



# Havering

LONDON BOROUGH

## REGULATORY SERVICES COMMITTEE AGENDA

7.30 pm

Thursday  
4 December 2014

Havering Town Hall,  
Main Road, Romford

Members 11: Quorum 4

### COUNCILLORS:

#### Conservative (5)

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

#### Residents' (2)

Stephanie Nunn  
Reg Whitney

#### East Havering Residents' (2)

Linda Hawthorn  
Ron Ower

#### UKIP (1)

Phil Martin

#### Independent Residents (1)

Graham Williamson

**For information about the meeting please contact:**

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

## **Protocol for members of the public wishing to report on meetings of the London Borough of Havering**

Members of the public are entitled to report on meetings of Council, Committees and Cabinet, except in circumstances where the public have been excluded as permitted by law.

Reporting means:-

- filming, photographing or making an audio recording of the proceedings of the meeting;
- using any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later; or
- reporting or providing commentary on proceedings at a meeting, orally or in writing, so that the report or commentary is available as the meeting takes place or later if the person is not present.

Anyone present at a meeting as it takes place is not permitted to carry out an oral commentary or report. This is to prevent the business of the meeting being disrupted.

Anyone attending a meeting is asked to advise Democratic Services staff on 01708 433076 that they wish to report on the meeting and how they wish to do so. This is to enable employees to guide anyone choosing to report on proceedings to an appropriate place from which to be able to report effectively.

Members of the public are asked to remain seated throughout the meeting as standing up and walking around could distract from the business in hand.

## **AGENDA ITEMS**

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

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

The Chairman will announce the following:

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

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

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

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

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

(if any) - receive.

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

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

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

### **4 PLANNING APPLICATIONS - SEE INDEX AND REPORTS (Pages 1 - 34)**

#### **5 P1066.14 - INGREBOURNE HILL (Pages 35 - 70)**

#### **6 P1196.14 - 1 JUNCTION ROAD, ROMFORD (Pages 71 - 86)**

#### **7 P1195.14 - TARA, SOUTHEND ARTERIAL ROAD (Pages 87 - 104)**

- 8 **P1293.14 - HAROLD WOOD PRIMARY SCHOOL, RECREATION AVENUE** (Pages 105 - 112)
- 9 **P1260.14 - 22A STATION LANE, HORNCHURCH** (Pages 113 - 122)
- 10 **P0010.12 - DAMYNS HALL AERODROME** (Pages 123 - 148)
- 11 **P1388.14 - WILLIAM PIKE HOUSE, WATERLOO GARDENS, ROMFORD** (Pages 149 - 160)
- 12 **P1390.14 - THOMAS ENGLAND HOUSE, WATERLOO GARDENS, ROMFORD** (Pages 161 - 172)
- 13 **P0680.14 - SCOTTS PRIMARY SCHOOL, BONINGTON ROAD** (Pages 173 - 178)
- 14 **PLANNING OBLIGATIONS/LEGAL AGREEMENTS** (Pages 179 - 182)
- 15 **PLANNING AND ENFORCEMENT APPEALS RECEIVED, PUBLIC INQUIRIES/HEARINGS AND SUMMARY OF APPEAL DECISIONS** (Pages 183 - 202)
- 16 **SCHEDULE OF ENFORCEMENT NOTICES** (Pages 203 - 216)
- 17 **PROSECUTIONS UPDATE** (Pages 217 - 218)
- 18 **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

19 **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.

**20 CHIEF EXECUTIVE'S REPORT CONTAINING EXEMPT INFORMATION** (Pages 219 - 348)

**Andrew Beesley  
Committee Administration  
Manager**

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## Regulatory Services Committee

4 December 2014

<b>Page No.</b>	<b>Application No.</b>	<b>Ward</b>	<b>Address</b>
1-7	P1140.12	Havering Park	Brookside Yard, Clockhouse, Lane, Collier Row, Romford
8-11	P0678.14	Cranham	12 Willow Parade, Moor Lane, Cranham
12-19	P1266.14	Cranham	Laburnham Stables, Laburnham Gardens, Cranham, Upminster
20-23	P1273.14	Romford Town	5 Lyon Road (C S Flooring), Romford
24-31	P1355.14	Gooshays	Meadow Rise, Church Road, Noak Hill,

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<b>APPLICATION NO:</b>	<b>P1140.12</b>	
<b>WARD :</b>	Havering Park	<b>Date Received:</b> 13th September 2012 <b>Expiry Date:</b> 8th November 2012
<b>ADDRESS:</b>	Brookside Yard Clockhouse Lane, Collier Row Romford	
<b>PROPOSAL:</b>	Erect two conservatories (to East and West elevations) covered way to north elevation, construct swimming pool and pump room with hardstanding and retaining wall and change of use of land to residential curtilage (retrospective).	
<b>DRAWING NO(S):</b>	12/07/PL1; - PL2	
<b>RECOMMENDATION :</b>	It is recommended that <b>planning permission be REFUSED</b> for the reason(s) given at the end of the report given at the end of the report.	

