



# Havering

LONDON BOROUGH

## REGULATORY SERVICES COMMITTEE AGENDA

**7.30 pm**

**Thursday  
4 September 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  
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## **AGENDA ITEMS**

### **1 CHAIRMAN'S ANNOUNCEMENTS**

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

The Chairman will announce the following:

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

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

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

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

### **2 APOLOGIES FOR ABSENCE AND ANNOUNCEMENT OF SUBSTITUTE MEMBERS**

(if any) - receive.

### **3 DISCLOSURE OF PECUNIARY INTERESTS**

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

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

### **4 MINUTES (Pages 1 - 12)**

To approve as a correct record the minutes of the meeting of the Committee held on 17 July 2014 and to authorise the Chairman to sign them.

### **5 PLANNING APPLICATIONS - SEE INDEX AND REPORTS (Pages 13 - 24)**

- 6 **P0746.14 - LAND TO THE REAR OF 92 HARROW DRIVE, HORNCHURCH** (Pages 25 - 40)
- 7 **P0819.14 - HILLDENE NORTH, HAROLD HILL, ROMFORD** (Pages 41 - 62)
- 8 **P1010.14 - 60 STATION ROAD, UPMINSTER** (Pages 63 - 78)
- 9 **P0923.14 - LAND ADJACENT TO MOLE END, NOAK HILL ROAD, ROMFORD** (Pages 79 - 94)
- 10 **STOPPING UP ORDER - NEAVE CRESCENT** (Pages 95 - 102)
- 11 **STOPPING UP ORDER - HILLDENE NORTH** (Pages 103 - 110)
- 12 **PLANNING OBLIGATIONS/LEGAL AGREEMENTS** (Pages 111 - 114)
- 13 **PLANNING AND ENFORCEMENT APPEALS RECEIVED, PUBLIC INQUIRIES/HEARINGS AND SUMMARY OF APPEAL DECISIONS** (Pages 115 - 134)
- 14 **SCHEDULE OF ENFORCEMENT NOTICES** (Pages 135 - 148)
- 15 **PROSECUTIONS UPDATE** (Pages 149 - 150)
- 16 **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

17 **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.

**18 CHIEF EXECUTIVE'S REPORT CONTAINING EXEMPT INFORMATION** (Pages 151 - 268)

**Andrew Beesley  
Committee Administration  
Manager**

**MINUTES OF A MEETING OF THE  
REGULATORY SERVICES COMMITTEE  
Havering Town Hall, Main Road, Romford  
17 July 2014 (7.30 - 10.25 pm)**

**Present:**

**COUNCILLORS:** 11

**Conservative Group** Robby Misir (in the Chair) Ray Best, Steven Kelly, Michael White and +Frederick Thompson

**Residents' Group** Ron Ower (Vice-Chair), Linda Hawthorn, Stephanie Nunn and Nic Dodin

**UKIP Group** Phil Martin

**Independent Residents Group** Graham Williamson

An apology for absence was received from Councillor Philippa Crowder.

+ Substitute members: Councillor Frederick Thompson (for Philippa Crowder)

Councillors Jody Ganly, Barry Mugglestone and Linda Van den Hende were also present for parts of the meeting.

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

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

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

**23 P0065.12 - LEPRECHAUN, GERPINS LANE, UPMINSTER**

The application before Members was for a retrospective permission for the retention of a new building erected to the western part of the site. The building was initially erected as a stable block but was now intended to be used for the breeding, incubation and the rearing of ducks, geese and other fowl.

The issues arising from this application were the principle of development within the Green Belt, the impact of the development on the character and openness of the Green Belt generally, amenity and parking and highway issues.

The report detailed taking all of these factors into account, officers considered that very special circumstances had not been demonstrated which overcome the in principle harm arising from inappropriate development and the physical harm to the openness of the Green Belt.

However, in support the applicant had stated that at the time that the subject building was erected in 2010, it was the reasonable belief that the building was being constructed under permitted development.

The application had been called in by Councillor Linda Van den Hende as she did not wish for the application to be determined under delegated powers as it seemed complex.

With its agreement Councillor Van den Hende addressed the Committee.

Councillor Van den Hende commented that the issue was the size of the new building in the Green Belt. Councillor Van den Hende also commented that there had previously been a building on the site but agreed that the new one was bigger and of a more attractive nature. Councillor Van den Hende asked that the Committee considered granting planning permission.

Following a brief debate during which members discussed the Green Belt aspect of the site and the lack of very special circumstances a motion to grant planning permission was proposed but was lost by 4 votes to 7.

It was **RESOLVED** that planning permission be refused for the reasons as set out in the report. The vote for the refusal was carried by 7 votes to 4. Councillors Dodin, Hawthorn, Nunn and Ower voted against the resolution to grant planning permission.

- 24    **P0196.14 - ELITE PANELCRAFT, 65 GUBBINS LANE, ROMFORD - DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF A TWO STOREY DEVELOPMENT WITH GROUND FLOOR TO PROVIDE 352 M2 RETAIL (A1 USE) FLOORSPACE, 9 RESIDENTIAL UNITS (C3 USE) AT FIRST AND SECOND FLOORS AND ASSOCIATED CAR PARKING AND LANDSCAPING.**

The Committee considered the report, noting that a late letter of representation had been received stating that the site was unsuitable for retail use, and without debate **RESOLVED** that planning permission be refused for the reasons as set out in the report.

- 25    **P0568.14 - INGREBOURNE LINKS GOLF COURSE, NEW ROAD, RAINHAM - VARIATION OF CONDITION 1 (TIMESCALE) OF P0084.12)**

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

26 **P0648.14 - TESCO STORES, 300 HORNCHURCH ROAD, HORNCHURCH**

The Committee considered the report that sought consent for variation of condition 8 of L/HAV/1719/83 (as amended by Reference P0195.97) to extend the store's opening hours from 8:00 - 22:00 Monday to Saturday and 10:00 - 16:00 on Sunday to 24 hours Monday to Saturday and 10:00 and 16:00 on Sunday.

In accordance with the public speaking arrangements the Committee was addressed by an objector without a response from the applicant.

The objector commented that the proposed application was against council policy and that local residents were already suffering sleep deprivation as a result of antisocial behaviour in the area.

The application had been called in by Councillor Jody Ganly on the grounds of unacceptable disturbance to neighbouring residents.

With its agreement Councillor Ganly addressed the Committee.

Councillor Ganly raised concerns on the extent of the consultation carried out to notify resident of the proposed change of operating hours. Councillor Ganly requested deferral of the application in order for a wider consultation to be undertaken. Councillor Ganly also added that there were no demand for a further 24 hour Tesco store to be open in this part of the borough, it was also suggested that this application could lead to future application for a 24 hour alcohol licence. Councillor Ganly requested that the proposal be refused.

During the debate members discussed their concerns in respect of the application raising issues of anti-social behaviour with the vicinity of the premises and the impact of extended opening hours to local residents.

The report recommended that planning permission be granted however, following a motion to refuse the granting of planning permission it was **RESOLVED** that planning permission be refused for the following reasons;

- Intensification of activity with attendant noise, disturbance at anti-social hours with harmful impact on residents' amenity.
- There was a reasonable basis for fear of anti-social behaviour harmful to amenity resulting from 24 hour working Monday to Saturday.
- The above concerns would not be materially overcome by enforceable conditions for site security or management arrangements.

27 **P0780.14 - YMCA, RUSH GREEN ROAD, ROMFORD**

The application before members proposed the erection of two temporary buildings to provide accommodation for a primary school. The Oasis

Academy was awaiting construction of its proposed permanent facility at the former Oldchurch Hospital site in Romford, and required a temporary arrangement in the meantime. It was intended that the proposed, temporary facility would be open in time for the September 2014 intake and would be required for two years.

Following a brief debate it was **RESOLVED** that planning permission be **GRANTED** subject to the following conditions.

1. Altering Condition No.2 to a three year temporary consent so that the use would cease and buildings would be removed on or prior to 31<sup>st</sup> August 2017.
2. No development to commence unless and until a scheme has been submitted to and approved in writing by the Local Planning Authority (LPA) which demonstrates to the satisfaction of the LPA that adequate provision for parking has been secured to serve the temporary use within the YMCA Rush Green car park and that such an approved scheme further demonstrate that adequate measures are in place to safely manage parking to ensure safe segregation of childrens' play areas from parking areas. Such approved scheme to be fully maintained during school use.
3. Secured By Design condition.
4. Informative for Head of Regulatory Services to explore with Head of StreetCare potential for no right hand turn sign.

**28 P1053.13 - LAND OFF HARLOW GARDENS, ROMFORD**

The application before members sought permission for the erection of three 2 bedroom chalet bungalows and two 2 bedroom bungalows with associated parking and amenity. The proposed bungalows would be arranged on site as 2 detached bungalows situated along the narrowest part of the site and a terrace of 3 chalet bungalows situated in the wider part (south-eastern corner) of the site.

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

The objector raised concerns of overlooking into their property. The objector also commented that the land had been a playground for children and that the premises would not be accessible for Fire Service or refuse vehicles.

In response, the agent for the applicant stated that no objections had been received from the statutory consultees and that the dwellings were low level homes that were very much needed in the borough. Issues of overlooking and privacy issues had been adequately addressed by planning conditions



on obscure glazing and removal as appropriate of certain permitted development rights.

Following a brief debate during which members raised concerns about the lack of parking provision in the area it was **RESOLVED** that planning permission be granted subject to the conditions as set out in the report. The vote for the resolution was carried by 9 votes to 2. Councillors Hawthorn and Ower voted against the resolution to grant planning permission.

29 **P1566.12 - RAINHAM LANDFILL**

The application before members related to a 177 hectare site located on the River Thames at the most south-eastern part of the Borough. The application site currently benefited from an existing consent (reference: P1275.96) to deposit refuse materials through controlled landfill amounting to the importation of 12.3 million cubic metres of waste. The current landfill consent requires the site to be restored by 2018, relying solely on river sourced waste imports from 2012.

The report before the Committee had been submitted as the landfill was settling at a greater rate than originally anticipated. This was due to the biodegradable content of domestic waste steadily increasing over time, owing to the imposition of landfill tax and the resultant drive towards recycling which has deprived landfill sites of materials such as bottles, plastics, cans, building waste, which might previously had been landfilled.

As a result, the amount of settlement at this landfill site had been greater than envisaged. Consequently, without re-grading of the landform the site would likely suffer from poor drainage and increased pollution risks. Moreover, current settlement rates would mean that the landform may not be suitable for public access. The additional waste would ensure that a landform could be achieved that was accessible and safe for public use, with incorporation into the Wildspace regeneration project.

The applicant was therefore seeking planning permission for updated settlement rates in order to create a satisfactory final landform similar to that originally envisaged. The revisions included the importation of an additional 3.6 million tonnes of non-hazardous waste over the current landform. This would achieve a higher pre-settlement restoration height than previously approved, which would settle over time to a lower height that was similar to what was previously approved. The revised landform would assist in the delivery of the site for public access, and allow for the potential delivery of various visitor facilities.

The importation of additional volumes of waste would require an extension in time for road-borne waste imports for the life of the landfill. The proposed completion date for landfilling was now 31 December 2024, with restoration to be completed by 31 December 2026.

The original planning permission was subject to a detailed legal agreement which sought to ensure, amongst other things, adequate restoration and aftercare and to ensure public access. It was recommended that the extant clauses in the agreement are brought forward and amended as necessary with changes/additions to allow early public access to the site, local employment training, and any other matters detailed in the recommendation.

The application under consideration proposed the following elements:

- An extension to the period of working, including landfilling and all other waste processing uses at the site, to 2024;
- Completion of restoration by 2026;
- The importation of an additional 3.6 million tonnes of waste over the proposed period of working;
- An increase in pre-settlement levels of between 3.5m and 12m across the site, including at the peaks and midslopes;
- An increase in post-settlement levels in the mid-slopes of up to a maximum of 7.5m;
- Changes to the approved restoration arrangements with previously proposed visitor facilities to be the subject of later applications;
- Changes to the site approved access so that they remain as existing, with landfill access at the north of the site from Coldharbour Lane, and recycling activities access at the southern end of the site from Coldharbour Lane.

Although the pre-settlement contours are higher than those approved as part of the existing planning permission, this was required in order to achieve appropriate post settlement contours that would be more representative of the current permission. This occurred via a number of means through mechanical and bio-chemical processes. Wastes generally compact and shift to nearby voids and the biodegradable components of the land filled waste break down over a period of time and form landfill gas and leachate. The landfill gas was extracted as part of the process and converted to energy. The leachate was extracted and treated before being disposed of. The total volume of waste therefore steadily reduces and the restoration surface steadily settles. The rate of settlement was comparatively rapid in the early years and the rate gradually decreases with time.

The land raising would be completed on a phased basis that would see the completion of the more visually prominent areas, first along the northern fringe that will both create a visually softer landform to the adjacent marshes

and to enable parts of the site for early public access and associated public facilities such as pathways, lookout points and car parking. As the site was restored, this would be the subject of a final restoration plan to detail landscaping, visitor facilities and ecological habitats to ultimately form part of the wider Wildspace project.

Members raised a number of points on the proposal. Members sought clarification of the current planning permission and whether there was a planning condition that required waste to be transported to the site by river. On confirmation by officers that the current planning permission was subject to such a planning condition members asked why this was not a continuing requirement under this proposal.

Members expressed preference for solely river-borne delivery of waste and to the extent that the waste was delivered to the site by road that a significant commuted sum be paid to the Council for the adverse impact over the extended period proposed. Members questioned the Highways Contribution which they considered to be inadequate and officers corrected a mistaken inference that it was calculated on the basis of impact on roads between the A13 and the application site and the costs of remedial road works to ameliorate the impact. The calculation of the sum of £25,000 as a Highways Contribution was the cost of the above solely over the highway from the application site to the entrance to Tilda Rice. Members were not satisfied with the adequacy of the Highways Contribution offered.

Members were concerned that if road borne waste was allowed contrary to the current planning condition, adequate and enforceable controls should be in place to ensure that the HGV movements are not through residential areas including Rainham Village.

Members were cautious in respect of the Council taking any legal interest in the application site. The Legal Advisor suggested that an indemnity covering the Council for the risk of liability during the term of any interest could be considered. Members sought clarification following officer's reference to a viability appraisal presented by the applicants in confidence to officers to justify their negotiating position. The Legal Officer considered that an assessment of the viability appraisal could be presented by the applicants to committee, under Part 2 which would be in camera.

A motion to refuse the application based on the perceived shortcomings of the planning obligations and conditions set out in debate was seconded, however before going to the vote the Chairman suggested deferring consideration to fully explore the issues raised by members in debate. This motion to defer was seconded.

Following the debate it was **RESOLVED** that consideration of the report be deferred to allow officers to contact the applicant for further negotiations of heads of terms of the legal agreement to include the following:

- Preference for River borne delivery of waste to the application site.

- Financial contribution reflecting the above comments to compensate for continued road borne waste.
- Review of highways contributions to ensure that it adequately addresses the effects of HGV movements between the A13 and the Application Site and vice versa
- Explore confidential presentation of the viability assessment in Part 2 of the Committee. .
- Measures for monitoring (any movements, e.g. weighbridge/electric count) .
- Measures to ensure that no HGV Movements to and from the application site are routed through built up residential areas including Rainham Village.
- Should the Council be minded to take any legal interest in the application site that indemnity against risk of liability to the Council might be explored.

30 **P1583.13 - LAND ADJACENT TO 32 HAMILTON AVENUE, ROMFORD**

The proposal before members related to a site that was currently occupied by a two-storey semi-detached dwelling with existing parking for approximately three vehicles on a hardstanding to the front of the dwelling. The dwelling currently had a single storey side extension, which extended up to the boundary with No. 30 Hamilton Avenue.

The proposal would result in the removal of two small trees to the front of the existing dwelling. The surrounding area was characterised by similar two-storey semi-detached and terraced dwellings.

Following a brief debate during which members raised concerns regarding the proposal and commented that the proposal was an overdevelopment of the site that also had an adverse impact on streetscene.

The report recommended that planning permission be granted however, following a motion to refuse the granting of planning permission. It was **RESOLVED** that planning permission be refused for the following reasons:

- Overdevelopment of site, adverse impact on streetscene.
- Insufficient amenity space provision.
- Lack of tariff (legal agreement).

31 **P0615.14 - 102-120 VICTORIA ROAD, ROMFORD**

The application before members was for the redevelopment of the site and erection of a residential development consisting of a part two and three storey building (including apartments in the roof space) fronting onto Victoria Road and a two storey building (including apartments in the roof space) to the rear of the site.

The development would comprise of two separate buildings with block 1 consisting of seventeen apartments and block 2 consisting of seven apartments, giving a total of twenty four new residential units of which 50% would be affordable housing.

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

The objector stated that in principle the scheme was acceptable but there was a concern regarding the location of the refuse storage.

In response the applicant's agent commented that they had consulted with local residents whilst developing the scheme and would be happy to reconsider the location of the refuse bins with the objector.

During a brief debate members raised concern as to whether the relocation of the refuse bins would lead to a reduction in the car parking spaces on the site.

Following a motion to refuse the granting of planning permission which was lost by 2 votes to 9. It was **RESOLVED** that planning permission be granted subject to first completing a section 106 agreement based on the heads of terms set out below and the conditions as set out in the report with an additional condition requiring the submission and implementation of a refuse storage scheme within the site without the loss of parking spaces the negotiation and precise wording of which to be delegated to the Head of Regulatory Services and failing the successful negotiation of a satisfactory condition the matter be remitted to a future meeting of Regulatory Services Committee for further consideration .

- The provision on site of 50% of the units within the development as affordable housing (comprising 12 apartments) of which 70% (8 units) will be rented (with 50% of this provision capped rent and the other 50% discounted rent) and the remaining 30% (4 units) will be shared ownership.
- A financial contribution of £144,000 to be used towards infrastructure costs and paid prior to the commencement of development in accordance with the Planning Obligations Supplementary Planning Document.
- A financial contribution of £9,456 to be used towards the "Community Sustainable Energy Fund" in lieu of the shortfall of 3.94 tonnes CO<sub>2</sub>/yr in achieving the required 40% CO<sub>2</sub> reduction target, to be paid by the developer prior to commencement of the development.
- 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 obligations/ monitoring fee prior to completion of the agreement.

The vote for the resolution to grant planning permission was carried by 9 votes to 2.

Councillors Best and White voted against the resolution to grant planning permission.

**32 P0677.13 - 165 ST ANDREWS AVENUE, ELM PARK**

The proposal before the Committee sought permission for the conversion of an existing 2 storey extension at No.165 St Andrews Avenue into a 2 storey dwelling house.

The only external changes to the existing side extension would be a new entrance door to the proposed new dwelling on the ground floor flank wall and an obscure window on the first floor of the side elevation.

There would also be a sub-division of the back garden to ensure both dwelling houses (the host and proposed) would have their own rear private garden space. The existing outbuilding to the rear of the host dwelling would be demolished and removed. The proposals indicated that a parking space would be provided in the rear garden of the proposed dwelling.

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

The objector commented that the proposed development would be an over development of the site that would be out of character with the streetscene.

In response the applicant's representative informed the committee that the development was an integral part of the application site.

With its agreement Councillor Barry Mugglestone addressed the Committee.

Councillor Mugglestone commented on the planning history of the application site and that the development was out of character with the streetscene. Councillor Mugglestone commented that there was a condition that tied the annex to the house with regards to use and occupation.

During a brief debate members raised concerns on the impact that the development would have on the streetscene and on amenities and parking spaces.

The report recommended that planning permission be granted, however following a motion to refuse the granting of planning permission It was **RESOLVED** that planning permission be refused for the following reasons.

- Over intensification of the plot with consequent harm to character and amenity of local area.
- Adverse impact on parking arrangements of donor property.
- Lack of tariff (legal agreement).

### 33 **PLANNING ENFORCEMENT - 1 SPINNEY CLOSE**

Members considered the report and without debate **RESOLVED** it to be expedient that an Enforcement Notice be issued and served to require, within 3 months of the effective date of the enforcement notice:

- Remove the unauthorised outbuilding; or
- Reduce the height of the outbuilding to a maximum of 2.5m in compliance with Class E, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, as amended;
- Remove from the land all materials and equipment associated with or resulting from compliance with either of the above.

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

### 34 **PLANNING ENFORCEMENT - 9 SHAKESPEARE ROAD**

Members considered the report and without debate **RESOLVED** it to be expedient that an Enforcement Notice be issued and served to require, within 3 months of the effective date of the enforcement notice:

- i) To relay the hard surface with porous materials; or
- ii) Provision shall be made to direct runoff water from the hard surface area to a permeable or porous area or surface within the curtilage of the dwelling house; or
- iii) Take up the hard surface
- iv) Remove from the Land all materials, rubble, machinery, apparatus and installations used in connection with or resulting from compliance of (i, ii, iii) above.

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

35     **SECTION 106 - OLDCHURCH SWAN**

The Committee considered the report and without debate **RESOLVED** that:

The Director of Legal and Governance (acting on behalf of the London Borough of Havering) be authorised to:

Enter into a Deed of Variation pursuant to Section 106a of the Town and Country Planning Act 1990 to amend the obligations of a section 106 Agreement entered on 20 April 2011 to enable the use of the Affordable Housing Site (registered under title number EGL520145) to include an element of share ownership affordable dwelling units as set out in paragraph 1.3 of this report: with the precise terms of the amendments of the Definitions and Schedule 1 of the Section 106 Agreement delegated to the Head of Regulatory Service.

The Council's legal fees for preparation of the Deed of Variation would be paid on or prior to completion.

36     **SUSPENSION OF STANDING ORDERS**

During the discussion of the reports the Committee **RESOLVED** to suspend Committee Procedure Rule 8 in order to complete the consideration of the remaining business of the agenda.

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**Chairman**



## Regulatory Services Committee

4 September 2014

<b>Page No.</b>	<b>Application No.</b>	<b>Ward</b>	<b>Address</b>
1-4	A0032.14	Havering Park	7 Chase Cross Road, Romford
5-9	P0883.14	Gooshays	73 Farnham Road, Harold Hill, Romford

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## **REGULATORY SERVICES COMMITTEE**

**4th September 2014**

<b>APPLICATION NO:</b>	<b>A0032.14</b>	
<b>WARD :</b>	Havering Park	<b>Date Received:</b> 6th June 2014 <b>Expiry Date:</b> 1st August 2014
<b>ADDRESS:</b>	7 Chase Cross Road Romford	
<b>PROPOSAL:</b>	Non-Illuminated hoarding Revised Description and Plans received 23/07/2014	
<b>DRAWING NO(S):</b>	CCR/14/04 CCR/14/01	
<b>RECOMMENDATION :</b>	It is recommended that <b>planning permission be REFUSED</b> for the reason(s) given at the end of the report given at the end of the report.	

### **CALL-IN**

The application has been called in to committee by Councillor Benham on the grounds that this type of application should be decided by Councillors instead of Planning Officers.

