



Havering

LONDON BOROUGH

REGULATORY SERVICES COMMITTEE AGENDA

7.30 pm

**Thursday
26 June 2014**

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

Members 11: Quorum 4

COUNCILLORS:

**Conservative
(5)**

Robby Misir (Chairman)
Ray Best
Philippa Crowder
Steven Kelly
Michael White

**Residents'
(4)**

Ron Ower (Vice-
Chair)
Linda Hawthorn
Stephanie Nunn
Nic Dodin

**UKIP
(1)**

Phil Martin

**Independent
Residents
(1)**

Graham
Williamson

For information about the meeting please contact:

**Richard Cursons 01708 432430
richard.cursons@onesource.co.uk**

AGENDA ITEMS

1 CHAIRMAN'S ANNOUNCEMENTS

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

The Chairman will announce the following:

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

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

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

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

2 APOLOGIES FOR ABSENCE AND ANNOUNCEMENT OF SUBSTITUTE MEMBERS

(if any) - receive.

3 DISCLOSURE OF PECUNIARY INTERESTS

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

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

4 PLANNING OBLIGATIONS/LEGAL AGREEMENTS (Pages 1 - 4)

5 PLANNING AND ENFORCEMENT APPEALS RECEIVED, PUBLIC INQUIRIES/HEARINGS AND SUMMARY OF APPEAL DECISIONS (Pages 5 - 26)

6 SCHEDULE OF ENFORCEMENT NOTICES (Pages 27 - 40)

- 7 PROSECUTIONS UPDATE** (Pages 41 - 42)
- 8 PLANNING APPLICATIONS - SEE INDEX AND REPORTS** (Pages 43 - 56)
- 9 P0386.14 - QUARLES CLOSE, COLLIER ROW** (Pages 57 - 72)
- 10 P0485.14 - LANGTONS HOUSE, BILLET LANE HORNCHURCH** (Pages 73 - 82)
- 11 P0482.14 - WYKEHAM PRIMARY SCHOOL, RAINSFORD WAY HORNCHURCH**
(Pages 83 - 90)
- 12 P0400.14 - 65 LAMBS LANE SOUTH RAINHAM** (Pages 91 - 108)
- 13 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
- 14 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.
- 15 CHIEF EXECUTIVE'S REPORT CONTAINING EXEMPT INFORMATION** (Pages 109 - 226)

**Andrew Beesley
Committee Administration
Manager**

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REGULATORY SERVICES COMMITTEE

26 JUNE 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 2000-2014

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 2014.

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

26 JUNE 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 15 February 2014 and 6 June 2014

RECOMMENDATIONS

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

REPORT DETAIL

- 1.0 Since the appeals reported to Members in March 2014, 33 new appeals have been started. Decisions on 30 appeals have been received during the same period 22 have been dismissed, 7 allowed and 1 appeal deemed invalid.

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 16-FEB-14 AND 06-JUN-14

APPEAL DECISIONS - PLANNING					
Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
P1074.12 Land Adj to 61 Salisbury Road Romford <i>Three bedroom dwelling</i>	Written Reps	Refuse	Delegated	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 the NPPF and Policy DC33 of the LDF Core Strategy 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.	<p style="text-align: center;">Dismissed</p> The Inspector found that the number of off-street car parking spaces for the proposed new dwelling would be adequate in this residential location. The requirement for a planning obligation in the terms set out by the Council therefore met the tests of NPPF and the CIL regulations. One was not submitted and the proposed development would be contrary to Policy DC72. The harm identified in respect of this issue was sufficient reason to dismiss the appeal.
P1372.12 Land Adj to 13 Tempest Way Hornchurch <i>New two bedroom detached dwelling</i>	Written Reps	Refuse	Delegated	The proposed development would, by reason of its projection beyond the building line of the properties in Finucane Gardens, 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. 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.	<p style="text-align: center;">Allowed with Conditions</p> The Inspector found that a new dwelling would not appear out of character with its surroundings, appearing as a logical extension to the existing terrace. Furthermore it would not close down or intrude into the open aspect of this side of the junction. The Inspector in this appeal was not satisfied that an obligation was necessary and concluded that the contribution sought would not comply with Regulation 122 of the 2010 CIL Regulations.
P0400.13 24 Severn Drive Upminster <i>Side and rear single storey extension ,garage</i>	Written Reps	Approve With Conditions	Committee	The proposal, by reason of noise and disturbance arising from the intensification of the use of the property and its curtilage, would result in unacceptable levels of noise and	<p style="text-align: center;">Allowed with Conditions</p> The Inspector found that the scheme would provide a reasonable degree of on-site parking and there was scope locally for other related parking or brief stopping to take place

LIST OF APPEAL DECISIONS MADE BETWEEN 16-FEB-14 AND 06-JUN-14

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<i>conversion ,external works including 2 No. dropped kerb width increases. Change of use from dwelling (C3) to a Daycare Nursery (D1) and canopy</i>				disturbance to the detriment of residential amenity, contrary to Policy DC61 of the Core Strategy and Development Control Policies DPD. The proposal, by reason of the extent of parking to the front and rear of the property, would adversely affect the character and appearance of the streetscene, contrary to Policy DC61 of the Core Strategy and Development Control Policies DPD.	in a variety of local positions such that inconvenience or disturbance to neighbours would not be excessive. Limitations on the use of the building and garden would satisfactorily protect the amenity of local people. Moreover significant numbers of local properties had hard surfacing to the front and frontage parking would not be alien to the wider locality and the parking to the rear would look little more than a familiar domestic driveway.
P0576.13 8 & 10 Risebridge Road Romford <i>Instalation of metal gates on shared driveway</i>	Written Reps	Refuse	Delegated	The proposed gates would enclose the shared driveway and set an undesirable precedent, detrimental to the open and verdant character of the Gidea Park Conservation Area. The gates would neither preserve or enhance the character and appearance of the Gidea Park Conservation Area contrary to Policies CP17, CP18, DC61 and DC68 of the LDF Development Control Policies Development Plan Document.	Dismissed The site is in the Gidea Park Conservation Area and a defining characteristic of dwellings is shared common drives with an open entrance, and garages to the rear. This setting, has been largely retained since the estate was originally built. The erection of 2m high galvanised steel gates would enclose the shared driveway and would be the only pair of dwellings in the street with a shared driveway that would have gates enclosing it. The common feature of these properties as described above would be compromised by this proposal and would not preserve the character or appearance of the Gidea Park Conservation Area.
P0316.13 92 Station Road Gidea Park Romford <i>From beauty salon (A1) to fish & chip shop (A3-A5 mixed use) with extract ducting to rear</i>	Written Reps	Refuse	Delegated	The proposal would, by reason of the position and height of the ducting, be materially harmful to amenity of occupiers of the first floor residential dwelling in terms of visual impact and smell contrary to DC61 of the LDF Development Control Policies DPD. The proposal would, by reason of noise	Allowed with Conditions Noise and disturbance, arising from customers' use of their cars, was a concern. Given the proximity of the property to the railway station, bus stops, taxi activity and other late evening uses, it was considered that a reasonable level of activity, including car borne activity, already occurs close to the

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				and disturbance caused by customers entering and leaving the premises, vehicles parking and manoeuvring, particularly during the evening hours of operation and its location adjacent to an existing A5 use, be unacceptably detrimental to the amenities of occupiers of adjacent properties contrary to Policies DC55, DC61 and DC63 of the LDF Development Control Policies DPD.	site during the early and late evening. The Inspector found that conditions could be used to guard against nuisance being caused as a result of smells and noise that may arise directly from cooking, extraction and ventilation. It was concluded that the proposal would not harm the living conditions of neighbouring residents as a consequence of smells, noise, disturbance or visual intrusion.
<p>P0942.13 Istanbul Grill 6 Broadway Parade Hornchurch <i>Installation of front side timber decking and terrace</i></p>	Written Reps	Refuse	Delegated	The proposal, due to its permanent location on the public highway, would adversely impact on the proper function of the public highway, creating long term maintenance issues and resulting in obstruction of the public highway, contrary to Policy DC32 of the LDF Core Strategy and Development Control Policies DPD.	<p style="text-align: center;">Dismissed</p> <p>The proposed decking and terrace would occupy a larger area of the pavement than the existing outdoor seating area. The proposal would occupy a significant proportion of the pavement and would obstruct pedestrians resulting in particular difficulty for those people with mobility and visual impairments. It would also limit the ability of the Highway Authority to carry out essential maintenance to the pavement area and the highway generally.</p>
<p>P0312.13 52 Woodside Close Rainham <i>Retention of hardstanding to front of property and provision of full width vehicular crossover to 52-54 Woodside Close</i></p>	Written Reps	Refuse	Delegated	<p>The proposed development entailing paving over of virtually the entire front garden and removal of the existing landscape features, would appear as a visually intrusive feature in the streetscene and thereby harmful to the 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>The proposed vehicular crossover, would access a front garden with insufficient depth</p>	<p style="text-align: center;">Dismissed</p> <p>The proposed crossover would facilitate parking across the pavement on to a hardstanding area to the front of the appeal property. Several manoeuvres would be required to get into the space. The neighbouring flat has a number of windows serving habitable rooms close to the hardstanding area. Given the number of vehicle manoeuvres there would be noise from engines and other vehicular sounds that would be harmful to the living conditions of neighbouring occupiers by way of noise, disturbance and fumes.</p>

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				<p>to accommodate a vehicle to park perpendicular to the carriageway, contrary to the Residential Extensions and Alterations SPD.</p> <p>The proposal would, by reason of noise, disturbance and fumes associated with vehicles manoeuvring adjacent to the living room window of the neighbouring occupier, be seriously detrimental to the amenity enjoyed by that neighbouring occupier contrary to the Residential Extensions and Alterations SPD and Policy DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.</p>	
<p>P0645.13 91A Front Lane Cranham</p> <p><i>Loft conversion with front rear and side dormers</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed development, when seen in conjunction with the previously approved rear dormer, would give rise to a "busy" and top heavy appearance that would detract from the appearance of the subject property and be unduly intrusive within the rear garden environment. The proposal is therefore considered to be contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD. The proposed side dormers would, by reason of their position and close 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</p>	<p style="text-align: center;">Dismissed</p> <p>The Council's concerns related solely to the impact of the rear dormers. The lack of uniformity between the box dormer and the three individual dormer windows would result in an incoherent approach in design terms which would emphasise the cluttered nature of the proposal at roof level which would appear incongruous when set against the simple form of the existing building. This would be detrimental to the existing character of the building and the surrounding area.</p>

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Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				Control Policies DPD.	
<p>P0610.13 190 High Street Hornchurch <i>Variation of Condition 2 of P0470.08 to extend opening hours from 08.00 to 23.00 every day to 08.00 to 01.30 Sunday to Thursday and 08.00 to 02.30 Friday and Saturday</i></p>	Written Reps	Refuse	Delegated	The proposed extended hours, by reason of noise and disturbance caused by customers entering and leaving the premises, vehicles parking and manoeuvring, particularly during the evening hours of operation, would be Policies DC55 and DC61 of the Core Strategy and Development Control Policies Development Plan Document.	<p style="text-align: center;">Dismissed</p> <p>The Inspector noted that the variety of opening hours in the surrounding area was not the result of inconsistent application by the Council of its planning policies. It is a matter in which the Council has either never had the opportunity to make a planning decision, or only had that opportunity many years ago at a time when the planning and factual context was very different. A substantial proportion of customers during the extended hours would be visiting after spending the evening in drinking establishments, particularly at weekends. The noise created by customers entering and leaving the premises during the extended hours would accordingly be significant and likely to be greater during those hours and would be likely to be intermittent in nature. The Inspector found that the proposal would be significantly detrimental to the living conditions of nearby residential occupiers.</p>
<p>P0650.13 230 Collier Row Lane Romford <i>Change of use from residential (C3) to day nursery school (D1), garage conversion and conservatory</i></p>	Written Reps	Refuse	Delegated	The development results in the loss of a residential unit and the creation of a community facility that would not be appropriately accessible by a range of transport modes, the proposals is therefore unacceptable in principle and contrary to Policy CP8 and DC1 of the LDF Core Strategy and Development Control Policies DPD. The development has an absence of	<p style="text-align: center;">Dismissed</p> <p>On the first reason for refusal, the site is close to a number of regular bus services and being in a predominantly residential area, it is accessible by walking and cycling. The use would make a positive contribution to the community and the Inspector found the reason for refusal to be entirely unjustified.</p> <p>The Inspector found that the lack of a drop off</p>

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Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				<p>drop off points for parents, which results in unacceptable overspill onto the adjoining roads to the detriment of highway safety and residential amenity, thereby increasing congestion in the area and harming road safety contrary to Policy DC33 of the LDF Core Strategy and Development Control Policies DPD. The development, by reason of the increased number of children allowed on site and number of children allowed outside, results in unacceptable levels of noise and disturbance to the detriment of residential amenity and contrary to Policy DC61 of the Core Strategy and Development Control Policies DPD.</p>	<p>facility and lack of parking raised concerns with regard to road safety and it would restrict the free flow of traffic at certain times. The site has two neighbouring dwellings in close proximity and the proposed numbers of children would create greater or more persistent levels of noise. The intensity of the use would result in unacceptable disturbance to the living conditions of neighbouring residents with regard to noise. The matters in favour of the proposal did not outweigh the concerns.</p> <p>An application for an award of costs was allowed as the Council's first refusal reason was found to be without substance. The inclusion of this reason represented unreasonable behaviour by the Council and resulting in the appellant having to spend time addressing this concern.</p>
<p>P0205.13 Unit 4 Detection House Brooklands Approach Romford <i>Change of Use from offices B1 to D1</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The use, by reason of insufficient on site parking, is likely to result in a material increase in on street parking causing likely traffic flow problems contrary to Policies DC26, DC32, DC33 and DC61 of the Development Control Policies Development Plan Document.</p>	<p>Dismissed</p> <p>The proposal would attract around 65-100 visitors for Sunday services. It is acknowledged that there are nearby bus services in North Street. The nearby Matalan car park was cited as a potential parking area for visitors with an informal arrangement between the parties however no formal evidence was submitted to support this over a long term period. Only two spaces were provided on-site and a number of spaces identified by the appellant were outside of the site and therefore not in their control, with no evident agreement to their use in connection with the proposed use. The proposal</p>