## **BACKGROUND**

This planning application was deferred at the meeting of 13 March 2014 to allow the applicant the opportunity to clarify the dates of additions to the dwelling and dependant on that, to consider the merits subject entirely to the objective facts of submitting an application under Section 191 of the Town and Country Plan.

An application under Section 191 is Lawful Development Certificate (LDC) gives an applicant the opportunity to submit evidence to the Council that seeks to demonstrate that due to the passage of time the development has become lawful and is immune from any enforcement action.

The applicant's agent has been contacted regarding the deferral reasons and asked to consider whether an application for a LDC might be submitted. The 4th December committee was agreed with the agent as a deadline for the submission of such an application. There have been no other change in circumstances and the application is referred back to the committee for decision accordingly with the original recommendation for refusal. A decision to refuse planning permission would not prevent the applicant from submitting an LDC application at some future date.

The application was originally called-in by former Councillor Barry Oddy on the grounds that the application has been outstanding and undetermined for a considerable length of time.

## **SITE DESCRIPTION**

The site comprises a dwellinghouse with outbuildings. The house has been extended by the addition of two conservatories and a covered way, together with an outside swimming pool and pump room. The site area is 0.46 hectares. Vehicular access to the site is onto Clockhouse Lane - a track at this point. Ground levels rise away from Clockhouse Lane. The site is adjacent to two bungalows which are located in a frontage relationship with the track and to the north is a commercial site. Apart from the school (west) and public house (south), the area is otherwise open including Havering Country Park. Nonetheless further along North Drive (at least 100m from the site) are two-storey frontage residential properties at the northern limit of Collier Row. The site is within an area of Metropolitan Green Belt and the Havering Ridge Area of Special Character.

**DESCRIPTION OF PROPOSAL**

The proposal is for the retention of the two conservatories together with a covered way to the north elevation, and to retain a swimming pool and pump room to the north eastern corner of the site with hardstanding and a retaining wall together with the change of use of the land to residential curtilage.

A special circumstances case has been put forward by the applicants which can be summarised as follows:

- the extensions are not disproportionate if the new dwellinghouse is taken as the "original dwellinghouse", as per the reasoned justification to the LDF Policy DC45 as it would be less than 50% larger
- the rear covered way and western conservatory are sandwiched between existing building and structures and so would not materially affect the openness of the green belt
- the swimming pool is mainly underground with only 0.35m projecting above the surface of the patio and therefore does not diminish the openness of the green belt
- the hardstanding areas do not have any material affect on the openness of the green belt since they simply reconcile a sloping area on the site.
- the originally approved residential curtilage of 6m depth and 35.5m wide was unreasonably small for this dwelling and that now proposed is not disproportionate and, of itself would not have any impact on the openness of the green belt
- any structures etc. to be erected within the proposed residential curtilage would not be visible outside the site due to the screen walling now erected and would therefore not have any impact on the open character of the green belt

**RELEVANT HISTORY**

L/HAV/598/70 - Extension of stables - 8 units, approved.

L/HAV/1863/71 - Removal of old sheds, extension and stables, approved.

L/HAV/2305/72 - Reception, tack, bridle, foodstore and dog kennels, approved.

L/HAV/662/78 - Covered equestrian area, refused.

L/HAV/2749/78 - Caravan, withdrawn.

L/HAV/122/83 - Use of office and tack room as residential accommodation to supervise riding stables, refused.

L/HAV/737/83 - Use of office and tack room for security and watchman 24 hrs per day (not residential), approved.

P0323.88 - Open sided building menage, equestrian instruction, withdrawn.

P0415.89 - Loose boxes, relocation of barn/hayloft, approved.