The application was deferred from the previous meeting on 21st August to enable Councillor Benham to explain justification for call-in.

### **SITE DESCRIPTION**

The application site includes a two storey purpose built end unit finished in render with a restaurant/takeaway at ground floor and residential at first floor level. The surrounding area is a mixture of residential and commercial units. The application site is located within the retail core area of the Collier Row Minor District Centre.

### **DESCRIPTION OF PROPOSAL**

The Council is in receipt of a planning application seeking permission for a non illuminated wall mount advertising hoarding measuring 3.548m high x 6.596m wide. The proposed sign would have a perspex face and aluminium surround which would project 0.25m from the wall, would have an overall height of 3.05m from the ground to the base of the advertisement.

### **RELEVANT HISTORY**

- P1129.08 - Variation of condition 3 of planning permission P2300.07 to extend opening hours to enable opening on Sundays, Bank and Public Holidays  
Apprv with cons      29-08-2008
- P1064.08 - Extractor for cooking system  
Apprv with cons      15-08-2008
- P2470.07 - Extension of existing use to include use classes A3 (restuarant and cafes) and A5 (hot food takeaway)  
Awaiting Decision
- P2300.07 - Extension of existing use to include use Classes A3 (restaurants and cafes) and A5 (hot food takeaway)

## **REGULATORY SERVICES COMMITTEE**

**4th September 2014**

Apprv with cons 05-02-2008

A0011.07 - Illuminated x1 double sided free standing display unit

Apprv with cons 19-04-2007

P0714.93 - Single storey rear extension/s atellite dish/shopfront alterations

Apprv with cons 27-07-1993

A0035.93 - Projecting sign. New panel to fascia - illuminated

Apprv with cons 27-07-1993

### **CONSULTATIONS/REPRESENTATIONS**

Notification letters were sent to adjoining occupiers. One letter of representation was received raising the following comments.

· The application is described as a non-illuminated hoarding, when in fact the submission is for an advertisement hoarding with an luminance of 660cd/m2.

Response: During the planning process concerns were raised regarding the potential light pollution from the sign of occupiers of the first floor residential flats at No.9-11 Chase Cross Road. The agent agreed to amend the scheme to a non-illuminated hoarding. Revised plans were received and the description was amended. It was considered not necessary to re-notify neighbours as the impact would be less intrusive on the neighbouring occupiers.

· The signage would cause light intrusion into the first floor dwelling windows.

· When viewing the Aerial perspective of the site it can be seen that No'7s flank wall is rotated away from the street scene and in fact faces our clients property (First floor residential dwellings)

· The signs size and composition does not compliment the surrounding environment.

· There is no symmetry or relation to other areas of signage in the area.

· There is visual harm to the amenity of the existing building at No 9-11.

· The street view images within the supporting statement are incorrect as they highlight a signage which is rotated from the actually existing elevations. The proposal is to be fixed against the existing building and would face a different direction.

The above comments will need to be assessed in the remaining sections of the report.

The Council's Highways Department has no objections to the proposal.

### **RELEVANT POLICIES**

#### **LDF**

DC61 - Urban Design

DC65 - Advertisements

#### **OTHER**

NPPF - National Planning Policy Framework

**REGULATORY SERVICES COMMITTEE**  
**4th September 2014**

**STAFF COMMENTS**

Policy DC65 of the Local Development Framework states express consent for advertisements will only be granted if:

- a) they complement the scale, form and architectural composition of individual buildings
- b) they are by size, design, siting and degree of illumination in character with the surrounding area and the buildings they are on
- c) when displayed on a paved forecourt, or in a pedestrianised area, their dimensions are in scale with other street furniture and should not be overwhelming upon pedestrians in the area
- d) when they are displayed on buildings, or as free-standing units alongside the highway, they should be related to the scale of surrounding buildings and have regard to the symmetry or architectural features of their location
- e) they do not materially harm the visual amenity in the area
- f) they do not unduly compromise public safety or pose a hazard to traffic.

Consent for advertisements will further only be granted if they complement the scale, form and architectural composition of individual buildings and they are by size, design, siting and degree of illumination in character with the surrounding area and the buildings they are on.

The proposed non illuminated advertisement hoarding would be located on the flank wall of No.7 Chase Cross Road which would be viewed as you enter the Collier Row Minor District Centre from Chase Cross Road. Neighbouring units close by are similar commercial uses at ground and residential at first floor level.

National Planning Practice Guidance for Advertisements includes advice on considerations affecting amenity.

The following extract has been taken from the Planning Practice Guidance states that "a large poster-hoarding would be refused where it would dominate a group of listed buildings, but would be permitted in an industrial or commercial area of a major city (where there are large buildings and main highways) where the advertisement would not adversely affect the visual amenity of the neighbourhood of the site". The agent has pointed out that this is for guidance only.

However, the NPPF states that "Poorly placed advertisements can have a negative impact on the appearance of the built and natural environment" which is Staffs view in this instance.

The proposed hoarding would be located within the Collier Row Minor District Centre and it is considered the advertisement hoarding would detract from the appearance of the locality, impact adversely on visual amenity and would result in a strident and uncharacteristic feature within this part residential, part commercial area which would be harmful to the street scene.

The agent has also highlighted the position of hoarding on the neighbouring land which was taken previously in place. This advertisement hoarding did not have advertisement consent and has now been removed. Has an application have been submitted for the neighbouring hoarding Nos.9-11, it is more than likely that a similar recommendation of a refusal would have been applied.

**IMPACT ON AMENITY**

The impact of the hoarding on the first floor flats on the neighbouring building is considered to be materially harmful to the occupiers amenity.

It is acknowledged that the removal of the illumination from the hoarding is an improvement.

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However, the position and size of the hoarding in close proximity to neighbouring flats would be an intrusive and unneighbourly development as well as having an adverse effect on the visual amenity of adjacent occupiers contrary to Council guidelines.

**HIGHWAY/PARKING**

The proposal is set a sufficient distance away from the nearest road and would therefore not have an impact on the highway. The proposal would not be illuminated and would therefore not cause an unacceptable distraction.

**KEY ISSUES/CONCLUSIONS**

The advertisement hoarding, by reason of its height, size, position and prominent location is considered to be unduly obtrusive and would detract unacceptably from the visual amenity of the area. The proposal would therefore be contrary to the aims and objectives of the NPPF and Policies DC61 and DC65 of the LDF Core Strategy and Development Control Policies Development Plan Document and a refusal of advertisement consent is recommended.

**RECOMMENDATION**

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

**1. Reason for refusal - Streetscene**

The proposed advertisement hoarding would, by reason of its height, position and prominent location, appear as an unacceptably dominant and visually intrusive feature in the streetscene harmful to the appearance of the surrounding area contrary to Policies DC61 and DC65 of the LDF Core Strategy and Development Control Policies DPD.

**2. Reason for refusal - Residential Extensions**

The proposed advertisement hoarding would, by reason of its 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.

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**1 Approval following revision**

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

## **REGULATORY SERVICES COMMITTEE**

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<b>APPLICATION NO:</b>	<b>P0883.14</b>	
<b>WARD :</b>	Gooshays	<b>Date Received:</b> 25th June 2014 <b>Expiry Date:</b> 20th August 2014
<b>ADDRESS:</b>	73 Farnham Road Harold Hill, Romford	
<b>PROPOSAL:</b>	Retrospective change of use from A1 to Sui Generis (sunbed and beauty)	
<b>DRAWING NO(S):</b>		
<b>RECOMMENDATION :</b>	It is recommended that <b>planning permission be GRANTED</b> subject to the condition(s) given at the end of the report given at the end of the report.	

### **SITE DESCRIPTION**

The subject site is located on the eastern side of Farnham Road, just north of its junction with Chippenham Road. The premises is currently in use as a retail store. It forms part of the Harold Hill Minor District Centre.

The application property is a ground floor unit, with three floors of residential above.

The application relates to the ground level only with a frontage of approximately 5 metres, covering an area of 70sqm.

There is on street parking available on Chippenham Road, and Farnham Road to service the shopping centre. Servicing of the site occurs from the rear.

### **DESCRIPTION OF PROPOSAL**

This is a retrospective planning application for the change of use of the premises from Retail (A1) to Beauty/Tanning Salon (Sui Generis).

Planning permission was previously granted for the change of use of both 71 and 73 Farnham Road to a tanning salon. The current application seeks change of use of no. 73 only.

It is proposed that the existing premises will operate between

- Monday Friday 09:00 am - 09.00 pm
- Saturday - 09:00 am - 08.00 pm
- Sunday 10.00 am - 04.00 pm

There will be 4 Full time and 4 part-time staff employed in the business.

The retention of the existing signage and any external changes will be subject to a separate application to the Council.

### **RELEVANT HISTORY**

P1453.11 - Change of use from A1 to sunbed and beauty salon  
Apprv with cons 13-01-2012

### **CONSULTATIONS/REPRESENTATIONS**

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Environmental Health: No objection.

Highways: No objection.

**RELEVANT POLICIES**

Policies DC16, DC33, DC55, DC61 and DC63 of the LDF Development Control Policies DPD

**STAFF COMMENTS**

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

**PRINCIPLE OF DEVELOPMENT**

The application is brought before committee as the proposal does not accord with the provisions of Policy DC16 of the LDF.

The application site is located within the retail core of Harold Hill Minor District Centre. Policy DC16 states: In the district centres and major local centres:

- planning permission for A1 retail uses will be granted throughout the primary shopping area (comprising the retail core and fringe areas) at ground floor level
- planning permission for service uses (A2, A3, A4, A5) will only be granted within District and Neighbourhood Centres throughout the retail core at ground floor level where:
  - the use provides a service appropriate to a shopping area
  - the proposal will not result in the grouping of 3 or more adjoining A2-A5 uses
  - within the retail core of Hornchurch and Upminster the proposal will not result in the proportion of non-retail uses within the relevant frontage exceeding 20% of its total length.

Within the retail cores of Collier Row, Elm Park, Harold Hill and Rainham and the Major Local Centres, a 33% figure will apply.

All shop fronts in retail core and fringe areas must be active and maintain the impression of a visual and functional continuity to aid in enhancing the vitality of the town centre.

The proposal is contrary to the provisions of Policy DC16 in that the proposed use as a tanning salon does not fall within an A1-A5 use class. The proposed use is classified as a sui generis use.

However, Staff have assessed the proposal on its own merits, taking into consideration the criteria set out in Policy DC16.

It is judged that the proposal, albeit not falling within Uses Classes A2-A5, would provide a use that is appropriate in principle in a shopping centre, thereby satisfying the first criterion.

With regard to the grouping of non-retail uses, the application site is adjoined by a retail unit to the south (Pets corner). To the north there is a retail unit, beyond which is a building society (A2). Based on current circumstances the proposal would not result in three or more adjoining non-retail uses and is therefore compliant with the second criterion.

The proposed use as a tanning salon is considered to complement the range of uses within the parade and not judged to result in material harm to the viability or vitality of the shopping area. Taken together with the fact that permission for change of use of both no.71 and 73 to a tanning



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salon has already been granted and could still be implemented, which is a material fallback position, the proposal is judged to be acceptable in this respect.

Policy DC16 refers to the proportion of non-retail uses not exceeding 33% of the overall length of the relevant frontage. In determining the relevant frontage for the purposes of the above, it is considered that the the frontage runs between Nos 65 Farnham Road and 73A Farnham Road.

There are 6 units within the parade at 67 to 73A Farnham Road with a total frontage of 40.5 metres. The 3 non-retail uses (including the subject site) have a combined frontage measuring 21 metres, represents 52 percent of the total length of the parade in non-retail use, exceeding the 33% given in policy.

The opposite side of Farnham Road, is dominated by the Sainsbury supermarket, in addition to a charity shop, bank and Homes in Havering centre.

The remainder of the shopping centre has a significant retail element with the presence of large national chain supermarkets, smaller retail shops, betting shops set amongst cafes and takeaways.

Although the change of use would be contrary to Policy DC16, it is considered that the proposal would be acceptable as the use is considered to complement the range of uses and function of the shopping centre. Compared to the previous permission, for change of use of both nos. 71 and 73 to a tanning salon, which can still be implemented, this proposal is likely to have lesser impact on the shopping area. It is judged that the proposal would, nevertheless, contribute positively to the vitality of Harold Hill Shopping Centre, attracting customers to the southern end of Farnham Road. Staff are of the view that the proposal has the potential to make a contribution to pedestrian flows. The premises would be open seven days a week during normal shopping hours.

It is noted that the applicants propose to operate Monday to Fridays 09:00am - 09.00pm, Saturdays 09:00 am to 08.00pm and Sunday 10.00am to 04.00pm. These hours vary from those previously approved but are considered acceptable within this district centre.

The circumstances and policies have not materially changed since the previous permission and the proposal is still considered to meet the component of Policy DC16 that supports uses that provide a service appropriate to a shopping centre of this scale, although Staff acknowledge that this is a matter of judgement for Members.

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

Policy DC61 states that planning permission will only be granted where proposals maintain, enhance or improve the character of an area. There are no significant external changes proposed. All external signs will require planning permission.

### **IMPACT ON AMENITY**

It is considered that a change of use to a Tanning Salon (Sui Generis) would not result in any additional harm to the amenities of the neighbouring occupiers as the proposed opening hours would be limited to

- Monday to Friday: 09:00 - 21.00
- Saturday: 09:00 - 20.00
- Sunday: 10.00 - 16.00

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It is not anticipated that there will be any significant noise and disturbance arising from the use, as most people will have a pre-booked appointment. The level of noise is not expected to be significant and not exceed that generated by other uses in the shopping area. Nor will there be any large, out of hours deliveries or rubbish collection that could potentially affect the surrounding area.

### **HIGHWAY/PARKING**

There are two parking spaces for staff to the rear of the site, which are accessed from East Dene Road. The application site has no off-street car parking facilities for customers. There is currently public on street parking in the immediate vicinity and a car park within a short distance of the site, which is adequate. The site is accessible by a variety of transport modes including public transport, walking, cycling and the car. For these reasons it is considered that the proposal would pose no adverse effect on the function of the highway. The Highways Authority has no objection to the proposal. It is considered that the proposal would not result in any highway or parking issues. Servicing would take place from the rear of the unit as is presently the case.

### **KEY ISSUES/CONCLUSIONS**

Although the change of use would be contrary to Policy DC16, it is considered that on balance that the change of use from A1 (shop) to Beauty Salon (Sui Generis) use would be acceptable in that the use would not be inconsistent with the objectives of Policy DC16 aimed at ensuring the vitality of the shopping centre.

It is considered that the use provides a service appropriate to a shopping area, which compliments the retail function by having an active frontage, would be expected to generate a similar footfall as some retail uses, and is open during core retail hours. There is an existing planning permission for change of use to a tanning salon that can still be implemented and staff consider there to have been no material change in circumstances since the previous approval.

It is considered that the proposal retention of the unit would not be detrimental to neighbouring amenity. There are no parking issues as a result of the proposal and it is not considered the proposal would give rise to any other highway issues. Approval is recommended.

### **RECOMMENDATION**

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

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

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

Reason:-

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

#### **2. SC22 (Hours of operation) ENTER DETAILS**

No work shall be carried out on the site between the hours of 09:00 and 21:00 Mondays to Fridays, between the hours of 09:00 and 20:00 on Saturdays and between the hours of 10:00 and 16:00 Sundays, Bank or Public Holidays.

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**3. SC32 (Accordance with plans)**

The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans (as set out on page one of this decision notice).

Reason:-

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

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**INFORMATIVES**

**1 Approval - No negotiation required**

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

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**REGULATORY  
SERVICES  
COMMITTEE**

**REPORT**

4 September 2014

**Subject Heading:**

**P0746.14: Land to the rear of 92 Harrow Drive, Hornchurch**

**Erection of 1no. three-bedroom bungalow with off street parking. (Application received 9 June 2014)**

**Report Author and contact details:**

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

**Policy context:**

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

**Financial summary:**

**None**

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

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

## **SUMMARY**

The proposal is for the erection of a detached bungalow at land to the rear of 92 Harrow Drive, Hornchurch. The site is a strip of garden land and forms part of a traditional arrangement of rear domestic gardens serving the detached and semi-detached houses that front onto Harrow Drive.

On balance the proposal is considered to be acceptable in all material respects and it is recommended that planning permission is granted subject to conditions and the applicant entering into a Section 106 Agreement.

This matter has been called in to committee by Councillor Ganly. The call in is on the grounds that additional traffic movement would exacerbate problems in the narrow access road caused by parking and those accessing and egressing their garages. The proposal also represents garden/land grabbing.

## **RECOMMENDATIONS**

That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable fee would be £1,500, subject to indexation. This is based on the creation of 75 square metres of new gross internal floor space.

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 £6,000 to be used towards infrastructure costs and paid prior to the commencement of development in accordance with the Planning Obligations Supplementary Planning Document.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 Agreement to the date of receipt by the Council.
- 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 obligations/ monitoring fee prior to completion of the agreement.

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

1. Time Limit

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

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

2. In Accordance with Plans

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

**Reason:** The Local Planning Authority consider it essential that the whole of the development is carried out and that no departure whatsoever is made from the details approved, since the development would not necessarily be acceptable if partly carried out or carried out differently in any degree from the details submitted.

3. Parking Provision

Before the dwelling hereby permitted is first occupied, the car parking provision shall be laid out to the full satisfaction of the Local Planning Authority and be made available for 2no. car parking spaces and thereafter this car parking provision shall remain permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

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

4. External 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 safeguard the appearance of the premises and the character of the immediate area, and that the development accords with the Development Control Policies Development Plan Document Policies DC61 and DC54.

#### 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 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.

#### 6. 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 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.

#### 7. Cycle Storage

Prior to the first occupation of the development 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.

#### 8. Soil Contamination



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

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

#### 9. Land Contamination

The applicant shall enable a watching brief to be implemented for the presence of any land contamination throughout the construction works. In the event that contamination is found at any time when carrying out the development, it should be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must then be undertaken and whether remediation is necessary a remediation scheme must be prepared, implemented and verified to the satisfaction of the Local Planning Authority.

**Reason:** To ensure that risks from any unexpected land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with LDF Core Strategy and Development Control Policies DPD Policy DC63.

#### 10. Boundary Screening/ Fencing

Prior to the commencement of the development, details of all boundary screening and screen walling shall be submitted to and agreed in writing by the Local Planning Authority and shall be permanently retained and maintained thereafter to the satisfaction of the Local Planning Authority.

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

#### 11. 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 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.

## 12. Removal of Permitted Development Rights

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 Article 3, Schedule 2, Part 1, Classes A, B, C or E no extensions, roof extensions or roof alterations shall take place and no outbuildings or other means of enclosures shall be erected within the rear garden areas of the dwellings 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.

## 13. Internal Sprinkler System

No development shall take place until details of the proposed emergency sprinkler system, to be installed in the approved dwelling, have been submitted to and approved in writing by the Local Planning Authority. The approved sprinkler system shall be installed prior to the first occupation of the development and retained as such for the life of the development.

**Reason:** In the interests of fire safety and amenity, in accordance with the LDF Development Control Policies Development Plan Document Policy DC61.

## INFORMATIVES

1. A fee is required when submitting details pursuant to the discharge of conditions. In order to comply with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which came into force from 22.11.2012, a fee of £97 per request or £28 where the related permission was for extending or altering a dwellinghouse, is needed.
2. Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012
3. Thames Water Informative  
With regards to surface water drainage it is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the

receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.

4. 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 £1,500 (subject to indexation). Further details with regard to CIL are available from the Council's website.
5. 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.

## REPORT DETAIL

### **1. Background**

- 1.1 This matter is brought before committee because the application has been called in by Councillor Ganly. The call in is on the grounds that additional traffic movement would exacerbate problems in the narrow access road caused by parking and those accessing and egressing their garages. The proposal also represents garden/land grabbing.

### **2. Site Description**

- 2.1 The application relates to land at the rear of 92 Harrow Drive, Hornchurch. This is a strip of garden land and forms part of a traditional arrangement of rear domestic gardens serving the detached and semi-detached houses that front onto Harrow Drive.
- 2.2 The site is bounded by the Hurstlands Close garage court to the east, the rear gardens of 96 Harrow Drive and 14 Hurstlands Close to the north and the rear gardens of 88 & 90 Harrow Drive to the south.
- 2.3 Harrow Drive is characterised by large detached houses on spacious, deep plots and Hurstlands Close is predominately characterised by two-storey

and single storey flatted blocks leading to the garage court at the end of the cul-de-sac.

- 2.4 The site is relatively flat and covers an area of 400 square metres (0.04 hectares).

### **3. Description of Proposal**

- 3.1 The proposal is for the erection of 1no. three-bedroom bungalow with off street car parking in the rear garden of 92 Harrow Drive.
- 3.2 The proposed dwelling will have an 'L-shaped' footprint of approximately 88 square metres, covering approximately 22% of the 400 square metre site. The dwelling will incorporate a part hipped-pitched roof design with a ridge height of 5.2 metres and will include a roof light in the front roof slope providing a light source to the entrance corridor. Internally the bungalow will be arranged with the three bedrooms and bathroom towards the front and a living room and kitchenette at the rear.
- 3.3 The proposed layout will include a garden to the rear with approximately 111 square metres of private amenity space enclosed by boundary fencing. To the front and side the proposal will provide a landscaped garden area and off street car parking spaces for 2no. vehicles in a forecourt parking area.
- 3.4 It is proposed that vehicular access to the site will be provided via Hurstlands Close, through the removal of the existing conifer hedgerow and boundary fence.
- 3.5 It should be noted that planning application P0242.08 was refused on the same site in April 2008 for the erection of a two storey building containing 4 no. 2 bed flats. Reasons for refusal included issues such as layout, scale, bulk and mass creating a dominant, overbearing feature in the rear garden environment harmful to the privacy of adjacent occupiers. In addition the proposal could not demonstrate satisfactory off street car parking provision.

### **4. Relevant History**

- 4.1 P0242.08 - Erection of a two storey building containing 4 no. 2 bed flats – Refused
- 4.2 P0406.07 – Front and side dormer windows - Refused

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

- 5.1 Neighbour notification letters were originally sent to 35 properties on 26<sup>th</sup> June 2014, however a number of residents reported that consultation letters were not received. Consequently a re-consultation was undertaken on 22<sup>nd</sup> July 2014. To date, as a result of the consultation 18 letters of objection have been received and 7 letters of support received, including 3 letters from the owners of the land.