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					therefore failed to demonstrate adequate on-site parking provision for the proposed use.
<p>A0030.13 95 North Street Romford <i>One internally illuminated fascia and one internally illuminated hanging sign</i></p>	Written Reps	Refuse	Delegated	The fascia sign, by reason of its scale, proportion and design, appears visually intrusive in the street scene, giving rise to harm to visual amenity, contrary to Policies DC61 and DC65 of Local Development Framework Core Strategy and Development Control Policies DPD and the Shopfront Design SPD.	<p>Allowed with Conditions</p> <p>The appeal site is a detached single storey building which is part of a parade of commercial properties, and has its shop front has a modern finish in green. The Inspector found that the advert has been designed to match this finish and it results in the frontage having a unified appearance. The new signs therefore would not have an adverse impact on the amenity of the area or on public safety.</p>
<p>P0308.13 9 Kenilworth Avenue Romford <i>The erection of two 2 bed detached chalet bungalows with two parking spaces per dwelling.</i></p>	Written Reps	Refuse	Delegated	<p>The proposal would, by reason of its scale, bulk, massing and layout, result in an unsatisfactory relationship between the proposed and the existing adjoining dwellings, which would be out of character with the overall form and layout of the surrounding rear garden environment, which would be detrimental to the residential amenities of the area and contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.</p> <p>The proposed development would, by reason of its position and proximity to neighbouring properties cause overlooking and loss of privacy which would have a serious and adverse effect on the living conditions of adjacent occupiers, contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.</p> <p>The proposed development would, by</p>	<p>Dismissed</p> <p>The proposed dwellings would have a limited set-back from the road, their coverage of most of the width of the site and the lack of space between the houses would result in them appearing cramped within their plots. They would not respect or complement the landscape setting of this area of rear gardens. The proposed dwellings would result in a loss of privacy and outlook for the donor dwellings and neighbouring properties and appear would overbearing in the rear garden environment.</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 16-FEB-14 AND 06-JUN-14

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				<p>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 Policy DC33 of the LDF Core Strategy and Development Control Policies DPD</p> <p>The proposed development would be unacceptable as vehicular access cannot be provided from the site to a public highway because it has not been demonstrated that there is sufficient land within the applicant's ownership or control to facilitate vehicular access from the site to a public highway and is therefore contrary to Policy DC62 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 the Havering Planning Obligations Supplementary Planning Document and Policy DC72 of the LDF Core Strategy and Development Control Policies DPD.</p>	
<p>P0945.13 Three Horseshoes Farm Noak Hill Road Romford <i>Demolition of existing stabling, storage and residential properties on site and construction of 5 dwellings, landscaping and associated works</i></p>	<p>Written Reps</p>		<p>NON DETERMINATION</p>		<p>Dismissed</p> <p>The scheme would result in 5 structures which would be taller than any building which presently exists on the site. The gable ended dwellings would be clustered together with relatively small spacing between them. The combination of height and bulk would be harmful to openness and would be a retrograde step from the current situation. There would be greater impact on the</p>

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					<p>openness of the Green Belt in this locality and would represent inappropriate development.</p> <p>The existing arrangement of buildings is fairly low key, and of a nature which reflects what one would expect to see in a rural area. The proposal would effectively create a mini-housing estate and this alien development would be intrusively harmful to the character and appearance of this Green Belt locality. The benefits of the proposal are that the homes themselves would aid housing supply and offer a good environment for living. However these did not outweigh the harm identified previously.</p> <p>An application for an award of costs against the Council was refused as unreasonable behaviour resulting in unnecessary expense had not been demonstrated</p>
<p>P1080.13 50a Station Road Upminster <i>Second floor rear extension & converting existing maisonette into 2 No 1 bedroom flats</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed development would, by reason of its poor design fail to integrate with the existing building and would appear as a visually intrusive feature and be harmful to the appearance of the surrounding area contrary to the Residential Design Supporting Planning Guidance and Policy DC61 of the Core Strategy and Development Control Policies Submission Development Plan Document.</p> <p>The proposed development of the extension and external staircase would, by reason of their depth, position and proximity to the attached and adjacent buildings, be an unneighbourly</p>	<p>Dismissed</p> <p>The appeal site would be located within area to the rear of shop units. The proposal is a large box shaped structure that would pay little regard to the traditional design and form of the existing two storey rear projection and would clearly unbalance a shared gable feature with a neighbouring flat. Whilst the original regular design and appearance of the rear of the terrace has been eroded, the Inspector considered that it would fail to preserve the visual amenities of the area</p>

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				development, appear visually intrusive in the rear garden environment and harmful to the amenity of adjacent occupiers and surrounding area, contrary to Policy DC61 of the Core Strategy and Development Control Policies Submission Development Plan Document.	
<p>A0023.13 164 Rush Green Road Romford <i>Retention of Non-Illuminated sign</i></p>	Written Reps	Refuse	Delegated	The non-illuminated sign, by reason of its siting, width and orange lettering combined with the prominent corner location, appears incongruous, dominant, visually intrusive and detracts from the appearance of the building harmful to the character and appearance of the streetscene contrary to Policies DC61 and DC65 of the Local Development Framework Development Plan Document and the Shopfront Design SPD.	<p style="text-align: center;">Allowed with Conditions</p> <p>The Inspector found that the advertisement is non-illuminated and sits neatly above the first floor windows and is flush with the property. It was considered to be a discrete addition to the property and does not appear dominant or visually intrusive</p>
<p>P1049.13 10 Acer Avenue Rainham <i>Proposed 3 bedroom end of terrace dwelling with car parking off street and private amenity</i></p>	Written Reps	Refuse	Delegated	The proposed development would, by reason of its design in relation to the remainder of the terrace, the roof form and prominent siting of the dwelling fully forward of the existing building line to Fergus Avenue, be unacceptably dominant and visually intrusive at this junction, adversely impacting on the visual amenity and character of the streetscene, contrary to Policies DC3 and DC61 of the LDF Core Strategy and Development Control Policies DPD, the SPD on Residential Design and, as relevant, SPD on Residential Extensions and Alterations.	<p style="text-align: center;">Dismissed</p> <p>The proposed dwelling would be sited on a corner and would stand forward of the extended building line of the terrace in Fagus Avenue. It would not appear cramped nor appear too prominent. The Inspector found that the proposal would sit acceptably in its visual context without harming the character and appearance of its surroundings. On the second issue, the requirement for a planning obligation met the tests of NPPF and the 2010 CIL regulations. One was not submitted and the proposed development would be contrary to Policy DC72. The harm identified in respect of this issue was sufficient reason to dismiss the appeal.</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 16-FEB-14 AND 06-JUN-14

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p>P1191.13 Rainham Social Club 30 Upminster Road South Rainham <i>Conversion of Rainham Social Club into 1) part pub/part bed & breakfast & 2) addition of second (loft) floor for additional bedrooms for bed and breakfast</i></p>	<p>Written Reps</p>		<p>NON DETERMINATION</p>		<p>Dismissed The introduction of a hotel use in this location is generally supported by London Plan and LDF policies with the caveat requiring a proposal to comply with criteria set out in the policies. These criteria include matters such as the scale of the proposed use and whether the site is well served by public transport. The Inspector found that the site would be adequately served by public transport. However given the limited number of parking spaces, which would be in an off-site location and also not in the appellant's ownership. When combined with a lack of evidence to demonstrate that the spaces would be available throughout the lifetime of the hotel use, it was concluded that the proposed car parking arrangements would not be satisfactorily. The site is intended to be serviced to the front of the site with two visits per day expected. No information was provided on the size of vehicles and the likelihood is that delivery vehicles would obstruct the footway, which would inconvenience and reduce safety for pedestrians in particular.</p>
<p>P1302.13 36 Heath Park Road Romford <i>Single storey rear extension and blocking up of front small window and replacement of door</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed rear roof canopy would, by reason of its excessive depth, height and position close to the boundaries of the site, be an intrusive and unneighbourly development as well as having an adverse effect on the amenities of adjacent occupiers contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.</p>	<p>Dismissed The proposal has a total depth of around 6m beyond the original rear wall of the dwelling. It immediately adjoins the boundary with neighbouring dwelling which has a conservatory to the rear. The canopy feature is taller than the conservatory and the combination of its height and depth results in a visually intrusive and overbearing impact upon the outlook from the rear of the</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 16-FEB-14 AND 06-JUN-14

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
					neighbouring dwelling and some loss of light to this space.
<p>P1024.13 2 Berther Road Hornchurch <i>First floor rear extension and rear dormer to provide three additional flats and retrospective change of use of part of the ground floor from A1 to A3 use</i></p>	Written Repls	Refuse	Delegated	<p>The proposed change of use and increase from 1 residential unit to 4, due to the lack of adequate on site parking provision, would result in overspill car parking in an already busy location, adversely affecting the free and safe flow of traffic, to the detriment of highway safety, contrary to Policies DC4 and DC33 of the Development Control Policies Development Plan Document. The proposed rear extension would, by reason of its height, bulk and mass, appear as an unacceptably dominant and visually intrusive feature in the streetscene harmful to the appearance of the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD. The proposal would result in development which would be overly bulky and out of character with the building to which it would be attached and have insufficient parking for the number of units proposed such that it would represent an overdevelopment of the application site contrary to Policy DC4 and DC61 of the LDF Core Strategy and Development Control Policies DPD.</p>	<p style="text-align: center;">Dismissed</p> <p>The proposed extensions would be large in relation to the subject building and would cover a significant part of its rear and roof slope. They would dominate the rear of the original building and appear incongruous and intrusive and would fail to fit comfortably within the street scene. The proposed car parking provision would be significantly below that likely to be demanded and would result in an increase in on-street car parking.</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 16-FEB-14 AND 06-JUN-14

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p>P0787.13 27 Spenser Crescent Upminster <i>Rear canopy, decking and steps</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed boundary fencing would, by reason of its excessive depth, height, orientation and relationship with No.29 Spenser Crescent, be an intrusive and unneighbourly development which will overshadow, overbear and dominate the outlook and harm the 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.</p>	<p>Dismissed The canopy and raised fencing would together extend some 7m to the rear of the existing house, at a substantial height. The combination of height and length would create an overbearing feature that would loom over the garden terracing of the neighbour, unacceptably harming living conditions due to the impact on outlook from that property.</p>
<p>P0611.13 225 Rush Green Road Romford <i>Change of Use from Residential to Nursery School with breakfast/ afterschool club with two-storey side extension and single-/two-storey rear extension.</i></p>	<p>Written Reps</p>	<p>Approve With Conditions</p>	<p>Committee</p>	<p>The proposal results in the loss of a residential unit and the creation of a community facility that would not be appropriately accessible by a range of transport modes and would have an unacceptable impact on residential character, amenity and highway conditions. The proposal is therefore unacceptable in principle and contrary to Policies CP8, DC1 and DC26 of the LDF Core Strategy and Development Control Policies DPD. The proposal has inadequate parking and drop off facilities, which would be likely to result in unacceptable overspill onto the adjoining roads, to the detriment of highway safety and residential amenity, contrary to Policies DC32 and DC33 of the LDF Core Strategy and Development Control Policies DPD. The proposed side extension, by reason of mass and bulk through its excessive</p>	<p>Dismissed The provision of a nursery would contribute to providing for the significant shortfall of places in the borough but it would result in the unacceptable loss of family housing. The proposal would significantly enlarge the dwelling with single and two-storey extensions to the side and rear that would give rise to a cluttered and cumbersome appearance. The use as a nursery would be likely to result in a cumulative increase in traffic movements that could cause unacceptable additional congestion in the surrounding area. The drop-off area within the proposal would be inadequate to serve the movements likely to be generated by the nursery. Furthermore the proposed nursery use would be harmful to the living conditions of the occupiers of neighbouring dwellings because of an unacceptable increase in noise and disturbance as a result of the intensification of use of the site.</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 16-FEB-14 AND 06-JUN-14

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				<p>depth and height and position on a corner plot, would be an overbearing development in the streetscene, to the detriment of its character and appearance, contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.</p> <p>The proposal, by reason of the nature of the use and numbers of children and staff on site, would result in an overintensive use of land creating unacceptable levels of noise and disturbance to the detriment of residential amenity within the locality and to the occupiers of the adjoining semi-detached property, contrary to Policy DC61 of the Core Strategy and Development Control Policies DPD.</p>	
<p>P1208.13 29 Roslyn Gardens Gidea Park Romford <i>2 Storey side extension.</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed two storey side extension fails to satisfactorily reflect the roof design of the main house and would by reason of its height, bulk and mass, unbalance the appearance of this semi-detached property and appear as an unacceptably dominant and visually intrusive feature in the streetscene. 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.</p>	<p style="text-align: center;">Dismissed</p> <p>The appeal proposal includes an extension over the garage, with a further single storey section to the side having a full pitched roof and a high parapet wall on the end gable. The building as now extended is a collection of conflicting roof slopes, angles, forms and features. Looked on as a whole, the effect is chaotic and unacceptably harms the character and appearance of both the building and the local area.</p>
<p>P1292.13 39 Roslyn Avenue Harold Wood <i>Retrospective planning</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The outbuilding, by reason of its design, overall height, bulk, mass and position close to the boundaries of the site, is considered to be an obtrusive and</p>	<p style="text-align: center;">Allowed with Conditions</p> <p>The proposed garage would be single width and double length and replace an old smaller one which had a flat roof. The Inspector</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 16-FEB-14 AND 06-JUN-14

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<i>permission for a replacement garage in rear garden area</i>				unsatisfactory form of development which is visually intrusive and harmful to the appearance and character of the surrounding area. The development is therefore considered contrary to the Supplementary Design Guidance (Residential Extensions and Alterations) and Policy DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.	considered that having a double length garage of the scale proposed in a rear garden would not have an unacceptably adverse impact upon visual and residential amenity and would not appear as a visually obtrusive feature from the street.
<p>P1381.13 1 Ruskin Avenue Upminster <i>Single storey side extension with raised decking steps and landing, rear dormer window and roof lights</i></p>	Written Reps	Refuse	Delegated	The proposed rear dormer window would, by reason of its scale, bulk, mass and cumulative impact of the existing and proposed dormer windows, appear as an unacceptably dominant and visually intrusive feature in the rear garden environment and street scene, harmful to the appearance of the surrounding area, contrary to the London Borough of Havering Supplementary Planning Document for Residential Extensions and Alterations and 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 the design of the extension was appear as a subordinate addition to the house. The proposed dormer to the property would be appropriately scaled to the roof slope and set sufficient distance from the ridgeline, eaves and sides of the dwelling. On the second matter, it was concluded that it would not detrimentally affect the living conditions of neighbouring properties.</p>
<p>P1287.13 43 Sunningdale Road Rainham <i>Side and rear dormer roof extensions</i></p>	Written Reps	Refuse	Delegated	The proposed development would, by reason of the design, position, bulk and mass, appear as an unacceptably dominant and visually intrusive feature in the street scene and rear garden environment harmful to the appearance of the surrounding area, contrary to the London Borough of Havering Supplementary Planning Document for Residential Extensions and Alterations and DC61 of the LDF Core Strategy and	<p style="text-align: center;">Dismissed</p> <p>The siting of the dormers would result in all four elevations of the property being altered and enlarged. Due to the scale and design the development would significantly increase the bulk of the roof of the bungalow. The dormers would make up a greater proportion of the height of the building and would result in the building appearing top heavy appearing as incongruous and out of scale additions.</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 16-FEB-14 AND 06-JUN-14

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				Development Control Policies Development Plan Document. The proposed dormer window adjacent to No.45 Sunningdale Road would, by reason of its position and proximity to neighbouring property, cause loss of privacy due to overlooking which would have a serious and adverse effect on the living conditions of adjacent occupiers, contrary to the London Borough of Havering Supplementary Planning Document for Residential Extensions and Alterations and DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.	
<p>P1350.13 96 Ravenscourt Drive Hornchurch <i>Front and rear dormers, including new tiled pitch roof over existing porch and a new flat roof single storey rear extension</i></p>	Written Reps	Refuse	Delegated	The proposed development would, by reason of its height, bulk and mass, appear as an unacceptably dominant and visually intrusive feature in the street and rear garden scene harmful to the appearance of the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.	<p style="text-align: center;">Dismissed</p> The proposed rear dormer would cover most of the rear roof slope, from just below the roof ridge and just above the eaves. Due to its overall size and scale, it would appear overly prominent and the light coloured render on the rear and sides of the rear dormer would exacerbate its visual impact. The proposal would therefore result in material harm to the character and appearance of the dwelling and surrounding area.

