- 1.1 The site is roughly rectangular in shape, measures approximately 30m wide by 100m maximum depth and is located on the northern side of the Southend Arterial Road, west of its junction with the M25.

- 1.2 A number of derelict outbuildings are located on the site, which is bounded by open fields to the north, east and west. The site forms part of the Metropolitan Green Belt.
- 1.3 Vehicular access to the site in its current form is achieved via a dropped kerb from Southend Arterial Road.

2. **Description of development:**

- 2.1 The application seeks planning permission for the demolition of an existing bungalow and the erection of 1 No. single storey dwelling. The proposed replacement bungalow measures 20m wide by 8.9m deep by 6.2m high. The bungalow is proposed to be set approximately 49m due north of the back edge of the footway, with access obtained via a driveway.

3. **Relevant History:**

- 3.1 P1079.11 – Demolition of existing bungalow and erection of 1 No. single storey dwelling – Approved.

P0404.11 - Extension of time limit on application P0239.08, renewal of P1296.99 and P2206.04 – replacement bungalow – Approved.

P0239.08 – Replacement bungalow, renewal of permission P1296.99 and P2206.04 – Approved.

P2206.04 – Variation of condition 1 of planning permission P1296.99 to permit erection of bungalow after 23.12.04 – Extension of time limit – Approved.

P1296.99 – Replacement bungalow – Approved.

P1417.95 – Part demolish and extend bungalow – Approved.

P0430.93 – Demolish existing bungalow and construct new bungalow – Refused and dismissed on appeal.

4. **Consultations/Representations:**

- 4.1 The application has been advertised in a local newspaper and by way of a site notice as a departure from Green Belt policies. Ten neighbouring occupiers were notified of the planning application. One letter of objection was received with detailed comments that have been summarised as follows:
 - The scale and location of the proposed dwelling would have an unacceptably adverse impact on the open nature of the Green Belt and would be contrary to Policy.
- 4.2 Environmental Health – Recommend conditions if minded to grant planning permission.
- 4.3 Crime Prevention Design Advisor – Recommends an informative if minded to grant planning permission.

- 4.4 Transport for London has no objection to the proposed development.
- 4.5 London Fire and Emergency Planning Authority – Access should comply with Section 11 of ADB volume 1. A pump appliance should be able to approach to within 45m of all points within the dwelling. Any roadway should be a minimum of 3.7m between kerbs and be capable of supporting a vehicle of 14 tonnes. Turning facilities should be provided in any access road which is more than 20m in length. This Authority strongly recommends that sprinklers are considered for this development. Sprinkler systems installed in buildings can significantly reduce the damage caused by fire and the consequential cost to businesses and housing providers, and can reduce the risk to life.

5. **Staff Comments:**

- 5.1 This application is brought before committee because it is an application submitted by a Councillor. The application file has been seen by the Monitoring Officer and pursuant to the constitution the Monitoring Officer has confirmed that the application has been processed in accordance with standard procedures.
- 5.1.1 The main issues in this case are considered to be whether the development is acceptable in principle and, if not, whether there are very special circumstances sufficient to justify the development, the impact upon the character and appearance of the Green Belt, the impact on the streetscene, impact on local amenity and parking and highways issues.
- 5.1.2 Planning permission was granted on 20th December 2013 for a two bedroom replacement dwelling on the site under planning application P1079.11, which would be set approximately 49m due north of the back edge of the footway, with access obtained via a driveway. This application seeks consent for a larger three bedroom dwelling on the site. The judgement here is whether a larger dwelling, (than that previously approved under application P1079.11), would result in material harm to the open and spacious character of the Green Belt, the streetscene and the impact on amenity.
- 5.1.3 Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP14 (Green Belt), CP16 (Biodiversity and Geodiversity), CP17 (Design), DC3 (Housing Design and Layout), DC32 (The road network), DC33 (Car Parking), DC53 (Contaminated land), DC55 (Noise), DC61 (Urban Design), DC63 (Delivering Safer Places) and DC72 (Planning Obligations) of the LDF Core Strategy and Development Control Policies Development Plan Document are considered material together with the Residential Design Supplementary Design Guidance, the Landscaping Supplementary Planning Document, the Planning Obligations Supplementary Planning Document, Protecting and Enhancing the Borough's Biodiversity Supplementary Planning Document and Policies 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 3.8 (Housing Choice), 5.3 (Sustainable Design and Construction), 6.13 (parking), 7.1 (building London's neighbourhoods and communities), 7.13 (safety, security and resilience to

emergency), 7.16 (Green Belt), 7.19 (Biodiversity and Access to Nature), 7.4 (local character) and 8.3 (Community infrastructure levy) of the London Plan are relevant. Chapters 6 (Delivering a wide choice of high quality homes), 7 (Requiring good design), 9 (Protecting Green Belt land) and 11 (Conserving and enhancing the natural environment) of the National Planning Policy Framework are relevant.

5.2 Background

5.2.1 Planning permission was originally granted to part demolish and extend the existing bungalow in 1995, although this was not implemented. A replacement bungalow was approved in 1999. Planning permission was subsequently granted for extension of time applications for a replacement bungalow in 2004, 2008 and 2011. Planning application, P0404.11, sought permission for a replacement bungalow which was set further away from the road, 31m due north of the back edge of the footway, which was approved. Planning application P1079.11, sought permission for a replacement bungalow which was set approximately 49m due north of the back edge of the footway with access obtained via a driveway, which was approved subject to conditions and a Section 106 Agreement that revoked the previous planning approval for application P0404.11 without compensation.

5.3 Principle of Development

5.3.1 The application site lies within Metropolitan Green Belt. The proposal is for the demolition of the garage and the erection of a two storey dwelling. Paragraph 89 of the National Planning Policy Framework (NPPF) states that the construction of new buildings is inappropriate in Green Belt. The 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.

5.3.2 Policy DC45 of the LDF states that planning permission for new buildings will only be granted for the following purposes - they are essential for agriculture and forestry, outdoor recreation, nature conservation, cemeteries, mineral extraction or park and ride facilities, or they involve limited infilling or

redevelopment on a site designated as a Major Developed Site in accordance with DC46.

- 5.3.3 The provision of a new residential dwelling is not one of the specified purposes listed in of the NPPF. The NPPF states that replacement of a building can be appropriate and this may be a relevant consideration given that there is a planning permission in place for a dwelling in a similar position to that proposed in this application. The NPPF also allows redevelopment of previously developed sites where there is no greater impact on openness. However, the building would be materially larger than that already granted planning permission. The proposed dwelling would have a footprint of 161 square metres in comparison with 62 square metres for the dwelling approved under application P1079.11. The proposed dwelling has a volume of approximately 742 cubic metres compared to 262 cubic metres for the previously approved dwelling under application P1079.11. The impact on the openness of the Green Belt is considered to be such that the NPPF Green Belt exceptions are not met. As such this proposal is inappropriate in principle.
- 5.3.4 The NPPF provides that where inappropriate development is proposed within the Green Belt planning permission should not be granted unless the applicant can demonstrate very special circumstances exist that outweigh the harm resulting from the development. Although Policy DC45 does allow for limited filling this is relating to sites designated as a major development site in accordance with Policy DC46, which does not include the application site. In this instance, some very special circumstances have been put forward to outweigh the harm to the Green Belt. Prior to appraising these very special circumstances, it is necessary to consider other impacts that may arise from the proposal.

5.4 Impact on the character and appearance of the Green Belt

- 5.4.1 LDF Policy DC45 states that replacement of existing dwellings will be allowed provided that the cubic capacity of the resultant building is not more than 50% greater than that of the of the original dwelling. In granting permission for the part demolition and extension of the existing bungalow in 1995, the Council accepted that the very limited habitable floorspace of the building warranted an extension greater than 50% of its original volume. In granting permission in 1999 for the erection of a replacement bungalow, weight was given to the fact that the size and footprint of the proposal was the same as that granted in 1995.
- 5.4.2 When reviewing the merits of the previous application P1079.11, it was considered that there were sufficient very special circumstances in that case, namely the extensive planning history for the site, the fallback position of an existing planning permission, the requirement to remove existing buildings and the improvement of living conditions for the future occupants of the property, which collectively outweighed the in principle harm.
- 5.4.3 In this instance, the proposed dwelling would have a footprint of 161 square metres in comparison with 62 square metres for the dwelling approved under application P1079.11. The proposed dwelling has a volume of approximately

742 cubic metres compared to 262 cubic metres for the previously approved dwelling under application P1079.11, representing an increase in cubic capacity of approximately 283% (as per staff calculations), contrary to Policy DC45 of the LDF Development Control Policies DPD.

- 5.4.4 Compared to the building previously granted planning permission, the proposal would appear to take up more of the site with built form. It would appear as a large building within an isolated setting. Compared with the dwelling previously granted permission, it is significantly larger and would have a materially greater impact upon the openness of the Green Belt. It is considered that the proposed dwelling would have an impact on the open nature and character of the Green Belt. Staff consider that the dwelling would result in disproportionate additions over and above the size of the original dwelling it would replace and the replacement dwelling already approved and constitute inappropriate development in the Green Belt, contrary to Policy DC45 and the NPPF.

5.5 Site Layout

- 5.5.1 The Council's Residential Design SPD in respect of amenity space recommends that every home should have access to suitable private and/or communal amenity space in the form of private gardens, communal gardens, courtyards, patios, balconies or roof terraces. In designing high quality amenity space, consideration should be given to privacy, outlook, sunlight, trees and planting, materials (including paving), lighting and boundary treatment. All dwellings should have access to amenity space that is not overlooked from the public realm and this space should provide adequate space for day to day uses. Amenity space provision for the dwelling accords with the Supplementary Planning Guidance on Residential Amenity Space.