5.2 The objections to the proposed development can be summarised as follows:

- Hurstlands Close and the garage court are too narrow and not suitable for increased traffic or use by vehicles larger than a car.
- The development will restrict access to the neighbouring garages used by residents on a daily basis.
- The applicant does not have a right of way over the private garage court.
- The road surface at Hurstlands Close is not suitable for use by large vehicles and would be damaged by construction vehicles and waste collection trucks.
- Refuse and servicing vehicles will not be able to turnaround.
- Insufficient off-street car parking will lead to future occupants and visitors parking in front of the garages or on Hurstlands Close causing an obstruction to residents and emergency vehicles.
- Previous proposals for residential development at the site in 1982 and 2008 have been refused.
- The access is not suitable for emergency vehicles.
- Loss of outlook from neighbouring houses and gardens and an alteration to the character of the rear garden setting.
- Loss of privacy/ overlooking to neighbouring gardens and properties.
- General disturbance and disruption from the construction of the new dwelling.
- The development will set a precedent for similar back garden development which will erode the quality of the area and radically change the fabric of the surrounding streets.
- The new access will compromise the security of the neighbouring properties.
- The design is very bland and not in-keeping with the surrounding area.
- A bungalow is not compatible with the character of the neighbouring house types.
- Site is too cramped to adequately fit a dwelling.

5.3 The comments in support of the application can be summarised as follows:

- There is a shortage of new build bungalows in the area.
- The proposal will help a first time buyer get onto the property ladder.

5.4 Essex and Suffolk Water - no objection.

5.5 Thames Water – no objection.

5.6 London Fire Brigade Water Team – no objection.

5.7 London Fire and Emergency Planning Authority – there appears to be insufficient room for a turning space for a pump appliance at the end of Hurstlands Close. Therefore recommend the inclusion of a condition requiring the provision of domestic sprinklers as an alternative.

5.8 The Local Highway Authority – no objection.

5.9 Environmental Health – no objection, requested the inclusion of conditions relating to contaminated land issues.

## **6. Relevant Policies**

6.1 Policies CP1 (Housing Supply), CP17 (Design), DC2 (Housing Mix and Density), DC11 (Non-designated Sites) DC33 (Car Parking), DC34 (Walking), DC35 (Cycling), DC36 (Servicing), DC55 (Noise), DC61 (Urban Design), DC63 (Delivering Safer Places) and DC72 (Planning Obligations) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document are considered to be relevant.

6.2 Other relevant documents include the Residential Design SPD, Sustainable Design and Construction SPD and the Planning Obligations SPD.

6.3 Policies 3.3 (increasing housing supply), 3.5 (quality and design of housing developments), 3.8 (housing choice), 5.3 (sustainable design and construction), 6.9 (cycling), 6.10 (walking), 6.13 (parking), 7.3 (designing out crime), 7.4 (local character), 7.6 (architecture) and 8.2 (planning obligations) of the London Plan, are material considerations.

6.4 The National Planning Policy Framework, specifically Sections 6 (Delivering a wide choice of high quality homes), 7 (Requiring good design), 8 (Promoting healthy communities) are relevant to these proposals.

## **7. Staff Comments**

7.1 The main considerations relate to the impact on the character and appearance of the street scene, the implications for the residential amenity of occupants of nearby houses and the suitability of the proposed parking and access arrangements.

## **8. Principle of Development**

8.1 The NPPF and Policy CP1 support an increase in the supply of housing in existing urban areas where development is sustainable.

8.2 Under the provisions of the NPPF there is no priority given to garden land as a re-developable brownfield site. However, in terms of the Local Plan the site lies outside the Metropolitan Green Belt, Employment Areas, Commercial Areas, Romford Town Centre and District and Local Centres and is within a predominantly residential area.

8.3 On this basis the proposal is considered to be policy compliant in landuse terms and its continued use for domestic residential purposes is therefore regarded as being acceptable in principle.

## **9. Density/ Layout**

- 9.1 Policy DC2 of the LDF provides guidance in relation to the dwelling mix within residential developments. Policy DC61 states that planning permission will not be granted for proposals that would significantly diminish local and residential amenity.
- 9.2 Policy 3.5 of the London Plan advises that housing developments should be of the highest quality internally, externally and in relation to their context and to the wider environment. To this end Policy 3.5 requires that new residential development conforms to minimum internal space standards. No standard is given for bungalows but as a guideline, for an equivalent three-bedroom flat for four occupants the spacing requirement is set at 74 square metres. The proposal will provide approximately 75 square metres of internal floor space which is in excess of the minimum standards. Given this factor it is considered that the proposed bungalow would be of an acceptable size for day to day living.
- 9.3 The Residential Design SPD states that private amenity space should be provided in single, usable, enclosed blocks which benefit from both natural sunlight and shading. An area of approximately 111 square metres to the rear of the proposed bungalow will be partitioned and set out as private garden amenity space. The proposed rear garden will have a south westerly facing aspect allowing good levels of sunlight. It is considered that the amount of private amenity space proposed in the development is adequate for the requirements of a 3-bedroom family home.
- 9.4 An area of approximately 441 square metres will be retained as private rear garden for the donor property 92 Harrow Drive. This provision is considered to be sufficient.
- 9.5 On balance it is considered that the proposed internal spacing and amenity areas would be of a suitable form and size and would therefore result in acceptable living conditions for future occupants. The proposed dwelling would have adequate access to sunlight and daylight. Therefore the general site layout is considered to be in accordance with Policy DC61 and The Residential Design SPD.

## **10. Design/Impact on Street/Garden Scene**

- 10.1 Policy DC61 states that development must respond to distinctive local buildings forms and patterns of development and respect the scale, massing and height of the surrounding context.
- 10.2 The application site occupies a rear garden location, with a boundary onto the garage court at Hurstlands Close. As such consideration must be given to the impact on the rear garden setting as well as the streetscene of Hurstlands Close.
- 10.3 The proposed bungalow will incorporate an 'L-shaped' footprint and a part hipped-pitched roof design with a ridge height of 5.2 metres. Although there are currently garages at the end of Hurstlands Close, it is noted that the

remainder of the close is characterised by residential development on its western side. The adjacent dwellings at No.s 13 & 14 Hurstlands Close are single storey in height stepping down from the two-storey blocks which frame the remainder of the cul-de-sac. As such it is considered that the height and massing of the proposed single storey dwelling will respect the immediate context and complement the setting adjacent to the neighbouring bungalows and single storey garage structures.

10.4 In addition to the sympathetic scale and height it is considered that the siting of the proposed dwelling will respect the character of the street pattern along Hurstlands Close, with the buildings gradually stepping back from the street frontage. The siting and positioning of the proposed bungalow will adhere to this arrangement and respect this key characteristic of the street pattern.

10.5 An important consideration in respect of the backland development is the degree to which the proposed development would maintain or enhance the character and appearance of the rear garden setting. In assessing this aspect it is essential to consider the wider context of the site setting and give some acknowledgment to the existing buildings within neighbouring plots. In particular many of the properties along Harrow Drive are characterised by lengthy strips of spacious rear garden with substantial detached structures and outbuildings located adjacent to the rear boundary. This appears to form a key characteristic of the local rear garden scene and makes a positive contribution to the local character. It is therefore considered that the siting of the proposed bungalow would adhere to these characteristic principles, without excessively or unduly impacting on its immediate setting within Hurstlands Close. The amenity area and spaciousness around the proposed dwelling is considered to be consistent with local character, in particular it is similar to the relationship that the houses to the north (nos. 13 and 14 Hurstlands Close) have with neighbouring properties in Harrow Drive. Combined with the single storey nature of the proposed development, it is considered that the proposal would not be inconsistent with the prevailing pattern of development locally and existing character. The proposed development is considered to differ significantly in terms of scale, bulk and layout from that previously refused in 2008.

10.6 On balance it is considered that the proposed development would serve to maintain the character and appearance of the surrounding area. The relatively modest scale, bulk, height and massing of the bungalow would be sympathetic to the adjacent dwellings and rear garden setting.

## **11. Impact on Amenity**

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



- 11.2 The main consideration in terms of residential amenity relates to the impact on the occupants of 88 & 90 Harrow Drive to the south, 92 & 96 Harrow Drive to the east and 14 Hurstlands Close to the north.
- 11.3 The south elevation of the proposed bungalow will include a bathroom window and kitchen window which will look out towards the existing boundary fence. Due to the rear garden arrangement the southern section of the site adjoins the garden boundaries of both No.s 88 & 90 Harrow Drive. The proposed bungalow will be located approximately 1.3 metres to 0.8 metres from the boundary with the neighbouring gardens as the boundary line tapers in slightly from east to west. Within this area No.s 88 & 90 have outbuildings and garden sheds structures abutting the fencing which serve to provide additional screening and a degree of separation from the development site.
- 11.4 The proposed bungalow will have a roof ridge height of 5.2 metres incorporating a partially hipped style roof design reducing the scale and a bulk of the roof slope. In terms of the distance from the rear of the neighbouring dwellings the proposal will be located some 26 metres from the closest point of 90 Harrow Drive at an oblique angle. Given the scale, height and massing it is considered that the proposed bungalow will sit comfortably within the garden setting without undue prominence or over dominance of the outlook from neighbouring dwellings. Given the distance from the rear of the neighbouring houses at Harrow Drive, the existing structures located adjacent to the boundary and the relatively low key scale of the bungalow the proposed dwelling would not unduly impact on the amenity of the neighbouring residents. Due to the existing site circumstances and the positioning of windows and the proposed height of the dwelling it is not that it would result in any undue impact on the privacy and outlook of the neighbouring residents.
- 11.5 The blank side elevation of the bungalow will be located some 15 metres from the side elevation of 14 Hurstlands Close. Given the orientation and positioning of the proposed dwelling in relation to No.14 it is not considered that the proposal will result in any undue impact on the amenity of the occupants.
- 11.6 The distances displayed between the proposed development and the houses at Harrow Drive and Hurstlands Close are considered to be acceptable in order to maintain outlook and privacy between the new bungalow and the neighbouring residents. As such it is not considered that the proposed development will result in any undue impact on the privacy of the occupants of the houses at Harrow Drive and Hurstlands Close.
- 11.7 On balance, it is considered that the proposed bungalow would not harm the amenities of neighbouring properties and would provide acceptable living conditions for the future occupants. The proposal is therefore in accordance with Policy DC61 and the intentions of the NPPF.

## **12. Environmental Issues**

- 12.1 The site has been in use as a residential garden for many years and there are no historical contaminated land issues associated with the plot.
- 12.2 The site is not located within a Flood Zone and presents no issues in relation to flood risk.
- 12.3 The proposal is not considered to give rise to any significant noise issues subject to conditions required by Environmental Health.

## **13. Parking and Highway Issues**

- 13.1 Policy DC33 seeks to ensure all new developments make adequate provision for car parking. Under Policy DC2 the Public Transport Accessibility Level (PTAL) the site has a low rating and therefore new residential development in this location is required to provide a high car parking provision of 2 no. spaces per unit.
- 13.2 The proposal can demonstrate provision for 2no. off street car parking spaces to the front and side in a forecourt parking area and driveway.
- 13.3 Vehicular access to the proposed site would be taken from the garage court off Hurstlands Close, which runs to the rear of houses on Harrow Drive. Hurstlands Close is a narrow road with no footway on the section around the garage court which presents constraints in terms of its suitability for emergency and service vehicles accessing the site. The London Fire and Emergency Planning Authority have raised concerns that emergency vehicles would not be able to access the site, although the installation of an internal sprinkler system would overcome this issue and will be included as a condition of any planning permission.
- 13.4 Neighbouring residents have raised concerns that Hurstlands Close is a private road and that the applicant does not have a right of way. Counter to this claim the applicant and owner has provided copies of the title deeds for 92 Harrow Drive which state that a right of way exists over and along Hurstlands Close and the garage forecourts and access way leading thereto.
- 13.5 The Local Highway Authority has raised no objection in relation to the proposed amount of car parking provision and the access and servicing arrangements from Hurstlands Close.
- 13.6 It is therefore considered that the proposed car parking and access arrangements are acceptable and would not result in highway safety or parking/ servicing issues.
- 13.7 The proposal indicates that waste and refuse will be stored to the front of the property and to the rear of the exiting row of garages. Full details of

waste storage arrangements can be reasonably obtained through the inclusion of a condition.

- 13.8 The proposal indicates no provision for the secure storage of bicycles, although it is noted that there is sufficient spacing within the site that could be utilised for this purpose. As such secure cycle storage details can be reasonably obtained through the inclusion of a condition.

#### **14. Other Issues**

- 14.1 Concerns have been raised by neighbouring residents that strips of land within the application site adjacent to Hurstlands Close are not included under the land registry title for 92 Harrow Drive. In relation to this issue the applicant has provided satisfactory evidence that due to the nature of the land sale when the property was first purchased sections of the site, which were originally to be retained by the housing developer as 'ransom strips' have been acquired by the applicant and now form part of the domestic curtilage of 92 Harrow Drive but are held under separate title deeds.

#### **15. Community Infrastructure Levy and Developer Contributions**

- 15.1 The proposed development will create 1 no. new residential unit with 75 square metres of new gross internal floorspace. Therefore the proposal is liable for Mayoral CIL and will incur a charge of £1,500 based on the calculation of £20.00 per square metre.
- 15.2 Under the provisions of Policy DC72 of the LDF and the Planning Obligations SPD a payment of £6,000 should be made for each new dwelling in respect of the infrastructure costs arising from the development. The proposal would create 1 no. new dwelling and would therefore be subject to a legal agreement to provide a contribution of £6,000.

#### **16. Conclusion**

- 16.1 Having regard to all relevant factors and material planning considerations Staff are of the view that this proposal would be acceptable.
- 16.2 Staff consider that the proposed development raises considerations in relation to the impact on the character and appearance of the streetscene and the impact on the amenity of the neighbouring residents. On balance the proposal is considered to be acceptable in all material respects.
- 16.3 Staff are of the view that the siting, scale and location of the proposal would not be disproportionate or have a harmful impact on the character of the street scene or rear garden setting nor would it result in a loss of amenity to neighbouring occupiers. The proposal is considered to be acceptable in all other respects and it is therefore recommended that planning permission be granted subject to conditions and the applicant entering into a legal agreement to secure the infrastructure contribution.

## IMPLICATIONS AND RISKS

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

Financial contributions will be sought through the legal agreement.

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

Legal resources will be needed to draft the legal agreement.

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

None.

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

The Council's planning policies are implemented with regard to equality and diversity.

## BACKGROUND PAPERS

Application form, drawings and supporting statements received on 9 June 2014.

# REGULATORY SERVICES COMMITTEE

4 September 2014

# REPORT

**Subject Heading:**

P0819.14 Land Adjacent to Hilldene Avenue, Hilldene Close and Bridgewater Road, Harold Hill, Romford.

Demolish filling station console building and canopy, remove hardstandings and erect 12no. two-storey semi-detached and terraced dwellings and 9no. self-contained flats in a three-storey apartment block, construct bin and cycle stores, lay out parking and amenity areas and form new vehicular accesses onto Hilldene Close, Hilldene Avenue and Bridgewater Road.

Revised Plans received 09/07/2014

**Report Author and contact details:**

Suzanne Terry 01708 4322755  
[Suzanne.terry@havering.gov.uk](mailto:Suzanne.terry@havering.gov.uk)

**Policy context:**

Local Development Framework  
Development Control Policies  
Development Plan Document

National Planning Policy Framework

London Plan

**Financial summary:**

Not applicable

**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]
Value and enhance the life of our residents	[x]
Delivering high customer satisfaction and a stable council tax	[ ]

**SUMMARY**

The application is for the redevelopment of this site to create 21 units, comprising 12 houses and 9 flats. Planning permission was granted in 2013 for the redevelopment of the site as part of a much larger scheme for 100 dwellings over three phases. The first phase is currently under construction and provides for 58 affordable units. This application proposes a revised layout for phase 2 of the development for the same number of market units. The proposal involves development on land that is currently in use as a car wash and also involves public highway. The proposal is considered acceptable in all material respects, including design and layout, impact on neighbouring amenity, environmental impact and parking and highway issues. The proposal is therefore judged to be acceptable and, subject to the prior completion of a S106 legal agreement and conditions, it is recommended that planning permission is granted.

**RECOMMENDATIONS**

That members note there is a Mayoral CIL payment of £27,090.

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 £126,000 to be paid prior to commencement of development to be used towards infrastructure costs in accordance with the Policy DC72 of the LDF Core Strategy and Development Control Policies Development Plan Document and the Planning Obligations Supplementary Planning Document.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.

- The Developer/Owner to pay the Council's reasonable legal costs associated with the 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.

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 set out on page one of this decision notice).

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

3. *Car parking* - Before the buildings hereby permitted are first occupied, the areas set aside for car parking shall be laid out and surfaced. The parking areas shall be retained permanently thereafter for the accommodation of vehicles visiting the site and shall not be used for any other purpose.

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

4. *Materials* - The development hereby permitted shall not be commenced until samples of all materials to be used in the external construction of the buildings has been submitted to and approved in writing by the Local Planning Authority. 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 in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61.

5. *Landscaping* - The development hereby permitted shall not be commenced until a detailed scheme for the hard and soft landscaping of the site has been submitted to and approved in writing by the Local Planning Authority. 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 LDF Development Control Policies Development Plan Document Policy DC61.

6. *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.

7. *Cycle storage* - Prior to completion of the development 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 and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC36.

8. *Boundary treatment* - The development hereby permitted shall not be commenced until details of proposed boundary treatment have been submitted to and approved in writing by the Local Planning Authority. The approved boundary treatment shall be installed prior to occupation of that phase of the development and retained thereafter in accordance with the approved plans.

Reason: In the interests of privacy and amenity and to accord with Policies DC61 and DC63 of the LDF Development Control Policies Development Plan Document.

9. *Secured by Design* - The development hereby permitted shall not be commenced until details of the measures to be incorporated into the development demonstrating how the principles and practices of the Secured by Design scheme have been included have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, and shall not be occupied or used until written confirmation of compliance with the agreed details has been submitted to and approved in writing by the LPA.



Reason: In the interest of creating safer, sustainable communities, reflecting guidance set out in the National Planning Policy Framework, Policy 7.3 of the London Plan, and Policies CP17 and DC63 of the LDF Development Control Policies Development Plan Document.

10. *External lighting* - The development hereby permitted shall not be commenced until a scheme for the lighting of external areas of the development, including any access roads, has been submitted to and approved in writing by the local planning authority. The scheme of lighting shall include details of the extent of illumination together with precise details of the height, location and design of the lights. The approved scheme shall then be implemented in strict accordance with the agreed details prior to the first occupation of the development and retained thereafter.

Reason: In the interests of highway safety and amenity. Also in order that the development accords with Policies DC32 and DC61 of the LDF Development Control Policies Development Plan Document.

11. *Biodiversity* - The development hereby permitted shall not be commenced until details have been submitted showing how the development will comply with the recommendations set out in Section 6.2 of the submitted site Ecological Assessment, carried out by MLM Environmental dated 18<sup>th</sup> October 2012. The development shall then be carried out in accordance with the approved details.

Reason: In order to ensure that the proposed development has an acceptable impact on biodiversity and in order that the development accords with the LDF Development Control Policies Development Plan Document Policies DC58 and DC59.

12. *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.

13. *Wheel washing* - The development hereby permitted shall not be commenced until details of wheel scrubbing/wash down facilities to prevent mud being deposited onto the public highway during the construction works has been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be permanently retained and used at relevant entrances to the site throughout the course of construction works.

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

14. *Construction methodology* - The development hereby permitted shall not be commenced until a scheme has been 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 that phase 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 authority; siting and design of temporary buildings;
- g) scheme for security fencing/hoardings, depicting a readily visible 24-hour contact number for queries or emergencies;
- h) 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 with the LDF Development Control Policies Development Plan Document Policy DC61.

15. *Land contamination* - The development hereby permitted shall not be commenced until the developer has submitted for the written approval of the Local Planning Authority (the Phase I Report having already been submitted to the Local Planning Authority):

a) 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 site ground conditions. An updated Site Conceptual Model should be included showing all the potential pollutant linkages and an assessment of risk to identified receptors.

b) A Phase III (Risk Management Strategy) Report if the Phase II Report confirms the presence of a significant pollutant linkage requiring remediation. The report will comprise two parts:

Part A - Remediation Scheme which will be fully implemented before it is first occupied. Any variation to the scheme shall be agreed in writing to the Local Planning Authority in advance of works being undertaken. The Remediation Scheme is to include consideration and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Planning Authority for written approval.

Part B - Following completion of the remediation works a 'Validation Report' must be submitted demonstrating that the works have been carried out satisfactorily and remediation targets have been achieved.

c) If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals, then revised contamination proposals shall be submitted to the LPA; and

d) If during development work, site contaminants are found in areas previously expected to be clean, then their remediation shall be carried out in line with the agreed contamination proposals.

For further guidance see the leaflet titled, 'Land Contamination and the Planning Process'

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

16. *Archaeology* - A) No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme for investigation which has been submitted to and approved in writing by the Local Planning Authority.

B) No development or demolition shall take place other than in accordance with the Written Scheme of Investigation approved under Part A).

C) Each phase of the Development shall not be occupied until the site investigation and post investigation assessment has been completed for that phase in accordance with the programme set out in the Written Scheme of Investigation approved under Part A) and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured.

Reason: Heritage assets of archaeological interest survive on the site. The planning authority wishes to secure the provision of archaeological investigation and the subsequent recording of the remains prior to development (including historic building recording) in accordance with the recommendations given by the Borough and in the NPPF.

17. *Sustainability* – The development hereby permitted shall not be occupied until the developer has provided a copy of the Interim Code Certificate confirming that the development design of the relevant phase achieves a minimum Code for Sustainable Homes Level 4 rating. The development shall be carried out in full accordance with the agreed Sustainability Statement. Within 6 months of the final occupation of any residential unit within the relevant phase the Final Code Certificate of Compliance shall be provided to the Local Planning Authority in order to ensure that the required minimum rating has been achieved.

Reason: In the interests of energy efficiency and sustainability in accordance with Policy DC49 of the LDF Development Control Policies Development Plan Document.

18. *Renewable energy* - The renewable energy system for the development shall be installed in accordance with details previously submitted to and agreed in writing by the Local Planning Authority and shall be made operational prior to the residential occupation of the development. Thereafter, it shall be permanently retained.

Reason: In the interests of energy efficiency and sustainability in accordance with Policy DC50 of the LDF Development Control Policies Development Plan Document.

19. *No additional flank windows* - 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 plan,) shall be formed in the flank wall(s) of the building(s) hereby permitted unless specific permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

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

20. *Removal of permitted development rights* - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 Article 3, Schedule 2, Part 1, as amended by the Town and Country Planning (General Permitted development) (Amendment)(no. 2)(England) Order 2008(or any order revoking and re-enacting that Order with or without modification), no development shall take place under Classes A, B, C or E, 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.

21. *Stopping up of Highway* – Prior to the commencement of the development hereby permitted an application to stop up that part of the application site which comprises adopted highway shall be submitted to the Council as Highway Authority and no development pursuant to this planning permission shall be carried out on that part of the application site which comprises adopted highway until and unless a stopping up order is confirmed by the Council as Highway Authority or the Secretary of State (on appeal) as appropriate.