TOTAL PLANNING =

27

LIST OF APPEAL DECISIONS MADE BETWEEN 16-FEB-14 AND 06-JUN-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
ENF/460/11/HP 76 Lower Bedfords Road Collier Row Romford	Written Reps				<p style="text-align: center;">Dismissed</p> <p>The breach of planning control as alleged in the notice is the unauthorised conversion of the existing bungalow to a chalet bungalow with front dormers and Juliet balcony to the front, which includes extensions to the original rear roof and linked extension at first floor level over the existing single-storey extension; this development has not been constructed in accordance with approved planning application P1030.09, nor does it resemble the refused application P0527.09. The extensions increased the volume of the bungalow by some 70% which is in excess of the normal maximum allowed of 50%. They therefore constitute unacceptable inappropriate development in the Green Belt. The rear dormer appears as a two-storey flat roof box, poorly related to the rear roof slope of the original gable-ended bungalow, which has been largely obliterated by this addition. It has resulted in an incongruous element in the street scene. The Inspector found that very special circumstances did not exist to justify the development in planning terms.</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 16-FEB-14 AND 06-JUN-14

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p>ENF/476/11/PT 39 Collier Row Lane Romford</p>	<p>Written Reqs</p>				<p style="text-align: center;">Dismissed</p> <p>The breach of planning control as alleged in the notice is without planning permission the construction of an unauthorised single storey building in the rear garden of 39 Collier Row Lane, and the unauthorised use of the building as a mixed martial arts studio and gymnasium. The absence of any spaces combined with the low availability of on street spaces and existing parking restrictions in nearby roads, and the additional traffic generated by the unauthorised use is detrimental to both highway safety and residential amenity.</p> <p>The use of the building generates noise from the activities within, both from the participants and the accompanying amplified music, the comings and goings on foot and by vehicle, and people congregating in or close to the site. Persons leaving the studio/gym or congregating nearby would also be able directly overlook a neighbouring residential garden.</p> <p>The Inspector concluded that the proposal failed to provide adequate parking facilities which adversely affects highway safety, and also harms the living conditions of neighbouring residents by way of increased noise and disturbance, overlooking and loss of privacy. The appeal was dismissed and the enforcement notice is upheld with correction.</p>

TOTAL ENF =

2

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REGULATORY SERVICES COMMITTEE

26 JUNE 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 March 2014

RECOMMENDATIONS

For consideration.

REPORT DETAIL

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

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

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

The grounds are:

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

BACKGROUND PAPERS

Schedule A & B.

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SCHEDULE A

CASES AWAITING APPEAL DETERMINATION

ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	DATE OF COMMITTEE AUTHORITY	ENFORCEMENT NOTICE SERVED	APPEAL LODGED
Benskins Lane east of Church Road Harold Wood Romford ENF/91/12/GS	Alleged unauthorised hardstanding	Delegated	14-05-12	14-06-12
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
Lakeview Caravan Park Cammings 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
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

ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	DATE OF COMMITTEE AUTHORITY	ENFORCEMENT NOTICE SERVED	APPEAL LODGED
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
14 Rainham Road Rainham ENF/209/07/ST	Unauthorised car wash and breach of conditions: Notice A - Cease the washing and cleaning of vehicles except in the wash bay and former garage Notice B - Unauthorised stationing of a container and the construction of an outbuilding and canopy with supporting structure	Committee 14-11-13	16-01-14	13-03-14
Hogbar Farm Lower Bedford Road Romford ENF/36/14/	Planning permission expired	Delegated	13-02-14	13-03-14
Vinegar Hill Lower Bedfords Road Romford ENF/37/14/	Planning permission expired	Delegated	13-02-14	13-03-14

SCHEDULE B

ENFORCEMENT NOTICES – LIVE CASES.

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

ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	DATE OF COMMITTEE AUTHORITY	NOTICE ISSUED	NOTICE SERVED	APPEAL LODGED	APPEAL DECISION	COMMENTS
21 Brights Avenue, Rainham	Unauthorised development.	Committee 22.10.04	14.12.04	20.12.04			Enforcement Notice served. Second prosecution 30-09-10. 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 Bentwood	Development (5 Notices)	Committee 15-01-09	06-03-09	06-03-09	15-04-09	Appeal part allowed/part dismissed	Pursuing compliance
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
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

ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	DATE OF COMMITTEE AUTHORITY	NOTICE ISSUED	NOTICE SERVED	APPEAL LODGED	APPEAL DECISION	COMMENTS
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
83A London Road Romford	Use	Committee 02-12-10	04-03-11	04-03-11	26-03-11	Appeal Withdrawn	Monitoring
Writtle Walk Rainham	Use	Delegated 14-01-11	18-04-11	18-04-11	19-05-11	Appeal Dismissed	Prosecuted, pursuing compliance
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
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

ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	DATE OF COMMITTEE AUTHORITY	NOTICE ISSUED	NOTICE SERVED	APPEAL LODGED	APPEAL DECISION	COMMENTS
Benskins Lane east of Church Road Harold Wood Romford	Development	Delegated	14-05-12	15-05-12	14-06-12		See Schedule A
72 Crow Lane Romford	Use	Committee 19-07-12	28-08-12	28-08-12	19-09-12	Appeal dismissed	Preparing prosecution
29 Main Road Romford	Use	Delegated	26-07-12	26-07-12			Pursuing compliance
Tomykns Manor Tomkyns Lane Upminster	Development 2 Notices	Committee 07-06-12	24-08-12	24-08-12	27-09-12	Appeal Dismissed	Pursuing compliance
14A Lower Mardyke Avenue Rainham	Development	Delegated	28-08-12	28-08-12			Pursuing compliance
108 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
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	Appeal dismissed	Pursuing compliance

ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	DATE OF COMMITTEE AUTHORITY	NOTICE ISSUED	NOTICE SERVED	APPEAL LODGED	APPEAL DECISION	COMMENTS
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		Notice complied with
34 Lake Rise Romford	Development	Delegated	23-10-13	23-10-13	27-11-13		See Schedule A
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	13-03-13		See Schedule A
Wegar Hill Lower Bedfords Road Romford	Development/Use	Delegated	12-02-14	13-02-14	13-03-13		See Schedule A
14 Rainham Road Rainham	1. Breach of conditions 2. Development	Committee 14-11-13	15-01-14	16-01-14	13-02-13		See Schedule A
3 Austral Drive Hornchurch	Development	Committee 03-10-13	23-12-13	23-12-13	30-01-14		See schedule A
38 Heaton Avenue Romford	Development	Committee 03-10-13	17-01-14	20-01-14			Pursing compliance
90 Rainham Road Rainham	Development	Delegated	07-03-14	07-03-14			Pursuing compliance
Prime Biomass Unit 8 Dover's Comer New Road Rainham	Use	Delegated	11-03-14	11-03-14			Pursing 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 Notice A	Delegated	24-04-14	24-04-14			Pursing compliance
Folkes Farm Folkes Lane Upminster	Use Notice B	Delegated	24-04-14	24-04-14			Pursing compliance
Folkes Farm Folkes Lane Upminster	Use Notice C	Delegated	24-04-14	24-04-14			Pursuing compliance
Folkes Farm Folkes Lane Upminster	Use Notice D	Delegated	24-04-14	24-04-14			Pursuing compliance

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REGULATORY SERVICES COMMITTEE

REPORT

26 JUNE 2014

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

26 June 2014

Page No.	Application No.	Ward	Address
1-12	P1528.13	Romford Town	22-28 North Street, Romford, RM1 1BH

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REGULATORY SERVICES COMMITTEE

26th June 2014

APPLICATION NO:	P1528.13	
WARD :	Romford Town	Date Received: 13th December 2013 Expiry Date: 10th April 2014
ADDRESS:	22-28 North Street Romford	
PROPOSAL:	The demolition of 4 shops and offices over and the erection of an 8 storey mixed development with 4 No ground floor shops (A1 and A3), 28 flats above (24 No 2 Bed and 4 no 1 bed) together with private balconies and terraces, communal storage, roof-mounted photo-voltaic cells, bulkhead lighting to adjacent pavements, associated pavement improvements and improvements to the rear facade of 30-44 North Street	
DRAWING NO(S):	1379.10 1379.11 1379/01a 1379/02a 1379/03a 1379/04b 1379/05 1379/06	
RECOMMENDATION :	It is recommended that planning permission be REFUSED for the reason(s) given at the end of the report given at the end of the report.	

CALL-IN

The application was originally called in by Councillor Misir as it was considered that the scale of the application warrants a decision by Members.

BACKGROUND

This planning application was brought before Members on 3rd April 2014; the decision was deferred to allow additional information to be gathered. The queries/comments raised, and the responses to them, are detailed below.

- Clarification of the legal agreement now offered by the applicant.

The applicant is now offering to pay the £168,000 required by the Planning Obligations SPD for the development of 28 flats, along with the £45,000 previously offered and detailed later in this report. The applicant has also offered to enter into an obligation that would prevent the continued use of the neighbouring property (known as "Buddha Lounge"), being used as a night club. No details have been provided as to when this would occur.

- Any legal agreement should prevent future occupiers applying for parking permits.

This point is noted. Should planning permission be granted, officers agree that this obligation would be a suitable element of a legal agreement.

- Is the applicant willing to reduce the bulk of the proposed building by removing top two storeys?

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The applicant has opted not to revise the submitted scheme.

- Further clarify storeys/levels proposed within the description.

This matter has been clarified within the description of development below.

- Further clarify the response from the Police regarding Secure by Design considerations.

As previously stated, and detailed within this report, the Designing Out Crime Officer raised no objections to the proposal, subject to the use of a condition.

- Further clarification on the response from Environmental Health regarding noise considerations including whether any regard has/should be given to the relationship between the proposal and nearby nightclub.

The Council's Environmental Health officers have been consulted about the proposal, and in relation to noise, no objections have been raised subject to the use of conditions intended to control the levels of noise within the proposed apartments. It is considered that the separation distances between the proposal and the night club, with intervening retail units separating the two, and the fact that the night club would not face the proposal as it does other residential properties, are such that significant adverse noise impacts would not arise. In any case, the applicants have offered to enter into a legal agreement that would prevent the continued use of the neighbouring building as a night club, although no date has been suggested.

- Is there any proposal by the applicant to secure the closure of the nightclub allegedly in the same ownership upon completion of this redevelopment scheme if approved? If so, can that be secured in any legal agreement?

As above.

- Clarification of the nature and purpose of the £45,000 contribution proposed by the applicant and is this subject of a viability assessment?

This contribution is intended to pay for the following (this matter is also discussed later in this report), although no details have been provided about how it is intended to secure and implement the works associated with the proposed contribution.

- a) The removal of unsightly structures at the rear of retail premises;
- b) Improved security measures around the Mews;
- c) Improved public access between North Street, the listed Church, and its surroundings, with improvements to pedestrian footpaths - including new pavements at the rear with planting, and to the side accessway, new bulkhead lighting for both areas and for the North Street precinct.
- d) New enclosures to all four rear fire escape stairs including Buddha Lounge, to LPA approval.

This sum has not been the subject of a viability appraisal.

- Clarification of the development status of the part completed re-development scheme at the ring road end of North Street.

Officers have been working with potential buyers of the site over the past 18 months and offering assistance to aid the completion of this stalled scheme. The site has now been bought and pre-application advice is being sought from the new owner in relation the development's completion.

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· Clarification of the nature of any proposed contribution/improvements to rear courtyard/highway environment.

The proposed environmental improvements are discussed above.

· Clarification of the nature, purpose, and adoption date of the Conservation Area Appraisal and date of other influencing developments relative to this (e.g. the Rubicon, and the partially complete development at the top end of North Street).

The Romford Conservation Area Appraisal was adopted in May, 2008. The Rubicon development, which is located on the opposite side of North Street from the proposal was granted planning consent in November 2005. The partially completed development, which is also located on the opposite side of North Street, was granted planning permission in December 2006. Both of these developments are located outside the conservation area.

Additional information has been added to this report in relation to the proposal's impact on the conservation area.

SITE DESCRIPTION

The Site includes four retail units, each with office/storage space above, forming the south eastern end of a row of similar properties located along the northern side of North Street. The Site is located in Romford Conservation Area and is approximately 28m to the west of St Edward the Confessor's Church, which is a grade II* listed building.

The Site's south western boundary lies adjacent to North Street; the north western boundary adjoins neighbouring properties forming part of the same terrace of buildings; the north eastern boundary adjoins The Mews, which is a vehicular access serving the existing retail units; whilst the south eastern boundary adjoins an alleyway running between Nos. 20 and 22 North Street.

The site is located approximately 15m to the east of existing high-rise residential development, including the Rubicon building, and an adjoining, incomplete development. The latter development comprises a concrete frame. The Council consider that this development was not lawfully commenced as the prior approval of condition details was not completed. It is anticipated that a developer will come forward in due course and acquire the necessary planning consent to continue and complete this development.

DESCRIPTION OF PROPOSAL

The proposal is for the demolition of the existing four retail units, with vacant office accommodation above, and the erection of an eight storey building with four (A1) retail units at ground floor level, and 28 flats above (24 x 2 bed and 4 x 1 bed units), occupying seven storeys. The eighth storey element comprises a services block at the top of the building. The proposed building would have a maximum height of approximately 25m, and a footprint at ground level of 400sqm.