5.6 Design/impact on street/Garden scene

- 5.6.1 It is considered that the dwelling would not be harmful to the streetscene, as it would be set back 49 metres from the Southend Arterial Road and is single storey. Furthermore, there is a change in ground levels across the site and the dwelling would not be directly visible from the open fields adjoining the site to the west, north and east including the footpath near Pages Wood. In addition, there is extensive landscaping that surrounds the site, including a copse to the rear of the site, which provides screening and would help to mitigate the impact of the proposal. Should Members be minded to grant planning permission, a landscaping condition will be placed to include the planting of native species on all perimeters of the application site to supplement the existing screening on the site boundaries.

5.7 Impact on amenity

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

5.8 Highway/parking issues

- 5.8.1 The application site is located within PTAL Zone 1-2, where 2-1.5 parking spaces are required for each property. The dwelling would benefit from a minimum of 3 car parking spaces, therefore no objection is raised in this regard.
- 5.8.2 Vehicular access to and from the site would be obtained directly from the Southend Arterial Road, which is a very busy major route through the Borough. Given that the site has an existing vehicular access, an objection in principle to the vehicular access would be difficult to substantiate. However, a condition requiring the provision of visibility splays is recommended to ensure safe access and egress from the site.
- 5.8.3 The Fire Brigade objected to the proposals as the proposed driveway is not suitable for a Brigade appliance, therefore access is calculated from the public highway, the distance to the furthest part of the proposed building is in excess of the prescribed 45 metres. The Fire Brigade confirmed that the provision of domestic sprinklers to the proposed dwelling would be an acceptable solution to the extended access distance. The installation of a domestic sprinkler system can be achieved by condition.

5.9 Other issues - Site of Nature Conservation Importance

- 5.9.1 The site is located in the Green Belt and within the Ingrebourne Valley Metropolitan Site of Importance for Nature Conservation. Policies DC58 and DC59 state that biodiversity and geodiversity will be protected and enhanced throughout the borough by protecting and enhancing Sites of Special Scientific Interest, and all sites of metropolitan, borough or local importance for nature conservation as identified in Protecting & Enhancing the Borough's Biodiversity SPD. Planning permission for development that adversely affects any of these sites will not be granted unless the economic or social benefits of the proposals clearly outweigh the nature conservation importance of the site and only then if adequate mitigation can be provided and no alternative site is available.
- 5.9.2 It is noted that all previous planning applications, P1079.11, P0404.11, P0239.08, P2206.04, P1296.99 and P1417.95 were granted planning permission without an upfront desktop study to verify if there were any protected species on the site. Therefore, it is considered difficult to justify a refusal in the absence of an upfront desktop study. Given that planning permission has been granted for a dwelling, which is similar in terms of siting to the proposal, it is Staff's view that a larger dwelling would not be materially more harmful to Ingrebourne Valley. Nonetheless, for completeness, a condition can still be imposed requesting a desktop study to verify if there are any protected species on the site prior to the commencement of the development.

5.10 The Mayor's Community Infrastructure Levy

5.10.1 The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The CIL payment is applicable as the proposal is for a dwelling. According to the CIL form, the new dwelling would have a floor space of 161 square metres. On this basis, the CIL liability equals $161 \times 20 = \text{£}3,220$. (subject to indexation).

6. Planning Obligations

6.1 The proposal would have been subject to a financial contribution of £6,000 to be used towards infrastructure costs in accordance with Policy DC72 and the Planning Obligations Supplementary Planning Document. Although, consideration has been given to the demolition of the existing bungalow and the erection of one single storey dwelling on the application site under application P1079.11, which can be implemented and would not be subject to any financial contribution. Given this fallback position, Staff consider that the financial contribution of £6,000 shall not be applied in this instance.

7. The Case for Very Special Circumstances

7.1 A statement of very special circumstances has been submitted in support of the application.

- The proposal would be a sustainable form of development and incorporate various energy saving methods compared with the existing building.
- The proposed dwelling would be attractive, well-proportioned and including good quality external materials. It would be more attractive than the existing dwelling.
- Taking landscape and architectural together, the overall composition would be well considered and provide balance of built and natural features that would appear appropriate in this green belt location.
- This layout and position of the proposed dwelling would not cause any adverse impact on neighbours living conditions.
- All landscaping will be designed to maximise biodiversity.
- The proposal removes an existing dwelling and outbuildings allowing the construction of a replacement dwelling to meet the needs of a modern family.
- The removal of dilapidated structures that currently have an intrusive impact on the visual amenity of the area.

7.2 Staff consider that the very special circumstances, in themselves, are not particularly unusual or weigh significantly in favour of the development proposed. The dwelling granted planning permission under reference

P1079.11 was a modest two bedroom bungalow, a reflection of the very small size of the existing dilapidated building currently on the site, but recognising the need to provide a dwelling that provided an acceptable level of living conditions. The proposed dwelling is significantly larger, including large living areas, three double bedrooms, two en-suite bathrooms, dressing rooms and a utility area. It is considered that the proposal does not respond to the existing site conditions and limitations of longstanding national Green Belt policies that seek to limit the amount and type of new development in the Green Belt. It is considered that there are not overriding considerations that outweigh the harm to the open character and appearance of the Green Belt. Therefore, it is recommended that planning permission is refused.

8. **Conclusion**

- 8.1 The proposed construction of a residential dwelling represents inappropriate development in a Green Belt location contrary to national and local planning policies. Inappropriate development is by definition harmful to the character of the Green Belt and the purposes of including land within it. Staff consider that the proposed dwelling would result in disproportionate additions over and above the size of the original dwelling it would replace and the replacement dwelling already approved under application P1079.11 and constitute inappropriate development in the Green Belt, contrary to Policy DC45 and the NPPF. Staff consider that the very special circumstances are not overriding considerations and do not outweigh the harm to the open character and appearance of the Green Belt. It is therefore recommended that planning permission be refused.
- 8.2 If Members are minded to grant planning permission, Staff suggest that conditions shall be placed similar to those for planning application P1079.11, which shall consist of: time limit, a landscaping scheme, samples of materials, in accordance with plans, permitted development (including no development and hardstanding under Classes A, B, C, D, E and F and fences and boundary treatments), residential curtilage, demolition of existing bungalow and all outbuildings, surfacing materials for access road and driveway, vehicular access, a noise assessment, contamination, a domestic sprinkler system and a desktop study for protected species. Staff also suggest a Section 106 agreement which revokes the previous planning permission for application P0404.11 without compensation.

IMPLICATIONS AND RISKS

Financial implications and risks:

None.

Legal implications and risks:

This application is considered on its merits and independently from the applicant as a Councillor.

Human Resources implications and risks:

None.

Equalities implications and risks:

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

BACKGROUND PAPERS

Application forms and plans received 29/11/2013.

1. The planning application as submitted or subsequently revised including all forms and plans.
2. The case sheet and examination sheet.
3. Ordnance survey extract showing site and surroundings.
4. Standard Planning Conditions and Standard Green Belt reason for refusal.
5. Relevant details of Listed Buildings, Conservation Areas, Article 4 Directions.
6. Copy of all consultations/representations received and correspondence, including other Council Directorates and Statutory Consultees.
7. The relevant planning history.

**REGULATORY
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REPORT

6 March 2014

Subject Heading:

L0010.13 – Parklands Bridge, Parklands Park, Corbets Tey Road, Upminster – Listed Building consent for the repair and restoration of the Grade II listed bridge (received 26/11/13)

Report Author and contact details:

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Planning Manager
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01708 432800

Policy context:

Local Development Framework
The London Plan
National Planning Policy Framework
None

Financial summary:

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

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

SUMMARY

This proposal relates to Parklands Bridge, a Council owned, Grade II listed bridge in Parklands Park on the western side of Corbets Tey Road. Listed building consent is sought for the repair and restoration of the bridge.

In all respects, the proposal is considered to accord with the relevant policies contained in the LDF Core Strategy and Development Control Policies Development Plan Document and The London Plan. Approval of the application is therefore recommended, subject to conditions.

RECOMMENDATIONS

It is recommended that the application and all relevant documentation be forwarded to the Secretary of State for determination in accordance with Section 12 of the Listed Building Act 1990 and regulation 13 of the Planning (Listed Building and Conservation Areas) Regulations 1990 and that should the Secretary of State be minded to grant Listed Building Consent that the conditions and Reason for Approval below be considered in respect of such consent:

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

Reason: To comply with the requirements of Section 18 of the Planning (Listed Building and Conservation Areas) Act 1990.

2. Accordance with plans - The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans as listed on page 1 of this decision notice approved by the Local Planning Authority.

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. Methodology for bridge restoration - The repair and restoration works shall be carried out to match the original work in exact accordance with Drawing No. MW-156-01, MW156-02; MW156-03; MW156-04 and the document titled "Parklands Bridge Restoration, MW 156 - Specification for materials and workmanship at Parklands Bridge", dated 26th November 2013.

Reason: To preserve the character and appearance of the Listed Building and its setting and comply with Policies DC61 and DC67 of the Development Control Policies Development Plan Document.

4. Materials - The repair and restoration works to the bridge shall be undertaken, as far as is reasonably possible, using matching materials. Details/samples of additional materials, including the rendered brickwork, and supplementary matt finish steel handrails, to be used in the restoration of the bridge shall be submitted to and approved by the Local Planning Authority prior to the

commencement of building. The bridge shall be repaired/restored in strict accordance with the agreed details.

Reason: To preserve the character and appearance of the Listed Building and its setting and comply with Policies DC61 and DC67 of the Development Control Policies Development Plan Document.

5. Replacement/retention of render – Where areas of render are stable, efforts should be made to retain these as evidence of the historic fabric and in any event at least one area of render 0.6-0.91 square metres but preferably more shall be retained. Before any of the development hereby permitted is commenced, the 'As built' records of the works shall include a drawing marked up to show the areas of the original render that are planned to be retained, which shall be submitted to and approved in writing by the Local Planning Authority in conjunction with English Heritage.