Reason: To ensure that the impact of the proposed development in respect of public highway has been fully considered prior to any development commencing.

*22 Footway Provision* - Prior to commencement of development the owner/developer shall complete a Section 38 agreement under the Highways Act 1980 with the Council as Highway Authority, dedicating as footway the area in the location set out in drawing reference PG-100 Revision C along the western side of Hildene Close and that prior to first occupation of the development the owner/developer shall construct the footway to adoptable standard of a minimum of 2 metres from face of kerb to back of footway and maintain it to an adoptable standard throughout the period of construction of the Development.

Reason: In the interests of highway safety and to maintain pedestrian access along Hilldene Close in accordance with policies DC32 and DC34 of the LDF Development Control Policies Development Plan document.

*23. Pedestrian visibility splays* – Pedestrian visibility splays shall be provided on either side of the access onto Hilldene Close of 2.1 by 2.1 metre back to the boundary of the public footway. There should be no obstruction or object higher than 0.6 metres within the visibility splay.

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

## **INFORMATIVES**

1. *Secured by Design* - In promoting the delivery of safer, stronger, sustainable places the Local Planning Authority fully supports the adoption of the principles and practices of the Secured by Design Award Scheme and Designing against Crime. Your attention is drawn to the free professional service provided by the Metropolitan Police Designing Out Crime Officers for North East London, whose can be contacted via [DOCOMailbox.NE@met.police.uk](mailto:DOCOMailbox.NE@met.police.uk) or 0208 217 3813 . They are able to provide qualified advice on incorporating crime prevention measures into new developments.

2. *Changes to the public highway* - The Highway Authority requires the Planning Authority to advise the applicant 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. If a new or amended access is required (whether temporary or permanent), there may be a requirement for the diversion or protection of third party utility plant and it is recommended that early involvement with the relevant statutory undertaker takes place. Any proposals which involve building over the public highway as managed by the London Borough of Havering, will require a licence and the applicant must contact StreetCare, Traffic & Engineering on 01708 433750 to commence the relevant approval process. Unauthorised work on the highway is an offence.

3. *Highway legislation* - The granting of planning permission does not discharge the requirements of the New Roads and Street Works Act 1991 or the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works of any nature) required during the construction of the development.

4. *Temporary use of the highway* - If any 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. If the developer requires scaffolding, hoarding or mobile cranes to be used on the highway, a licence is required and Streetcare should be contacted on 01708 434343 to make the necessary arrangements.

5. *Highways stopping up process* - Before any works take place on the area which is currently public highway, it should be stopped up under S247 of the Town & Country Planning Act 1990. The developer should allow time for the process to be completed within its programme as there are statutory notices required.

6. 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 paragraphs 186-187 of NPPF.

7. 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.

## REPORT DETAIL

### 1. **Site Description**

- 1.1 The application site, which is broadly rectangular in shape, amounts to 0.254 hectare. The site falls gently from north to south. It lies to the north of Hilldene Avenue and to the west of Hilldene Close. It is bounded by Bridgewater Road to the north. The site was formerly occupied by a petrol filling station and is now occupied by a car wash that utilises the canopy and hardstanding area. There are other buildings from the former use on the northern part of site. There are two access points from Hilldene Avenue.
- 1.2 Outside of the fenced boundary of the carwash site along Hilldene Close is public highway comprising a greensward and pavement. There is scrub/hedge vegetation along parts of the boundary and a number of immature trees within the greensward. To the north of the site along Bridgewater Close new residential development is being constructed comprising terraced housing and flats in two and three storey blocks.
- 1.3 To the north, west and east of the development site the locality is primarily residential, principally comprising two storey terraced housing. However, there

are some exceptions, including a church on the adjoining land to the west and the existing Harold Hill Library and other community buildings on the east side of Hilldene Close. To the south of the site, on the opposite side of Hilldene Avenue, are commercial properties, which form part of the Harold Hill Minor District Centre.

## **2. Description of proposal**

- 2.1 This is a full application for the redevelopment of the site following the demolition of all existing buildings and structures. The development comprises 21 new dwelling units: 12 houses and nine flats. The flats would be in a single block of 5x two-bed flats and 4x one-bed flats. Two house types are proposed: 4x three-bed and 8x two bed.
- 2.2 The development would follow the form of the approved layout permitted under P1276.12, with a perimeter block of buildings containing courtyard car parking. Vehicular access to the courtyard would be taken from Hilldene Close with the existing access points from Hilldene Avenue being closed off. The number of dwellings would be the same as approved in 2013, although the mix has been changed, increasing the number of houses.
- 2.3 A terrace of seven houses is proposed along Bridgewater Road with the end units, which would be three-bed, being deeper in plan and having a higher ridge height. Each of these dwellings would have off-street parking. A three-storey building containing nine flats is proposed on the corner of Hilldene Avenue and Hilldene Close. This is similar to the approved scheme, although that building had eleven flats and extended further along the Hilldene Avenue frontage. The building would include bin stores with amenity areas and secure cycle storage behind. There would be five further houses, two on Hilldene Close between the flats and the houses in Bridgewater Road and three facing onto Hilldene Avenue, adjacent to the church.
- 2.4 The parking court would provide 18 car parking spaces, two of which would be for disabled use. Access would be between the flatted block and the two houses on Hilldene Close. The court would provide parking for the flats at one space per unit and for some of the houses which would have rear access to the parking court. Cycle storage would be provided in the rear garden areas. All the houses would have rear garden areas and the flats would have balconies or terrace facing onto the highway.
- 2.5 The scale of the development would be mainly two-storey with a three storey element on the corner of Hilldene Avenue and Hilldene Close as previously approved. The materials to be used would be from the same palette as approved for phase 1 comprising buff and grey brick under a pitched tiled roofs. The balustrades to the balconies and terrace areas would be in painted steel. Landscaping is proposed along the street frontages.
- 2.6 All of the dwellings would be constructed to lifetime homes standards and to Code for Sustainable Homes Level 4. As part of this high performance building

fabric coupled with photovoltaic cells on some of the roofs would deliver reductions in excess of 25% in carbon emissions.

- 2.7 No wheelchair accessible homes are proposed and reliance is made on the provision in the Hilldene East development which was previously accepted when the 2012 application was approved. The scheme has been designed to meet Secured by Design matters.

### **3. Relevant History**

Q0091.14 - Discharge of Condition 8 of P1276.12 – Part discharged 15-05-2-14

N0021.14 – Non-material amendment to P1276.12 - Amendment to House Type F - Replacement of proposed 1500mm high living room window to glazed external door of same width. Approved 11-03-2014

Q0153.13 - Discharge of Conditions 14, 25 and 27 of P1276.12. Awaiting decision

P1276.12 - Redevelopment of the part-vacant 'Hilldene North' site to provide 100 residential units (58% affordable housing) with ancillary car parking and associated landscaping. Approved 24-01-2013

P1062.11 - Vacant petrol filling station and mechanical car wash, to a hand car wash and valeting service. Approved 30-08-2011.

### **4. Consultations/Representations**

- 4.1 The application has been advertised on site and in the local press as major development and neighbour notification letters have been sent to 115 local addresses. No letters of representation have been received in response.
- 4.2 English Heritage (GLAAS) advise (2012 application) that there is potential for hitherto unknown archaeological remains to be affected by the proposal and request a condition to secure archaeological evaluation and mitigation if permission is granted.
- 4.3 Essex & Suffolk Water raises no objection but require new properties to be connected to their existing network.
- 4.4 Metropolitan Police Designing Out Crime Officer has requested a condition requiring details in relation to the Secured by Design Award Scheme and an informative.
- 4.5 The London Fire and Emergency Planning Authority advises that access for fire brigade vehicles should comply with the relevant sections of the Building Regulations.
- 4.6 Streetcare (Highway Authority) raises no objection subject to amendments and conditions. It is noted that the parking proposed does not meet the policy



requirement of 1.5-2 spaces per dwelling, however, the parking proposed is as previously approved. The proposed new access to Hilldene Close fails to provide adequate visibility splays. A condition is requested to address this.

The development relies on using a large section of public highway on Hilldene Close, including a public footway. A replacement footway, including lighting and drainage) is required to be in place before the existing footway is removed. A condition is requested to address this. A further condition is requested covering agreements required for highway works. Informatives are also requested, including the requirement for a stopping up order prior to any works taking place within the public highway.

- 4.7 Public Protection has requested conditions relating to air quality, contaminated land and noise.

## **5. Relevant Policies**

- 5.1 Policies CP1 (Housing Supply); CP2 (Sustainable Communities); CP9 (Reducing the need to travel); CP10 (Sustainable Transport); CP15 ((Environmental management; CP16 (Biodiversity and Geodiversity); CP17 (Design); CP18 (Heritage); DC2 (Housing Mix and Density); DC3 (Housing Design and Layout); DC7 (Lifetime Homes and Mobility Housing); DC32 (The Road Network); DC33 (Car Parking); DC34 (Walking); DC35 (Cycling); DC36 (Servicing); DC40 (Waste Recycling); DC48 (Flood Risk); DC49 (Sustainable Design and Construction); DC50 (Renewable Energy); DC51 (Water Supply, Drainage and Quality); DC52 (Air Quality); DC53 (Contaminated Land); DC55 (Noise); DC58 (Biodiversity and Geodiversity); DC59 (Biodiversity in New Developments); DC61 (Urban Design); DC62 (Access); DC63 (Delivering Safer Places); DC70 (Archaeology and Ancient Monuments); DC72 (Planning obligations) of the Local Development Framework (LDF) Core Strategy and Development Control Policies Development Plan Document (DPD) are material considerations.
- 5.2 In addition, the Planning Obligations SPD, Residential Design Supplementary Planning Document (SPD), Designing Safer Places SPD, Protecting and Enhancing the Borough's Biodiversity SPD and Sustainable Design and Construction SPD are also material considerations.
- 5.3 Policies 3.3 (increasing housing supply), 3.4 (optimising housing potential); 3.5 (quality and design of housing developments), 3.6 (children's play facilities), 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), 5.2 (minimising carbon dioxide emissions), 5.3 (sustainable design and construction), 5.7 (renewable energy), 5.12 (flood risk management), 5.13 (sustainable drainage), 5.16 (waste self-sufficiency), 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), 7.14 (improving air quality), 7.15 (reducing noise and enhancing soundscapes), 7.19 (biodiversity)

and access to nature) and 8.2 (planning obligations) of the London Plan are material considerations.

- 5.3 The provisions of the National Planning Policy Framework and the National Planning Policy Guidance are also material considerations.

## **6. Background**

- 6.1 The application site forms part of the Council's *Living Ambitions* estate regeneration programme for Harold Hill and falls within the area of the Hilldene North part of the scheme. The regeneration programme, which was commenced in 2008, aims to transform the quality of life and living environment of Harold Hill residents over a 20 year period. One of the key objectives of the programme is to provide improved local housing. Planning permission for both the Hilldene North site and the nearby Hilldene East site was granted planning permission in 2013 as part of this programme.

- 6.2 The Hilldene North scheme comprises three phases. Phase 1, which lies to the north of Bridgwater Road, comprises entirely affordable dwellings and is currently being constructed by the Notting Hill Housing Trust. There will be 58 units comprising a mix of houses and flats. Phases 2 and 3 of the scheme are entirely market housing with 21 units on each, again a mix of houses and flats. The layout of these phases mirrors each other with three-storey development on the opposite corners of Hilldene Close with Hilldene Avenue. Neither of these two phases has been commenced. The western phase (phase 2) is the current application site and has recently been sold to Countryside Properties. The mix of housing currently approved comprises 6 x two-bed houses; 4 x three-bed houses; 6 x one-bed flats and 5 x two-bed flats.

- 6.3 The current planning permission is subject to a S016 Planning Obligation which provides for:
- i) a phased payment of the infrastructure tariff in accordance with the Planning Obligations SPD;
  - ii) provision of 58 units of affordable housing;
  - iii) a limit of 21 market housing units than can be occupied prior to the affordable units being transferred to a RSL (unless the developer is a RSL) and the units have been completed and are available for shared ownership/letting, and,
  - iv) the provision of a training and recruitment scheme.

- 6.4 Whilst the principle of the development has already been established the application detail in terms of the design and layout needs to be considered on its planning merits as a separate application.

## **7.0 Staff Comments**

- 7.1 The principle of the development of the site for 21 dwellings comprising a mixture of houses and flats has already been accepted through the grant of the 2013 planning permission (P1276.12). Therefore, the issue for members is whether the revised layout is acceptable in terms of the impacts of its design, scale and massing on the character and amenity of the locality, the quality of

the proposed residential environment, parking and highway matters, the impact on local residential amenity, environmental issues, affordable housing and the impact on community infrastructure.

#### Density and layout

- 7.2 In accordance with Policy DC2 the site is classified as 'rest of borough, as it has a low PTAL value of 1-2 being outside of the defined area on the proposals map. A density range of 30-50 dwellings per hectare is indicated as appropriate outside of the defined PTAL areas. The application site has an area of 0.245 hectare and proposes 21 new dwellings. This equates to a development density of nearly 86 units per hectare, which is above the range specified in Policy DC2. However, density is only one measure of acceptability and there are other relevant considerations. The policy does allow exceptions which include large development sites where development briefs have been prepared that indicate that higher densities would be appropriate.
- 7.3 In this case the development is part of a much larger regeneration programme and the number of units on the site has already been agreed as part of the larger Hilldene North permission. The regeneration programme does allow for higher densities. In these circumstances the proposed number of units is considered acceptable. It is also relevant to take account of the site's close proximity to the Harold Hill Minor District Centre and to other community facilities, so there is good access to local services, including good levels of access to local bus routes.
- 7.4 In terms of housing mix, this is predominantly one and two-bed properties which would meet the needs of the Borough as identified in the Housing Needs Assessment. The mix is not significantly different from that approved under the 2013 permission and is considered to be acceptable.
- 7.5 In respect of site layout, the development would be similar to the scheme already permitted, although it would no longer mirror phase 3 to the east of Hilldene Close. The layout provides for perimeter development in a similar manner with development fronting onto the highway with the majority of the car parking in a courtyard behind. This is also similar to the perimeter development fronting onto other roads elsewhere in the area so would help to maintain the general character of the area.
- 7.6 The layout is reasonably spacious and whilst the development would sit much further forward in the streetscene than existing buildings it would generally respect the existing residential character of the wider area and building lines. In Hilldene Avenue, which is much less residential in character, bringing the development forward in the streetscene is considered appropriate given the wide nature of Hilldene Avenue. Overall the built coverage of the site would be much greater than at present, but given its location on the edge of the established residential area and the wide open landscaped area of Hilldene Avenue it is considered that the overall height and degree of prominence of the proposed buildings would not appear overly dominant or intrusive in the local streetscene.

- 7.7 The majority of trees will be removed from the site. However, the landscaping proposals indicate that this will be compensated for by the planting of trees in the front garden areas, especially in Bridgewater Road. The existing trees along Hilldene Close are immature having been planted relatively recently. One established tree within the site would be retained within the development.
- 7.8 In terms of amenity space provision, each of the dwellings has its own private rear garden area. These vary in size and depth but typically are between 5m and 8m in depth with the smallest garden being 26m<sup>2</sup>. The gardens for the dwellings are well configured, private and useable and are considered not to be materially different from the approved scheme.
- 7.9 The flats have a communal landscaped setting and each of the flats has a decent balcony of at least 1.5m in depth, which also accords with the Residential Design SPD. Additionally, there are communal amenity areas to the rear. Play facilities would be provided elsewhere in the Hilldene North development. The site is also within an 800m radius of Central Park, where the Council is upgrading the play facilities there and where there is a significant area of public open space. The proposal is therefore considered to have adequate provision of access to amenity space and play facilities.
- 7.10 The Borough Crime Prevention Design Advisor has been consulted during the design process and reasonable measures have been incorporated to make the development as safe as possible. It is however recommended that conditions relating to Secured by Design and other community safety measures be imposed if permission is granted.
- 7.11 The development is designed to *Lifetime Homes* standard. There are no wheelchair accessible units within this development, which is contrary to Policy DC7, which requires 10% of units to meet this criterion. However, there are 10 fully adapted wheelchair units to be provided on a nearby site, known as the Hilldene East site, which was considered at the same time as the original application for Hilldene North. Whilst numerically the total number of wheelchair units falls below that required by policy DC7 (17 units across both sites) the level of provision across the two schemes was regarded as acceptable and supported by Housing when permission was granted in 2013 for the larger scheme. It was accepted that the provision of units supplied fully adapted, rather than capable of adaption as allowed for by the policy, and immediately available was superior to the simple policy requirement. This is a material factor in this case given that the same considerations apply and staff consider that it would not be reasonable to require additional provision for the revised phase 2 development. Accordingly the scheme is considered acceptable in principle in this respect.

#### Design and visual impact

- 7.12 In terms of scale and massing, the site contains an element of three storey housing, although this is limited to the corner of Hilldene Avenue and Hilldene Close. The three storey scale of the development to the Hilldene Close and

Hilldene Avenue frontages of the site is considered to be compatible with local character as the width of the carriageway is wider and is suited to a larger scale of development. Combined with the shopping centre character of Hilldene Avenue and existing four storey development and a more civic feel to this part of the locality, it is considered that the scale and massing of the proposed buildings would not appear intrusive or overbearing. The length of frontage at three-storeys would be less compared with the 2012 proposals. The terrace of three houses on Hilldene Avenue reflects the character and building line of the residential properties to the west, including the Council building adjacent to the church.

- 7.13 There are no objections in principle to the varying scale and bulk of the buildings which would provide visual interest in the streetscene, whilst respecting local character. For the 2012 application the amount of three-storey development along Hilldene Avenue extended much further and had a greater visual impact. For this application the three-storey element would read as a separate corner building. It would differ from that approved for phase 3 but not adversely so providing a greater variety in building design. The issue of the impact of three-storey development was presented to members as being one of judgement which the committee considered to be acceptable. Having regard to these differences between the two schemes, staff remain of the view that the transition in building height does work successfully and is again, on balance, considered acceptable.
- 7.14 Architecturally, the proposed units have adopted a traditional building form. Materials are principally proposed to be a light coloured brick with contrasting grey brick entrance porches and 'slate' roof tiles. This palette of materials is different to the reddish brick which prevails in the locality but it is considered that it would be acceptable and give a modern degree of contrast to the prevailing local housing character. The proposal is considered to have a bold visual impact but with sufficient traditional elements to complement the locality. Staff consider the development need not necessarily fully reflect the height or architecture of surrounding buildings and would have an acceptable visual impact in its own right, especially as it would be replacing a commercial use which could be considered to have an adverse impact on local character. Details of materials are given in the application but it is considered that the submission of samples for approval should be required by condition.

#### Impact on Amenity

- 7.15 The application site does not share a direct boundary with any residential property. The only adjoining property is a church which is set back from the highway frontage and from the site boundaries. The new dwellings adjoining that site would be two-storey and set back from the common boundary. Staff consider, therefore, that there would be no material adverse impact on the amenities of users of the church or local residents and would comply with LDF Policy DC61.
- 7.16 Within the development the relationship between residential units is generally acceptable. There are some tight relationships, where the flank wall of

proposed dwellings abuts the rear boundary of other dwelling plots (such as the relationship of plots 06/07 with plot 08). Whilst the siting of a two storey flank wall directly on the rear boundary of proposed dwellings is not ideal, some revisions were made at the pre-application stage and some similar relationships were considered acceptable in the 2012 application. In view of these factors staff consider, as a matter of judgement, that the proposed dwellings would still enjoy a reasonable level of amenity, such that the proposals do not give rise to materially unacceptable living conditions such as amount to a material objection to the proposal.

#### Environmental matters

- 7.17 A land contamination desk top and site investigation study have been carried out (submitted with the 2012 application). However, Public Protection recommended that a condition is imposed to cover further investigations that are considered necessary. A condition is recommended in respect of land contamination issues.
- 7.18 Public Protection has also advised (for the 2012 proposals) that an air quality assessment would be required owing to the number of parking spaces within the development. However, staff considered that this would best be dealt with by a condition requiring the submission of a travel plan aiming to reduce private car use as a more practical means of encouraging a reduction in air pollution. In this case, given the relatively small number of units compared with the wider scheme such a condition is not considered appropriate.
- 7.19 With regard to internal noise in the flatted element this would be addressed through the Building Regulations and no condition is considered necessary.
- 7.20 An energy strategy and sustainability statement has been submitted with the application. The energy strategy indicates that the development will achieve a minimum meet Code for Sustainable Homes Level 4. It is recommended that the aims of these statements be secured by condition.
- 7.21 An ecology assessment was submitted with the 2012 application and is referred to as a supporting document in the current application. There is no indication of the presence of any rare or protected species, including bats on the site. The report does make recommendations relating to the impact of development on nesting birds and opportunities for bio-diversity enhancement. It is therefore recommended that a condition be imposed requiring the development to be carried out in accordance with the requirements and recommendations of the ecological report.
- 7.22 English Heritage (GLAAS) advise that the proposal may affect remains of archaeological significance and should be subject of a condition requiring a programme of archaeological work to be undertaken. This will accord with Policy DC70 of the LDF and Policy 7.8 of the London Plan.

#### Parking and Highway Issues

- 7.23 The proposal provides a total of 28 parking spaces which equates to 1.33 spaces per dwelling. Whilst this falls below the LDF parking requirements of 2-1.5 spaces per dwelling this is compatible with the ratio previously approved. Given the previous approval may still be implemented this represents a material planning consideration. Streetcare (Highway Authority) has not objected on this basis but advises that this could lead to overspill parking on the public highway which is a problem in the area. The configuration of the parking and the new access from Hilldene Close is considered acceptable. Eight of the twelve dwellings would have frontage parking and the four three-bed houses would have two spaces each. One of the spaces for Plot 07 and both for Plot 08 are in the parking court. Whilst Plot 08 would have rear access to these spaces, Plot 07 does not. Notwithstanding this, the overall the parking provision and the location of spaces is considered acceptable. The proposals also make provision for cycle parking, which would be secured by condition.
- 7.24 The proposed development would involve the loss of public highway along Hilldene Close. This part of the highway comprises a footpath and greensward adjacent to the carriageway. The development would utilise the footway and part of the greensward. The existing footway would be relocated adjacent to the carriageway. There are no highway objections to the loss of highway, subject to the replacement footpath being constructed and available for use prior to the existing one being lost. This would be addressed by planning condition. The highway would need to be stopped up prior to any development taking place. The existing accesses onto Hilldene Avenue would also need to be closed off.
- 7.25 Whilst no objections are raised the proposed pedestrian visibility splays of the new access onto Hilldene Close are considered to be inadequate. A condition is recommended to require the necessary visibility. The proposal is considered to make suitable provision for the collection of refuse

#### Affordable Housing

- 7.26 In terms of affordable housing the aim is to achieve 50% across the borough in accordance with Policy DC6. In this case staff consider it appropriate to assess the provision across the whole Hilldene North development as previously considered. This provides 58% of the total of 100 units which would meet the aims of the policy. Phase 1 of the Hilldene North development, where the affordable housing provision was to be made, has already commenced, providing assurance that the affordable housing will be provided. There was no intention to provide affordable units on phase 2 of the Hilldene North provision; as such this application does not result in any change to affordable housing provision overall compared to the existing consent. The total number of units for Hilldene North would not be increased as a result of the current application. The redevelopment of the site would still help to deliver the Council's *Living Ambitions* programme for Hilldene North. In these circumstances no further affordable units are considered appropriate.