The residential units would measure between 57sqm and 77sqm in area, and each would benefit from a balcony. The 6th floor units would benefit from outdoor terraces, which reflects the fact that the building's 7th and 8th floors would be set back. The proposed retail units would front onto North Street, with vehicular access to the rear. Pedestrian access to the proposed residential units would also be to the rear of the building, from The Mews.

The proposal would not include car parking. Bicycle and refuse storage would be located at

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ground floor level to the rear of the building. An extended unloading and service bay would be created alongside The Mews. The proposal has been designed to allow similar development to potentially occur at the adjoining premises. Solar panels would be located on the roof of the proposal. Improvements are proposed to the rear of Nos. 30-44 North Street, to enclose their existing fire escapes.

RELEVANT HISTORY

There are no previous planning decisions at the site of particular relevance to this proposal.

CONSULTATIONS/REPRESENTATIONS

The application has been advertised on site and in the local press as a major development. Neighbour notification letters have also been sent to 163 local addresses. Five letters of objection has been received. Objections to the scheme are raised on the following grounds:

- Harm to Romford Conservation Area;
- Harm to nearby listed buildings;
- A neighbouring night club would be harmful to the amenities of future occupiers;
- Harm the amenities of the occupiers of the Rubicon building owing to lost of light, privacy, and outlook;
- The proposal would harm, rather than complement or improve, the amenity or character of the area;
- Excessive bulk and massing.

A letter of support has been received stating that:

- The proposal would encourage residential growth along North Street;
- The neighbouring night club should have its licence removed first.

Councillor Frederick Thompson and Ex-Councillor Andrew Curtin and have objected to the proposal on the following grounds:

- i) Excessive bulk and massing;
- ii) Significant adverse impact on Romford Conservation Area;
- iii) Future occupiers would experience an unacceptable level of amenity owing to noise from neighbouring night time uses;
- iv) The proposal would not provide adequate car parking provision;
- v) Significant adverse impact on the setting of listed buildings in the vicinity;
- vi) The demolition works would be harmful to the visual amenities of the area and result in the loss of a building that makes a positive contribution to the conservation area;
- vii) The proposal would result in a canyon effect along North Street, which would be harmful to the streetscene.

Comments have also been received from the following:

English Heritage

Do not wish to offer any comments. Recommend that the application is determined in accordance with national and local policy guidance and on the basis of local specialist conservation advice.

Designing Out Crime Officer

No objections; condition and informative recommended.

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Essex & Suffolk Water
No objections.

Thames Water
No objections; condition recommended in relation to piling.

Environmental Health (Noise)
No objections; conditions recommended in relation to limitations on noise transfer and construction times.

Environmental Health (Contaminated Land)
No objections; conditions recommended.

Highway Authority
No objections; condition recommended.

Heritage Officer
Objections raised on the grounds that the proposal would, as a result of its scale, result in significant harm to the Romford Conservation Area and the setting of a listed building.

London Fire Brigade
No comments received.

RELEVANT POLICIES

National Planning Policy

National Planning Policy Framework ("the NPPF")

Regional Planning Policy

The London Plan is the strategic plan for London and the following policies are considered to be relevant: 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 3.8 (housing choice), 3.9 (mixed and balanced communities), 3.10 (definition of affordable housing), 3.11 (affordable housing targets), 3.12 (negotiating affordable housing), 3.13 (affordable housing thresholds), 5.3 (sustainable design and construction), 5.21 (contaminated land), 6.1 (strategic transport approach), 6.3 (assessing effect on transport capacity), 6.9 (cycling), 6.10 (walking), 6.13 (parking), 7.3 (designing out crime), 7.4 (local character), 7.6 (architecture), 7.8 (heritage assets and archaeology), and 8.2 (planning obligations).

Local Planning Policy

The policy context for the proposal is provided by the Council's Local Development Framework. In particular, Policies CP1, CP2, CP9, CP10, CP17, DC2, DC3, DC5, DC6, DC7, DC15, DC16, DC32, DC33, DC34, DC35, DC36, DC40, DC48, DC49, DC50, DC51, DC53, DC59, DC60, DC61, DC63, DC66, DC67, DC68 and DC72 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document are of relevance to the proposal. As the Site is located within Romford town centre, the guidance contained in the Romford Area Action Plan is also a material consideration.

The Council has also adopted various Supplementary Planning Documents, principally to cover policy issues where there was an identified need for expanded guidance. In particular, the Supplementary Planning Documents for Residential Design, Designing Safer Places,

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Sustainable Design and Construction and finally the Protection of Trees during Development are considered to be relevant.

MAYORAL CIL IMPLICATIONS

The proposal would result in the creation of 2,299sqm of new floor space. Having regard to the existing floor space of 660sqm, which has been in use for at least six months of the past three years, the proposal would give rise to a Mayoral CIL contribution of £32,780.

STAFF COMMENTS

The issues arising from this application are the principle of development, conservation area and listed building impacts, design and amenity considerations, highway and parking issues, affordable housing and community infrastructure, secure by design, and other considerations.

PRINCIPLE OF DEVELOPMENT

The Site is located in Romford town centre, and is designated as "retail core" in the Romford Area Action Plan DPD. Policy ROM10 of the DPD states that planning permission will be granted for A1 uses at ground floor level, with planning permission potentially being given for A2-A5 uses under given circumstances. The ground floor retail units are therefore acceptable in land use terms. The DPD is silent in relation to the development of upper floor levels above retail units in the proposed location, although Policy ROM14 of the DPD does direct higher density residential development such as that being proposed, to other sites within the town centre. However, as the DPD does not specifically prohibit residential development on a windfall basis, the proposed residential development is considered to be acceptable in principle.

CONSERVATION AREA

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 establishes a duty on the part of local planning authorities to give "special attention" to the desirability of preserving or enhancing the character or appearance of land and buildings located within conservation areas.

Policy DC68 states that planning permission will only be granted for development within conservation areas where, amongst other things, a proposal would preserve or enhance the character of the conservation area. The guidance contained in the NPPF is clear that heritage assets, including conservation areas, should be protected from significant harm unless there are substantial public benefits to allowing the proposal.

Paragraph 133 of the NPPF states that: "where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm..."

The Romford Conservation Area Appraisal, which was adopted in May 2008, states that the special interest of the conservation area was originally defined as "...a group of old buildings at the western end of the Market Place and the site of an ancient crossroads at the junction of North Street, South Street, High Street and Market Place (ie St Edward's Church, Church House, No, 7 Market Place, Lloyds Bank, The Lamb Inn and The Golden Lion Inn)." The proposal under consideration would be located approximately 40m from the aforementioned crossroads and the listed buildings adjoining it, and around 25m from St Edward the Confessor Church and its curtilage.

The application site is located within the Romford Conservation Area, and would involve the

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demolition of four two storey properties, which have retail units at ground floor level, and were built during the early 1930s. Whilst the Conservation Area Appraisal considers the shops to be "unremarkable", the actual buildings in which the shops are located are described as "making a positive contribution to the area" (page 16). The view towards the application site from South Street, which includes the afore mentioned cross roads and listed buildings, is described as a "key view" within the conservation area.

The Council's Heritage Officer has objected to the proposal on the grounds that the development, owing to its height, would be harmful to the character of the conservation area. Comments have also been received stating that the loss of the existing four retail units, which are considered to contribute to the character of the conservation area, along with the scale, bulk, and massing of the proposal, would be significantly harmful to the character of the conservation area.

The Council has a duty to give special attention to the desirability of preserving or enhancing the Romford Conservation Area, and this is reinforced by the Council's planning policies and national planning guidance. The proposal would result in the loss of buildings that have been identified as making a positive contribution to the conservation area, and their replacement by a structure, the height, bulk, and massing of which would have a significant impact on what is identified as the key view within the conservation area.

It is considered that the proposed loss of buildings would neither preserve or enhance the character of the conservation area. It is also considered that the proposed building, by reason of its height in particular, but also its overall scale, bulk and massing, would be harmful to an identified key view within the conservation area, and would not be in keeping with the scale and character of the other buildings within the conservation area. It is also considered that the proposal would appear as an incongruous addition within the streetscene, to the extent that it would have an unbalancing effect within the row of buildings in which it would be set.

Although the loss of the building in the conservation area would still be an important consideration, it may be possible to justify a more comprehensive exemplar quality development involving the whole row of buildings from the application site to the ring road. Enhancements to the conservation area could be achieved by, for example, opening up views through to the church, and improving permeability within the streetscape. This application proposes no improvement to the quality of the area, it is piecemeal development with the proposal being developed in isolation to its surroundings. The proposal is not of sufficient quality to justify the loss of buildings that are considered to make a positive contribution to the conservation area.

It is considered that the proposal would neither preserve or enhance the character of the conservation area, and that substantial public benefits, which might justify the harm to the conservation area, do not exist. On this basis, it is considered that the proposal would be contrary to Policy DC68 of the LDF and the guidance contained in the NPPF.

LISTED BUILDING

Policy DC67 of the LDF states that proposals will only be granted approval where they do not adversely affect a listed building or its setting. The guidance contained in the NPPF is clear that heritage assets, including listed buildings and their settings, should be protected from significant harm unless there are substantial public benefits to allowing a development.

Paragraph 132 of the NPPF states that: "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to

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the asset's conservation. The more important the asset, the greater the weight should be." Paragraph 133 states that "where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm..."

The Site is located in close proximity to a grade II* listed building (the Church of St Edward the Confessor), two grade II listed buildings (The Golden Lion PH and The Lamb Public House), and a locally listed building (Lloyds Bank.) The Council's Heritage Officer has objected to the proposal, stating that a residential tower looming over the grade II* listed building would be harmful to its setting by dominating views from the associated, historic green space. Local councillors and neighbouring occupiers have also stated that the proposal would, owing to its height, bulk and massing, be harmful to the settings of all the neighbouring listed buildings.

It is considered that the proposal, by reason of its height, in particular, but also its overall bulk and massing, would result in significant harm to the setting of the nearby grade II* listed building, without there being any demonstrably substantial public benefits to justify such harm. On this basis, it is considered that the proposal would be contrary to Policy DC67 of the LDF and the guidance contained in the NPPF.

DENSITY/SITE LAYOUT

The Council has adopted policy, which seeks to guide a higher density of development to those parts of the Borough having good access to public transport. In this instance the application site is ranked as being within a high Public Transport Accessibility Level Zone (PTAL 6). The recommended density range in such a location would be between 240 and 435 dwellings per hectare where flats are proposed. The density of the proposed development would be approximately 685 units per hectare. This is above the LDF guidelines for this location, however, given the highly accessible nature of the site, the proposed density is considered to be acceptable. However density is only one measure of a scheme's acceptability.

Policy 3.5 of the London Plan stipulates the minimum internal space standards for new residential development. Two bed flats, for three people, should have gross internal areas of at least 61sqm in area, and for four people: 70sqm. One bed flats should have gross internal areas of at least 50sqm. The submitted details indicate that the proposed units would be in accordance with these requirements.

The Council's Residential Design Supplementary Planning Document is of relevance in relation to the setting out of new development and amenity space provision. In a town centre location such as that under consideration, the provision of private amenity spaces in the form of balconies is considered acceptable. The submitted details indicate that the balconies would connect with living rooms and would measure in excess of the 1.5m x 1.5m required by the London Plan, and be capable of being put to practical use by future occupiers. The proposed amenity space is considered acceptable.

It is considered that the pedestrian access to the rear of the building would provide an unacceptable standard of access for future occupiers. The proposed access, which would be located in a back land, servicing area, as opposed to the highway at the front of the building, would provide an insufficient degree of legibility for future users.

Officers consider that in terms of the standard of accommodation and amenity space to be provided, that the proposal is acceptable. However, the proposed residential access, which

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would be located in a back-street location, is not considered to be acceptable. In this regard, the proposal is considered to be contrary to Policy DC61 of the LDF and guidance contained in the Residential Design SPD. The relationship between the proposal and neighbouring developments is considered further on in this report.

DESIGN/IMPACT ON STREET/GARDEN SCENE

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. Policy DC66 states that all tall buildings (those over 6 storeys in height) should be of "exemplary high quality and inclusive design". The SPD contains guidance in relation to the design of residential development.

Policy ROM19 of the Romford Area Action Plan states that buildings of six storeys or more will normally only be granted in given locations, including along the Ring Road, near Romford station, the Romford office quarter, and at the Brewery. The Site does not form part of any of the stipulated locations and it is considered that there are no mitigating circumstances to justify a departure from the development plan in this case.

That there are existing tall buildings in the vicinity of the Site does not provide an adequate justification for the proposal. The recent development on the opposite side of North Street and the post war office building to the north are both located outside of the Romford Conservation Area, and further away from the aforementioned listed building. Moreover, the construction of both buildings pre-dates the adoption of the tall buildings policies contained in the Development Control Policies DPD and Romford Area Action Plan. In any case, it is considered that the addition of the proposal would, in conjunction with the opposing high-rise developments, have an overbearing effect, creating a "canyon" like environment along North Street, which would be detrimental to the character of the area. It is also considered that the proposal, when considered in relation to the adjoining 2 storey properties, would result in an unbalancing effect on that row of buildings and result in an incongruous addition to the street scene.

Given the siting and height of the proposal, it is considered that it would be contrary to Policy ROM19 of the Romford Area Action Plan. Moreover, the height, bulk, and massing of the proposal would have an unacceptable impact on the streetscene and character of the area, contrary to Policies DC61 and DC66 of the LDF.

IMPACT ON AMENITY

Policy DC61 states that planning permission will not be granted for proposals that would significantly diminish local and residential amenity.

The Council's Environmental Health officers have raised no objections to the proposal; conditions are recommended seeking to control noise levels, which can be imposed should planning permission be granted.

In terms of the proposal's relationship with neighbouring properties, it is considered unlikely that the proposal would result in any significant adverse impacts on the amenities of neighbouring occupiers in terms of overlooking, loss of light, or loss of outlook. The proposal would only be located 15m away from the Rubicon residential development, and another high-rise residential development, which is incomplete. Whilst there would be a degree of overlooking, loss of outlook, and overshadowing between these different developments, the extent of these impacts is not considered sufficient to warrant a refusal of planning permission, given that a lower level of amenity is generally to be expected within higher density, town centre developments. It is

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considered that the proposed development would provide an adequate level of amenity for the future occupiers of the development.

Local councillors and neighbours have stated that an unacceptable level of amenity would be achieved given the location of a night club approximately 20m to the north of the proposal. However, it is considered that given the separation distances between the proposal and the night club, the fact that any future occupiers would be aware of the existence of the nightclub and its operating hours prior to occupation, together with the lower level of amenity generally afforded to residents in town centre locations, that any impact would not be significantly detrimental to the standard of living accommodation to be provided.