Reason: To preserve the character and appearance of the Listed Building and its setting and comply with Policies DC61 and DC67 of the Development Control Policies Development Plan Document.

6. Replacement/retention of render – In conjunction with condition 5 and within 3 months of the completion of the works hereby permitted, the 'As built' records of the works shall include a drawing marked up to show the areas of the original render that have been retained with at least one area of render 0.6-0.91 square metres but preferably more, which shall be submitted to and approved in writing by the Local Planning Authority in conjunction with English Heritage.

Reason: To preserve the character and appearance of the Listed Building and its setting and comply with Policies DC61 and DC67 of the Development Control Policies Development Plan Document.

7. Render thickness and composition - The proposed works feature three layers of render. Before any of the development hereby permitted is commenced, an analysis shall be carried out of a sample of the original render to assess the workmanship and materials used i.e. the number of layers, grading, colour and type of sand used and the type of lime used, for historic and archaeological record and possibly for the purpose of replication. The new work shall then be subject to trials which will determine the most appropriate mix of materials to provide three layers of render and the best colour match, which shall be submitted to and approved in writing by the Local Planning Authority in conjunction with English Heritage. The bridge shall be repaired/restored in strict accordance with the agreed details.

Reason: To preserve the character and appearance of the Listed Building and its setting and comply with Policies DC61 and DC67 of the Development Control Policies Development Plan Document.

8. Anti-graffiti measure - Before any of the development hereby permitted is commenced, the effectiveness and appearance of an anti-graffiti coating to the bridge as advised by a specialist shall be submitted to and approved in

writing by the Local Planning Authority and trialled on site in conjunction with English Heritage. A lime-wash top coat could then be applied over the anti-graffiti coating if desired. Thereafter the approved anti-graffiti coating shall be applied to the bridge in strict accordance with the agreed details and retained thereafter.

Reason: To preserve the character and appearance of the Listed Building and its setting and comply with Policies DC61 and DC67 of the Development Control Policies Development Plan Document.

9. Archaeology - A) No development shall take place until the applicant (or their heirs and successors in title) has secured the implementation of a programme of Historic Building Recording to English Heritage Photographic Survey standard of the Parkland Bridge in accordance with a written scheme(s) which has been submitted by the applicant and approved by the Local Planning Authority in writing and reports on the works have been submitted to the local planning authority.
- B) If heritage assets of archaeological interest are identified by the Photographic Survey under Part A, then before development commences the applicant/owner (or their heirs and successors in title) shall secure the implementation of a programme of archaeological investigation in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the Local Planning Authority in writing.
- C) No development or demolition shall take place other than in accordance with the Written Scheme of Investigation approved under Part (B).
- D) The development shall not be occupied until the archaeological works have been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Part (B), and the provision for analysis, publication and dissemination of the results and archive deposition has been secured.

Reason: Heritage assets of archaeological interest may survive on the site. The planning authority wishes to secure the provision of appropriate archaeological investigation, including the publication of results, in accordance with Section 12 of the NPPF.

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. In aiming to satisfy condition 9, written schemes of investigation will need to be prepared and implemented by a suitably qualified archaeological practice in accordance with English Heritage Greater London Archaeology guidelines. They must be approved by the Local Planning Authority before any on-site development related activity occurs.

REPORT DETAIL

1. **Site Description:**

- 1.1 Parklands Park is located on the western side of Corbets Tey Road with the Parklands Bridge approximately 122 metres from the edge of the highway. The bridge spans over the existing lake which forms a prominent feature of Parklands Park. The nearest residential properties are approximately 50 metres towards the north with the Corbets Tey School site forming the southern boundary of the park. Parklands Park forms part of the Corbets Tey Conservation Area and Metropolitan Green Belt.
- 1.2 Parklands Park was developed after 1774 and by 1789, under the supervision of Mr Tadlow, the stream, Gaines Brook, which flowed through Cranham and through the Park, had been dug out, dammed and widened to produce a lake for boating purposes. The lake lay to the south at the bottom of the southward incline, and was crossed by the single-span bridge. The highlight of the park today is the bridge across the lake which may have been built by the distinguished architect, James Paine who also designed Gaynes Mansion for Sir James Esdaile in 1771. The bridge appears to have been refaced in stucco circa 1820 – 1840, presumably by the subsequent Victorian owners who demolished Paine's mansion. As a result Parklands bridge now has a Regency or early- Victorian quality to it. The bridge, despite its poor condition, has three elliptical arches spanning the 'river' as it opens up to form the lake. The bridge was originally surmounted by a balustrade of artificial stone with scrolled ends, and flanked by screen walls without balustrades.
- 1.3 The bridge has been deteriorating for a considerable period and is now in a very poor condition. When the decorative balustrade collapsed in the 1970s this was replaced as an urgent but temporary measure with an unattractive modern steel balustrade to meet Health and Safety requirements at the time. The bridge is listed on the Heritage at Risk Register published by English Heritage.
- 1.4 Parklands Park and Bridge are owned and managed by the London Borough of Havering. Following the restoration scheme it is intended the bridge will continue in the same use for park users and fishermen.
- 1.5 Access to the site is via a footpath with its entrance from Corbets Tey Road.

2. **Description of development:**

- 2.1 Listed building consent is sought for the repair and restoration of the Grade II listed bridge, known as Parklands Bridge.
- 2.2 The restoration works will involve the removal of defective and non original materials, restoration of original features and re-surfacing of the bridge deck. The existing rendering/stucco which is currently in a poor condition and is proposed to be removed by hand and completely replaced by St. Astier

hydraulic lime mix (NHL 3.5) which is to be lined out to match the existing as a suitable conservation repair.

- 2.3 The existing steel balustrade will be removed and replaced by a new balustrade. The design of the balustrade is based on the surviving fabric and photographic evidence which will resemble the original brick/tile and artificial stone/roman cement. The new elements are to be manufactured from rendered brickwork and reconstructed stone. The height of the new balustrade over the central portion of the bridge does however not comply with the 1.1 metre height guide for Building Regulations. In order to ensure the handrail complies with the relevant regulations, an additional matt finish stainless steel handrail is to be added to the top of the stone handrail.
- 2.4 Where required, the existing brickwork will be repaired by piecing in matching bricks and hydraulic lime mortar (NHL 3.5). The rendering and new balustrade is to be given a hydraulic lime wash finish. The final colour is yet to be agreed but it will be tinted with a traditional earth pigment to match the original.
- 2.5 Existing vegetation on the structure will be carefully removed to avoid causing any damage to the structure of the bridge. Any deep roots will be killed with a systemic weed killer.

3. **Relevant History:**

- 3.1 L0004.10 – Listed Building consent for the repair and restoration of a Grade II listed bridge – Approved.

L0004.02 - Renovation/restoration and re-instatement of balustrades – Approved.

4. **Consultations/Representations:**

- 4.1 The occupiers of 10 neighbouring properties were notified of this proposal. No letters of representation were received.
- 4.2 The Highways Authority has no objection to the proposals.
- 4.3 The Greater London Archaeological Advisory Service (GLAAS) provides archaeological advice to boroughs in accordance with the National Planning Policy Framework and GLAAS Charter. The above planning either affects a heritage asset of archaeological interest or lies in an area where such assets are expected. The National Planning Policy Framework (Section 12) and the London Plan (2011 Policy 7.8) emphasise that the conservation of archaeological interest is a material consideration in the planning process. Paragraph 128 of the NPPF says that applicants should submit desk-based assessments, and where appropriate undertake field evaluation, to describe the significance of heritage assets and how they would be affected by the proposed development. This information should be supplied to inform the planning decision. If planning consent is granted paragraph 141 of the NPPF says that applicants should be required to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) and to

make this evidence publicly available. This 18th Century bridge, listed grade II and attributed to James Paine, is located within the former landscaped park to the now demolished Gaynes House. Together with the lake, island, boat dock and culvert, the bridge is among the major surviving elements of the park today. Many of its original features still survive despite the bridge currently being on the Heritage at Risk register. The on-going deterioration of the bridge has revealed interesting architectural features which inform our understanding of the monument's building history. These features, along with any new alterations undertaken under the proposed works, should be recorded and the data archived and disseminated. Historic building recording should be to English Heritage Photographic Survey standard as set out in 'Understanding Historic Buildings' EH 2006, providing an informed photographic record of the exterior of the bridge and its setting. There is sufficient information to establish that the development is not likely to cause such harm as to justify refusal of planning permission provided that a condition is applied to require a two-stage process of archaeological investigation comprising firstly historic building recording and secondly archiving and dissemination.

5. Relevant policies:

- 5.1 Policies CP18 (Heritage), DC61 (Urban Design) and DC67 (Buildings of Heritage Interest) of the LDF Core Strategy and Development Control Policies Development Plan Document are considered material.
- 5.2 Policies 7.4 (Local Character) and 7.8 (Heritage Assets and Archaeology) of the London Plan are relevant.
- 5.3 Policies 7 (Requiring good design) and 12 (Conserving and enhancing the historic environment) of the National Planning Policy Framework is relevant.

6. Staff Comments

- 6.1 The main issues in this case are the impact of the proposed alterations on the appearance and historic character of the Listed Building.