## **8.0 Mayor's Community Infrastructure Levy**

8.1 The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable fee is charged at £20 per m<sup>2</sup> based on an internal gross floor area of 1354.5m<sup>2</sup> less the area of existing buildings in use to be demolished (314 m<sup>2</sup>). This equates to a Mayoral CIL payment of £27,090.

## **9.0 S106 Planning obligations**

9.1 In accordance with the Planning obligation SPD a financial contribution is chargeable at £6,000 per new dwelling. This gives a total charge of £126,000. This would be secured through a S106 obligation entered into prior to the grant of a planning permission. The redevelopment of the site is already covered by a separate obligation relating to the 2013 permission, which phases the payment. However, the developer would only be required to pay one contribution depending on which scheme is implemented.

9.2 A training and recruitment scheme has already been agreed under the existing S106. This would not be applicable to this proposal, however, given the scale of the development a separate scheme is not considered to be appropriate.

9.3 The restriction on the occupation of market units in the current obligation does not need to be carried forward as this proposal is only for 21 units and the affordable housing element of the overall North Hilldene scheme is already well advanced. Phase 3 (library site) which is also for 21 units, will not be redeveloped until the library has been relocated.

## **10.0 Conclusions**

10.1 The proposed residential development on the site is acceptable in principle. The design, scale and layout of the proposed development is generally considered to be in keeping with the character and amenity of the locality and to provide a suitably high quality living environment. There is judged to be no material harm to neighbouring residential amenity arising from the proposals and the application makes acceptable provision for landscaping, sustainability and for environmental protection. The proposal is considered to be acceptable in respect of parking and highways issues. The proposal is considered to be consistent with the aims and objectives of the Harold Hill Ambitions Programme.

10.2 The proposal does not include any affordable housing; however, account has been taken of the provision in the wider Hilldene North development. This provides in excess of the policy requirement. There would also be a contribution to meet infrastructure costs associated with the development in accordance with the Planning Obligations SPD. This would be secured through a S106 Planning obligation. The proposal is therefore judged to be acceptable, subject to the obligation and conditions, and it is recommended that planning permission is granted accordingly.



## **IMPLICATIONS AND RISKS**

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

None

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

Legal resources will be required to prepare and complete the legal agreements; Section 106 and highway agreement and to deal with any application for a stopping up of highway.

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

None

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

The Council's planning policies are implemented with regard to equality and diversity. The development includes a mix of unit types and is designed to meet Lifetime Homes criteria. The development accords with the objectives of the Harold Hill Ambitions programme, which seeks to promote equality of opportunity to all residents of the Borough.

## **BACKGROUND PAPERS**

1. Application forms and plans received 6<sup>th</sup> June 2014; revised plans received 9<sup>th</sup> July 2014.

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# REGULATORY SERVICES COMMITTEE

# REPORT

4 September 2014

**Subject Heading:**

P1010.14 58-60 Station Road , Upminster

Demolition of existing building and construction of new mixed use building with retail use on the ground floor with a cycle store and two bin stores and 6 residential units on the upper floors. (application received 14.7.14)

**Report Author and contact details:**

Suzanne Terry 01708 4322755  
[Suzanne.terry@havering.gov.uk](mailto:Suzanne.terry@havering.gov.uk)

**Policy context:**

Local Development Framework  
Development Control Policies  
Development Plan Document

National Planning Policy Framework

London Plan

**Financial summary:**

Not relevant

**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]
Value and enhance the life of our residents	[x]
Delivering high customer satisfaction and a stable council tax	[]

## SUMMARY

This application follows the refusal by the committee in June 2014 of a similar proposal for the demolition of the building and the redevelopment of the site for mixed use. That application proposed seven flats above retail and was refused on the grounds that the development would appear dominant and visually intrusive in the streetscene that would be harmful to the character and appearance of the area. This application proposes a reduced height and some design changes. On balance the scheme is now considered to be acceptable. Councillor Linda Van Den Hende has requested that the application is brought before the committee. She raises concerns regarding the bulk and unsuitability in the street scene, parking for residents and for the shops.

## RECOMMENDATIONS

1. That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable fee would be £6,600 subject to indexation. This is based on the creation of 330m<sup>2</sup> of new gross internal floor space.
2. 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 £36,000 to be used towards infrastructure costs in accordance with the Policy DC72 of the LDF Core Strategy and Development Control Policies Development Plan Document and the Planning Obligations Supplementary Planning Document.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the 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.

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 set out on page one of this decision notice).

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

3. *Car parking* - No building shall be occupied or use commenced until the car/vehicle parking area shown on the approved plans has been completed, and thereafter, the area shall be kept free of obstruction and available for the parking of vehicles associated with the development

**Reason:** To ensure that there are adequate parking facilities to serve the development in the interests of highway safety and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC33.

4. *Materials* - The development hereby permitted shall not be commenced until samples of all materials to be used in the external construction of the buildings and hard landscaped areas have been submitted to and approved in writing by the Local Planning Authority. 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 in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61.

5. *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.

6. *Cycle storage* - Prior to completion of the development 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 and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC36.

7. *Secured by Design* - The development hereby permitted shall not be commenced until details of the measures to be incorporated into the development demonstrating how the principles and practices of the Secured by Design scheme have been included have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, and shall not be occupied or used until written confirmation of compliance with the agreed details has been submitted to and approved in writing by the LPA.

**Reason:** In the interest of creating safer, sustainable communities, reflecting guidance set out in the National Planning Policy Framework, Policy 7.3 of the London Plan, and Policies CP17 and DC63 of the LDF Development Control Policies Development Plan Document.

8. *External lighting* - The development hereby permitted shall not be commenced until a scheme for the lighting of external areas of the development, including any access roads, has been submitted to and approved in writing by the local planning authority. The scheme of lighting shall include details of the extent of illumination together with precise details of the height, location and design of the lights. The approved scheme shall then be implemented in strict accordance with the agreed details prior to the first occupation of that phase of the development and retained thereafter.

**Reason:** In the interests of highway safety and amenity. Also in order that the development accords with Policies DC32 and DC61 of the LDF Development Control Policies Development Plan Document.

12. *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.

13. *Wheel washing* - The development hereby permitted shall not be commenced until details of wheel scrubbing/wash down facilities to prevent mud being deposited onto the public highway during the construction works has been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be

permanently retained and used at relevant entrances to the site throughout the course of construction works.

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

14. *Construction methodology* - The development hereby permitted shall not be commenced until a scheme has been 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 that phase 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 authority; siting and design of temporary buildings;
- g) scheme for security fencing/hoardings, depicting a readily visible 24-hour contact number for queries or emergencies;
- h) 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 with the LDF Development Control Policies Development Plan Document Policy DC61.

15. *Land contamination* - The development hereby permitted shall not be commenced until the developer has submitted for the written approval of the Local Planning Authority (the Phase I Report having already been submitted to the Local Planning Authority):

a) 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 site ground conditions. An updated Site Conceptual Model should be included showing all the potential pollutant linkages and an assessment of risk to identified receptors.

b) A Phase III (Risk Management Strategy) Report if the Phase II Report confirms the presence of a significant pollutant linkage requiring remediation. The report will comprise two parts:

Part A - Remediation Scheme which will be fully implemented before it is first occupied. Any variation to the scheme shall be agreed in writing to the Local Planning Authority in advance of works being undertaken. The Remediation Scheme is to include consideration and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Planning Authority for written approval.

Part B - Following completion of the remediation works a 'Validation Report' must be submitted demonstrating that the works have been carried out satisfactorily and remediation targets have been achieved.

c) If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals, then revised contamination proposals shall be submitted to the LPA; and

d) If during development work, site contaminants are found in areas previously expected to be clean, then their remediation shall be carried out in line with the agreed contamination proposals.

For further guidance see the leaflet titled, 'Land Contamination and the Planning Process'

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

16. *Pedestrian visibility splays*- Pedestrian visibility splays shall be provided on either side of the access onto Howard Road of 2.1 by 2.1 metre back to the boundary of the public footway. There should be no obstruction or object higher than 0.6 metres within the visibility splay.

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

17. *Restriction of use* - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) Order 1995 (as amended) the ground floor use hereby permitted shall be A1 only and shall be used for no other purpose(s) whatsoever including any other use as set out in Schedule 2, Part 3 of the Order.

**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.

18. *Landscaping* - No works shall take place in relation to any of the development hereby approved 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.

### **Informatives**

1. *DMO Statement* - 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. *Mayoral CIL* - 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 £6,600 (subject to indexation). 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 and you are required to notify the Council of the commencement of the development before works begin. Further details with regard to CIL are available from the Council's website.

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

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

4. *Temporary use of the highway* - If any 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. If the developer requires scaffolding, hoarding or mobile cranes to be used on the highway, a licence is required and Streetcare should be contacted on 01708 434343 to make the necessary arrangements.

5. *Secured by Design* - In promoting the delivery of safer, stronger, sustainable places the Local Planning Authority fully supports the adoption of the principles and practices of the Secured by Design Award Scheme and Designing against Crime. Your attention is drawn to the free professional service provided by the Metropolitan Police Designing Out Crime Officers for North East London, whose can be contacted via

DOCOMailbox.NE@met.police.uk or 0208 217 3813 . They are able to provide qualified advice on incorporating crime prevention measures into new developments.

## REPORT DETAIL

### 1. Call In

Councillor Linda Van Den Hende has requested that the application is brought before the committee. She raises concerns regarding the bulk and unsuitability in the street scene, parking for residents and for the shops.

### 2. Site Description

2.1 The application site lies within the retail core of Upminster Town Centre. It comprises a three storey building at the end of a parade with mainly retail units on the ground floor and residential and some offices above. The building continues at three storeys around the corner into Howard Road. Along the Howard Road frontage toward the back of the site is a single storey white rendered building occupied by a D1 use beyond which are residential properties. There is access to the rear of the buildings from Howard Road and parking space for 8-10 cars. On-street parking along Howard Road adjacent to the single storey building is restricted to 2 hours, elsewhere it is restricted during morning peaks. On the north side of the site is a three storey rear extension to no. 62 Station Road which is in office use and which shares the same access.

2.2 The existing Station Road frontage is constructed in red brick with two bay windows at first floor level with a second storey window in the centre. This elevation has an ornamental parapet in the centre above the second storey window. There is also a parapet along the Howard Road frontage. The rear elevations are in yellow brick. The total site area is 0.05 hectares.

2.3 On the southern corner of Howard Road is a three/four storey building with A1 and A2 uses on the ground floor with offices above. On the opposite (western) side of Station Road on the corner with Branfill Road are two more recent mixed use developments (Marks and Spencer and Alder Court) which are both four storey with retail on the ground floor with flats above. On the other corner of Branfill Road is Roomes department store which is three- storey. Most of the remainder of the retail frontage in Station Road is two or three storey.

### 3. Description of proposal

3.1 This is a full application for the redevelopment of the site following demolition of the existing end of terrace building and the single storey building to the rear. The new building would provide increased retail floorspace and six residential units over two floors.

- 3.2 The new building would be in two main sections in contrasting red and yellow bricks. Both sections would be three-storeys, but the red brick section that fronts onto Station Road and wraps around the corner into Howard Road would be higher. This is because the accommodation would have higher room heights to reflect the scale of the adjoining properties in Station Road. The front section would have a flat roof behind a parapet wall and detailing on the Station Road elevation that reflects the existing building.
- 3.3 The ground floor would comprise the main retail floorspace and would provide a retail frontage to both elevations. There would be four flats on the floors above this section of the building; two on each floor.
- 3.4 The rear section would be three-storey in yellow brick and would run along most of the remainder of the Howard Road frontage. It would be significantly lower than the front section. A visual break would be provided between the two sections by use of a contrasting brick colour that reflects the rear facades of existing buildings and a setback of 0.6 metres from the site boundary. This rear section would reduce to single-storey on the northern side, adjacent to the boundary with no. 62 Station Road. This would allow some of the flats a dual aspect. This part of the development would have retail on the ground floor with two flats above, one on each floor.
- 3.5 There would be six flats altogether all of which would be two-bed. Four car parking spaces and a delivery bay would be provided to the rear taking access from Howard Road via the existing access point. The ground floor would comprise a single retail unit to replace the A1 and D1 units with the entrance from Station Road. The entrance to the flats would also be from Howard Road which would also provide access to secure cycle storage. There would be direct access to the bin storage area from Howard Road. There would be a small landscaping strip along the Howard Road frontage. One of the other flats on the first floor would also have a balcony overlooking Howard Road. There would be no other amenity space provision.
- 3.6 The new building would replicate detailing features from the existing building, particularly from the front elevation. The building would be constructed in a similar coloured brick and provide similar bay windows to the first floor. The ornamental parapet feature would be replicated in the centre.
- 3.7 The rear three-storey section would also have a tiled mansard style roof along the three-storey extent and a flat roof on the single storey element.

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

- 4.1 P0744.13 - The demolition of existing building and construction of new mixed use building with retail use on the ground floor with a cycle store and two bin stores and 7 residential flats on the upper floors. Refused 20/06/2014

## 5. Consultations/Representations

- 5.1 The application has been advertised on site and 61 neighbour notification letters have been sent to local addresses. No letters of representation have been received in response. However, at the time of drafting this report the neighbour consultation period had not expired. Any letters subsequently received will be reported at the meeting.
- 5.2 Thames Water has no comments.
- 5.3 London Fire Brigade (Water Team) is satisfied with the proposals.
- 5.4 Public Protection requests a conditions covering ground contaminated, sound insulation and construction method statement.
- 5.5 Essex and Suffolk Water has no objections to the development. New metered water connections should be provided.
- 5.6 London fire and Emergency Planning Authority is satisfied with the proposals.
- 5.7 Metropolitan Police Crime Prevention Design Advisor is unable to comment on applications below 10 units but previously advised (2013 application) that the applicant appears to have considered crime prevention measures in the design of the development. Recommends conditions to address secured by design issues including lighting for car parking areas and security measures for the store.
- 5.8 Streetcare (Highway Authority) has no objections (2013 application). Site has a PTAL score of 5 indicating good access to transport facilities so 4 parking spaces acceptable. Identifies requirements for cycle storage, pedestrian visibility splays and use of the highway during construction.

## 6. Relevant Policies

- 6.1 Policies CP1 (Housing Supply); CP4 (Town Centres); CP9 (Reducing the need to travel); CP10 (Sustainable Transport); CP15 (Environmental management); CP17 (Design); CP18 (Heritage); DC2 (Housing Mix and Density); DC3 (Housing Design and Layout); DC7 (Lifetime Homes and Mobility Housing); DC33 (Car Parking); DC34 (Walking); DC35 (Cycling); DC36 (Servicing); DC40 (Waste Recycling); DC49 (Sustainable Design and Construction); DC50 (Renewable Energy); DC53 (Contaminated Land); DC61 (Urban Design); DC62 (Access); DC63 (Delivering Safer Places); DC72 (Planning obligations) of the Local Development Framework (LDF) Core Strategy and Development Control Policies Development Plan Document (DPD) are material considerations.
- 6.2 In addition, the Planning Obligations SPD, Residential Design Supplementary Planning Document (SPD), Designing Safer Places SPD, and Sustainable Design and Construction SPD are also material considerations.

- 6.3 Policies 2.15 (Town Centres) 3.3 (increasing housing supply), 3.4 (optimising housing potential); 3.5 (quality and design of housing developments), 4.7 (Retail and Town Centre Development; and 8.2 (planning obligations) of the London Plan are material considerations.
- 6.4 The provisions of the National Planning Policy Framework and the National Planning Policy Guidance are also material considerations.

## 7. **Staff Comments**

- 7.1 The site lies within Upminster Town Centre where the redevelopment of land for mixed use would normally be considered acceptable. The main issues for consideration are the layout and form of development, the impact on the character and appearance of the streetscene, impact on amenity, highway and car parking issues.

### Principle of the development

- 7.2 The application site lies within an existing town centre within the defined retail core where the redevelopment of a site for retail and residential purposes would be acceptable in principle in accordance with Policy CP1 of the LDF Core Strategy and Development Control Policies DPD and the guidance in the National Planning Policy Framework (NPPF).
- 7.3 The site is in a sustainable location with very good access to public transport given the proximity of Upminster station and local bus services that pass along Station Road. The site is very close to local amenities, including shops, schools, library and public parks. Therefore, subject to an acceptable impact on the character and appearance of the area, the streetscene and the amenities of adjoining occupiers the development can be considered acceptable.

### Density/Site Layout

- 7.4 The density of the residential element would be 120 units per hectare or 360 habitable rooms per hectare. The London Plan Housing SPG and LDF Policy DC2 set out densities for new residential development. The densities proposed would be in accordance with the policy and guidance. Therefore, for a town centre development the density proposed is considered acceptable. The SPG also sets minimum floorspace standards for all housing types. The proposed units would meet these standards. However, whilst meeting these layout parameters indicates that the development would be broadly acceptable, account also needs to be taken of the character of the local area and whether the scale of the development is appropriate in terms of its appearance in the local context. Account also needs to be taken of any adverse impact on the amenity of nearby occupiers.

### Design/Impact on the streetscene

- 7.5 The application site is in a prominent corner position within Upminster Town Centre and the main building currently makes a positive contribution to the

character and appearance of the area. The single storey building along Howard Road is considered to have a neutral effect on the streetscene. There is a contrast in scale between the buildings that make up the retail frontage and the mainly two storey dwellings behind the frontage. The single storey building marks a transition between the taller town centre buildings and those of residential scale to the east.

- 7.6 The buildings in Station Road have a mix of architectural styles, including more recent developments such as those on the west side of the road opposite the application site. The higher buildings also extend behind the main frontage into mainly residential streets, such as Howard Road and Branfill Road. The National Planning Practice Guidance states that good quality design is an integral part of sustainable development. The guidance in the NPPF is that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. LDF Policy DC61 requires that new buildings complement or improve the character of the area and respect the scale, massing and height of the surrounding physical context. In refusing planning permission for the earlier application members had regard to this guidance and judged that the four-storey elements of the proposal were excessive and would have an adverse impact on the area.
- 7.7 The changes made reduce the scale and height of the new building and the design changes improve the overall appearance of the building. The existing first floor features are replicated in a manner which would make the appearance of the new building acceptable in the streetscene. Again this will be a matter for members to judge in relation to the guidance in the NPPF and the LDF Development Control Policies. Should members again judge that the proposal would still be harmful, notwithstanding the changes, this could amount to a material objection to the application
- 7.8 The Howard Road elevations would again be generally acceptable even with the overall increase in the bulk of the building as it would be similar to the situation elsewhere on the edge of the town centre. There are no changes to this elevation from the earlier application. There would also be an adequate gap between the new building and the nearest houses. Overall staff consider as a matter of judgement that the proposed new building would be acceptable and not have a materially adverse impact on the character and appearance of the area.

#### Impact on amenity

- 7.9 The proposed development would have some adverse impact on adjoining properties mainly as a result of a loss of daylight and sunlight. This loss would arise through the additional two storeys along the Howard Road frontage in place of the existing single storey building. Most of the rooms affected are in commercial use but some to the rear of no.62 Station Road are in residential use. Policy 61 of the LDF states that planning permission will not be granted where development results in an unacceptable overshadowing or loss of sunlight/daylight. There is no national guidance on loss of light, although 'rights

to light' are set out in law. The submission details include a daylight and sunlight report based upon guidance issued by the Building Research Establishment (BRE) in 2011. The guidance states that in residential properties only habitable rooms should be assessed and in non-domestic buildings on rooms where there is an expectation of daylight. The assessment has had regard to the location of the annexe to the rear of no.62 which is close to the boundary of the development site. The assessment concluded that whilst there would be a loss of daylight and sunlight to existing windows, these either served non-habitable rooms, already had restricted light or were very close to the site boundary. The assessment concluded that the development would meet the terms of the guidance.

- 7.10 However, the assessment does not specifically address the issue of impact on amenity. Nevertheless there would be no overshadowing of garden or external amenity areas and the additional impact on windows to existing residential properties, where natural light is already restricted, is not considered to be significant. Overall staff consider that there would be no significant impact to the amenities of the occupiers of 62 and 62a Station Road or to houses to the east of the site in Howard Road which are further from the site.
- 7.11 Windows in the proposed development would look northward towards those of 62 Station Road. However, these serve non-habitable rooms or corridors and the windows only face those of offices or other non-residential accommodation. None of the windows would overlook rear gardens or communal amenity areas.
- 7.12 There would be some loss of light to commercial premises, but the impact on amenity is not considered to be significant. Overall there would be some loss of light to adjoining properties but not to an extent that it would amount to an overriding objection. There would be no overlooking or interlooking issues arising.

#### Parking and Highway Issues

- 7.13 The proposed redevelopment would increase the building footprint compared with the current buildings on site, thereby reducing the area available for car parking. The application details do not indicate whether the four spaces to be provided would be for future residents, the new retail unit or shared between the two. For the residential element both the London Plan SPG on housing and the density matrix in LDF Policy DC2 indicate that less than one space per unit would be acceptable given the high public transport accessibility level (PTAL) of 5. The maximum standard for a non-food shop would be between four and five spaces. This would provide parking mainly for staff. Upminster has other public parking areas for shoppers, including short-term on street parking. No objections are raised by the Highway Authority to the proposed parking provision. Given the accessibility of the site to local services and public transport staff consider that the site is in a sustainable location and the proposed level of car parking would be acceptable. The proposed level of parking is the same as for the refused application and the level of parking was not one of the reasons for refusal.

## Other Issues

- 7.14 Of the six flats proposed only one would have some form of amenity area. LDF policies are not prescriptive in terms of the amount of amenity space that should be provided in residential developments. The amenity space that is provided should be usable and of sufficient quality. The balcony proposed would provide satisfactory usable amenity space appropriate in a town centre location. In town centres it may not always be possible to provide amenity areas for flatted development, especially given the relatively high densities achieved and the constraints posed by redevelopment sites. For this scheme additional amenity space could not be easily accommodated which would meet the criteria for usable space. There are public parks and open spaces reasonably close to the site and staff consider that the provision proposed is acceptable.

## Secured by Design

- 7.15 LDF Policy DC 63 seeks to ensure that new developments are designed to discourage crime and adopt the principles and practices of the 'Secured by Design' award scheme. The previous comments of the Crime Prevention Design Advisor are that the proposed development has taken these into account and that subject to conditions to cover lighting and security measures the development would be acceptable.