Officers consider that in terms of the standard of accommodation to be provided, the amenities of existing neighbouring occupiers, and the amenities of the future occupiers of the development, that the proposal is acceptable and would be in accordance with Policy DC61 of the LDF and guidance contained in the Residential Design SPD.

HIGHWAY/PARKING

The submitted information states that vehicular access to the proposal would be taken from The Mews. Given the Site's location in the town centre, in close proximity to public transport links and with a PTAL rating of 6, the proposed non-provision of parking spaces is considered to be acceptable. However, if planning permission is to be granted, the applicants should be required to enter into a legal agreement to prevent future occupiers from applying for parking permits in the local area, to prevent overspill parking in the town centre and surrounds where there is a shortage of permitted spaces.

The Highway Authority has raised no objections to the proposal subject to the use of a condition, should planning permission be granted, requiring that the applicant enter into a S278 agreement for the completion of works to the highway. It is recommended that conditions also be imposed requiring the approval of details relating to cycle storage, with the Highway Authority recommending at least 28 bicycle spaces be provided. A further condition should also require that the rear access doors into the Mews only open inwards; the applicants have agreed that this would be achievable. Several highways informatives are also recommended.

OTHER ISSUES

Policy DC7 of the LDF states that all homes should be built to Lifetime Homes standard and that on sites of 15 dwellings or more, that 10% of the units provided should be wheelchair accessible. The submitted information states that all of the proposed units would, with the exception of vehicle parking (which is not proposed), be built to Lifetime Homes standards, and be wheelchair accessible. Detailed design drawings that demonstrate this have not been provided, although a condition may be imposed, should planning permission be granted, requiring the approval of such details. Subject to the afore mentioned condition, the proposal is considered to be in accordance with Policy DC7 of the LDF.

SECURED BY DESIGN

The Designing Out Crime Officer has raised no objections to the proposal, but has recommended a condition requiring the submission of further details. This condition should be imposed should planning permission be granted.

SECTION 106

Policy DC6 of the LDF advises that for sites of 10 units or more, or those sites over 0.5 hectares

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in area, 50% of the units should be provided as affordable housing. The applicants have submitted a Three Dragons financial appraisal, which concludes that the proposed development cannot be expected to support the inclusion of any affordable housing units. The appraisal has been independently corroborated. Officers therefore consider that the proposed nil provision of affordable units would be acceptable.

The Council has an adopted tariff system for Section 106 contributions through a Supplementary Planning Document (SPD), which ensures the area's various infrastructure costs are addressed in relation to new development. The tariff is set at £6000 per unit and the proposal would therefore incur a financial contribution of £168,000.

The applicants are offering to pay the £168,000 required in addition to a further sum of £45,000. £10,000 would be paid towards the cost of highway improvements (eastern and southern boundaries) and the planting of two semi-mature trees, one along North Street and the other outside the proposal's pedestrian access. The remaining £35,000 would be paid towards improvements to the rear facades of Nos.30-44 North Street, including the cost of enclosing three external stairways. The installation of lighting on the development to illuminate adjoining public footpaths is also proposed.

The applicant's proposed contributions are considered to be in accordance with the Council's adopted SPD to address the infrastructure costs associated with the development. However, in the absence of a completed legal agreement to secure this financial contribution, the proposal is considered to be contrary to Policy DC72 of the LDF and the Planning Obligations SPD.

KEY ISSUES/CONCLUSIONS

It is considered that the proposal, given the loss of existing buildings that make a positive contribution to the conservation area, along with its overall scale, bulk, and massing, would be harmful to the Romford Conservation Area; detrimental to the setting of a listed building; and harmful to the streetscene. It is also considered that the proposal would provide an inadequate form of pedestrian access. Moreover, in the absence of a completed legal agreement making provision for the required financial contributions and to prevent future occupiers applying for parking permits, the proposal is considered to be unacceptable.

The proposal is recommended for refusal, having regard to Policies DC61, DC66, DC67, DC68 and DC72 of the LDF, and all other material considerations.

RECOMMENDATION

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

1. Reason for Refusal - Absence of Legal Agreement

In the absence of a completed legal agreement to secure identified planning obligations, necessary to make the development acceptable, 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.

2. Reason for Refusal - Harm to Conservation Area

The proposed development would, owing to the loss of buildings that make a positive contribution to a conservation area, and the significant height, bulk, and massing of their replacement within a conservation area, and in close proximity to a grade II* listed

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26th June 2014

building, result in significant harm to the character of the conservation area and the setting of a listed building, contrary to Policies DC67 and DC68 of the LDF Core Strategy and Development Control Policies DPD.

3. Reason for Refusal - Harm to the Streetscene

The proposal would, owing to its location, height, bulk, massing, and relationship to neighbouring development, appear incongruous and result in an overbearing effect within the streetscape, causing significant harm to the streetscene and the character of the area, contrary to Policies DC61 and DC66 of the LDF Core Strategy and Development Control Policies DPD and Policy ROM19 of the Romford Area Action Plan DPD.

4. Reason for Refusal - Pedestrian Access

The proposed residential access, which would be sited in a back-street location, would represent a a substandard form of access giving poor legibility to pedestrians, therefore contributing to an unacceptable standard of residential accommodation, contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD and the Residential Design SPD.

1 Refusal - No negotiation

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.

2 Refusal and CIL (enter amount)

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 £32,780. Further details with regard to CIL are available from the Council's website.

**REGULATORY
SERVICES
COMMITTEE**

REPORT

26 June 2014

Subject Heading:

P0386.14 - Garage court to the side of No. 6 Quarles Close, Romford - Demolish existing garages and erection of 3 terraced dwellings (received 24/03/14; amended plans received 16/04/14)

Report Author and contact details:

Suzanne Terry
Interim Planning Manager
suzanne.terry@havering.gov.uk
01708 432755

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 application relates to a garage court previously owned by the Council. The application proposes the erection of 3 No. two-storey terraced dwellings with

associated parking. The planning issues are set out in the report below and cover the principle of the development, impact on streetscene, residential amenity and highways/parking. 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

The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 as only 6 No. (76.8m²) of the structures have been in use for 6 months of the last 3 years. The applicable fee is based on a combined internal gross floor area for the three dwellings of 354.6m² minus the existing structures in use at 76.8m² which equates to a Mayoral CIL payment of £5556.

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 paid prior to commencement of development and 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, 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 listed on page 1 of this decision notice.

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

3. Parking standards: Before the building(s) hereby permitted is first occupied, provision shall be made for 2 off-street car parking spaces per unit within the site 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. 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.

5. 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 turving comprised within the scheme shall be carried out in the first planting season following completion of the development and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local Planning Authority.

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

6. Standard flank wall condition: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995(or any order revoking and re-enacting that Order with or without modification), 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.

7. Obscure glazed windows: Notwithstanding the details shown on the approved plans, all of the proposed first and second floor flank windows serving a staircase shall be permanently glazed with obscure glass and permanently fixed shut and thereafter be maintained to the satisfaction of the Local Planning Authority, in order that the development accords with Policy DC61 of the LDF.

Reason: In the interest of privacy.

8. 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.

9. 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.

10. Construction Method Statement: Before commencement of the proposed development, 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.

11. Highway Agreements: The necessary agreement, notice or licence to enable the proposed alterations to the Public Highway shall be entered into prior to the commencement of the development.

Reason: To ensure the interests of the travelling public and are maintained and comply with policies of the Core Strategy and Development Control Policies, namely CP10, CP17 and DC61.

12. 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

13. Risk and Contamination Assessment, Part 1: (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 Scheme) 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.

14. Risk and Contamination Assessment, Part 2: (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.

15. Permitted Development rights: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 ("the 1995 Order) (or any order revoking and re-enacting that Order with or without modification) no extensions, roof extensions, roof alterations or outbuildings shall take place unless permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

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

16. Screen fencing: 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.

17. Sound insulation: 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.

18. 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.

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. 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.

3. 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.

4. 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, the Road Traffic Regulation Act 1984 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.

5. 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.

6. 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.

7. 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.

Mayoral CIL

The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 as only 6 No. (76.8m²) of the structures have been in use for 6 months of the last 3 years. The applicable fee is based on a combined internal gross floor area for the three dwellings of 354.6m² minus the existing structures in use at 76.8m² which equates to a Mayoral CIL payment of £5556 (subject to indexation).

REPORT DETAIL

1. Site Description

- 1.1 The application site is a garage court located to the side of No. 6 Quarles Close. The site is currently occupied by 18 garages.
- 1.2 The site for residential development is approximately 744m² in size. There are no significant changes in ground level. The site is surrounded to the north, east and west by the gardens of adjacent residential properties on Turpin Avenue and Lodge Lane. Only No. 6 Quarles Close currently has access to the garage court.
- 1.3 Development in the vicinity is characterised by a mixture of bungalows, 2-storey dwellings and 4-storey flats. These surrounding structures have a mixture of brick and rendered finishes.

2. Description of Proposal

- 2.1 The application proposes the erection of 3 No. two-storey terraced dwellings (plot 1, 2 and 3) with associated parking and amenity. The proposed terraced block will be situated 0.9m from the northern boundary and 1.1m from the southern boundary.
- 2.2 The terrace dwellings are located towards the centre of the site. Six parking spaces would be provided, 1 to the front of the proposed terrace

close to the northern boundary and 5 along the eastern boundary of the site. Each dwelling will have 2 parking spaces.

- 2.3 The two storey terrace measures a total of 15.6m wide, 8.55m deep, 5m high to the eaves and 8.3m high to the top of the dual pitched, gable ended roof. At ground floor there is a kitchen, dining room/lounge and W.C, at first floor there are three bedrooms and a further bedroom is proposed in the loft space. Single storey rear additions are proposed to each dwelling measuring approximately 3.85m and 5.4m in width to the outside and middle dwellings respectively. The depths would measure between 2m and 3.1m respectively for the outside and middle dwellings. The single storey rear projections will have an overall height of 3.45m and are set in 1.3m from the southern and northern flank building lines of the terraced building.
- 2.4 Access to the dwellings is via the existing garage court access to the side of 6 Quarles Close which would be retained as a shared surface road (for pedestrians and vehicles).
- 2.5 Each dwelling has an area for private amenity space; these are conventionally provided towards the rear and side. Plot 1 has an amenity space covering 90m², plot 2 an amenity area of 74m² and plot 3 has an amenity area of 111m².

3. History

- 3.1 P1446.13 - Residential redevelopment to provide 4 x 2 bed flats and 2 x 1 bed flats - Withdrawn.
- 3.2 P0953.12 - Demolition of existing 18 garages and erection of 2 no. 3 bed houses with associated parking and garden area - Approved

4. Consultation/Representations

- 4.1 Notification letters were sent to 37 neighbouring properties and 1 letter of objection was received raising parking concerns.
- 4.2 The Council's Environmental Health Service requested the part 2A condition to be added as the Desktop Study indicated that there are potential pollutant linkages present on the site. Environmental Health Service also requested a noise insulation and construction and delivery hours condition.
- 4.3 The Highway Authority has no objection to the proposals.
- 4.4 The Fire Brigade raised no objection to the proposal provided that there is sufficient room in the existing turning facility in Quarles Close for a pump appliance to turn and drive out. The turning facility should be subject to parking restrictions.

5. Relevant Policies

- 5.1 Policies CP1 (Housing Supply), CP17 (Design), DC3 (Housing Design and Layout), DC33 (Car parking), DC35 (Cycling), 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), 7.6 (Architecture) 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 comprising more than 2 dwellings. The main issues to be considered by Members in this case are the principle of development, the site layout and amenity space, design/street scene issues, amenity implications, and parking and highways issues.
- 6.2 *Principle of Development*
 - 6.2.1 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.
 - 6.2.2 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 100m² for a 4-bed 5-person dwelling. The proposal has a minimum internal floor space for the smallest of the 3 units of 111.3sq.m which is in line with the recommended guidance and considered acceptable.
- 6.3 *Site Layout / Amenity Space*
 - 6.3.1 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 Amenity space would mainly be provided with garden spaces towards the rear (west), measuring approximately 90m² for plot 1, 74m² for plot 2 and 111m² for plot 3. The site currently has screen fencing around its boundaries however, fencing can be required by means of a planning condition to those boundaries that do not have appropriate fencing.

6.3.3 Amenity provision in the locality is generally arranged towards the rear of dwellings. Staff consider the amenity space to be sufficient and would not detract from the surrounding area. Staff are of the opinion that the garden area would be large enough to be practical for day to day use and with the provision of fencing, would be screened from general public views and access, providing private and usable garden areas. As a result, it is considered that the proposed amenity area of the new dwelling would comply with the requirements of the Residential Design SPD and is acceptable in this instance.

6.3.4 The residential density range for this site is 30 - 50 units per hectare. The proposal would result in a density of approximately 40 units per hectare which complies with the density range for this site.

6.3.5 In terms of the general site layout, the proposed detached dwellings would have sufficient spacing towards the front with generous amenity areas towards the rear, and therefore are not considered to appear as an overdevelopment of the site. The proposal is not considered to appear as a cramped form of development. The layout of the site is therefore considered acceptable.

6.4 *Impact on Local Character and Street Scene*

6.4.1 Policy DC61 of the LDF Development Plan Document seeks to ensure that new developments are satisfactorily located and are of a high standard of design and layout. Furthermore, the appearance of new developments should be compatible with the character of the surrounding area, and should not prejudice the environment of the occupiers and adjacent properties. Policy DC61 of the DPD states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area.

6.4.2 The surrounding area has no prevailing architectural style and consists of a mixture of bungalows, two storey dwellings and a 4-storey block of flats. The proposed dwellings would be set behind properties along Quarles Close and behind the flatted development along Turpin Avenue Way and

would only partially be visible as part of this streetscene. Any potential impact is considered acceptable given that there are existing 2-storey dwellings within the vicinity as well as a 4-storey flat development. The proposal would therefore not be out of keeping in the streetscene or surrounding area.

6.4.3 In terms of its design and visual appearance, Staff are of the opinion that the development of the proposed terraced dwellings in this location would have an acceptable appearance with no harmful impact to the character and appearance of the surrounding area. In light of acceptable separation distances between the proposed dwellings and neighbouring properties, Staff are of the opinion that the proposal would not appear as a cramped form of development and overall would have an acceptable design and appearance, therefore compliant with the aims and objectives of Policy DC61 of the Local Development Framework.

6.5 *Impact on Amenity*

6.5.1 Policy DC61 considers that new developments should not materially reduce the degree of privacy enjoyed by the occupants of adjoining properties or have an unreasonably adverse effect on sunlight and daylight to adjoining properties.