7. Listed Building Implications

- 7.1 Policy DC67 advises that an application for listed building consent will only be allowed where it does not adversely affect a listed building or its setting. Government policy contained within the National Planning Policy Framework advises that there should be a presumption in favour of the conservation of designated heritage assets and the more significant the designated heritage asset, the greater the presumption in favour of its conservation should be.
- 7.2 In view of the above, the heritage statement recommends that the bridge is carefully restored and repaired where necessary to ensure the bridge retains its genuine character as a historic structure. Staff are of the view that the bridge is presently in a poor condition. The proposed repair and restoration of the Parklands Bridge presents an opportunity to restore the bridge to its original state whilst using the appropriate high standard of workmanship and techniques. The applicant has indicated that the bridge would be restored

using matching brickwork with hydraulic lime mortar with any close jointed rubbed brickwork carefully conserved to meet good conservation practice. English Heritage would prefer to see some of the render retained and appropriate conditions have been suggested to address this issue. The existing steel balustrade will be replaced with a new balustrade, which will reflect the original brick/tile and artificial stone/roman cement appearance. The final colour of the rendering is yet to be agreed but it will be tinted with a traditional earth colour to match the original. Further details of the proposed materials and workmanship could be secured via planning condition. The restoration works will also involve the removal of the vegetation currently growing on the bridge as well as handrails over the new balustrade which will comply with Building Regulations. Staff are of the view that this proposal can be supported and would not adversely affect the listed bridge, its setting or the surrounding Parklands Park which forms part of the Conservation Area. The Council's Heritage Officer was consulted and recommends that consent be granted for the works.

- 7.3 This proposal relates to the repair and restoration of the existing bridge to its original design and would not involve an increase in size or change the general form and design of the bridge. In view of this the proposal would not pose a greater impact on the character or appearance of this part of the Conservation Area.

8. **Conclusion**

- 8.1 Having regard to all relevant factors, Staff are of the view that this proposal to repair and restore Parklands Bridge would be acceptable. Staff are of the view that the proposal would not be materially harmful to the setting of bridge or the wider area. For the reasons set out in the report, Staff consider that a grant of Listed Building Consent can be given subject to referral to the Secretary of State. Local Authorities within London do not have delegated powers to grant Listed Building Consent on authority owned buildings.

IMPLICATIONS AND RISKS

Financial implications and risks:

None.

Legal implications and risks:

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

Human Resources implications and risks:

None.

Equalities implications and risks:

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

BACKGROUND PAPERS

Application forms and plans received 26/11/2013.

1. The planning application as submitted or subsequently revised including all forms and plans.
2. The case sheet and examination sheet.
3. Ordnance survey extract showing site and surroundings.
4. Standard Planning Conditions and Standard Green Belt reason for refusal.
5. Relevant details of Listed Buildings, Conservation Areas, Article 4 Directions.
6. Copy of all consultations/representations received and correspondence, including other Council Directorates and Statutory Consultees.
7. The relevant planning history.

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**REGULATORY
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REPORT

6 March 2014

Subject Heading:

P1477.12 – Essex House, 1 Harold Court Road, Romford

Conversion of a mixed use building B1(commercial) and residential into A1 use (plumbing supplies) and 4 no. self-contained flats with associated external alterations. (Application forms and plans received 07/01/13).

Report Author and contact details:

Helen Oakerbee
Planning Manager (Applications)
helen.oakerbee@havering.gov.uk
01708 432800

Policy context:

Local Development Framework
The London Plan
National Planning Policy Framework

Financial summary:

None

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

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

SUMMARY

This planning application relates to the conversion of a mixed use building B1(commercial) into A1 use(plumbing supplies) at lower ground floor and 4 no. self-contained flats over the lower ground, ground and 1st floors.

The planning issues include the principle of development, design and street scene impact, parking and highway matters and amenity issues. These issues are set out in detail in the report below. Staff consider the proposal to be acceptable.

The application is recommended for approval subject to conditions and the applicant entering into a Section 106 Agreement.

RECOMMENDATIONS

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

- A financial contribution of £18,000 to be used towards infrastructure costs.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- To pay the Council's reasonable legal costs in association with the preparation of a legal agreement, prior to completion of the agreement, irrespective of whether the legal agreement is completed.
- Payment of the appropriate planning obligation/s monitoring fee prior to completion of the agreement.

That staff be authorised to enter into a legal agreement to secure the above and upon completion of that agreement that the Committee delegate authority to the Head of Development and Building Control to grant planning permission subject to the conditions set out below:

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

Reason: To comply with the requirements of section 91 of the Town and Country Act 1990.

2. Accordance with plans: The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans.

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

3. Before the development hereby permitted is first occupied, provision shall be made for 4 no. off-street car parking spaces, 1 for each of the dwellings and thereafter this provision shall be made permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that adequate car parking provision is made off street in the interests of highway safety.

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

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

5. Standard flank wall condition: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, no window or other opening (other than those shown on the submitted and approved plans,) 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.

6. Cycle storage: Prior to completion of the works hereby permitted, cycle storage of a type and in a location previously submitted to and agreed in

writing by the Local Planning Authority shall be provided and permanently retained thereafter.

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

7. 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.

8. Secured by Design: Prior to the commencement of the development hereby approved a full and detailed application for the Secured by Design award scheme shall be submitted to the Local Planning Authority, setting out how the principles and practices of the Secured by Design Scheme are to be incorporated. Once approved in writing by the Local Planning Authority in consultation with the Metropolitan Police Designing Out Crime Officers (DOCOs), the development shall be carried out in accordance with the agreed details.

Reason: In the interest of creating safer, sustainable communities, reflecting guidance set out in the National Planning Policy Framework, Policy 7.3 of the London Plan, and Policies CP17 'Design' and DC63 'Delivering Safer Places' of the LBH LDF.

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

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

10. Boundary Treatment: Prior to the commencement of the development, all details of boundary screening shall be submitted to and approved in writing by the Local Planning Authority the approved details shall be implemented immediately on approval and shall be permanently retained and maintained thereafter to the satisfaction of the Local Planning Authority.

Reason: To protect the visual amenities of the development and to prevent undue overlooking of adjoining properties.

11. Noise insulation: The buildings shall be so constructed as to provide sound insulation of 45 DnT, w + Ctr dB (minimum values) against airborne noise and 62 L'nT,w dB (maximum values) against impact noise to the satisfaction of the Local Planning Authority.

Reason: To prevent noise nuisance to adjoining properties.

12. Commercial use noise insulation: Before the commercial use commences, that part of the building in commercial use shall be insulated in accordance with a scheme which shall previously have been submitted to and approved by the Local Planning Authority in order to secure a reduction in the level of noise emanating from it and it shall be effectively sealed to prevent the passage of odours through the structure of the building to other premises and dwellings.

Reason: In the interest of residential 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. 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

3. Planning Obligations

The planning obligations recommended in this report have been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the obligations are considered to have satisfied the following criteria:-

- (a) Necessary to make the development acceptable in planning terms;
- (b) Directly related to the development; and
- (c) Fairly and reasonably related in scale and kind to the development.

4. The applicant is advised that planning approval does not constitute approval for changes to the public highway. Highway Authority approval

will only be given after suitable details have been submitted, considered and agreed. Any proposals which involve building over the public highway as managed by the London Borough of Havering, will require a licence and the applicant must contact StreetCare, Traffic and Engineering on 01708 433750 to commence the Submission / Licence Approval process.

5. The developer, their representatives and contractors are advised that planning permission does not discharge the requirements under the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works) required during the construction of the development.
6. The applicant is advised that if construction materials are proposed to be kept on the highway during construction works then they will need to apply for a license from the Council.
7. In aiming to satisfy condition 8 the applicant should seek the advice of the Police Designing Out Crime Officers (DOCOs). The services of the Police DOCOs are available free of charge and can be contacted via docomailbox.ne@met.police.uk or 0208 217 3813. It is the policy of the local planning authority to consult with the DOCOs in the discharging of community safety condition(s).

REPORT DETAIL

Background

This application was previously considered by Members on 6 April 2013, where it was resolved to grant planning permission, subject to the prior completion of a legal agreement to secure the payment of an infrastructure contribution under the terms of the Planning Obligations SPD. A contribution of £24,000 was requested based on a total of 4 proposed units at a cost of £6,000 per unit.

Staff have since been requested to take into consideration that there is an existing residential unit on this site. In the circumstances, Staff consider it reasonable that the infrastructure impact of the existing residential unit be taken into consideration and that the contribution should only be required on the net gain of 3 units. Consequently the amount of the infrastructure contribution required is calculated to be reduced to £18,000 and authority is sought from the Committee to seek a reduced contribution from that previously sought.

The applicant has also indicated that no additional floor space has been added to the premises and the proposal would therefore not be CIL liable. The report has been amended to reflect this.

The original report presented to Members with amendments to reflect the above is reproduced below.

1. Site Description

- 1.1 The application site is located on the corner of Colchester Road (A12) and Harold Court Road. The site consists of a 3 storey building which has been empty for over a year and has previously been used as a large shop premises with ancillary offices and non self-contained residential accommodation.
- 1.2 The existing premise has a total floor area of 235m². There is a severe change in ground level sloping down from northwest to southeast. The premise has access to the rear of the premises off Harold Court Road and can provide parking space for approximately 4 vehicles.
- 1.3 The site is situated within a mixed use commercial and residential area with the majority of adjacent commercial units comprising ground floor shop units with residential units above.

2. Description of Proposal

- 2.1 This planning application relates to the conversion of the building into A1 use(plumbing supplies) at lower ground floor and 4 no. self-contained flats over the lower ground, ground and 1st floors. The proposal does not involve any external changes to the building.
- 2.2 The lower ground floor will consist of a retail area of 70m² and a 1-bedroom flat. The flat will have a kitchen/living/dining area, bedroom and a bathroom and will be accessed from the rear of the building. The ground floor will consist of a retail area of 60m² and a 2-bedroom flat. The flat will have a kitchen/living/dining area, 2 bedrooms and a bathroom and will be accessed from Harold Court Road. The first floor will consist of 2 no. 2-bedroom flats. The flats will have a kitchen/living/dining area, 2 bedrooms and a bathroom and will be accessed from Harold Court Road.
- 2.3 Parking for 4 vehicles and a refuse storage area will be provided to the rear of the property. Cycle storage will be provided to the side of the building at lower ground level.