## Section 106 Planning Obligations

- 7.16 The dwellings would result in additional local infrastructure demand such that a financial contribution is needed in accordance with Policy DC72 and the SPD on Planning Obligations. There would be six new units and at £6,000 per new dwelling the charge would be £36,000 which would need to be secured through a S106 Planning Obligation

## 8. Mayor's Community Infrastructure Levy (CIL)

- 8.1 All new floorspace is liable for Mayoral CIL, but in assessing the liability account is taken of existing usable floorspace that has been lawfully used for at least six months within the last three years. The existing floorspace amounts to 459 m<sup>2</sup> and is in lawful use as a shop with offices above and as a beauty clinic. The new build following demolition would amount to 789 m<sup>2</sup> giving a net increase of 330m<sup>2</sup>. The CIL rate is £20 per square metre giving a CIL liability of £6,600.

## 9. Conclusions

- 9.1 The site lies with the retail core area of Upminster Town Centre where the redevelopment of the site for mixed use with retail on the ground floor is considered acceptable in principle. The main issues relate to the design and scale of the building and its impact on the character and appearance of the area. The site is in a prominent end of terrace street corner location and staff consider that, as a matter of judgement and in view of the changes made, the proposed new building would not be materially harmful to the character and appearance of the area. The grant of planning permission is recommended



accordingly subject to the prior completion of a S106 legal agreement to secure a financial contribution towards local infrastructure costs and appropriate conditions.

- 9.2 However, should members consider that, notwithstanding the changes made the building would still be visually dominant and materially harmful to the character and appearance of the area then there would be a case for refusal.

## **IMPLICATIONS AND RISKS**

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

None

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

Legal resources will be required to prepare and complete the S 106 legal agreement.

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

None

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

The Council's planning policies are implemented with regard to equality and diversity.

## **BACKGROUND PAPERS**

1. Application form and plans received 14 July 2014.

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**REGULATORY  
SERVICES  
COMMITTEE**

**REPORT**

4 September 2014

**Subject Heading:**

P0923.14 – Land adjacent to Mole End, Noak Hill Road, Romford – Demolish existing double garage and tack room and erect 1 No. 2 bedroom, 4 person single storey house (received 14/07/14)

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

## SUMMARY

The application seeks planning permission to demolish the existing double garage and tack room and erect one, two bedroom, four person single storey house. Staff consider that the proposal would accord with the residential, environmental and highways policies contained in the Local Development Framework Core Strategy and Development Control Policies Development Plan Document. It is recommended that planning permission be granted subject to conditions and the completion of a Section 106 Legal Agreement.

## RECOMMENDATIONS

That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable fee would be £696.85, subject to indexation. This is based on the creation of 35 square metres of new gross internal floor space.

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 £6,000 to be used towards infrastructure costs in accordance with the Planning Obligations Supplementary Planning Document.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 Agreement to the date of receipt by the Council.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the Agreement, prior to completion of the Agreement, irrespective of whether the agreement is completed.
- The Developer/Owner to pay the appropriate planning obligation/s monitoring fee prior to completion of the Agreement.

That Staff be authorised to enter into a legal agreement to secure the above and upon completion of that Agreement, grant planning permission subject to the conditions 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 Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

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

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

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

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

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

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

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

6. 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 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.

7. Cycle storage - Prior to the first occupation of the development 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.

8. 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.

9. Obscure glazing - The high level bathroom window on the southern elevation of the dwelling as shown on the approved Drawing No. 1069/04A shall be permanently glazed with obscure glass to the satisfaction of the Local Planning Authority.

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

10. Boundary fencing – 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.

11. Permitted Development - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 Article 3, Schedule 2, Part 1, as amended by the Town and Country Planning (General Permitted Development) (Amendment)(no. 2)(England) Order 2008 Classes A - E, or any subsequent order revoking or re-enacting that order, no extensions, roof extensions or alterations shall take place to the dwelling house and no outbuildings shall be erected in the rear garden area of the dwellings, with the exception of ancillary structures up to 10 cubic metres in volume, 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.

12. Soil contamination

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

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

13. Land Contamination

The applicant shall enable a watching brief to be implemented for the presence of any land contamination throughout the construction works. In the event that contamination is found at any time when carrying out the development, it should be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must then be undertaken and whether remediation is necessary a remediation scheme must be prepared, implemented and verified to the satisfaction of the Local Planning Authority.

**Reason:** To ensure that risks from any unexpected land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and the

development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with LDF Core Strategy and Development Control Policies DPD Policy DC63.

Car parking – Before the dwelling hereby permitted is first occupied, the car parking provision shall be laid out to the full satisfaction of the Local Planning Authority and be made available for 2no. car parking spaces and thereafter this car parking provision shall remain permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

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

## INFORMATIVES

1.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 £696.85. 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.

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

3.Following a change in government legislation a fee is now required when submitting details pursuant to the discharge of conditions, in order to comply with the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations, which came into force from 06.04.2008. A fee of £97 per request is needed.

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

5. 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.

6. In promoting the delivery of safer, stronger, sustainable places the Local Planning Authority fully supports the adoption of the principles and practices of the Secured by Design Award Scheme and Designing against Crime.



Your attention is drawn to the free professional service provided by the Metropolitan Police Designing Out Crime Officers for North East London, whose can be contacted via DOCOMailbox.NE@met.police.uk or 0208 217 3813. They are able to provide qualified advice on incorporating crime prevention measures into new developments.

## REPORT DETAIL

### 1. **Site Description:**

- 1.1 The application site is located on the north western side of Noak Hill Road. There is a two storey detached dwelling entitled 'Mole End' and the application site comprises the adjacent detached single storey double garage and tack room. Rose Cottages are Grade II listed and are located to the south west of the site, with a detached garage adjacent to the south western boundary of the site. Ground levels fall from north east to south west. The application site and the surrounding area are located within the Metropolitan Green Belt.

### 2. **Description of development:**

- 2.1 The application seeks full planning permission for the demolition of the existing double garage and tack room and the erection of one, two bedroom, single storey house on land adjacent to 'Mole End', Noak Hill Road. The proposed dwelling would measure 10.6 metres in depth, with a width of 8 metres. The gabled roof would be 4.3 metres in height at the ridge and 2.5 metres to the eaves.

### 3. **Relevant History:**

- 3.1 P1343.13 – Demolition of the existing double garage and tack room and erection of a detached dwelling – Refused.

D0022.07 – Certificate of Lawfulness use of garage/store building as a dwellinghouse ancillary to the enjoyment of the dwellinghouse at Mole End, Noak Hill Road – Planning permission not required.

P0379.92 – Single storey rear extension – Approved.

### 4. **Consultations/Representations:**

- 4.1 The application has been advertised in a local newspaper and by way of a site notice as a departure from Green Belt policies. Ten neighbouring occupiers were notified of the planning application. No letters of representation were received.
- 4.2 Crime Prevention Design Advisor – Recommends an informative if minded to grant planning permission.

- 4.3 The Highway Authority has no objections to the proposal.
- 4.4 London Fire and Emergency Planning Authority– Insufficient detail provided to assess if access for fire brigade vehicles complies with Section 11 of the ADB volume 1.
- 4.5 London Fire Brigade Water Team – No objection.
- 4.6 Council’s Heritage Officer – No objection.
- 4.7 Environmental Health – It is important to ensure that any soil imported to site is free from significant contamination and pose no risk to human health, property, ecological system and controlled water. To safeguard the situation, it is recommended that two conditions are placed regarding soil and land contamination.
- 4.8 English Heritage – Having considered the proposals with reference to information held in the Greater London Historic Environment Record and/or made available in connection with this application, it is concluded that the proposal is unlikely to have a significant effect on heritage assets of archaeological interest.
5. **Relevant policies:**
- 5.1 Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP14 (Green Belt), CP17 (Design), CP18 (Heritage), DC2 (Housing Mix and Density), DC3 (Housing Design and Layout), DC33 (Car Parking), DC45 (Green Belt), DC53 (Contaminated land), DC61 (Urban Design), DC63 (Delivering Safer Places), DC67 (Buildings of Heritage Interest) and DC72 (Planning Obligations) of the LDF Core Strategy and Development Control Policies Development Plan Document are also considered to be relevant together with the Design for Living Residential Design Supplementary Planning Document, the Residential Extensions and Alterations Supplementary Planning Document and the Planning Obligation Supplementary Planning Document.
- 5.2 Policies 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 6.13 (parking), 7.1 (building London’s neighbourhoods and communities), 7.13 (safety, security and resilience to emergency), 7.4 (local character), 7.8 (Heritage Assets and Archaeology) and 8.2 (Planning obligations) of the London Plan are relevant.
- 5.3 Policies 6 (Delivering a wide choice of high quality homes), 7 (Requiring good design), 9 (Protecting Green Belt land) and 12 (Conserving and enhancing the historic environment) of the National Planning Policy Framework are relevant.

6. **Staff Comments:**

6.1 This proposal follows a previous application P1343.13 for the demolition of the existing double garage and tack room and the erection of a detached dwelling, which was refused planning permission for the following reasons:

1. The site is within the area identified in the Local Development Framework as Metropolitan Green Belt. Policy DC45 of the LDF and Government Guidance as set out in the National Planning Policy Framework (Green Belts) states that in order to achieve the purposes of the Metropolitan Green Belt it is essential to retain and protect the existing rural character of the area so allocated and that new development will only be permitted outside the existing built up areas in the most exceptional circumstances. The development is inappropriate in principle in the Green Belt and no very special circumstances have been submitted in this case to outweigh the harm caused by reason of inappropriateness and visual harm to the character and openness of the Green Belt. The proposal is therefore contrary to Policy DC45 of the LDF Core Strategy and Development Control Policies Development Plan Document, as well as the National Planning Policy Framework.

2. The proposed dwelling would, due to its proposed design, height, scale and bulk, be out of character with the local pattern of development and appear incongruous, dominant and visually intrusive in the streetscene harmful to the character and appearance of the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.

3. The demolition of the double garage and tack room and construction of a new dwelling would create a discordant feature in the streetscene and detract from the sense of age and vernacular architecture of neighbouring development, thereby having a detrimental impact on the setting of Rose Cottages, which are Grade II Listed contrary to Policies DC61 and DC67 of the LDF Core Strategy and Development Control Policies DPD and the Heritage SPD.

6.2 The current application differs from the refused scheme in the following key areas:

- The accommodation in the roof space has been removed.
- The height of the dwelling has been reduced from 6.1 to 4.3 metres.
- The footprint of the dwelling has been increased.
- The appearance of the dwelling has changed.

6.3 The issues arising from this application are the principle of development, the impact upon the character and openness Metropolitan Green Belt, the impact on the streetscene and the setting of the adjacent Grade II listed Rose Cottages, amenity implications, any highway and parking issues and the case for very special circumstances.

## 6.4 Principle of Development

6.4.1 The application site lies within Metropolitan Green Belt. The proposal is for the demolition of the existing double garage and tack room and the erection of a single storey detached dwelling. Policy 9 of the National Planning Policy Framework (NPPF) states that the construction of new buildings is inappropriate in Green Belt. The exceptions to this are:

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

6.4.2 Policy DC45 of the LDF states that planning permission for new buildings will only be granted for the following purposes:

- they are essential for agriculture and forestry, outdoor recreation, nature conservation, cemeteries, mineral extraction or park and ride facilities, or
- they involve limited infilling or redevelopment on a site designated as a Major Developed Site in accordance with DC46.

6.4.3 It is noted that the proposed dwelling would replace the existing double garage and tack room, although it would not be in the same use. It is also judged not to comprise the extension or alteration of a building, as the existing garage and tack room would be removed to make way for the new dwelling. The provision of a new residential dwelling is not one of the specified purposes listed in Policy 9 of the NPPF and as such this proposal is inappropriate in principle. Policy 9 provides that where inappropriate development is proposed within the Green Belt planning permission should not be granted unless the applicant can demonstrate very special circumstances exist that outweigh the harm resulting from the development. Although Policy DC45 does allow for limited infilling this is relating to sites designated as a major development site in accordance with Policy DC46, which does not include the application site.

6.4.4 In this instance, some very special circumstances have been put forward to outweigh the harm to the Green Belt. Prior to appraising these very special

circumstances, it is necessary to consider other impacts that may arise from the proposal.

## **6.5 Impact on the character and appearance of the Green Belt**

6.5.1 Policy 9 of the NPPF states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

6.5.2 In this instance, the proposed dwelling would be single storey with a gabled roof. It is Staff's view that the site has an open and spacious character. When reviewing the merits of this application, consideration was given to the fact that the proposal involves the demolition of the double garage and tack room. The existing building on the site is single storey, having a maximum height of 3.2m. The current proposal, although single storey and relatively low in height (approximately 4.3m to the ridge) would be taller than the building it replaces. As the proposed building would be higher than that which it replaces, Members may judge that the proposal is harmful to the openness of the Green Belt at this point. However, Staff have taken into consideration that the overall height of the new dwelling is not excessive and that the building would not be as wide as that which it replaces. On balance therefore Staff judge that the replacement building is not materially harmful to the openness of the Green Belt, although it is accepted Members may reach a different view in this respect.

The proposal would have a spacious rear garden. It is not considered that the proposed amenity area would have a material adverse impact on the openness of the Green Belt, as this land already forms part of the residential curtilage of the donor property. The impact of the sub-division of the plot would not, in this case, materially harm openness.

## **6.6 Design/impact on street/Garden scene**

6.6.1 Council policy and guidance 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 is compatible with the character of the surrounding area, and would not prejudice the environment of the occupiers and adjacent properties.

6.6.2 The street scene of which the subject site forms part is drawn from single and two storey detached and semi-detached dwellings. The siting of the dwelling is considered to be acceptable, as it would be in general alignment with the donor property, 'Mole End'. The plans have been amended from that previously refused by removing the accommodation in the roof space, reducing the height of the dwelling and altering its design. Staff consider that these revisions have reduced the height, scale and bulk of the proposed dwelling and brought the proposal within the realms of acceptability. Given also that the proposal replaces an existing structure, it is considered that the proposal would relate well with the donor property 'Mole End', integrate

satisfactorily with the streetscene as well as the character and appearance of the surrounding area.

- 6.6.3 The Council's Heritage Officer has no objection to the proposal and considered the overall design of the new building to be sufficiently in keeping with its context, picking up the materials and treatment of the doors and windows from the neighbouring buildings. The materials chosen are considered acceptable although it is recommended that a condition be included requiring details and a sample of the roof tiles and window frames to be submitted.

## **6.7 Listed Building Implications**

- 6.7.1 Policy DC67 advises that an application for listed building consent will only be allowed where it does not adversely affect a listed building or its setting. Government policy contained within the National Planning Policy Framework advises that there should be a presumption in favour of the conservation of designated heritage assets and the more significant the designated heritage asset, the greater the presumption in favour of its conservation should be.

- 6.7.2 The Council's Heritage Officer was consulted on this application and advised that the current building complements its surroundings and contributes in a positive way to the setting of the Grade II listed building. The scale of the building is judged to be appropriate to its position and not to dominate the view of the flanking buildings of historic character, or detract from their setting. It is considered that the proposed building will have little impact on the setting of the listed building next door (Rose Cottage). Having regard to these factors the proposal is considered not to harm the setting of the adjacent listed building and to comply with Policy DC67.

## **6.8 Impact on amenity**

- 6.8.1 With regard to amenity issues, consideration should be given to future occupiers of this property and also the amenity of the occupiers of neighbouring properties. Policy DC61 of the DPD states that planning permission will not be granted where the proposal results in unacceptable overshadowing, loss of sunlight/daylight, overlooking or loss of privacy to existing and new properties.

- 6.8.2 No. 2 Rose Cottages has one first floor flank window that serves a bedroom and is a secondary light source as there is a dormer window on the rear elevation of the dwelling. It is considered that the proposal would not result in a significant loss of amenity to No. 2 Rose Cottages, as there would be a separation distance of between approximately 6.4 metres between the north eastern flank of this neighbouring property and the south western flank of the proposed dwelling. In addition, there is a detached garage adjacent to No. 2 Rose Cottages, which would help to mitigate the impact of the proposed dwelling.

- 6.8.3 It is considered that the proposed dwelling would not result in any undue overlooking or loss of privacy to neighbouring occupiers, as it is single storey

and details of boundary treatments can be secured by condition if minded to grant planning permission. The high level flank bathroom window can be obscure glazed if minded to grant planning permission.

6.8.4 The donor property entitled 'Mole End' has three ground floor flank windows, two of which (adjacent to the front façade) serve a lounge and are secondary light sources with a window on the front façade. One three pane window serves a kitchen and is a secondary light source and there is a pair of doors to the rear which lead to a conservatory. Staff consider that the outlook from the kitchen window of Mole End would be reduced as a result of the proposal, although the occupiers of this donor property would be aware of this. It is considered that the proposal would not result in a significant loss of amenity to Mole End, as there would be a separation distance of approximately 2 metres between the south western flank of this donor property and the north eastern flank of the proposed dwelling. Also, the proposed dwelling would be in general alignment with the front façade of Mole End. The agent has advised that the terrace area to the rear of the proposed dwelling would be approximately 0.154 metres in height and therefore, Staff consider that this would not result in any undue overlooking or loss of privacy to Mole End.

## 6.9 Highway/parking issues

6.9.1 There is space for two vehicles on existing hardstanding to the front of the proposed dwelling, which is sufficient. There is space for a minimum of two to three vehicles to the front of the donor property, which is sufficient. The Highway Authority has no objection to the proposal. It is considered that the proposal would not create any highway or parking issues.

## 7. The Mayor's Community Infrastructure Levy

7.1 The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3, as the proposal is for one new dwelling. The existing double garage and tack room with a floor area of 47 square metres are being demolished. According to the CIL form the new dwelling would have a floor space of 82 square metres. On this basis, the CIL liability equals  $82 - 47 = 35$ . Therefore, CIL would be payable up to £696.85 (subject to indexation).

$35 \times £20 \text{ per sq.m} = £700.$

$£700 \times 0.9955 = £696.85.$

## 8. Planning Obligations

8.1 A legal agreement is required to secure a financial contribution of £6,000 to be used towards infrastructure costs in accordance with Policy DC72 and the Planning Obligations Supplementary Planning Document.

## 9. The Case for Very Special Circumstances

9.1 A statement of very special circumstances has been submitted in support of the application:

- The existing building was given permission in April 2007 to convert into a granny annexe, but the applicants have decided instead to build a small, separate, two bedroom house that would suit their needs better. The applicants intend to sell their large house 'Mole End', but not wishing to move from the area, move into the proposed smaller house. The applicants now live alone as their children have moved away.
- The agent asserts that the intention is to trade off the volume of the proposed house against the volume of the double garage and tack room which is approximately 225 cubic metres, the volume of the proposed house is approximately 210 cubic metres.
- The proposal will not detract from the appearance of the lane and will remove the strange appearance of the existing garage roof. The existing garage is a recent and unsympathetic addition. The intention is to insert a sympathetic low building using materials exactly the same as the donor property, Mole End.

9.2 It is considered that volume of the existing double garage and tack room and the proposed dwelling are broadly similar and therefore, would help to off set the impact of the proposal. Staff consider that as a building already exists in this location the proposal does not have a material impact on the openness of the Green Belt. The current building is not particularly sympathetic to the existing building and the proposed building is considered an acceptable replacement that is not significantly larger than the building it replaces. Staff consider that the case for very special circumstances, together with the demolition of the existing double garage and tack room and the overall proportions of the proposed dwelling, constitute sufficient justification for granting planning permission in this instance.

## 10. **Conclusion**

10.1 The proposed construction of a residential dwelling represents inappropriate development in the Green Belt. However, it is considered that the very special circumstances that have been submitted justify the inappropriate development proposed. It is considered that the proposal would not materially harm the open and spacious character of the Green Belt. Staff consider that the design, form and scale of the proposal would integrate satisfactorily with the streetscene and would have no adverse impact on the setting of the listed building next door (Rose Cottage). Staff consider that the proposal would not be detrimental to neighbouring amenity or create any highway or parking issues.

There would be a financial contribution of £6,000 towards infrastructure improvements. Subject to the completion of a legal agreement the scheme is considered to be acceptable.

**IMPLICATIONS AND RISKS**



**Financial implications and risks:**

None.

**Legal implications and risks:**

Legal resources are required for the completion of the legal agreement.

**Human Resources implications and risks:**

None.

**Equalities implications and risks:**

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

**BACKGROUND PAPERS**

Application forms and plans received 14/07/2014.

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

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# REGULATORY SERVICES COMMITTEE

# REPORT

4 September 2014

<b>Subject Heading:</b>	Application for the Stopping Up (under Section 247 of the Town and Country Planning Act 1990) of Highway Verge at land adjacent to footway off Neave Crescent, Romford shown zebra hatched on the plan annexed to this report.  (Application received 30 <sup>th</sup> July 2014)
<b>Report Author and contact details:</b>	Vincent Healy, 01708 432467 Vincent.Healy@havering.gov.uk
<b>Policy context:</b>	Local Development Framework
<b>Financial summary:</b>	None

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 [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 [X]

## **SUMMARY**

This report relates to an application received on 30<sup>th</sup> July 2014 for the stopping up of highway to enable part of the development of land pursuant to a planning permission (planning reference P0315.14). The planning permission (planning reference P0315.14) involves the construction of two 2-bedroomed bungalows for the general need of those aged 55 years and over with associated amenity and car parking (“the Planning Permission”).

Application has been made to the Council under S.247 of the Town and Country Planning Act 1990 (as amended) (“the Act”) to stop up the area of footway (highway) shown zebra hatched on the plan 9140-01 annexed to this report so that the development can be carried out. The Council’s highway officers have considered the application and consider that the stopping up and diversion is acceptable to enable the Planning Permission to be carried out.

## **RECOMMENDATIONS**

Subject to the payment of legal costs in respect of the disbursements costs pursuant to advertising notices that:-

- 2.1 The Council makes a Stopping Up Order to stop up highway under the provisions of s.247 Town and Country Planning Act (as amended) in respect of the area of footway (highway) zebra hatched black on the attached plan 9140-01, as the land is required to enable development for which the Council has granted planning permission under planning reference P0315.14 to be carried out to completion.
- 2.2 In the event that no relevant objections are made to the proposal or that any relevant objections that are made are withdrawn then the Order be confirmed without further reference to the Committee.
- 2.3 In the event that relevant objections are made, other than by a Statutory Undertaker or Transport Undertaker and not withdrawn, that the application be referred to the Mayor for London to determine whether or not the Council can proceed to confirm the Order.
- 2.4 In the event that relevant objections are raised by a Statutory Undertaker or Transport Undertaker and are not withdrawn the matter

may be referred to the Secretary of State for their determination unless the application is withdrawn.