6.5.2 The proposed terraced dwellings are situated approximately 1.1m from the common boundary of the nearest dwelling at No. 6 Quarles Close resulting in a separation distance of approximately 3.2m between the subject terrace and this dwelling. Staff consider the setback off the boundary to be sufficient not to result in an unacceptable impact to this neighbouring occupier in terms of loss of light as there are no windows situated in the northern flank wall of this neighbouring property. The projection beyond the rear building line of this neighbouring dwelling at two storey (4.2m) and single storey is also considered acceptable given the separation distance of 3.25m between this neighbouring dwelling and the proposal. Any potential impact would be further mitigated by the favourable orientation of No. 6 Quarles Close to the south of the new dwellings.

6.5.3 Any potential impact in terms of overlooking is also considered acceptable as the first and second floor flank windows would be obscure glazed and fixed shut and the ground floor windows would be screened by high boundary fencing.

6.5.4 The proposal would be abutting the rear garden of No's. 116-118, which is situated to the north of the subject site. Although the proposal would be very close to this boundary (0.9m), Staff do not consider it to be unacceptable in terms of outlook as the building would be situated towards the middle of a long rear garden and approximately 17m from this neighbouring dwelling. The proposed terraced building measures 8.55m in depth at two storey level abutting a garden of approximately 51m in length. No impact would result from overlooking or loss of light as the nearest

dwelling to the north is approximately 17m away and flank windows proposed at first and second floor would be obscure glazed and fixed shut.

- 6.5.5 Overall, no harmful levels of overshadowing or overlooking are considered to occur as a result of the proposed terraced dwellings.
- 6.5.6 In terms of vehicular activity and the proposed parking arrangement, Staff are of the opinion that 3 No. dwellings would not give rise to a significant rise in the level of vehicular activity over and above that which was previously experienced as a result of the garages on the site.
- 6.5.7 In terms of general noise and disturbance, it is not considered that the addition of 3 No. family dwellings would give rise to any undue levels of noise and disturbance to the surrounding neighbouring properties within what is a predominantly residential area.
- 6.5.8 It should however be noted that although Staff consider the proposal to be acceptable in its current form, given the size of the proposed residential development in relation to the resultant plot space and the relationship of the development to neighbouring properties, any additions, extensions or alterations to the dwelling may result in harm to the character of the surrounding area and neighbouring amenity. In light of this, Staff are of the opinion that all permitted development rights for the proposed development should be removed in order to safeguard the appearance of the street scene and amenities of neighbouring occupiers.
- 6.5.9 It is therefore considered that the layout, siting and design of the proposed development would be acceptable with no material harmful impact on the amenities of neighbouring properties. The development is therefore considered to comply with the aims and objectives of Policies CP17 and DC61 of the LDF Development Control Policies DPD in respect of its impact on neighbouring amenity.

6.6 *Highways / Parking Issues*

- 6.6.1 Policy DC33 in respect of car parking refers to the density matrix in Policy DC2. The site has a PTAL rating of 1-2 and therefore requires 2 - 1.5 parking spaces per unit for a development of this type in Romford. The development would provide a total of 6 No. parking spaces. In terms of the number of spaces proposed, the provision of off-street parking spaces would comply with the requirements of Policy DC33 and no issues are raised in this respect.
- 6.6.2 Strategic Property Services has confirmed that there were 6 units occupied out of a total of 18 within the last 3 years. Existing tenants were given the opportunity to rent a garage on Udall Gardens, approximately 2 minute walk from the subject site, where there are 10 garages available.
- 6.6.3 An objector raised concerns regarding the loss of parking spaces as a result of the development. At the time of the site visit however it was noted

that there were plenty of parking spaces available on Turpin Avenue on both sides of the road. The on-street parking available combined with the opportunity to rent a garage on Udall Gardens would mitigate any potential impact as a result of the loss of parking.

6.6.3 A condition would be added to provide storage for 2 x no. cycle space per dwelling in order to comply with the Council's standards.

6.6.4 In light of the above, the proposal is considered to satisfy the requirements of Policy DC2 and DC33 and would not result in any highway or parking issues.

6.7 *The Mayor's Community Infrastructure Levy*

6.7.1 The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 as only 6 No. (76.8m²) of the structures have been in use for 6 months of the last 3 years. The applicable fee is based on a combined internal gross floor area for the three dwellings of 354.6m² minus the existing structures in use at 76.8m² which equates to a Mayoral CIL payment of £5556 (subject to indexation).

6.8. *Planning Obligations*

6.8.1 In accordance with the Draft Planning Obligations Supplementary Planning Document a financial contribution of £6,000 per dwelling to be used towards infrastructure costs arising from the new development is required. This should be secured through a S106 Agreement for the amount of £18,000

6.9 *Other Issues*

6.9.1 With regards to refuse collection, similar to other dwellings in the Borough, future occupiers would be required to leave refuse bags close to the highway on collection days.

6.9.2 With regards to the comments made by the Fire Brigade, Staff are satisfied that the development is situated not far off Turpin Avenue and could be satisfactorily serviced by fire appliances.

7. **Conclusion**

7.1 Overall, Staff are of the opinion that the proposal would not detract from the character of the surrounding area or neighbouring properties. It is considered that the proposal presents an acceptable degree of spacing between buildings and is not considered to appear as unacceptably dominant or visually intrusive as seen from neighbour's rear gardens. It is considered that the proposal would not have any materially harmful impact on neighbouring amenity. Amenity space provision is considered sufficient. Overall, Staff consider the development to comply with the aims, objectives

and provisions of Policy DC61 and the provisions of the LDF Development Plan Document. Approval is recommended accordingly.

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:

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

BACKGROUND PAPERS

1. Application forms and plans received 24/03/14; amended plans received 16/04/14.

**REGULATORY
SERVICES
COMMITTEE**

REPORT

26 June 2014

Subject Heading:

P0485.14 – Langtons House, Billet Lane, Hornchurch –Proposals for the demolition of the existing stores. Existing garage to be converted into a café with external alterations. Repairs and reroofing to the Orangery. Works to the existing bothies. New openings in the garden wall. (received 4/4/14)

Report Author and contact details:

**Suzanne Terry
Interim Planning Manager
suzanne. terry@havering.gov.uk
01708 432755**

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 [x]
- 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 application site is Council owned. This proposal relates to Langtons House, a Council owned, Grade II listed 18th century house and public gardens located in Billet Lane, Upminster. Planning permission is sought for the demolition of the existing stores, the existing garage to be converted into a café with external alterations, repairs and reroofing to the Orangery, works to the existing bothies and new openings in the garden wall.

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 planning permission be granted subject to the following conditions:

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. Café opening hours - The premises shall not be used for the purposes hereby permitted other than between the hours of 8:00 and 21:00 on Sundays to Fridays and 08:00 and 22:00 on Saturdays unless otherwise agreed in writing by the Local Planning Authority.

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

4. Extract ventilation system - Before the use commences suitable equipment to remove and/or disperse odours and odorous material should be fitted to the extract ventilation system in accordance with a scheme to be designed and certified by a competent engineer and after installation a certificate to be lodged with the Planning Authority. Thereafter, the equipment shall be properly maintained and operated within design specifications during normal working hours. The level of dispersion has been calculated based upon an estimation of intended use scale and nature of the business and has been determined as Discharging 1m above eaves at 10 -15m/s. Odour control should be implemented as described in guidance issued by the environmental health department to the level required by the level of likely nuisance.

Reason: To protect the amenity of occupiers of nearby premises.

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 to have regard to the following guidance provided in:

- The Food Industry Guides to Good Hygiene Practice:
- Workplace, Health, Safety and; Welfare Approved Code of Practice L24 ISBN 0-7176-0413-6 available to order from book shops.

Further information is available at the following web sites:

- Food safety – www.food.gov.uk/foodindustry/
- Occupational safety & health – www.hse.gov.uk

Applicants have found it beneficial to consider the items below before final detailed plans are produced

1. provision of suitable outside bin storage
2. provision of a grease trap on the foul drainage
3. proper storage and disposal of waste oil
4. vehicle and pedestrian routes when loading and unloading
5. vehicle and pedestrian routes for customers

Finally, food premises must be registered with us at least 28 days before opening. It is an offence for premises to trade without registration. A registration form is available from our office or at our web site: online.havering.gov.uk/officeforms/licence_food_business.ofml .

REPORT DETAIL

1. **Site Description:**

- 1.1 This proposal relates to Langtons House, a Council owned, Grade II listed 18th century house and public gardens located in Billet Lane, Upminster. The site is located in the Langtons Conservation Area. There are residential properties on the majority of the perimeter of the site. There is vehicular access to the site from Billet Lane. Langtons House is owned and managed by the London Borough of Havering. The buildings and gardens are used as a public park and wedding venue.

2. **Description of development:**

- 2.1 Planning permission is sought for the demolition of the existing stores, the existing garage to be converted into a café with external alterations, repairs and reroofing to the Orangery, works to the existing bothies and new openings in the garden wall.
- 2.2 The existing garage would be converted into a café with concertina aluminium doors as well as new timber ledge and braced barn doors on the front elevation.
- 2.3 The Orangery is Grade II listed and comprises of a glazed timber structure with a red brick wall. The proposal includes repairs and reroofing of the Orangery.
- 2.4 The bothies provide 3-4 rooms, partially used for storage but also to provide a potting shed and a mess room for the Park staff. The proposal includes internal repair works and refurbishment to the bothies as well as a new door opening formed in the existing brick wall.

3. **Relevant History:**

- 3.1 L0004.14 – Proposals for demolition of the existing stores and replacing with new public toilets and bin store. Existing café converted to a café. Repairs and reroofing to Orangery. Works to existing bothies. New workshop. New greenhouse. New openings in garden wall – To be determined.

L0005.14 – Proposals for demolition of existing toilet block, repairs to walls and repairs and refurbishment to Bath House. New door access to Billet Lane – To be determined.

L0009.08 – Listed Building Consent for internal alterations including removal of partitions and installation of air conditioning units and general refurbishment and decoration – Approved.

4. Consultations/Representations:

- 4.1 The application has been advertised in a local newspaper and by way of a site notice, as the proposal relates to a listed building and the site is located in the Langtons Conservation Area. The occupiers of 59 neighbouring properties were notified of this proposal. Three letters of objection were received with detailed comments that have been summarised as follows:
- Noise from the café.
 - Security.
 - Requested opening and closing times for the gates in the wall to improve security for residents surrounding the Fielders Sports Ground.
 - Queried the opening hours and trading days of the café.
 - Queried whether the proposal would require a change of use of the existing car park, which is used by Council employees and utilising the car park for late night functions.
 - Anti-social behaviour.
 - Rubbish.
- 4.2 In response to the above comments, the opening hours and trading days of the café will be secured by condition if minded to grant planning permission. No change of use of the existing car park is proposed. No further proposals relating to car parking form part of this application. The opening and closing times for Langtons House remain unchanged and therefore, it is not deemed necessary to condition the hours of use of the openings in the wall. The remaining issues will be addressed in the following sections of this report.
- 4.3 The Highways Authority has no objection to the proposals.
- 4.4 English Heritage – The proposal is unlikely to have a significant effect on heritage assets of archaeological interest. No further assessment or conditions are therefore necessary.
- 4.5 The Council's Heritage Officer makes the following comments:
- The demolition of the existing c. 1960s stores will be an improvement to the site; both in terms of the condition of the listed garden wall and main house to which they are attached, and in terms of the setting of the listed stable block opposite.
 - These are good proposals to convert and alter the garage building into a cafe so that it appears more in keeping with the style of a working stable area. The setting of the stables and the main house is improved by these changes.
 - The re-use of the garage as a café is considered to make a positive contribution to the life and atmosphere of the site, converting the stable yard from a rather bleak and utilitarian character to one which is very much in use by visitors and part of the whole house and garden site.
 - The proposals for the repairs to the roof of the boiler house and the works to the Orangery are all considered acceptable.

- It is considered that the internal works to the bothy are appropriate and necessary to bring the building up to a quality standard of use.

- The doorway and door will be created to be in-keeping with the design of existing doorways, and so its creation will have a neutral impact on the appearance of the garden wall from either side.

5. Relevant policies:

5.1 Policies CP18 (Heritage), DC18 (Protection of public open space, recreation, sports and leisure facilities), DC61 (Urban Design), DC67 (Buildings of Heritage Interest) and DC68 (Conservation Areas) of the LDF Core Strategy and Development Control Policies Development Plan Document are considered material together with the Langtons Conservation Area Character Appraisal.

5.2 Policies 7.4 (Local Character) and 7.8 (Heritage Assets and Archaeology) of the London Plan are relevant.

5.3 Chapters 7 (Requiring good design) and 12 (Conserving and enhancing the historic environment) of the National Planning Policy Framework are relevant.

6. Staff Comments

6.1 This proposal is put before the Committee owing to the site being Council owned and objections being received. The issues arising in respect of this application are the impact on the Langtons Conservation Area, the streetscene, amenity issues and parking and highways implications.

7. Conservation Area

7.1 Policy DC68 states that the character of Conservation Areas will be preserved or enhanced. Planning permission for development within a Conservation Area will only be granted where: it does not involve the demolition of a building that makes a positive contribution to the character or appearance of the area, it preserves or enhances the character of the Conservation Area and is well designed and it does not involve the loss of trees which contribute towards the character of the Conservation Area.

7.2 The proposal is judged by the Council's Heritage Officer to be both justified and acceptable. It is considered that the overall scheme at Langtons House will have a positive impact on both the listed structures and their settings, and will vastly improve public access and enjoyment of the historic site and would enhance the character and appearance of the Langtons Conservation Area. The proposal is therefore considered to be acceptable and to accord with both national and local planning policies.

8. Design/impact on street/Garden scene

8.1 It is considered that the demolition of the existing stores would not adversely affect the streetscene, as the building is located to the west of Langtons

House and is approximately 110 metres from the entrance to the site in Billet Lane.

- 8.2 Staff consider that converting the existing garage to a café with external alterations would not adversely affect the streetscene, as the building is located to the west of Langtons House and approximately 130 metres from the entrance to the site in Billet Lane. In addition, the current application makes good proposals to alter the building so that it appears more in keeping with the style of a working stable area. The formation of arched openings in the style of a barn door or coach entrance makes a significant improvement to the appearance of the building and how it relates to its setting, whilst the modern glazing makes a good quality modern contribution to the site.
- 8.3 It is considered that the repairs and reroofing to the Orangery would not adversely affect the streetscene, as the building is located approximately 130 metres from the entrance to the site in Billet Lane and to the west of the existing stores and Langtons House. It is considered that the repairs and reroofing of the Orangery would improve its appearance.
- 8.4 Staff consider that the works to the existing bothies and the new openings in the garden wall would not adversely affect the streetscene. The works would improve the appearance of the bothies, the building is located to the west of the Orangery, existing stores as well as Langtons House and is approximately 160 metres from the entrance to the site in Billet Lane.