3. Relevant History

- 3.1 There is no relevant recorded history

4. Consultation/Representations

- 4.1 Neighbouring notifications were sent to 28 neighbouring properties. No representations have been received.
- 4.2 The London Fire and Emergency Planning Authority has stated that access needs to be sufficient to the flats and that hose lengths must be measured from the appliance position within the roadway to the furthest point within each flat to make sure it is within 45m.
- 4.3 Environmental Health has requested conditions for noise insulation and restricted construction and delivery hours.
- 4.4 The Borough Crime Prevention Design Advisor raises no objection subject to the imposition of planning conditions covering the submission of a Secure by Design application and a management statement.
- 4.5 Highways raised an objection to the proposal as it would result in a shortfall in parking spaces provided and the lack of provision for servicing the commercial premises and would have a detrimental impact on the junction of Harold Court Road and Colchester Road (A12).
- 4.6 Transport for London does not object to the proposal however they have concerns that the proposal may impact on the A12 during construction phase. TFL suggest that vehicles that serve the site either park on site or park away from the red route were it is safe to do so. All TFL's comments have been forwarded to the applicant for information.
- 4.7 Streetcare has commented that as the proposal is for both commercial and residential use the refuse storage must be segregated.

5. Relevant Policies

- 5.1 Policies CP1 (housing supply), CP2 (sustainable communities), CP9 (reducing the need to travel), CP10 (sustainable transport), CP17 (design), DC2 (housing mix and density), DC3 (housing design and layout), DC32 (the road network), DC33 (car parking), DC34 (walking), DC35 (cycling), DC36 (servicing), DC40 (waste recycling), DC50 (sustainable design and construction), DC55 (noise), DC61 (urban design), DC63 (crime) and DC72 (planning obligations) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Documents and the Residential Extensions and Alterations Supplementary Planning Document (SPD), Planning Obligations SPD and the Residential Design SPD are also relevant.
- 5.2 Policies 3.3 (Increasing Housing Supply), 3.4 (Optimising Housing Potential), 3.5 (Quality and Design of Housing Developments), 3.8 (Housing Choice), 6.9 (Cycling), 6.10 (Walking), 6.13 (Parking), 7.1 (Building London's Neighbourhoods and Communities), 7.2 (Inclusive Design), 7.3 (Designing out Crime), 7.4 (Local Character), 7.5 (Public

Realm) and 8.3 (Community Infrastructure Levy) of the London Plan (2011).

- 5.3 National Planning Policy Framework (NPPF) Section 6 “Delivering a wide Choice of Homes”, and Section 7 “Requiring Good Design”.

6. Staff comments

- 6.1 This proposal is put before the Committee owing to the application site comprising more than two dwellings. The main issues to be considered by Members in this case are the principle of development, amenity space, design/street scene issues, amenity implications, and parking and highways issues.

6.2 Principle of Development

- 6.2.1 The site lies outside the Metropolitan Green Belt, Employment Areas, Commercial Areas, Romford Town Centre and District and Local Centres. The principle of residential development is considered acceptable in land use terms and the provision of additional housing is consistent with the National Planning Policy Framework. The Council will generally require the redevelopment for housing of commercial sites which become available for development.

- 6.2.2 Policy 3.8 of the London Plan states that DPD policies should offer a range of housing choices, in terms of the mix of housing sizes and types, taking account of the housing requirements of different groups. Policy 3.5 states that Local Development Frameworks should incorporate minimum space standards. The Mayor has set these at 61m² for a 2-bed 3-person flat and 50m² for a 1-bed 2-person flat. The proposed flats are in line with these minimum guidelines and considered acceptable.

- 6.2.3 Policy CP1 indicates that outside town centres and the Green Belt, priority will be made on all non-specifically designated land for housing. The proposal is for redevelopment of a derelict site within an existing residential area. The proposal is therefore acceptable in principle and in accordance with Policy CP1 and Policy 3.3 of the London Plan which seeks to increase London’s housing supply.

6.3 Density and Amenity Space

- 6.3.1 8.1 The Council's Residential Design SPD in respect of amenity space recommends that every home should have access to suitable private and/or communal amenity space in the form of private gardens, communal gardens, courtyards, patios, balconies or roof terraces. In designing high quality amenity space, consideration should be given to privacy, outlook, sunlight, trees and planting, materials (including paving), lighting and boundary treatment. All dwellings should have access to amenity space that is not overlooked from the public realm and this space should provide adequate space for day to day uses.

6.3.2 The proposal would involve the conversion of the existing building to provide retail space and 4 no. flats. The subject site is very small with limited space to the rear of the property. The space to the rear will be utilised for parking and refuse storage. It is therefore not possible to provide amenity space on site. It should also be noted that a similar scenario exists at Tudor Court, situated across from Harold Court Road to the west of the application site, where there are flats situated above commercial premises with no amenity space provision. Staff do not consider the lack of amenity space to be unacceptable given the site constraints, however this issue will be a matter of judgement for Members to debate.

6.3.3 The residential density range for this site is 30 - 50 units per hectare and 150-200 rooms per hectare. The proposal would result in a density of approximately 129 units per hectare and 225 rooms per hectare. Although this is in excess of the recommended range consideration should be given to the unique site constraints and the proposal being for flat development. Staff do not consider the proposal to be overdevelopment of the site as it would involve utilising the existing building to increase the housing supply.

6.4 *Design and Visual Impact*

6.4.1 The proposal would not involve external changes to the subject building and would therefore not result in any impact to the streetscene or surrounding area. Any possible changes to the shopfront and signage of the retail unit are not part of this application and may require a separate planning application.

6.5 *Impact on Amenity*

6.5.1 The proposal would not result in any external additions or changes to the existing fenestration. To the northeast the site is bordered by a residential dwelling at no. 1a The Parade. Any potential overlooking from existing windows are considered acceptable as there are no windows located in the southwest flank of this dwelling. Any potential for overlooking will be to the front of this dwelling which is considered acceptable. Staff do recognise that there will be some impact to this residential property from vehicles entering and leaving the parking area proposed to the rear of the subject property, however it is considered that any vehicle movement would not be different from the present circumstances on site and is considered acceptable.

6.5.2 To the north the property is bordered by the A12 and to the south and southwest by commercial properties. It is therefore considered that the proposal would not have an unacceptable impact on these premises.

6.6 *Highways / Parking Issues*

- 6.6.1 Access to the car park at the rear of the site would be gained from Harold Court Road. The applicant proposes to demolish the existing wall on this boundary and increase dropped kerb in order for vehicles to access the proposed parking.
- 6.6.2 The development proposes a total of 4 parking spaces, which is a ratio of 1 space per flat. No parking provision is made for the retail component. The application site is located in an area which is identified as rest of borough (PTAL 1-2). In this location each residential unit should provide 2-1.5 parking spaces per unit.
- 6.6.3 Staff do recognise that the parking provisions does not meet the maximum requirement however given the surrounding commercial area and that flatted development normally require less parking spaces, Staff consider the shortfall to be acceptable , however this issue will be a matter of judgement for Members to debate.
- 6.6.4 The proposal includes cycle storage provision. A condition will be attached in the event of an approval to provide details of the cycle storage.
- 6.6.5 Transport for London does not object to the proposal however they have concerns that the proposal may impact on the A12 during construction phase. TFL suggest that vehicles that serve the site either park on site or park away from the red route were it is safe to do so. All TFL's comments have been forwarded to the applicant for information.
- 6.6.6 Highways has raised an objection to the proposal as it would result in the lack of provision for servicing the commercial premises and would have a detrimental impact on the junction of Harold Court Road and Colchester Road (A12) and the bus service which has a stop opposite the site. It should be noted that there has always been a retail use at ground floor of the subject premises. The proposal would therefore not introduce a new commercial unit but would in fact reduce the floor space of the existing unit. Also the bus stop is clearly demarcated and there are double yellow lines on Harold Court Road close to the junction of the A12. Staff therefore do not consider the proposal to have an unacceptable impact on the bus stop or the junction with the A12. However this issue will be a matter of judgement for Members to debate.

6.7 *The Mayor's Community Infrastructure Levy*

- 6.7.1 The proposal would not be CIL liable as there would be no increase in floor space.

6.8. *Planning Obligations*

- 6.8.1 In accordance with the Planning Obligations Supplementary Planning Document a financial contribution of £18,000 to be used towards

infrastructure costs arising from the new development is required. This should be secured through a S106 Agreement

6.9 *Other Issues*

6.9.1 Policy DC63 requires new development to address safety and security in the design of new development. The proposal is considered acceptable in principle in this respect, subject to the imposition of conditions requested by the Borough Crime Prevention Design Advisor.

6.9.2 A refuse area has been provided to the rear of the property. Streetcare has commented that as the proposal is for both commercial and residential use the refuse storage must be segregated. A condition will be imposed to provide detail of the refuse and recycling arrangements.

6.9.3 The London Fire and Emergency Planning Authority has stated that access needs to be sufficient to the flats and that hose lengths must be measured from the appliance position within the roadway to the furthest point within each flat to make sure it is within 45m. The proposal has been assessed by the Council's Building Control officers and it was concluded that the proposal would meet the 45m requirement.

7. **Conclusion**

7.1 In conclusion, residential and commercial development on the site is considered to be acceptable in principle. There would be no harmful impact on neighbouring amenity and the proposal is considered to be acceptable in terms of its impact on the character and appearance of the street scene and surrounding environment. There would be a short fall in the parking provision provided and a lack of amenity space provision. Staff has consider the shortfall to be acceptable, however these issue will be a matter of judgement for Members to debate. It is recommended that planning permission be granted, subject to the completion of the relevant legal agreement.