## REPORT DETAILS

- 3.1 On 24<sup>th</sup> April 2014 the Council's Regulatory Services Committee resolved to grant Planning Permission under planning reference P0315.14 for the construction of two 2-bedroomed bungalows for the general need of those aged 55 years and over with associated amenity and car parking. The Planning Permission was issued on 29<sup>th</sup> April 2014. As part of the planning permission an area of footway off Neave Crescent as shown zebra hatched on plan 9140-01 needs to be stopped up to allow the planning permission to be carried out..
- 3.2 The stopping up is necessary in order that the development pursuant to planning permission reference P0315.14 can be fully implemented.
- 3.3 The dimensions of the area to be stopped up are approximately 15 metres by 2 metres.
- 3.4 Section 247 (2A) of the Town and Country Planning Act 1990 allows a London Borough to make an Order authorising the stopping up and of any highway if it is satisfied that it is necessary to do so in order to enable development to be carried out in accordance with a planning permission.
- 3.5 The Council makes the necessary Order, advertises it, posts Notices on site and sends copies to the statutory undertakers. There is then a 28 day period for objections to be lodged. If there are no objections or any objections that have been made are withdrawn the Council may confirm the Order, thereby bringing it into legal effect. If relevant objections are made and not withdrawn then the Council must notify the Mayor of London of the objections and the Mayor may determine that a local inquiry should be held. However under Section 252(5A) of the 1990 Act the Mayor of London may decide that an inquiry is not necessary if the objection/s are not made by a local authority, statutory undertaker or transport undertaker and may remit the matter to the Council for confirmation of the Order. If however a Statutory Undertaker of Transport Undertaker makes a relevant objection which is not withdrawn then the matter may be referred to the Secretary of State for determination.

## IMPLICATIONS AND RISKS

### 4.1 Financial Implications and Risks:

The costs of advertising will be borne by the applicant.

### 4.2 Legal Implications and Risks:

Legal Services will be required to draft the Stopping Up Order and Notices as well as amongst other matters carrying out the Consultation process and mediate any negotiation with objectors.

### 4.3 Human Resources Implications and Risks:

There are no such implications directly attributable to the proposals.

### 4.4 Equalities and Social Inclusion Implications:

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

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

Having considered the above duty and the Human Rights Act 1998 the stopping up of the highway footway will facilitate the construction of needed accommodation for those 55 years and over.

## CONCLUSION

The proposed stopping up relates to an area of highway footway the stopping up of which is necessary to enable the development of land pursuant to a planning permission (planning reference P0315.14), which involves the construction of two 2-bedroomed bungalows for the general need of those aged 55 years and over with associated amenity and car parking ("the Planning Permission"). It is therefore recommended that the necessary Order is made and confirmed to stop up the highway zebra hatched as shown on the attached plan.

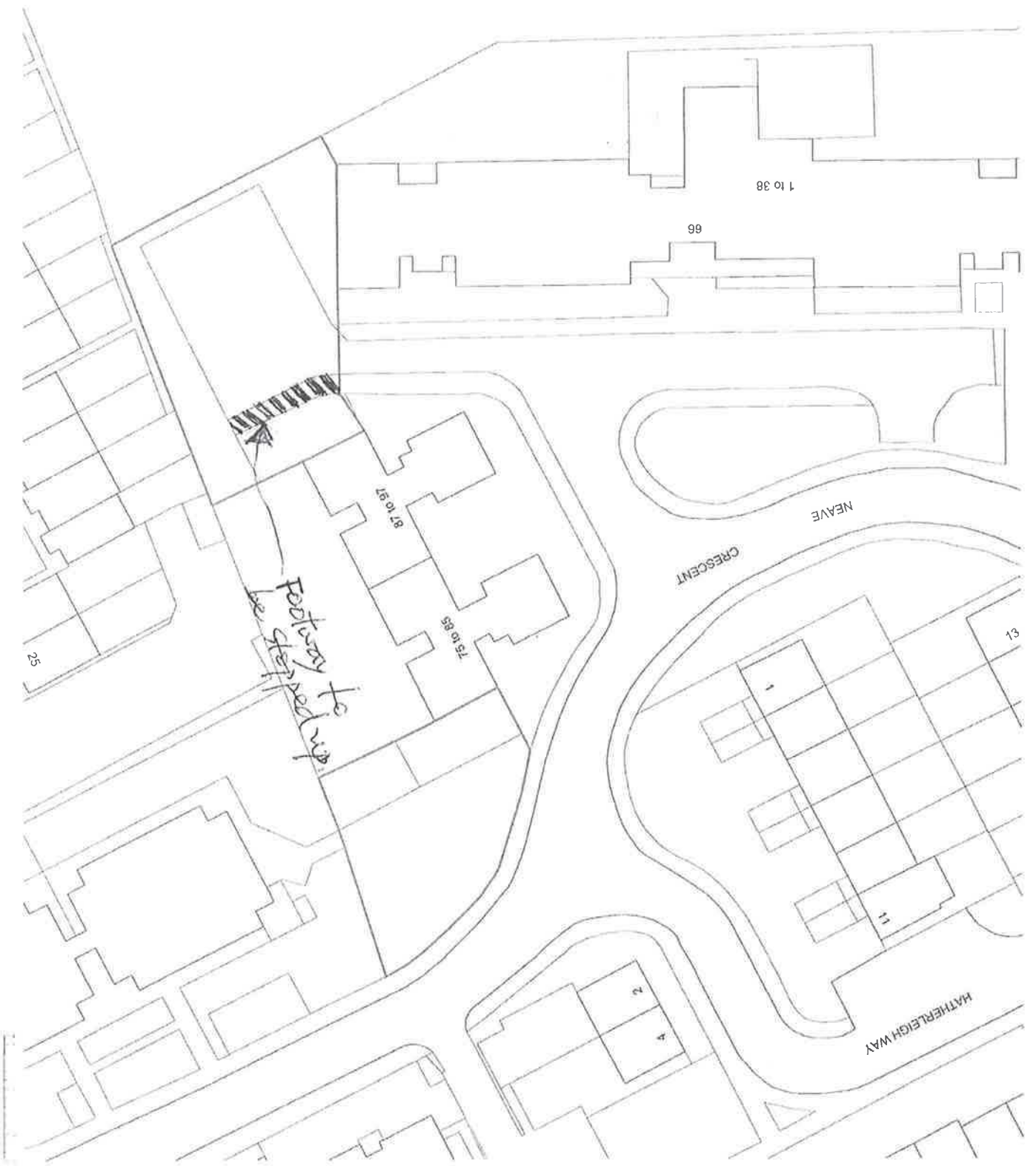
### **Background Papers List**

1. Report of Regulatory Services Committee of 24<sup>th</sup> April 2014 which resolved to grant planning permission under planning reference P0315.14.

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House



Planning Services 10000 Old Kent Road, London SE20 8JL Tel: 020 8996 9000 Fax: 020 8996 9001 www.planning-services.co.uk	
<b>Project Name</b> Neave Crescent Romford	
<b>Client</b> London Borough of Havering	<b>Project</b> Existing Site Plan
<b>Date</b> July 2014	<b>Version</b> 1/200 @A1
<b>Drawing No.</b> 9140 - 01	<b>Scale</b> FSC COMMENT ONLY
All dimensions shown on this drawing are to be taken from the drawing	

**KEY:**  
 Adopted Highway to be Stepped up.



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# REGULATORY SERVICES COMMITTEE

# REPORT

4 September 2014

<b>Subject Heading:</b>	<p>Application for the Stopping Up (under Section 247 of the Town and Country Planning Act 1990) of Highway footway on the western side of Hilldene Close, Harold Hill, shown zebra hatched on the plan annexed to this report.</p> <p>(Application received 14<sup>h</sup> August 2013 and amended August 2014)</p>
<b>Report Author and contact details:</b>	<p>Vincent Healy, 01708 432467 Vincent.Healy@havering.gov.uk</p>
<b>Policy context:</b>	<p>Local Development Framework</p>
<b>Financial summary:</b>	<p>None</p>

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 [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 [X]

## **SUMMARY**

This report relates to a planning application received on 9<sup>th</sup> July 2014 and a related application for the stopping up of highway footway to enable part of the development of land pursuant to a planning permission (planning reference P0819.14). The planning permission (planning reference P0819.14) involves the construction of 12 terraced dwellings and 9 self-contained flats with associated amenity and car parking (“the Planning Permission”). It is the specific implementation of the parking element that requires this additional stopping up of highway.

The developer has applied to the Council under S.247 of the Town and Country Planning Act 1990 (as amended) (“the Act”) to stop up the area of footway (highway) shown zebra hatched on the plan 10966/PARCEL A/SU/01 annexed to this report so that the development can be carried out. The Council’s highway officers have considered the application and consider that the stopping up and diversion is acceptable to enable the Planning Permission to be carried out.

## **RECOMMENDATIONS**

2. Subject to the payment of legal costs in respect of the disbursements costs pursuant to advertising notices that:-
  - 2.1 The Council commence the process of making a Stopping Up Order to stop up highway under the provisions of s.247 Town and Country Planning Act (as amended) in respect of the footway (highway) zebra hatched black on the attached plan 10966/PARCEL A/SU/01 as the land is required to enable development for which the Council has Resolved to grant planning permission subject to prior completion of a Section 106 Agreement under planning reference P0819.14 to be carried out to completion, specifically the construction of a parking area.
  - 2.2 In the event that no relevant objections are made to the proposal or that any relevant objections that are made are withdrawn and the Council has issued planning permission under planning reference P0819.14 following satisfactory completion of the Section 106 agreement then the Order be confirmed without further reference to the Committee.

- 2.3 Following the issue of planning permission under planning reference P0819.14 and in the event that relevant objections are made, other than by a Statutory Undertaker or Transport Undertaker and not withdrawn, that the application be referred to the Mayor for London to determine whether or not the Council can proceed to confirm the Order. In the event that relevant objections are raised by a Statutory Undertaker or Transport Undertaker and are not withdrawn the matter may be referred to the Secretary of State for their determination unless the application is withdrawn.

## REPORT DETAILS

- 3.1 On the agenda of 4<sup>th</sup> September 2014 a recommendation is presented to members that subject to conditions and the prior completion of a Section 106 Agreement that Planning Permission be granted under planning reference P0819.14 for the construction of 12 terraced dwellings and 9 self-contained flats with associated amenity and car parking (“the Planning Permission”). The Planning Permission has not been granted and subject to the resolution of members to grant and completion of a Section 106 agreement a planning permission would be issued. Following amendment to Section 253 of the Town and Country Planning Act 1990 by Section 11 of the Growth and Infrastructure Act 2013, the issue of a planning permission is no longer a prerequisite to commencing the stopping up process. Notwithstanding this statutory amendment a stopping up Order will only be confirmed as made when:-
- The planning permission decision notice is issued; and
  - All objections have been withdrawn; or
  - If written representations have been considered; or
  - An inquiry has been held and the Inspector’s report considered.
- 3.2 The stopping up is necessary in order that the development pursuant to planning permission reference P0819.14 can be carried out.
- 3.3 The dimensions of the area to be stopped up are approximately 58.36 metres in length by 7.96 metres in width.
- 3.4 Section 247 (2A) of the Town and Country Planning Act 1990 allows a London Borough to make an Order authorising the stopping up and of any highway if it is satisfied that it is necessary to do so in order to enable development to be carried out in accordance with a planning permission.

- 3.5 The Council makes the necessary Order, advertises it, posts Notices on site and sends copies to the statutory undertakers. There is then a 28 day period for objections to be lodged. If there are no objections or any objections that have been made are withdrawn and the planning permission under planning reference P0819.14 has been issued the Council may proceed to confirm the Order, thereby bringing it into legal effect. If relevant objections are made and not withdrawn then the Council must notify the Mayor of London of the objections and the Mayor may determine that a local inquiry should be held. However under Section 252(5A) of the 1990 Act the Mayor of London may decide that an inquiry is not necessary if the objection/s are not made by a local authority, statutory undertaker or transport undertaker and may remit the matter to the Council for confirmation of the Order. If however a Statutory Undertaker of Transport Undertaker makes a relevant objection which is not withdrawn then the matter may be referred to the Secretary of State for determination.

## IMPLICATIONS AND RISKS

### 4.1 **Financial Implications and Risks:**

The costs of advertising will be borne by the developer.

### 4.2 **Legal Implications and Risks:**

Legal Services will be required to draft the Stopping Up Order and Notices as well as amongst other matters carrying out the Consultation process and mediate any negotiation with objectors.

### 4.3 **Human Resources Implications and Risks:**

None that are directly attributable to the proposals.

### 4.4 **Equalities and Social Inclusion Implications:**

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

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

Having considered the above duty and the Human Rights Act 1998 the stopping up of the footway should not lead to a protracted period of pedestrian access being denied over the footway on the western side of Hilldene Close. Under the planning application reference P0819.14 condition 22 and 23 require immediate replacement of the footway on the western side of Hilldene Close and the dedication as highway and adoption of part of the area stopped up to ensure continuity of pedestrian access over the footway on the western side of Hilldene Close.

## CONCLUSION

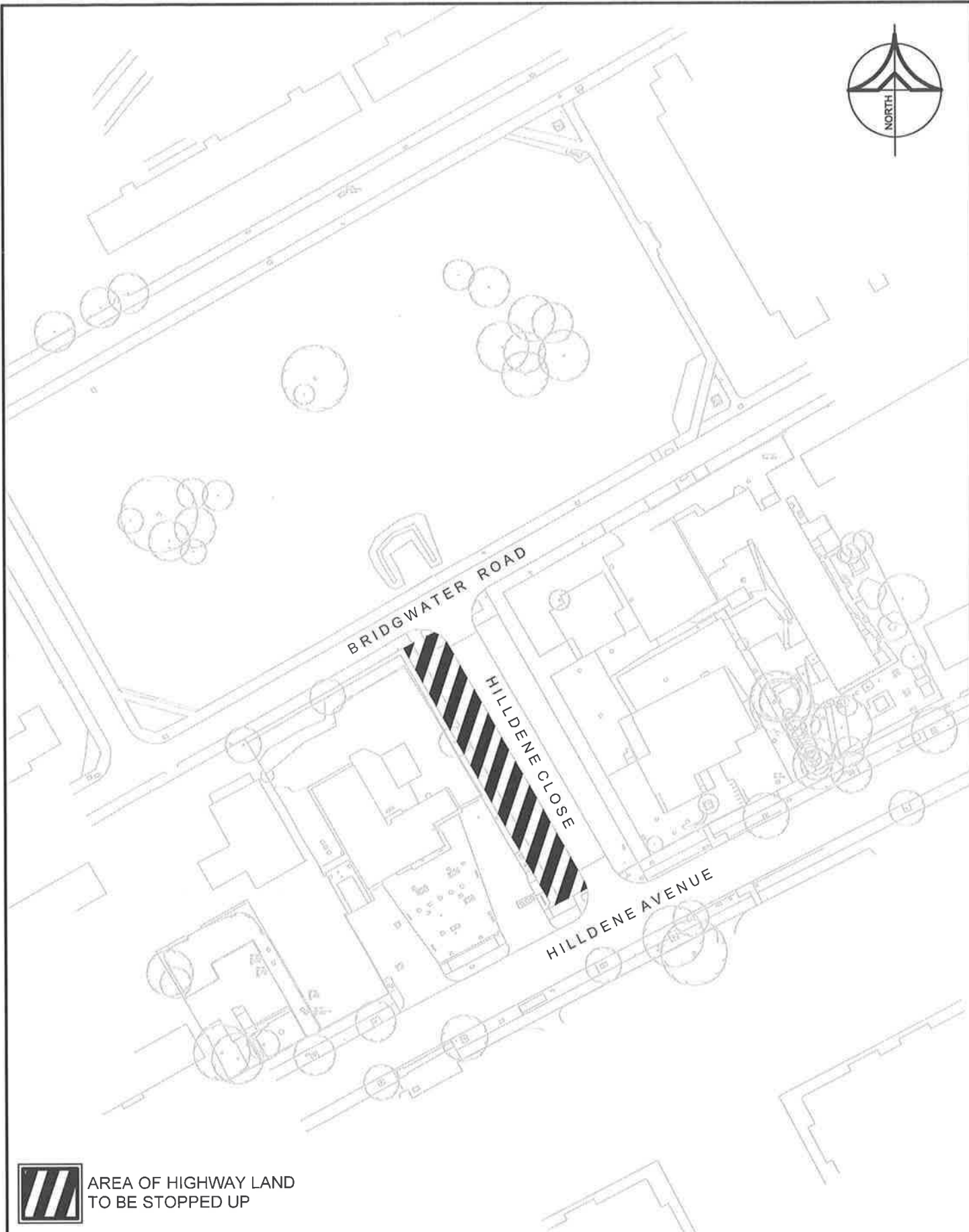
The proposed stopping up relates to an area of footway the stopping up of which is necessary to enable the development of land pursuant to a planning permission (planning reference P0819.14), which involves the construction of 12 terraced dwellings and 9 self-contained flats with associated amenity and car parking (“the Planning Permission”). It is therefore recommended that the process is commenced to make the draft Order and the Order confirmed subject to the issue of planning permission and the other provisos set out in paragraph 3.1 above to stop up the highway zebra hatched as shown on the attached plan.

### **Background Papers List**

1. None

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AREA OF HIGHWAY LAND  
TO BE STOPPED UP

Title LAND PARCEL A  
HILLDENE CLOSE, HAROLD WOOD.

STOPPING UP PLAN.

Scale 1:1000 | Drawn BoB | Date JULY '13 | Checked

Drawing No. 10966/PARCEL A/SU/01

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Chelmsford London Upminster

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# REGULATORY SERVICES COMMITTEE

4 SEPTEMBER 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](http://www.havering.gov.uk/planning). This report updates the position on legal agreements and planning obligations agreed by this Committee during the period 2000-2014

## 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

4 SEPTEMBER 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 7 June 2014 and 8 August 2014

## RECOMMENDATIONS

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

## REPORT DETAIL

1. Since the appeals reported to Members in June 2014, 20 new appeals have been started. Decisions on 22 appeals have been received during the same period 15 have been dismissed, 4 allowed, 1 appeal deemed invalid, 1 appeal withdrawn and 1 was quashed

## 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 07-JUN-14 AND 08-AUG-14**

APPEAL DECISIONS - PLANNING					
Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p><b>P0748.12</b>                      Land off Benskins Lane                      Noak Hill Romford  <i>Change of Use of land to provide 4 no. gypsy and traveller pitches</i></p>	Hearing				<p><b>Dismissed</b></p> <p>The appeal was recovered by the Secretary of State following a review of all Gypsy and Traveller casework hence the delay in determining the appeal which commenced in 2012 and was heard at a hearing in 2013.</p> <p>The Secretary of State agreed with the Inspector that the development represents inappropriate development in the GB and that he gave substantial weight to this harm and minor weight to the loss of openness and encroachment into the GB. The Inspector found that there is an unmet need for pitches and that the Council was unable to demonstrate a five year supply of sites. Very considerable weight was attached to this matter but only minor weight was given to the appellants' personal circumstances. The Secretary of State considered that the case put forward in favour of the proposals did not outweigh the harm that would be caused. He therefore agreed with the Inspector's conclusion that the very special circumstances to justify inappropriate development in the GB do not exist and planning permission is not justified.</p>
<p><b>P0328.13</b>                      Ashley Farm Clay Tye                      Road North Ockendon  <i>Construction of new dwelling in replacement of mobile home to support established agricultural unit and rural</i></p>	Hearing	Refuse	Delegated	<p>The proposed development would, by reason of its prominent position, height, bulk and mass, appear as an unacceptably incongruous and visually intrusive feature harmful to the openness of the Green Belt and appearance and character of the agricultural holding and</p>	<p><b>Allowed with Conditions</b></p> <p>The proposed scheme would be inappropriate development in the Green Belt and the replacement dwelling would result in a reduction in openness and therefore a harmful impact upon the openness of the Green Belt. However the proposed dwelling would not be harmful to the character and</p>

**LIST OF APPEAL DECISIONS MADE BETWEEN 07-JUN-14 AND 08-AUG-14**

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<i>businesses on site.</i>				<p>countryside contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.</p> <p>The site is within the area identified in the Core Strategy and Development Control Submission Development Plan Document Policy Plan as Metropolitan Green Belt. The Core Strategy and Development Control Submission Development Plan Document Policy and NPPF states that in order to achieve the purposes of the Metropolitan Green Belt it is essential to retain and protect the existing rural character of the area so allocated and that new building will only be permitted outside the existing built up areas in the most exceptional circumstances. No very special circumstances to warrant a departure from this policy for a larger residential building and non-agricultural workers accommodation on site have been submitted in this case and the proposal is therefore contrary to Policy DC45 of the Development Control Policies Development Plan Document Policy and NPPF.</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>appearance of the farm site and to the surrounding area. As a dwelling already exists at the site, the Inspector was not satisfied that the contribution towards infrastructure was appropriate.</p> <p>The proposal was related to an established, viable agricultural enterprise and would support two other rural businesses. It would have significant visual benefits through removal of the existing caravan and an existing hard standing. A full-time permanent presence was considered necessary to support the wide range of cattle farming activities, including attending to the management and welfare of cattle at any time and responding to emergencies. These considerations were sufficient to clearly outweigh the substantial harm to the Green Belt identified in respect of both inappropriateness and openness</p>

**LIST OF APPEAL DECISIONS MADE BETWEEN 07-JUN-14 AND 08-AUG-14**

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p><b>P1108.12</b> 5 Writtle Walk Rainham <i>CHANGE OF USE TO A3 &amp; A5 WITH ANCILLARY BAR AREA</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The use in part as a takeaway would, due to its days and hours of operation and proximity to adjoining residential accommodation, give rise to unacceptable levels of noise, disturbance and anti-social behaviour, adversely impacting on existing residential amenity contrary to Policies DC16, DC23, DC61 and DC63 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document and the NPPF.</p>	<p><b>Dismissed</b> The proposal would have implications for anti-social behaviour and give rise to fear of crime. The Borough Crime Design Advisor made representations and significant weight was attached to these objections. Furthermore, the scheme would be harmful to the living conditions of neighbouring occupiers as a result of noise and disturbance from persons congregating outside the premises and in its vicinity. Given the proximity of residential units this would have serious implications for neighbours.</p>
<p><b>P0053.14</b> 44 Herbert Road Emerson Park Hornchurch <i>Erection of a detached 5-bed dwelling house and separate double garage plus formation of access onto Fairlawns Close.</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed development would, by reason of its height, bulk and mass, appear as an unacceptably dominant and visually intrusive feature in the streetscene harmful to the appearance of the surrounding area contrary to Policies DC61 and DC69 of the LDF Core Strategy and Development Control Policies DPD and the Emerson Park Policy Area SPD. The proposed development would, by reason of its position, bulk, massing and proximity to neighbouring properties form a visually intrusive and overdominant feature resulting in a detrimental impact on outlook and 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. In the absence of a mechanism to secure a planning obligation towards the</p>	<p><b>Dismissed</b> The scale and bulk of the proposal would be at odds with the modest surrounding development and its layout failed to integrate with the existing pattern of development. The proposal would cause unacceptable harm to the character and appearance of the area. Issues of overlooking and loss of privacy could be mitigated however the size and proximity of the proposed dwelling to neighbouring dwellings would result in it having a dominating presence that would adversely affecting outlook in the rear environment of dwellings in Channing Close.</p>