9. **Impact on amenity**

- 9.1 It is considered that the demolition of the existing stores, the existing garage to be converted into a café with external alterations, repairs and reroofing to the Orangery, works to the existing bothies and new openings in the garden wall would not result in material harm to neighbouring amenity, as the proposal would be contained within the grounds of Langtons House and as such, are well separated from neighbouring properties. The opening hours and trading days for the café would be secured by condition if minded to grant planning permission. It is considered that the café would not result in a significant loss of amenity to neighbouring properties, as its opening hours would be similar to those of Langtons House and its grounds. Additionally the café building is set some distance from the boundary with the neighbouring residential properties. Langtons is owned and managed by the Council and it is considered that the Council, in its role as both owner and Local Authority will be able to ensure that the café is operated in a way that does not cause nuisance to occupiers of neighbouring property. A condition is also proposed to secure suitable extraction and ventilation equipment. Provision will be made for refuse collection in conjunction with the existing refuse collection arrangements for Langtons House.

10. **Highway/parking issues**

- 10.1 It is considered that the proposal would not create any parking or highway issues. The site has existing car parking provision, which is sufficient and

there are other car parks in the vicinity of the site. The Council's Highway Authority has no objection to the proposal.

11. Mayoral CIL

11.1 The application is not liable to Mayoral CIL.

12. Conclusion

12.1 Having regard to all relevant factors, Staff are of the view that this proposal for the demolition of the existing stores, the existing garage to be converted into a café with external alterations, repairs and reroofing to the Orangery, works to the existing bothies and new openings in the garden wall would be acceptable. It is considered that the overall scheme at Langtons House will have a positive impact on both the listed structures and their settings, and will vastly improve public access and enjoyment of the historic site and would enhance the character and appearance of the Langtons Conservation Area. Staff are of the view that the proposal is acceptable, would not adversely impact on the streetscene or result in a significant loss of amenity to neighbouring occupiers. It is considered that the proposal would not create any highway or parking issues. 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:

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. The proposals will provide enhanced facilities for members of the public visiting the site, facilitating wider use by the community.

BACKGROUND PAPERS

Application forms and plans received 4/4/2014.

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**REGULATORY
SERVICES
COMMITTEE**

REPORT

26 June 2014

Subject Heading:

**P0482.14 – Wykeham Primary School,
Rainsford Way, Hornchurch –
Proposed new demountable nursery
building to the playing field (received
23/4/14)**

Report Author and contact details:

**Suzanne Terry
Interim Planning Manager
suzanne.terry@havering.gov.uk
01708 432755**

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

SUMMARY

This matter is brought before committee as the application site is Council owned. The application seeks planning permission for a demountable nursery building to the

playing field at Wykeham Primary School. Staff conclude the proposal to be acceptable. The application is recommended for approval subject to conditions.

RECOMMENDATIONS

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

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

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

2. Materials – The proposed development hereby approved shall be constructed in accordance with the materials detailed under Section 10 of the application form unless otherwise agreed in writing by the Local Planning Authority.

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

3. Accordance with plans - The development hereby permitted shall not be carried out otherwise than in complete accordance with the 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. Hours of use – The demountable building and the associated play area shall not be used for the pre-school nursery hereby permitted other than between the hours of 08:00 and 18:00 on Mondays to Fridays and not at all on Saturdays, Sundays, Bank or Public holidays without the prior consent in writing of the Local Planning Authority.

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

4. Restricted use - Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 the demountable building hereby permitted shall be used for a pre-school nursery only and shall be used for no

other purpose(s) whatsoever including any other use in Class D1 and 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 Control Policies Development Plan Document Policy DC61.

INFORMATIVE

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.

REPORT DETAIL

1. **Site Description:**

- 1.1 The application site is Wykeham Primary School, which is accessed from Rainsford Way and Barton Avenue. The site is bounded by a mixture of single and two storey detached, terraced and semi-detached residential properties with associated rear gardens. The demountable building and associated play area would be adjacent to the rear gardens of neighbouring properties in Barton Road, Saunton Road and Mansard Close.

2. **Description of development:**

- 2.1 The application seeks permission for a demountable nursery building to the playing field at Wykeham School. The building would have a width of 6.2 metres, a depth of 15.8 metres and a height of 2.2 metres. The space created would provide a store, kitchen, toilets, office and a play area. The building would be located approximately 2.6 and 11.2 metres from the eastern and southern boundaries respectively. The proposal includes a play area for the nursery, which abuts the eastern and southern boundaries of the site. The agent has advised that the pre-school would be accessed from Barton Road.
- 2.2 The pre-school currently occupies two classrooms in Wykeham Primary School, but as these classrooms are required to support increasing primary pupil numbers, the pre-school has been given notice by the Local Authority to terminate their licence at the end of the Summer Term 2014. It is proposed to relocate the pre-school to the demountable building. The opening hours for the pre-school are between 8am and 6pm Monday to Friday. The nursery is intended to provide spaces for up to 60 children.

3. **Relevant History:**

3.1 There is extensive history, the most recent is listed as follows:

P0332.10 – Single storey children’s centre, incorporating general office multi-function/counselling rooms, crèche area, medical room, toilet facilities and secure fenced off external soft and hard landscaped areas – Withdrawn.

P0117.10 – Proposed external canopy/shade – Approved.

P1528.09 - Canopy/shelter in reception shelter – Approved.

P0983.09 – Canopy/shelter in reception playgroup – Approved.

4. **Consultations/Representations:**

3.1 The occupiers of 119 neighbouring properties were notified of this proposal. 30 letters of support were received. Eight letters of objection were received with detailed comments that have been summarised as follows:

- Traffic and congestion.
- Access.
- Flooding from the playing fields.
- Sewage.
- The proposal would increase the numbers of pupils at Wykeham Primary School.
- Highway and pedestrian safety.
- Disruption.
- Pollution.
- Parking.
- Queried the provision of a traffic analysis for the existing level of use of the school.
- Access for refuse and emergency vehicles.
- Litter.
- Noise.
- Loss of views.
- The proposal reduces the children’s playing area further.
- Noise and disruption during construction works.
- Proximity of toilet facilities to neighbouring gardens.

3.2 In response to the above, comments regarding loss of views are not material planning considerations. The remaining issues will be addressed in the following sections of this report.

3.3 Childcare Services supports this application as there is a need to maintain and increase the number of childcare places in the area.

3.4 The Fire Brigade is satisfied with the proposal.

3.5 Highway Authority – No objection.

5. Relevant policies:

- 5.1 Policies CP8 (Community needs), CP17 (Design), DC26 (Location of community facilities), DC29 (Educational Premises), DC32 (The Road Network), DC33 (Car parking), DC34 (Walking), DC35 (Cycling), DC55 (Noise), DC61 (Urban Design) and DC62 (Access) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Documents are material planning considerations. In addition, Policies 3.18 (Educational facilities), 3.6 (Children and young people's play and informal recreation facilities), 6.13 (Parking) and 7.4 (Local character) of the London Plan and Chapters 4 (Promoting sustainable transport), 7 (Requiring good design) and 8 (Promoting healthy communities) of the National Planning Policy Framework are relevant.

6. Staff Comments

- 6.1 This proposal is put before the Committee owing to the land being Council owned and objections being received. The issues arising in respect of this application are the impact on the streetscene, amenity issues and parking and highways implications.

6.2 Principle of Development

- 6.2.1 The development would be subject to aspects of DPD policies DC26 and DC61, which provide, in combination, that new development, including the provision of community facilities, should not have a significant adverse effect on residential character and amenity. This will be assessed in the following sections of this report. Nurseries are accepted as being 'community facilities', where there is a requirement for places within the borough.
- 6.2.2 As a Local Authority, Havering is duty-bound to deliver Section 13 of the Childcare Act 2006 and the Childcare Sufficiency Assessment (CSA) highlights areas of need within the borough. The CSA 2011 supports the evidence that there is a fundamental shortage of childcare provision in the Hyland Ward and the latest population projections show an increase in the Under 5s population of over 8% between 2014 and 2020. Staff are advised that the introduction of the statutory Early Education Entitlement offer for qualifying 2 year olds has increased pressure on Early Years places and the number of 2 year olds qualifying for this offer from September 2014 is expected to double, as the statutory criteria is being extended from this date. There is, therefore, an identified need to maintain and increase the number of childcare places in the area. It is considered that the proposal for a demountable nursery building to the playing field at Wykeham Primary School is acceptable in principle and complies with LDF Policy DC26.

6.3 Design/impact on street/Garden scene

- 6.3.1 It is considered the demountable building would not be harmful to the streetscene, as it is single storey and relatively low in height at 2.2 metres with a flat roof, which minimises its bulk. In addition, the building would be located approximately 2.6 and 11.2 metres from the eastern and southern

boundaries of the application site respectively and largely screened by the adjacent neighbouring properties and their rear gardens, which would help to mitigate its impact. Overall, it is considered that the demountable building would integrate satisfactorily with the existing school building and would have no material impact on the wider streetscene.

6.3 Impact on amenity

- 6.3.1 It is considered that the demountable nursery building would not be harmful to residential amenity, as it is single storey, has a flat roof with a height of 2.2 metres and would be approximately 2.6 and 11.2 metres from the eastern and southern boundaries of the application site respectively. It is recognised that relocating the pre-school from within two classrooms in Wykeham Primary School to a demountable building and play area in the site would increase the potential for noise and disturbance, although this would be balanced against pupils of the school utilising the whole of the school site. In the context of the school site as a whole it is not considered this proposal would materially increase noise and activity over the existing levels.
- 6.3.2 It is noted that the use of nursery building and associated play area would give rise to some additional noise and disturbance as it will be used year round and not just at term time. It is considered that the nursery building and associated play area would not result in a significant loss of amenity (including overlooking) to neighbouring properties, as there would be a separation distance of between approximately 9 and 20 metres between the eastern and southern boundaries of the application site and the rear elevation of neighbouring properties in Saunton Road, Barton Road and Mansard Close. It is considered that the fencing, trees and soft landscaping on the boundaries of the site would help to buffer the noise from the nursery building and the associated play area and provide some screening.
- 6.3.3 The opening hours for the pre-school are from 08:00 to 18:00 Monday to Friday. It is considered that the opening hours are deemed to be acceptable, as they are concentrated during the day time, (as opposed to very early morning or late evening) and would comprise solely of week days and not at all on Saturdays, Sundays, Bank or Public holidays, which can be secured by condition.
- 6.3.4 Consideration has been given as to whether the use of the pre-school in the demountable building would result in noise and disturbance from cars manoeuvring, car doors slamming, additional pedestrian movements and cars starting and moving off. It is considered that the use of the pre-school would not result in a significant loss of amenity in terms of vehicular movements, traffic, noise, disturbance and fumes over and above existing conditions, given that the proposal involves relocating the existing pre-school from within two classrooms within the school building to a demountable building. Staff consider that the proposal would not create any additional overlooking or loss of privacy over and above existing conditions. Overall, it is considered that there are no reasonable grounds to base a refusal on harm to residential amenity.

6.4 Highway/parking issues

6.4.1 The agent has advised that the pre-school would be accessed from Barton Road. The Highway Authority has no objection to the proposals, as the proposal involves relocating the existing pre-school from two classrooms within the school building to a demountable building on the application site. The numbers of staff for the pre-school would remain the same as existing (four full time and two part time staff). There are 35 car parking spaces within the application site which serve Wykeham Primary School. The pre-school itself will not change the pattern of arrivals and departures and on that basis; it is considered that there are not significant highway issues from the proposal. It is considered that the proposal would not create any highway or parking issues.

7. Conclusion

7.1 Staff are of the view that the proposed demountable nursery building to the playing field at Wykeham Primary School is acceptable, would not adversely impact on the streetscene or result in a significant loss of amenity to neighbouring occupiers. It is considered that the proposal would not create any highway or parking issues. 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:

This application is considered on its own merits and independently from the Council's interest as 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. The proposal enables the continued provision of a nursery facility on the site, which benefits the wider community.

BACKGROUND PAPERS

Application forms and plans received 23/4/2014.

REGULATORY SERVICES COMMITTEE

REPORT

26 June 2014

Subject Heading:

P0400.14 – 65 Lambs Lane, Rainham

Demolition and replacement dwelling and 2 detached bungalows and single garage to the rear. (Received 24 April 2014)

Report Author and contact details:

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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 demolition and replacement dwelling and 2 No detached bungalows and single garage to the rear at 65 Lambs Lane south in Rainham.

The residential development on the site is considered to be acceptable in principle. As a matter of judgement, Staff are of the view that the proposal would have an acceptable relationship to adjoining properties and would provide suitable amenity provision for future occupiers. The development is also considered to be acceptable in respect of parking and highway issues.

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 . The application fee is based on a combined net increase in floor area of 218.1 square meters which equates to a Mayoral CIL payment of £4,362.00.

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 £12,000 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. Accordance with plans: The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans as detailed on page one of the decision notice.

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

3. Storage of 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 agreed in writing and maintained permanently to the satisfaction 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.

4. 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.

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

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

6. Removal of permitted development rights: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) Order 2008, Article 3, Schedule 2, Part 1, Classes A to E, no enlargements, improvements or other alteration shall take place to the dwellinghouses and no outbuildings shall be erected in the rear garden areas 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 the LDF Development Control Policies Development Plan Document Policy DC61.

7. Landscape: 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. Boundary treatment: 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. Materials samples: 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 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.

10. Trees: Prior to the commencement of the development hereby approved the trees to be retained on site shall be protected in accordance with the appropriate recommendations contained in British Standard 3998:1989 (Tree Works) to the satisfaction of the Local Planning Authority.

Reason: To protect the trees on site in the interests of amenity and to accord with Policy DC60 of the LDF Development Control Policies Development Plan Document.

11. Secure 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 Havering Crime Prevention Design Advisor the development shall be carried out in accordance with the agreed details.

Reason: In the interest of creating safer, sustainable communities and to reflect guidance PPS1 and Policies CP17 and DC63 of the LDF Core Strategy and Development Control Policies Development Plan Document.

12. Access: Prior the first occupation of dwellings hereby permitted, the access drive shall be fully constructed to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety and in order that the development complies with the LDF Development Control Policies Development Plan Document Policy DC32.

13. Sprinklers: Prior to the first occupation of the development hereby permitted, provision shall be made for the installation of a domestic sprinkler system to each of the dwellings No.65a and No.65b hereby approved. Thereafter this provision shall be retained permanently unless otherwise agreed in writing by the Local Planning Authority.

Reason: In lieu of adequate access for a Fire Brigade pump appliance and in the interest of amenity and safety for future occupiers.

14. 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.

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 Prior to the first occupation of the development hereby permitted, provision shall be made for the installation of a domestic sprinkler system to each of the dwellings No.65a and No.65b hereby approved. Thereafter this provision shall be retained permanently unless otherwise agreed in writing by the Local Planning Authority.