IMPLICATIONS AND RISKS

Financial Implications and risks:

Financial contributions are required through a legal agreement.

Legal Implications and risks:

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

Human Resource Implications:

None

Equalities and Social Inclusion Implications:

None

BACKGROUND PAPERS

1. Application forms and plans received 07/01/13.

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REGULATORY SERVICES COMMITTEE

6 March 2014

REPORT

Subject Heading:

P1524.13 – Land Rear of 38 Corbets Tey Road

Proposed pair of semi-detached dwellings and associated landscaping and car parking.- (Received 13 December 2013)

Report Author and contact details:

Helen Oakerbee
Planning Manager (Applications)
helen.oakerbee@havering.gov.uk
01708 432800

Policy context:

Local Development Framework
The London Plan
National Planning Policy Framework

Financial summary:

None

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

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

SUMMARY

This report concerns an application for the proposed pair of semi-detached dwellings and associated landscaping and car parking.

Councillor Linda Van Den Hende has called in the application on the grounds of overdevelopment, concerns in regards to access and parking, and the affects it has on residents of Stewart Avenue.

This application is considered to be acceptable in all material respects and, subject to the prior completion of a S106 legal agreement to secure the payment of the Planning Obligations Contribution, it is recommended that planning permission is granted subject to conditions.

RECOMMENDATIONS

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

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

- A financial contribution of £6k per dwelling unit, £12,000 in total, towards the infrastructure costs arising from the development would be required to fulfil the requirements of the Planning Obligations SPD.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the Legal Agreement prior to the completion of the agreement irrespective of whether the agreement is completed.
- Payment of the appropriate planning obligations monitoring fee prior to the completion of the agreement.

That Staff be authorised to enter into a legal agreement to secure the above and upon completion of that agreement, grant planning permission subject to the conditions set out below.

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: All new external finishes shall be carried out in materials to match those of the existing buildings to the satisfaction of the Local Planning Authority.

Reason: To safeguard the appearance of the premises and the character of the immediate area and to accord 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.

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. Construction Hours: 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.

5. Construction Methodology Statement: Before development is commenced, a scheme shall be submitted to and approved in writing by the Local Planning Authority making provision for a Construction Method Statement to control the adverse impact of the development on the amenity of the public 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.

6. 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.

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

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

8. Boundaries: Prior to the commencement of the development hereby approved, details of all proposed walls, fences and boundary treatment shall be submitted to, and approved in writing by, the Local Planning Authority. The boundary development shall then be carried out in accordance with the approved details and retained permanently thereafter to the satisfaction of the Local Planning Authority.

Reason: To protect the visual amenities of the development and to prevent undue overlooking of adjoining properties and in order that the development accords with Policies DC61 and DC63 of the LDF Development Control Policies Development Plan Document.

9. Noise mitigation: The building(s) shall be so constructed as to provide sound insulation of 45 DnT, w + Ctr dB (minimum value) against airborne noise to the satisfaction of the Local Planning Authority.

Reason: To prevent noise nuisance to adjoining properties and that the development accords with the Development Control Policies Development Plan Document Policy DC61

10. Contamination: (1) Prior to the commencement of any works pursuant to this permission the developer shall submit for the written approval of the Local Planning Authority;

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

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

c) A Phase III (Remediation Strategy) Report if the Phase II Report confirms the presence of a significant pollutant linkage requiring remediation. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to all receptors must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works, site management procedures and procedure for dealing with previously unidentified any contamination. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

(2)

a) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the local planning authority. The remediation strategy shall be implemented as approved.

b) Following completion of the remediation works as mentioned in (a) above, a 'Verification Report' must be submitted demonstrating that the works have been carried out satisfactorily and remediation targets have been achieved.

Reason: To ensure that any previously unidentified contamination found at the site is investigated and satisfactorily addressed in order to protect those engaged in construction and occupation of the development from potential contamination.

11. Visibility Splay: The proposals should provide a 2.1 by 2.1 metre pedestrian visibility splay on either side of the existing accesses, set back to the boundary of the public footway. There should be no obstruction or object higher than 0.6 metres within the visibility splay.

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

12. Permitted Development: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 Article 3, Schedule 2, Part 1, as amended by the Town and Country Planning (General Permitted development) (Amendment)(no. 2)(England) Order 2008, or any subsequent order revoking or re-enacting that order, no development shall take place under Class A and E for extensions and outbuildings unless permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

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

13. Flank windows: 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.

14. Wheel washing: Before the development hereby permitted is first commenced, wheel scrubbing/wash down facilities to prevent mud being deposited onto the public highway during construction works shall be provided on site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be retained thereafter and used at relevant entrances to the site throughout the duration 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, and in order that the development accords with the Development Control Policies Development Plan Document Policies DC61 and DC32.

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

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

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

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

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 Street Care, Traffic & Engineering on 01708 433750 to commence the Submission/ Licence Approval process.

3. 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 in satisfying condition 10, that a watching brief is implemented for the presence of any land contamination throughout the construction works. 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 to the satisfaction of the Local Planning Authority.

4. 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.

5. The proposal is liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be £3,060. CIL is payable within 60 days of commencement of development. A Liability Notice will be sent to the applicant (or anyone else who has assumed liability) shortly. Further details with regard to CIL are available from the Council's website.

REPORT DETAIL

1. Site Description

- 1.1 The proposal site lies to the rear of No. 38 Corbets Tey Road, Upminster, which is currently a vacant rear area of an end of terrace with commercial unit at ground floor with residential flats above.
- 1.2 To the rear of the site is an open parcel of land enclosed by a boundary fence. There is a rear access leading to a servicing and parking area behind the commercial frontage units of Corbet's Tey Road, leading from Stewart Avenue.
- 1.3 The surrounding area is predominantly residential use, characterised by semi-detached 2 storey houses, and there are commercial properties on the ground floor units fronting Corbets Tey Road to the east.

2. Description of Proposal

- 2.1 Full planning permission is sought for a pair of semi-detached 2 bedroom dwellinghouses with associated parking and amenity areas.
- 2.2 The building measures 5.5m high to the eaves, 7.3m to the ridge (maximum), 9m wide, 6.6m deep and 7.9m deep ground floor and 5.3m on first floor (maximum), The building would front onto and be accessed from Stewart Avenue.
- 2.3 It would have a red brick wall on the ground floor with rendered cream first floor, UPVC doors and windows with the first floor having timber clad panels and the roof would be in red tiles.
- 2.4 The layouts of both dwellings mirror each other including the location of waste and cycle storage, front patio, front and rear gardens with front brick garden wall with brick on edge capping 0.9m high and 215mm depth brick. One dwelling has a single curtilage parking space and other dwelling has two in curtilage spaces.
- 2.5 Revised plans have been submitted during the application which amended the design of the dwelling to similarly match the design of the houses on Stewart Avenue in terms of proportions, design and heights. The plans also see a change in the building layout and the reduction of width of the single storey rear projections to allow more private amenity space.

3. Relevant History

- 3.1 This application is a resubmission following on from a previously refused application P0657.13. That application was refused for the following reasons:
 1. The proposed development would, by reason of its height, bulk, mass, forward position of the established building line on Stewart Avenue and the design of the proposed dwellings, especially the front bay window feature, 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.
 2. The proposal, by reason of the restricted size of the amenity space provision combined with the extent of overlooking from the adjacent property at No.38 Corbets Tey Road, would provide inadequate private sitting out space for occupiers of the future development, which would be overlooked and have a serious and adverse effect on their living conditions, contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.

3. 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 Havering Planning Obligations Supplementary Planning Document and Policy DC72 of the LDF Core Strategy and Development Control Policies DPD.
- 3.2 Prior to the 2013 refusal, there were two earlier refusals under references P0427.11 and P1090.11, which were both, refused for the following reasons:
1. The proposed development would, by reason of its height, forward position, 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.
 2. The proposal would, by reason of its layout close to the boundary, lead to an unsatisfactory relationship between building blocks, which prejudices the future development of the adjacent site and future amenity. The development is therefore contrary to Policies DC61 of the LDF Development Control Policies DPD.

4. Consultations/Representations

- 4.1 51 Neighbour notification letters were sent to 62 properties. No letters of objection received to date.
- 4.2 Essex & Suffolk Water – No objections
- 4.3 Environmental Protection – No objections subject to suitable conditions
- 4.4 Highways – No objections
- 4.5 London fire and Emergency Planning Authority – No objections

5 Relevant Policies

- 5.1 Policies CP17 (Design), DC33 (Car parking), DC61 (Urban Design), of the Local Development Framework Core Strategy and Development Control Policies Development Plan Documents are material planning considerations. In addition, Policies 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 The issues arising in respect of this application and which will be addressed through this report are the principle of development, impact on the streetscene and design, amenity issues and parking and highways implications.

7. Principle of Development

- 7.1 Although the site address is located within the Upminster Major District Centre, the residential development of the site is acceptable in land use terms. There is no loss of retail space proposed as part of this submission. The surrounding area is predominantly residential, therefore the proposal is considered acceptable in principle.