**LIST OF APPEAL DECISIONS MADE BETWEEN 07-JUN-14 AND 08-AUG-14**

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				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><b>P0144.13</b> 112 St Johns Road Collier Row Romford <i>Outline application for a bungalow</i></p>	Written Reps	Refuse	Delegated	<p>The site is within the area identified in the Core Strategy and Development Control Submission Development Plan Document Policy Plan as Metropolitan Green Belt. The Core Strategy and Development Control Submission Development Plan Document Policy and Government Guidance as set out in the National Planning Policy Framework states that in order to achieve the purposes of the Metropolitan Green Belt it is essential to retain and protect the existing rural character of the area so allocated and that new building will only be permitted outside the existing built up areas in the most exceptional circumstances. No special circumstances case was been submitted such that there is no justification to warrant a departure from this policy and the proposal is therefore contrary to Policy DC45 of the LDF Core Strategy and Development Control Policies Development Plan Document.</p> <p>The proposed development would, by reason of the proposed house, introduce urbanisation to a currently relatively undeveloped site which would be out of character in this part of the Green Belt resulting in harm to visual amenity in the streetscene contrary to Policy DC45 and</p>	<p style="text-align: center;"><b>Dismissed</b></p> <p>National guidance in the NPPF paragraph 89 notes that: the construction of new buildings should be regarded as inappropriate in the Green Belt. It sets out a list of exceptions and the replacement of a building provided the new building is in the same use and not materially larger than the one it replaces, is one of the listed exceptions. The proposal would fail to comply with any of the listed exceptions identified by the NPPF and would by definition result in development which would be inappropriate and thus harmful to the Green Belt.</p> <p>The demolition of the existing structure and its replacement with the proposed bungalow would result in a material increase in the footprint, scale and bulk of the build form on the site causing harm to the openness of the Green Belt. The introduction of a vehicular access, pedestrian footpath, front garden and hard-standing for the proposed parking area would erode the rural character of the area and materially alter the character and appearance of the site by introducing additional permanent built development on the site.</p>

**LIST OF APPEAL DECISIONS MADE BETWEEN 07-JUN-14 AND 08-AUG-14**

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				DC61 of the LDF Core Strategy and Development Control Policies DPD. In the absence of a mechanism to secure a planning obligation towards the infrastructure costs of new development the proposal is contrary to the provisions of the Havering Planning Obligations Supplementary Planning Document and Policy DC72 of the LDF Core Strategy and Development Control Policies DPD.	
<p><b>P0097.13</b> 624 Upper Brentwood Road Romford <i>Change of use from a retail shop (A1) to hot food takeaway (A5) and extract ducting</i></p>	Written Reps	Approve With Conditions	Committee	<p>The proposal would, by reason of noise and disturbance, caused by customers, entering and leaving the premises, vehicle parking and manoeuvring, particularly during the evening hours of operation be unacceptably detrimental to the amenities of the occupiers of the first floor flats and nearby properties, contrary to Policy DC61 of the Local Development Framework Development Plan Document.</p> <p>The proposed development would, by reason of the inadequate on site car parking provision, be likely result in unacceptable overspill onto the adjoining roads, including nearby residential side roads to the detriment of highway safety and residential amenity and contrary to Policies DC32, DC33 and DC61 of the Local Development Framework Development Plan Document.</p> <p>The proposed extract ducting would, by reason of its position, height and design, appear as an obtrusive and unacceptably dominant feature in the streetscene harmful to visual amenity and contrary to Policy DC61 of the LDF</p>	<p style="text-align: center;"><b>Allowed with Conditions</b></p> <p>The Inspector concluded that conditions limiting opening hours and addressing matters such as soundproofing, equipment noise etc. would mean that the scheme would not have a materially harmful on the living conditions of the occupants of residential properties, with regard to noise and disturbance. As the proposed flue would be set 8m back from the front elevation, it would not be harmful to the character and appearance of the street scene. A parking lay-by is located to the front of the site and other parking spaces are close by. Therefore the scheme would not have a materially adverse impact on vehicular or pedestrian highway safety</p> <p>A full application for costs was made against the Council however a partial award of costs was allowed by the Inspector. It was found that the Council had acted unreasonably in relation to the visual impact of the flue and a proposed condition regarding home deliveries.</p>

**LIST OF APPEAL DECISIONS MADE BETWEEN 07-JUN-14 AND 08-AUG-14**

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				Core Strategy and Development Control Policies DPD.	
<p><b>P1187.13</b> Part of 45 Mawney Road Romford <i>Change of Use of part of ground floor from retail/Storage to takeaway and restaurant (Mixed A3 and A5 Use Classes) with installation of extract ducting to rear</i></p>	Written Reps	Refuse	Delegated	<p>The proposal would, by reason of noise and disturbance caused by customers entering and leaving the premises, vehicles parking and manoeuvring, particularly during the early morning and evening hours of operation, be unacceptably detrimental to the amenities of occupiers of adjacent properties, contrary to Policy DC61 LDF Development Control Policies Development Plan Document.</p> <p>The proposed development would, by reason of the inadequate on site car parking provision, result in unacceptable overspill onto the adjoining roads to the detriment of highway safety and residential amenity and contrary to Policies DC32 and DC33 of the LDF Development Control Policies Development Plan Document.</p>	<p style="text-align: center;"><b>Dismissed</b></p> <p>The proposed use would cause material harm to the living conditions of the occupiers of the residential accommodation above and surrounding the site. This would be from the early arrival/late departure of staff, customer car parking, and groups of people outside the front of the premises but also the disposal of refuse to the rear. Furthermore there is insufficient parking space to meet the needs of the proposed use, the existing convenience store and the adjoining shop which would adversely affect the living conditions of neighbouring occupiers, and the flow of traffic and highway safety.</p>
<p><b>P0769.13</b> 2B Moray Way Rise Park Romford <i>Demolition of existing garages &amp; erection of a 2 bedroom chalet bungalow</i></p>	Written Reps	Refuse	Delegated	<p>It is considered that the proposed dwelling would, by reason of its layout and location within the site, appear a contrived and cramped overdevelopment of the site, harmful to the character and appearance of the surrounding area contrary to DC61 and Residential Design SPD.</p> <p>It is considered that the amenity space for the new dwellings is not particularly useable or of a high quality given that it would be overlooked by surrounding</p>	<p style="text-align: center;"><b>Dismissed</b></p> <p>The Inspector did not consider that the appeal proposal would have a cramped or incongruous appearance in its setting. However the proposed chalet bungalow and its garden would be overlooked from adjoining flats to such a degree that it would result in unacceptable living conditions for future occupiers.</p>



**LIST OF APPEAL DECISIONS MADE BETWEEN 07-JUN-14 AND 08-AUG-14**

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				<p>properties contrary to the Design for Living SPD.</p> <p>In the absence of a mechanism to secure a planning obligation towards the infrastructure costs of new development the proposal is contrary to the provisions of the Havering Planning Obligations Supplementary Planning Document and Policy DC72 of the LDF Core Strategy and Development Control Policies DPD.</p>	
<p><b>P1399.13</b> 9 Nelson Close Romford <i>2 bedroom chalet bungalow</i></p>	<p>Written Repts</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed dwelling would, by reason of its excessive height, roof form, scale, bulk, mass, siting, combined with its position close to the boundaries of the site and the change in ground levels, give rise to a cramped appearance and appear a dominant, overbearing, unneighbourly and visually intrusive feature in the rear garden environment harmful to the amenity of adjacent occupiers contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.</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 reason of the inadequate on site car parking provision, result in unacceptable overspill onto the adjoining roads to the detriment of highway safety and</p>	<p style="text-align: center;"><b>Dismissed</b></p> <p>The scheme would be sited what is presently part of a back garden and a departure from the established pattern of local development, appearing out of place, and character with its surroundings. It would have a harmful impact on the living conditions of nearby residents with regard to privacy. The parking proposed would be insufficient resulting in a detrimental impact on highway safety. A financial contribution was necessary to provide improvements to infrastructure in the area and in the absence of a completed agreement, the proposal conflicts with policy DC72.</p>

**LIST OF APPEAL DECISIONS MADE BETWEEN 07-JUN-14 AND 08-AUG-14**

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				residential amenity and contrary to Policies DC2 and DC33 of the LDF Core Strategy and Development Control Policies DPD. In the absence of a mechanism to secure a planning obligation towards the infrastructure costs of new development the proposal is contrary to the provisions of the Havering Planning Obligations Supplementary Planning Document and Policy DC72 of the LDF Core Strategy and Development Control Policies DPD.	
<p><b>P1119.13</b>                      16 &amp; 18 Prospect Road                      (and land rear of)                      Hornchurch  <i>Demolish 16 and 18 Prospect Road for the creation of a new access road to provide 9 new detached dwellings and 2 replacement dwellings- Outline</i></p>	Written Reps	Approve With Conditions	Committee	The proposed development would result in the unbalancing of the semi-detached dwellings at nos. 14 and 20 Prospect Road with two long, narrow properties in the place of the properties to be demolished, resulting in a form of residential development which is out of character in the street scene and harmful to local character contrary to Policy DC61 of the LDF Core Strategy and LDF Development Control Policies DPD. The need for such an excessively narrow and contrived bungalow design in order to enable access to the site demonstrates that the proposal represents an unacceptably cramped overdevelopment of the site, detrimental to the character and amenity of the locality and 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	<p style="text-align: center;"><b>Dismissed</b></p> The Inspector concluded that the proposed design overcame concerns from previous appeals and that the development would not cause significant harm to local character would result. A legal agreement was necessary in this instance to make the development acceptable in planning terms. In the absence of an agreement, there would be inappropriate mitigation of the impact of additional housing within the area, with regards to infrastructure and the proposal conflicts with policy DC72.



**LIST OF APPEAL DECISIONS MADE BETWEEN 07-JUN-14 AND 08-AUG-14**

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				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><b>P0203.13</b>                      The Albany College                      Broadstone Road                      Hornchurch  <i>New build for a childrens day nursery, new access road. Self contained secure outside area with canopy</i></p>	Written Reps	Approve With Conditions	Delegated	<p>The development, by reason of the increased vehicular movements, parking, traffic and associated activity on the roads leading to the site would result in unacceptable harm and inconvenience to the amenity of existing occupiers in the vicinity of the site, contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.</p> <p>The proposed nursery, by reason of the increased number of children on site, would be an intrusive overdevelopment of the existing school site contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.</p> <p>The development, by nature of its proposed size, intensity of use and layout and proximity to residential properties, would result in unacceptable levels of noise and disturbance to the detriment of residential amenity particularly within neighbouring rear garden environments, contrary to Policy DC61 of the Core Strategy and Development Control Policies DPD.</p>	<p style="text-align: center;"><b>Dismissed</b></p> <p>The capacity of the proposed nursery would add to the level of traffic generated by the college. The traffic generated around the drop-off and collection times for the college and the nursery could overlap, at a time when residents are likely to be leaving or returning home. The removal of on-street parking spaces would have a detrimental impact on the free flow of traffic and cumulatively these would have a materially harmful impact on the living conditions of local residents due to noise, inconvenience and disturbance. On the proposed nursery use itself, the Inspector found that this would not have a materially harmful impact on the living conditions of local residents.</p>
<p><b>P1031.13</b>                      Land Adj to 45 Manser Road Rainham  <i>Demolish garage and erection of a two</i></p>	Written Reps	Refuse	Delegated	The proposed development would, by reason of its height, bulk, mass, design and proximity to the boundary be incongruous with the existing form and rhythm of the terrace and would result in	<p style="text-align: center;"><b>Dismissed</b></p> <p>The flank elevation of the proposed dwelling would follow the tapered boundary of the plot and would be wider than a previously approved extension. The Inspector found that</p>

**LIST OF APPEAL DECISIONS MADE BETWEEN 07-JUN-14 AND 08-AUG-14**

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<i>bedroom house on land adjacent to 45 Manser Road</i>				<p>a cramped appearance, harmful to the character of the streetscene and the appearance of the surrounding area contrary to Policy DC61 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document.</p> <p>In the absence of a mechanism to secure a planning obligation towards the infrastructure costs of new development the proposal is contrary to the provisions of the Havering Planning Obligations Supplementary Planning Document and Policy DC72 of the LDF Core Strategy and Development Control Policies DPD.</p>	<p>a number of different elements of the scheme including the front building lines, roof heights and fenestration would result in it harming the character and appearance of the donor dwelling and detracting from the uniformity of the terrace and the street scene.</p>
<p><b>P1322.13</b>  <i>r/o 29 Great Gardens Road Hornchurch                      New 3 bed dwelling</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed dwelling would, by reason of its proposed design, form, proportions, siting and layout, be out of character with the local pattern of development and appear incongruous, dominant and visually intrusive in the streetscene harmful to the character and appearance of the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.</p> <p>The proposed dwelling would, by reason of its design, excessive depth, height, scale, bulk, mass and siting, appear unduly bulky, dominant and visually intrusive in the rear garden environment harmful to the amenity of adjacent occupiers, particularly No. 22a Brierley Close, contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.</p>	<p><b>Dismissed</b></p> <p>The proposed dwelling would appear incongruous in the more traditional street scene due to a number of design features. Its arrangement in the plot would appear squeezed and contrived and occupants of the neighbouring house would have a sense of being hemmed in. Finally the appellant failed to make provision for infrastructure necessary to allow the development to proceed.</p>

**LIST OF APPEAL DECISIONS MADE BETWEEN 07-JUN-14 AND 08-AUG-14**

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				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.	
<b>P0204.14</b> 371 Elm Park Avenue Hornchurch <i>Single storey rear conservatory</i>	Written Repls	Refuse	Delegated	The single storey rear extension would, by reason of its design and excessive depth taken cumulatively with the existing rear extension, be an intrusive and unneighbourly development, which would be overbearing and give rise to an undue sense of enclosure in the rear garden environment to the detriment of residential amenity contrary to the Residential Extensions and Alterations Supplementary Planning Document and Policy DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.	<p style="text-align: center;"><b>Allowed with Conditions</b></p> The Inspector concluded that whilst the proposal would have some enclosing effect on outlook from neighbouring attached property but this would be very limited, and the proposal would thus not have an unacceptably dominating or overbearing effect on the occupiers of this neighbouring dwelling.
<b>A0008.14</b> 69-71 Butts Green Road Hornchurch <i>Retrospective permission for banner sign</i>	Written Repls	Refuse	Delegated	The proposed retention of the unauthorised banner sign, by reason of the overall size of the sign, its design and relationship with other advertising on the building, represents an undesirable commercial intrusion into a residential street, which is out of character, visually intrusive and harmful to the character and amenity of this part of Wykeham Avenue. The proposal is therefore contrary to Policies DC61 and DC65 of the LDF Core Strategy and Development Control Policies DPD.	<p style="text-align: center;"><b>Dismissed</b></p> This scheme comprises banner sign and due to its excessive size and siting it is an extremely prominent and alien feature in Wykeman Avenue and it has an unacceptable effect on the character and appearance of the street scene.

**LIST OF APPEAL DECISIONS MADE BETWEEN 07-JUN-14 AND 08-AUG-14**

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p><b>A0007.14</b> 69-71 Butts Green Road Hornchurch <i>Retrospective permission for 4No fascia signs</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The fascia signs by reason of their excessive height, size, overall scale and design, including the bold colouring and size of the lettering, are considered to appear disproportionate to the shopfront and fascia within which they are located and to appear as an unacceptably dominant and intrusive feature in the streetscene and harmful to visual amenity. The proposals are contrary to Policies DC61 and 65 of the LDF Core Strategy and Development Control Policies DPD and the Shopfront Design SPD.</p>	<p><b>Dismissed</b> The Inspector found that the signage is significantly bolder and more imposing than the signage that has been replaced and the fascia signs on adjoining properties. Due to their size and design they are overly prominent features, out of keeping with the scale of the building to which it is attached.</p>
<p><b>A0010.14</b> 168 Mawney Road Romford <i>Retrospective application for 3no illuminated signs and 5 non illuminated hoardings.</i></p>	<p>Written Reps</p>	<p>Part Approve/Part Refuse</p>	<p>Delegated</p>	<p>Compliance with the five standard conditions as defined in regulation 2(1) and set out in schedule 2 of the Town and Country Planning: (Control of Advertisements) (England) Regulations 2007 The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans, particulars and specifications (as set out on page one of this decision notice).  Reason:-  The Local Planning Authority consider it essential that the whole of the development is carried out and that no departure whatsoever is made from the details approved, since the development would not necessarily be acceptable if</p>	<p><b>Dismissed</b> The Inspector stated that found that poorly placed adverts can have a negative impact on the appearance of the built environment. In this instance due to the size and siting close to existing and consented signs, the proposed signs listed would have an unacceptable effect on the character and appearance of the area which has a cluttered appearance due to the wide variety of types and sizes of other signage in the surrounding area.</p>

**LIST OF APPEAL DECISIONS MADE BETWEEN 07-JUN-14 AND 08-AUG-14**

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				<p>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.</p> <p>The signs indicated as B, C, E, F and H, as shown on drawing No.2903.01 are considered to be be over prominent, visually intrusive and harmful to the character of the streetscene and appearance of the building. The proposal would harm the visual amenity of the surrounding area contrary to Policies DC61 and DC65 of the LDF.</p> <p>Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: Consideration was given to seeking amendments, but given conflict with adopted planning policy, notification of intended refusal, rather than negotiation, was in this case appropriate in accordance with para 186-187 of the National Planning Policy Framework 2012.</p>	

**TOTAL PLANNING =** 17

**LIST OF APPEAL DECISIONS MADE BETWEEN 07-JUN-14 AND 08-AUG-14**

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<b>APPEAL DECISIONS - ENFORCEMENT</b>					
Description and Address	Appeal Procedure			Reason for Refusal	Inspector's Decision and Comments
<b>ENF/91/12/GS</b> Benskins Lane (r/o church Road ) Romford	Hearing				<p style="text-align: center;"><b>Dismissed</b></p> <p>The appeal was dismissed and the notice was upheld with corrections and amendment. The appeal was recovered by the Secretary of State following a review of all Gypsy and Traveller casework hence the delay in determining the appeal which commenced in 2012.</p> <p>There is no existing lawful development on the land and covering part of a field with hardcore represents encroachment, and the hard standing formed is inappropriate development in the Green Belt (GB). The loss of openness and encroachment was afforded minor weight however substantial weight was given to the harm due to inappropriateness.</p>

**LIST OF APPEAL DECISIONS MADE BETWEEN 07-JUN-14 AND 08-AUG-14**

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p><b>ENF/200/11/GS</b>                      Welstead Place Benskins                      Lane Romford</p>	<p>Hearing</p>				<p style="text-align: center;"><b>Quashed</b></p> <p>The appeal was recovered by the Secretary of State following a review of all Gypsy and Traveller casework hence the delay in determining the appeal which commenced in 2013 and was heard at a hearing in January 2014. The Inspector recommended that the enforcement notice be quashed as invalid and the Secretary of State agreed with the Inspector's conclusions and recommendation</p> <p>The Inspector reasoned that the he notice could not be varied without causing injustice to both the appellant and the Council as it does not describe the unauthorised development correctly. The Secretary of State agrees with the Inspector that the placing of caravans on land is deemed to be a use, and not operational development, the act of 'stationing two mobile homes' does not in itself define what the use is that is allegedly in breach of planning control.</p>

**LIST OF APPEAL DECISIONS MADE BETWEEN 07-JUN-14 AND 08-AUG-14**

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p><b>ENF/517/13/HT</b>                      Lakeview Caravan Park                      Cummings Hall Lane                      Noak Hill Romford</p>	<p>Local Inquiry</p>				<p><b>Allowed with Conditions</b></p> <p>The enforcement notice was corrected and subject to the correction, the appeal is allowed and the enforcement notice is quashed</p> <p>The Inspector noted that the planning permission proposed would be personal and temporary, so there would not be a permanent dwelling and residential curtilage created. The proposal would be little different from the storage use. It was concluded that the dwelling and its curtilage would not have a greater impact on the openness of the Green Belt nor a greater conflict with the purposes of including land in the GB than the existing, or in this case previous development on the site.</p> <p>An application for costs was made by the Council and a partial award of costs was allowed</p>

**TOTAL ENF =**

**3**



LIST OF APPEAL DECISIONS MADE BETWEEN 07-JUN-14 AND 08-AUG-14

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<b>Summary Info:</b>					
Total Planning =		17			
Total Enf =		3			
Appeals Decided =		22			
Appeals Withdrawn or Invalid =		2			
Total =		20			
	Dismissed		Allowed		
Hearings	2	10.00%	2	10.00%	
Inquiries	0	0.00%	1	5.00%	
Written Reps	13	65.00%	2	10.00%	

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# REGULATORY SERVICES COMMITTEE

4 SEPTEMBER 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"/>

<b>SUMMARY</b>
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Attached are schedules detailing information regarding Enforcement Notices updated since the meeting held on 26 June 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
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
32 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
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
14 Rainham Road Rainham  ENF/36/10/SX	Breach of conditions and development	Committee 14-11-13	16-01-14	13-02-14





# 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, Lauvers 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
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
44 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	Appeal Dismissed	Pursuing compliance
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
28 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	Appeal allowed	Pursuing compliance
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	Appeal allowed	Pursuing compliance
34 Lake Rise Romford	Development	Delegated	23-10-13	23-10-13	27-11-13		See Schedule A
5 Playfield Avenue Collier Row Romford	Development	Delegated	22-11-13	25-09-13			Pursuing compliance
Upminster Court Hall Lane Upminster	Development	Committee 24-10-13	23-12-13	13-12-13	23-12-13		See Schedule A
Hogbar Farm Lower Bedfords Road Romford	Development/Use	Delegated	12-02-14	13-02-14	13-03-14		See Schedule A
Vinegar Hill Lower Bedfords Road Romford	Development/Use	Delegated	12-02-14	13-02-14	13-03-14		See Schedule A
14 Rainham Road Rainham	1. Breach of conditions 2. Development	Committee 14-11-13	15-01-14	16-01-14	13-02-14		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 Corner 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			Pursuing compliance
Folkes Farm Folkes Lane Upminster	Use Notice B	Delegated	24-04-14	24-04-14			Pursuing 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
36 Rush Green Road Romford	Use	Committee 24-04-14	04-08-14	05-08-14			Pursuing compliance
30 Kimberley Avenue Romford	Development	Committee 13-03-14	04-08-14	05-08-14			Pursuing compliance

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# REGULATORY SERVICES COMMITTEE

# REPORT

4 SEPTEMBER 2014

**Subject Heading:**

Prosecutions update

**Report Author and contact details:**

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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

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