Reason: In lieu of adequate access for a Fire Brigade pump appliance and in the interest of amenity and safety for future occupiers.

15. Contamination 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.

16. Parking provision: Before the buildings 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 LDF Development Control Policies Development Plan Document Policy DC33.

17. Flank windows: 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 plan,) shall be formed in the flank walls of the buildings 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 the LDF Development Control Policies Development Plan Document Policy DC61.

18. Alterations to Public Highway: The proposed alterations to the Public Highway shall be submitted in detail for approval prior to the commencement of the development.

Reason: In the interest of ensuring good design and ensuring public safety and to comply with policies CP10, CP17 and DC61 of the Core Strategy and Development Control Policies Development Plan Document.

INFORMATIVES

1. 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.
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. In aiming to satisfy condition 11 the applicant should seek the advice of the Police Crime Prevention Design Advisor. The services of the local Police CPDA are available free of charge through Havering Development and Building Control. It is the policy of the local planning authority to consult with the Borough CPDA in the discharging of community safety condition.
4. 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.
5. A fee is required when submitting details pursuant to the discharge of conditions. In order to comply with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which came into force from 22.11.2012, a fee of £97 per request or £28 where the related permission was for extending or altering a dwellinghouse, is needed.

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 £4362 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 application site is located on the north side of Lambs Lane South. It is currently occupied by a single detached dwelling, with a group of flat roofed outbuildings to the rear.
- 1.2 The site is bordered on all sides by residential dwellings, to the west are the properties of The Glen, to the north, Vincent Road and to the east, Orchard Avenue.

2. Description of Proposal

- 2.1 This application follows previous approvals under planning application reference P1494.10 and P0606.10 for the development of a replacement dwelling and a single new bungalow on the site.
- 2.2 The site area has now been enlarged to the rear by the addition of further land and the current proposed area measures approximately 1585 sqm.
- 2.3 The proposal is for the demolition and replacement of the existing dwelling and the construction of 2 X 3 bedroom detached bungalows to the rear; No.65a and No.65b.
- 2.4 The differences between this current application and that previously approved are as follows;
- The current application increases the proposal area with an additional plot of land to rear of No. 67 Lambs Lane South, which also runs behind No.44-50 Orchard Avenue.
 - Within the plot described above a further dwelling No.65b is proposed in addition to the one previously granted planning permission.
 - The replacement dwelling would be approximately 350mm less in depth and would no longer include a rear conservatory.
 - The design and layout of No.65a differs slightly.
 - A single garage to No.65 is proposed to the rear of No.65 for the use of that property.
- 2.5 Access to the site is taken from Lambs Lane South. The access road measures 3.5 metres at the site entrance narrowing to 2.8 metres and runs in a northerly direction adjacent to the western boundary of the site. The site layout shows four surface parking spaces to the rear, plus a garage and a front garden parking space for the replacement dwelling.

3. Relevant History

- 3.1 P0037.14 - Demolition of existing dwelling at No. 65 and construction of replacement two storey house along with a single storey bungalow to the rear garden with associated access road and parking area (resubmission of planning permission P1494.10) and erection of 3 detached bungalows to the rear.

Withdrawn

- 3.2 P0699.11 - Demolition of existing dwelling at No. 65 and construction of replacement two storey house along with a single storey bungalow to the

rear garden with associated access road and parking area (resubmission of planning permission P0606.10)

Withdrawn

- 3.3 P1494.10 - Demolition of existing dwelling at No. 65 and construction of replacement two storey house along with a single storey bungalow to the rear garden with associated access road and parking area (resubmission of planning permission P0606.10)

Approve with conditions 9-12-10

- 3.4 P0606.10 - Demolition of existing dwelling and construction of a replacement chalet and one additional bungalow.

Approve with conditions 27-7-10

- 3.5 P1187.09 - Demolition of existing dwelling and construction of 3No. detached bungalows.

Refused 18-2-10

4. Consultations/Representations

- 4.1 43 neighbouring properties were consulted. 3 letters of objections received to date.

Objections in summary:

- Overbearing and intrusive.
- This area is far too small and cramped for any further development
- Overdevelopment

Officer's response: The above issues are addressed under the Layout and design impact paragraphs below

- 4.2 Highways- No objections subject to visibility splay condition
- 4.3 London Fire Brigade Water Team- No objections
- 4.4 London Fire and Emergency Planning -No objections
- 4.5 Environmental Health- No objections subject to appropriate conditions.
- 4.6 Essex Water-No objections
- 4.7 Waste & Recycling - No objections, however individual bins would have to be taken out and presented on collection day.

5 Relevant Policies

- 5.1 Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP17 (Design), DC2 (Housing Mix and density), DC3 (Housing Design and layout), DC33 (Car parking), DC61 (Urban Design), of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document are material planning considerations together with the Design for Living Supplementary Planning Document, the Landscaping Supplementary Planning Document, the Planning Obligations Supplementary Planning Document and the Residential Extensions and Alterations Supplementary Planning Document. In addition, Policies 7.4 (Local character) of the London Plan and Chapters 6 (Delivering a wide choice of high quality homes), 7 (Requiring good design) and 8 (Promoting healthy communities) of the National Planning Policy Framework are relevant.

6. Staff Comments

- 6.1 The issues in respect of this application are the principle of development, impact on the streetscene and design, amenity issues and parking and highways implications.

7. Principle of Development

- 7.1 Policy DC11 states that where sites which are suitable for housing become available outside the Green Belt, the employment areas, the commercial areas, Romford Town Centre and the district and local centres, the Council will not normally permit their use for other purposes. The location of the site complies with these criteria.
- 7.2 The site currently has a residential land use. In accordance with the objectives of Policy CP1, there is no objection in principle to residential development on this site, providing that the proposals are acceptable in all other material respects. A recent Government announcement has amended the definition of previously developed land contained in NPPF to afford Local Authorities greater control over garden development. Staff are of the view that this announcement does not mean that all forms of development on gardens are unacceptable and that issues of character and setting should still be taken into account. The location of the site complies with these criteria.

8. Density/Layout

- 8.1 The site has an area of 0.16 hectares and three dwellings are proposed. This gives an overall development density of 19 units per hectare. Policy DC2 recommends a density range of between 30-50 units per hectare in this location. However, density is only one measure of the acceptability of a

development proposal and consideration has to be given to the fact this is a back garden setting.

- 8.2 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.
- 8.3 The layout of the site provides for sufficient private garden areas for all dwellings (over 120 square metres for each dwelling) providing a suitable setting. In respect of amenity space, staff are of the view that the proposed rear garden areas would meet the objectives of the Residential Design SPD in providing usable and private spaces. A boundary fence condition would be imposed on any decision notice to ensure an appropriate appearance.
- 8.4 The proposed access road narrows to 2.8 metres and would not therefore enable access for larger vehicles, including refuse collection vehicles. The previous proposal (application reference P1187.09) for three dwellings on the site proposed a refuse storage area within the front garden area which was judged to be harmful to the street scene. Whilst this was omitted from the more recent approvals for 2 dwellings it has been reinstated in this current scheme, although only for use on collection days. For day to day use residents would need to store refuse within their property boundary and place to the site frontage enclosure on collection days. Subject to an appropriate design for such enclosure, the impact in the street scene is not considered to be sufficiently harmful to warrant refusal if the application is judged to be acceptable in all other respects.
- 8.5 Each habitable room within the dwellings would be of a suitable size and would be served with a clear opening for suitable light and outlook. The size of each dwelling would also satisfy the London Plan area requirements and accordingly the living accommodations of the dwellinghouses are considered to be adequate and usable.
- 8.6 The replacement dwelling and the proposed bungalow to the rear essentially replicate the arrangement that has already been approved. The additional land to the west is wider than the actual plot of No. 65 Lambs Lane South and staff judge the resulting siting and layout to be acceptable.

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 development proposes a frontage building (no. 65) facing towards Lambs Lane South. This is acceptable in principle and replaces an existing dwelling on the site and has previously been granted permission. The dwelling is set back from the front site boundary and reflects the existing staggered building line to the streetscene. The proposed frontage building is considered acceptable in the street scene in respect of bulk and massing and compatible with the character of local development.
- 9.3 The proposed building would be of two-storey and would match the adjoining neighbour and the properties at The Glen. Accordingly, staff are of the view that the dwelling is compatible with the streetscene which is drawn from a variety of building forms.
- 9.4 As with the previously approved scheme, the proposed replacement dwelling would see the dwelling project further forward of the adjoining property at no. 67, the forward most part of the building would be single storey and set away from the boundary. Staff are of the view that this relationship is acceptable.
- 9.5 The proposed dwellings no. 65a and 65b would be situated to the rear of no. 65 at the bottom of the site. The proposed dwellings have been designed with low pitched hipped roofs to appear as unobtrusive as possible within the rear garden environment. The height of these buildings ranges from 2.5 to 4.76 metres high at the ridge as approved in previous application.
- 9.6 The buildings only rise to their maximum height at a distance in excess of 30 metres from the rear building line of the neighbouring dwelling and is also sited to the north-west of this property.
- 9.7 Having regard to these factors, the position, height and design of the dwelling 65a and 65b in relation to no. 67 are considered acceptable. Consideration has also been given to the fact that at present there is a group of flat roofed outbuildings with a depth of over 20 metres within the site situated along a substantial section of the boundary with the neighbouring property with a footprint of almost 100 square metres which would be demolished. The removal of this structure would, in staff's view improve the outlook of the neighbouring property.
- 9.8 In terms of the impact of the proposed dwelling No.65a on neighbouring properties in The Glen, the building has been designed with the bulk of the property set away from this boundary.
- 9.9 No.65b is considered of sufficiently low height and is set well away from closest property to the east, No.50 Orchard Avenue.
- 9.10 In summary, the proposed dwellings in their proposed position, height and design are judged to be compatible with the overall character of development in the locality. The rear dwellings at no. 65a and 65b would not be readily visible in the street scene. With the above taken into consideration, staff are satisfied that the proposed development is unlikely to

result in any visual harm. The development is considered to be acceptable and accords with the principles of Policy DC61.

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 proposed dwelling to the site frontage (no. 65) has previously been granted planning permission in the same location as proposed and is considered to have an acceptable relationship to the neighbouring properties at no. 63 and 67.
- 10.3 The proposed dwelling known as no.65a is considered, on balance, to have an acceptable relationship with neighbouring properties. The proposed dwelling would have a low eaves height and staggered ridge heights which would reduce its visual dominance in the rear garden environment.
- 10.4 As mentioned above a bungalow of similar proportions has already been granted planning permission in a similar layout. The proposed bungalow No.65a would be situated some 1.6 metres from the western site boundary and would achieve a back to flank distance of some 14.6 metres from dwellings in The Glen, which is only 200mm less than that previously granted planning permissions and as such staff are of the view that this relationship remains acceptable. It would be set away from the host dwelling by some 33 metres. It does have a flank window serving proposed bedroom 1, it is considered that it would not overlook to create loss of privacy to No. 27 The Glen as it would look out to the rear of their existing detached rear garage. It would be set away approximately 4.3 metres and 3.5 metres in front of No.65b to appear in a staggered layout, such layout is considered that it would not hinder the amenity of No.65bs front window which serves bedroom 2, which would be the nearest window, and both bungalows would not have side flank windows facing each other.
- 10.5 Bungalow No.65b as mentioned above would be situated between the side of No.65a and to the flank boundary which makes up the rear boundaries of residential dwelling of No.50 Orchard Avenue and their detached garage blocks. There would be a separation distance of approximately 19 metres to the nearest dwelling of No.50, with the single storey nature of the bungalow and such distance, is considered sufficient enough to avoid potential harm to their amenity.
- 10.6 Given the location and orientation of the proposed dwellings there would be no material loss of privacy or overlooking to neighbouring properties.
- 10.7 In respect of the location of the access road, staff consider that whilst this is close to the western site boundary the road would only serve the dwellings, and so would not materially harm neighbouring residential amenity. If

permission were granted, conditions could be imposed in respect of appropriate boundary treatment to ensure neighbouring residents were not unduly disturbed by use of the access road.

- 10.8 With the above taken into consideration, staff are therefore satisfied that the proposed development is 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 Policy DC33 seeks to ensure all new developments make adequate provision for car parking.
- 11.2 The site is in a location where Policy DC2 indicates parking provision of 1.5-2 spaces per dwelling is appropriate. The proposal provides adequate parking for a development of this scale and would be acceptable in this respect (although a condition may be required to ensure a buffer between the parking spaces and neighbouring fence).
- 11.3 The access road is relatively narrow and would not enable larger vehicles, including refuse collection vehicles to enter the site. Nevertheless, no objection is raised this providing arrangements are made to collect refuse from the road in Lambs Lane South.
- 11.4 In respect of refuse collection, the scheme proposes that refuse is stored within properties boundaries and then placed by occupiers at the site frontage on collection day. Although this would involve the occupier of no. 65a and 65b carrying their rubbish over a significant distance this was approved in the previous permission and is not considered to represent material grounds for refusal for this current application.
- 11.5 In respect of fire brigade access, the fire brigade have raised objection to the previous permission however the access arrangements remain unaltered from that scheme. On the previous scheme the fire brigade were happy subject to a suitable system being installed to meet BS9251. Staff consider this matter could be resolved by condition if permission were granted.
- 11.6 London Fire and emergency also had concerns with regards to No.65a and No.65b not having sufficient provisions of domestic sprinklers. It is considered that these concerns could be resolved by condition if planning permission were granted.
- 11.7 With the above taken into consideration with the appropriate conditions, it is considered that the proposals are acceptable and accords with the principles of Policy DC 33.

12. Mayoral CIL and Section 106 implications

- 12.1 The proposal is liable for a Mayoral CIL contribution based on an increase in the existing Gross Internal Area. Officers have calculated a net increase in floor space of 218.1 square meters. Based on this calculation the applicant is liable to pay a Mayoral CIL payment of £4,362.00.
- 12.2 A Section 106 Legal Agreement is required to secure a financial contribution of £12,000 to be used towards infrastructure costs in accordance with Policy DC72 and the Planning Obligations Supplementary Planning Document.

13. Other Issues

- 13.1 There are no preserved trees on site and it is considered, given the back garden location, that there would not be any justification to preserve the existing trees or landscaping. A new landscaping scheme can be secured via condition.

14. Conclusion

- 14.1 Staff consider that the principle of residential development in this location is suitable, the site and design is considered to be appropriate for a new dwelling.
- 14.2 For the reasons outlined above within the report, the proposal is considered to be acceptable and approval is recommended as it would not be contrary to the provisions of the Havering Supplementary Planning Documents and Policy DC61 and DC72 of the LDF Core Strategy and Development Control Policies DPD.

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 24th April 2014.

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