8. Density/Layout

- 8.1 It is proposed to erect a pair of 2 bed semi-detached houses. Policy 3.5 of the London Plan states that Local Development Frameworks should incorporate minimum space standards. The Mayor has set these at 70 square metres for a 2 bedroom, 4 person houses. The proposed houses are approximately 77 square metres floor area each. These are in accordance with the Mayor's standards.
- 8.2 The Havering Local Plan sets out a density range of 50-80 units per hectare for the Upminster urban area, the application site measures at 380 square metres which is 380.00m². The proposal of 2 dwellings in this area would be calculated to 53 units per hectares, which accords with the density matrix within the adopted plan.
- 8.3 The Council's Design for Living SPD in respect of amenity space recommends that every home should have access to suitable private and/or communal amenity space in the form of private gardens, communal gardens, courtyards, patios, balconies or roof terraces. In designing high quality amenity space, consideration should be given to privacy, outlook, sunlight, trees and planting, materials (including paving), lighting and boundary treatment. All dwellings should have access to amenity space that is not overlooked from the public realm and this space should provide adequate space for day to day uses.
- 8.4 Unlike previous guidance, this SPD does not prescribe fixed standards for private amenity space. Rigid space standards can restrict creative design and layout of new residential developments, particularly on smaller, awkward development sites. Developers will be encouraged to bring forward schemes involving imaginative and innovative provision of amenity space.
- 8.5 The layout of the proposed houses have been revised to set the each dwelling a further metre forward, this allows an additional amenity space to the rear proposed dwelling would have approximately 32 square metres of garden space.

- 8.6 The proposal would be conditioned to ensure adequate boundaries around the rear amenity space and with the introduction of a proposed rear single storey extension, it would avoid being overlooking from the first floor flat of 38 Corbets Tey Road which was a reason for refusal on the previous application.
- 8.7 With the above taken into consideration, the living accommodation of both dwellinghouses are considered to be adequate and usable.

9. Design and Appearance

- 9.1 Policy DC61 states that development should respond to local building forms and patterns of development and respect the scale, massing and height of surrounding physical context.
- 9.2 The site has a frontage onto Stewart Avenue, which is characterised by semi-detached two storey dwellings set behind front gardens. Corbets Tey Road is characterised by two and three storey terraces with commercial units at ground floor and flats above. Their respective frontages create two defined character areas, suburban and commercial core.
- 9.3 The proposed building would continue to front onto Stewart Avenue, where dwellings are set back from the highway by at least 6-7 metres which provides an established residential setting.
- 9.4 The current proposed houses are set back 5.7 metres away from the highway and in line with the existing building line with the adjoining neighbours, this addresses one of the previous reasons for refusal. The previous scheme proposed a building set at only 4 metres from the highway which was not representative of the overall character of Stewart Avenue.
- 9.5 Unlike all of the previous refusals, the current proposal's position forward would draw less attention to the scale and bulk of the building, therefore it would be less visible and would sympathetically relate to the neighbouring two storey development on Stewart Avenue. The proposed property would no longer dominate the inward view from Corbets Tey Road and therefore would not result in an incongruous, overly dominant appearance within the street.
- 9.6 Furthermore, unlike the previous refusals, the proposed building has a smaller depth which results in a substantial reduction in size and bulk with only a single storey projection proposed to the rear of the main house to create additional accommodation, whilst the main part of the 2 storey house would be set back 4.8 metres away from the rear boundary. This is an improvement compared to the previous refusal which had the 2 storey element 4.2 metres away from the rear boundary. This revised design reduces the proximity of the building relative to the shops/flats on Corbets Tey Road.

- 9.7 In addition to the above reasons, the revised proposed design of the houses would be in-character with the other semi-pairs on the street. The other houses all have front bay window and porch designs with either a gable or a hipped roof design feature. The resubmitted proposed dwellings reflects these designs, proportions and materials, therefore staff consider that the revised design is more in character with the locality.
- 9.8 As mentioned above, the maximum height for each proposed dwelling would be 7.3 metres in height, this would be approximately 3 metres shorter than height than the neighbouring properties. With this and the paragraphs above taken into consideration, staff consider that the proposal would not be an over development of the site.
- 9.9 In all, staff considers that the resubmitted and revised proposal addresses the previous reasons for refusal in relation to street scene, in that it would be in-character with the pattern of development in the Stewart Avenue. The proposals would not detract from the character of the local area and would therefore be acceptable in this instance. It is therefore considered that the development would safeguard and preserve the character and appearance of the surrounding area. The proposal is therefore acceptable in accordance with Policy DC61 and advice contained within the NPPF.

10. Impact on Amenity

- 10.1 Policy DC61 of the LDF requires new development not to harm the amenities of adjoining occupiers by reason of noise and disturbance, loss of light, overlooking or other impacts.
- 10.2 The nearest affected neighbours would be No. 2 Stewart Avenue and No.38 Corbets Tey Road, which contains a flat on the first floor.
- 10.3 In regards to No.2, this property is located at a reasonable distance away at from the proposed house at 4.4m. No.2 also has an existing first floor window, this serves a bathroom and is obscured, therefore there would not be any overlooking to the rear amenity area of the proposed houses.
- 10.4 With regards to No.38, the previous refusal proposed a layout of the rear amenity area which would be overlooked by the first floor window to this property and this was grounds for refusal as it would prejudice the privacy for the future occupier of the new dwelling. As mentioned above, the current application proposes a rear single storey mono pitched roof projection to each dwelling. This extension would remove the potential for direct overlooking from the neighbour's window as it would obscure clear views of the amenity areas.
- 10.5 With the above taken into consideration, staff are therefore satisfied that the proposed development is sufficiently well enough removed from residential properties and unlikely to result in any material harm. The development is considered to be acceptable and accords with the principles of Policy DC61.

11. Parking and highway issues

- 11.1 DC33 refers to the density matrix in DC2 for residential car parking levels. The site has a PTAL rating of 3-4 which equates to a parking requirement of 1.5 spaces per unit. Here, the proposals provide 3 parking spaces (1 space for the first house and 2 spaces for the second house). The spaces to the front/side would be accessed via new vehicular crossovers from Stewart Avenue.
- 11.2 Given that adequate parking has been provided within the curtilage, it is considered that this aspect of the scheme is acceptable. Waste, recycling and cycle storage would be provided to the side of the proposed houses in enclosed stores with access via the proposed front paved area. This arrangement is considered acceptable and Highways do not raise any objections.
- 11.3 With the above taken into consideration with the appropriate conditions, it is considered that the proposal considered being acceptable and accords with the principles of Policy DC 33.

12. Mayoral CIL and Section 106 implications

- 12.1 The total additional internal floor space would be 153 square metres floor area, this would equal a Mayoral CIL contribution of £3060.
- 12.2 A financial contribution of £6000 per dwelling unit towards the infrastructure costs arising from the development would be required to fulfill the requirements of the Planning Obligations SPD.
- 12.3 The proposal is for two dwellinghouses, therefore contribution required would be £12,000.

13. Conclusion

- 13.1 The proposed semi-detached houses together with associated landscaping and amenity space, new boundary walling and the creation of a parking area is considered to be acceptable in principle having regard to the polices listed above.
- 13.2 Having regard to all relevant factors and material planning considerations staff are of the view that this proposal for the extensions. 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 and TO LEGAL AGREEMENT set out in this report.

IMPLICATIONS AND RISKS

Financial Implications and risks:

None directly arising from this application.

Legal Implications and risks:

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

Human Resource Implications:

None

Equalities and Social Inclusion Implications:

None directly arising from this application.

BACKGROUND PAPERS

Application form, drawings and supporting statement received on 13th December 2013.

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REGULATORY SERVICES COMMITTEE

REPORT

6 March 2014

Subject Heading:

**P1547.13: Store at Junction of
Chudleigh Road & Lindfield Road,
Harold Hill**

**Demolition of existing dilapidated
buildings on the site and replacement
with a modular unit for storage and
distribution purposes. (Application
received 20 December 2013)**

Report Author and contact details:

**Helen Oakerbee Planning Control
Manager 01708 432800
helen.oakerbee@havering.gov.uk**

Policy context:

**Local Development Framework
London Plan, Planning Policy
Statements/Guidance Notes**

Financial summary:

None

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

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

SUMMARY

This matter is brought before committee because the application site is Council owned land.

The proposal is for the demolition of the existing buildings and the construction of a 12m deep x 21m wide, and 2.97m high modular building. An existing set of gates to the north of the site will be re-instated enabling access to an off street parking area laid out with 2no. car parking bays. The proposal will involve the removal of the existing palisade fencing with the modular building abutting the site boundary to the east and west.

The building will be used as a food bank storage and distribution centre by The Harold Hill Foodbank Charity providing emergency food, debt advice, household items, mentoring and advice and other charitable services.

The proposal is considered to be acceptable in all material respects and it is recommended that planning permission is granted.

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 Act 1990.

2. In Accordance with Plans

The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans detailed on page 1 of the decision notice approved by the Local Planning Authority.

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.

3. Parking Provision

Before the building(s) hereby permitted is first occupied, the area set aside for car parking shall be laid out and surfaced to the satisfaction of the Local Planning Authority and retained permanently thereafter for the accommodation of vehicles visiting the site and shall not be used for any other purpose.

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

4. Restricted Use

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) the B8 Storage and Distribution use hereby permitted shall be as a Food Bank and its associated charitable services only and shall be used for no other purpose(s) whatsoever, 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. Hours of Use

The premises shall not be used for the purposes hereby permitted other than between the hours of 09:00 and 17:00 on Monday to Friday and 09:00 to 12:00 on Saturday and not at all on Sundays, Bank or Public holidays without the prior consent in writing of the Local Planning Authority.

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

6. Contaminated Land

- a) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the local planning authority. The remediation strategy shall be implemented as approved.
- b) Following completion of the remediation works in accordance with the approved Remediation Strategy as mentioned in (a) above, a 'Verification

Report' must be submitted demonstrating that the works have been carried out satisfactorily and remediation targets have been achieved.

Reason: To ensure that any previously unidentified contamination found at the site is investigated and satisfactorily addressed in order to protect those engaged in construction and occupation of the development from potential contamination.

7. Contaminated Land

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

- a) A Phase I (Desktop Study) Report documenting the history of the site, its surrounding area and the likelihood of contaminant/s, their type and extent incorporating a Site Conceptual Model.
- b) A Phase II (Site Investigation) Report if the Phase I Report confirms the possibility of a significant risk to any sensitive receptors. This is an intrusive site investigation including factors such as chemical testing, quantitative risk assessment and a description of the sites ground conditions. An updated Site Conceptual Model should be included showing all the potential pollutant linkages and an assessment of risk to identified receptors.
- c) A Phase III (Remediation Strategy) Report if the Phase II Report confirms the presence of a significant pollutant linkage requiring remediation. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to all receptors must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works, site management procedures and procedure for dealing with previously unidentified any contamination. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
- d) Following completion of measures identified in the approved remediation scheme mentioned in 1(c) above, a "Verification Report" that demonstrates the effectiveness of the remediation carried out, any requirement for longer-term monitoring of contaminant linkages, maintenance and arrangements for contingency action, must be produced, and is subject to the approval in writing of the Local Planning Authority.

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

INFORMATIVES

1. 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. 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.

REPORT DETAIL

1. Site Description

- 1.1 The application site is the storage area located adjacent to the junction of Chudleigh Road and Lindfield Road in Harold Hill. The site comprises of a series of metal containers and shed structures set behind a metal palisade fence. There are 3no. sets of gates providing access onto Chudleigh Road. The site has been used as a storage yard for several years.

- 1.2 The site is set within an area of open space adjoining Carter Brook with Brookside Junior and Infant School some 38m to the west. Around the junction of Chudleigh Road and Lindfield Road are 3-storey accommodation leading into the wider residential estate.

2. Description of Proposal

- 2.1 The proposal is for the demolition of the existing buildings and the construction of a 12m deep x 21m wide, and 2.97m high modular building. An existing set of gates to the north of the site will be re-instated enabling access to an off street parking area laid out with 2no. car parking bays. The proposal will involve the removal of the existing palisade fencing with the modular building abutting the site boundary to the east and west.

- 2.2 The building will be used as a food bank storage and distribution centre by The Harold Hill Foodbank Charity providing emergency food, debt advice, household items, mentoring and advice and other charitable services. The food bank will be open to clients between the hours of 10:30 to 13:30 on

Monday to Friday. The proposed facility will be operated by staff between 09:00 and 17:00 Monday to Friday and 09:00 to 12:00 on Saturday.

3. Relevant History

- 3.1 P1856.06 – To replace existing timber and brick building with single storey portable building to be used as office - Withdrawn

4. Consultations/Representations

- 4.1 Neighbour notification letters were sent to 32 properties. 1 representation was received as a result of the consultation raising the following issues:
- Insufficient parking on surrounding streets, which is already a problem for residents of Wolverton House due to parents parking badly to drop off and pick up children from the nearby school.
 - Insufficient space for vehicles to pass each other when vehicles are parked on the road.
 - Potential noise and disruption during demolition and construction.

5. Staff Comments

- 5.1 The issues arising from this proposal are the principle of development and the impact on character and appearance of the surrounding area.
- 5.2 Policies CP17 (Design), DC26 (Location of Community Facilities), DC33 (Car Parking), DC61 (Urban Design) and DC63 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document we considered to be relevant.
- 5.3 Policies 3.17 (Health and Social Care Facilities) and 7.4 (Local Character) of the London Plan (2011) and the National Planning Policy Framework (NPPF) are also relevant.

6. Principle of Development

- 6.1 The proposal is for the construction of a modular building to be used as a food bank for storage and distribution purposes. The site was last used as a depot for the storage of furniture. It is unclear how long the site has been in its current state but this relatively low-key use appears to have ceased and the site has become neglected and overgrown.
- 6.2 The site is located on a strip of open space under Council ownership between Chudleigh Road and a narrow brook water course. As such it is prominent within the streetscene but is afforded a degree of separation from the residential accommodation to the east by the road and the adjacent junction.

- 6.3 According to policy DC26 opportunities for the development of new community facilities can be limited as they cannot compete financially on equal terms for land against uses such as residential and retail which attract higher land values.
- 6.4 The Harold Hill Food Bank currently occupies a property in Hilldene Avenue, Harold Hill which has now been sold. There is now the requirement to move to a permanent facility. Following discussions with the Council the Chudleigh Road/ Lindfield Road storage site has been suggested. The Food Bank have been offered the proposed modular building by Persimmon Homes who are currently developing land to the rear of Harold Hill Community Centre.
- 6.5 Given the material considerations of the previous storage use at the site, the current dilapidated state of the facility, the proposed operating hours as well as the practical requirement for the charity to relocate to new premises within a competitive land market, the proposed development is considered to be acceptable in principle.

7. Design/Impact on Street/Garden Scene

- 7.1 Policy DC26 states that planning permission for new community facilities will only be granted where they, amongst other things, do not have a significant adverse effect on residential character and amenity.
- 7.2 Policy DC61 states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area.
- 7.3 The demolition of the existing dilapidated shed buildings and the removal of the containers will serve to improve the visual amenity of the area. The replacement modular building however will form a prominent feature in the streetscene and consideration needs to be given to its relative height and scale in comparison to its surroundings.
- 7.4 The proposed flat roof modular building will have a floor area of approximately 248 sq.m, which will occupy up to 74% of the 333 sq.m site. The side elevations will be 2.97m in height incorporating UPVC double glazed window units set within timber panelled sections coated with a light grey plastisol finish. Given the nature of the surrounding topography the building will be visually prominent from all surrounding aspects.
- 7.5 The residential accommodation on the adjacent side of Chudleigh Road is formed of 3-storey blocks with considerable height and bulk. The scale and massing of the proposed modular building in comparison will be less significant and as a result will not appear to form a visually intrusive feature within this setting of larger buildings. The proposed materials and colour scheme will be different to the brickwork of the residential blocks, but will harmonise with the design and appearance of some of the buildings at the

nearby school campus to the west. Tree coverage along Carters Brook will offer some screening from the west.

- 7.6 The proposed development will effectively tidy up a neglected and visually poor site, replacing dilapidated shed buildings and shipping containers with a modern structure that will enhance the current visual appearance of the site.
- 7.7 Overall it is considered that the proposed modular building will sit comfortably within its surroundings without having an adverse impact on the character and appearance of the street scene.

8. Impact on Amenity

- 8.1 The proposed modular building would be situated on the opposite side of the highway some 19m from the nearest residential properties at Morecombe House, 23m from Wolverton House and 34m from Newmarket House. As a result it is not considered that the siting of the building will result in an unacceptable level of overshadowing, loss of sunlight/ daylight, overlooking or loss of privacy to the neighbouring residential properties in accordance with policy DC61.
- 8.2 The Food Bank proposes to open to customers between 10:30 and 13:30 Monday to Friday, with the charity expecting on average around five clients visiting per day. The facility will be operated by staff between 09:00 to 17:00 Monday to Friday and 09:00 to 12:00 on Saturday. On average the charity expects three to four visits per week from people donating food. The opening hours are considered to be acceptable and reasonable operating times in this predominantly residential location. It is considered that the proposed facility will form a relatively low-key use in terms of noise and disturbance, operating within daytime hours and resulting in a minimal impact on the amenity of the neighbouring properties.

9. Parking and Highway Issues

- 9.1 Policy DC26 states that planning permission for new community facilities will only be granted where they, amongst other things, ensure that any on-street parking which is likely to be generated by the use can be accommodated without detriment to pedestrian and highway safety.
- 9.2 Given the special nature of the proposed use the parking standards set out in Annex 5 of the Core Strategy and Development Control Policies DPD do not generally apply to this proposal. The requirement for a B8 Storage and Distribution use would be to provide 1 lorry space per 200 sq.m. It is not considered appropriate to apply this standard to the proposed development, but instead evaluate the proposed parking arrangements on their own merits.
- 9.3 The proposal will provide 2no. off street car parking spaces for members of staff, and set aside an area for up to one vehicle to pull in off the street for

deliveries and visits. Concerns have been raised with regard to parking problems occurring on surrounding roads around school drop off and pick up times. The proposed facility will only be open to customers between 10:30 and 13:30 Monday to Friday outside the main pick up/ drop off times for the neighbouring school. As a result it is not considered that the proposed use will exacerbate any existing parking problems created as a result of the school.

9.4 It is considered that parking in this area during the proposed opening times is unlikely to cause any significant issues to pedestrian and highway safety.

9.5 The Local Highway Authority has raised no objections or comments in relation to the proposal.

10. Community Infrastructure Levy

10.1 The applicant is The Harold Hill Foodbank, which is a registered charity and will operate the proposed facility for charitable purposes. It is therefore exempt from CIL liability.

11. Conclusion

Having regard to all relevant factors and material planning considerations Staff are of the view that this proposal would be acceptable. Staff are of the view that due to the siting, scale and location the proposal would not be disproportionate or have a harmful impact on the character of the street scene 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:

(a) Equalities Implications and risks:

Section 149 of the Equalities Act 2010(EA) consists of a general equality duty, for the public sector and specifies duties which came into law on 10 September 2011, in England and 6 April, in Wales and consolidates and incorporates “positive equalities duties” found in Section 71 of the Race Relations Act 1976. (RRA) The general duty of Section 149(EA) came into force on 5 April 2011.

Section 49 of the Disability Discrimination Act 1995 (DDA) and Section 76(A) of the Sexual Discrimination Act 1975(SDA) so that due regard must be had by the decision maker to specified equalities issues. The old duties under the RRA, DDA and SDA remain in force.

The duties under Section 149 of the EA do not require a particular outcome and what the decision making body decides to do once it has had the required regard to the duty is for the decision making body subject to the ordinary constraints of public and discrimination law including the Human Rights Act 1998. Article 8 – Right to respect for private and family life is not an absolute but a qualified right. Having considered the above Equalities Act duty there are no direct equality issues raised.

BACKGROUND PAPERS

Application form, drawings and supporting statement received on 19 December 2013.