P1166.07 - To erect a replacement building in lieu of approval P1545.06 to convert existing stables and tack building into a dwelling  
Apprv with cons      12-10-2007

P1545.06 - Conversion of existing stable & tack buildings into new dwelling house  
Apprv with cons      03-10-2006

P2152.05 - New Dwelling on site of existing stables.  
Refuse                      23-01-2006

P0761.03 - Revised details of single storey dwelling P1890.02 refers  
Apprv with cons      28-05-2003

P1890.02 - Demolition and conversion work to form single storey dwelling and car port  
Apprv with cons      03-03-2003

## **CONSULTATIONS/REPRESENTATIONS**

Neighbouring and nearby occupiers were notified of the proposal. A press notice was placed in a local paper and a site notice was posted. There have been no objections.

## **RELEVANT POLICIES**

### LDF

CP14 - Green Belt  
DC45 - Appropriate Development in the Green Belt  
DC61 - Urban Design

### OTHER

LONDON PLAN - 3.5 - Quality and design of housing developments  
LONDON PLAN - 7.16 - Green Belt  
LONDON PLAN - 7.4 - Local character  
LONDON PLAN - 7.5 - Public realm  
NPPF - National Planning Policy Framework

## **MAYORAL CIL IMPLICATIONS**

None. The proposal is for residential extensions of less than 100 sq.m.

## **STAFF COMMENTS**

The main issues are the principle of the development, the impact on the open character of the Green Belt, impact on visual amenity in the streetscene and impact on residential amenity. If by reason of harm either in principle or any other harm is identified, then special circumstances can be considered. Firstly however it is necessary to consider whether any harm arises from the proposal.

## **PRINCIPLE OF DEVELOPMENT**

Policy DC45 indicates that new build residential development is not appropriate development in the green belt but that conversions are acceptable, subject to there being limits to the amount of additional development which may also take place as a result. The conversion into a dwellinghouse was originally approved in 2002, partly as it involved a loss of other buildings from the application site which increased the openness of the site. The 2007 approval for a new house followed closely on from the 2006 conversion approval as the remaining wall was unstable upon starting works. Given the planning history, it was considered that the scheme would have no greater impact on the open character of the Green Belt than the 2006 approval and that in these exceptional circumstances, approval of the new house was acceptable. There were a number of restrictions including a clearly defined residential curtilage. The works currently proposed for retention are additional to this.

The building which was to be converted (2006) but was eventually demolished and rebuilt (2007) is 35.5m long and 4.2m deep (149 square metres). The 2006/7 approvals allowed the addition of two wings and a limited depth (0.65m) front extension which increased the building by 48 square metres in floor area. The overall additional volume was 180 cubic metres. This represented a 36% increase in volume. The schemes also involved the demolition of building 5, part of building 2 and two existing out buildings, which reduced the existing buildings by 369 cu.m.

Both the 2006 and 2007 approvals also restricted the residential curtilage to an area directly in front (south) of the building with a maximum depth of 6m. A car port was to be formed from the remaining part of Building 2 (to the west of the approved dwelling).

The proposal increases the built volume by both not removing the part of the outbuilding (building 2) which was to be part demolished to provide a small car port, and also by adding two conservatories (one of which effectively attaches to the car port building), a covered way and a pump room. The new conservatories and covered way add some 92.5 sq.m and the retained buildings, now attached, add a further approximately 150 sq.m, totalling approximately 243 sq.m. Given that the approved dwelling was already 48 sq.m larger in floor area, these additional elements are well in excess of 50% of the approved volume, which itself was 36% bigger than the original building. The overall increase in volume (comparing the original buildings with that now on site) is circa 163%.

It is therefore considered that the proposal would result in disproportionate additions to the building, contrary to both Policy DC45 and the NPPF, such that there would be in principle harm from the proposed development as a result of inappropriateness.

### **GREEN BELT IMPLICATIONS**

The proposal would increase the length of the building. While the conservatories are largely glass and the covered way is located behind the building against the shared boundary wall, the overall impact is that the current building extends more than 75m along the northern edge of the application site. This is considered to be harmful to the open character of the Green Belt.

The original residential curtilage (permitted by the 2006/7 schemes) included an area approximately 35.3m wide by a maximum of 6m deep immediately to the south of the building. This area was in addition to the driveway. As part of this application, there would be an extension of the residential curtilage to include the swimming pool and its surrounding hardstanding area which, excluding the 30 sq.m pump room, covers an area of over 310 sq.m. This is in addition to the provision of a hardstanding patio area of approximately 185 sq.m to the front and east of the added conservatory. This alone totals nearly 500 sq.m of additional hardstanding area. Two smaller areas of hardstanding have also been added to the paddock area, one adjacent to the eastern patio area and another to the front of the dwellinghouse.

An area beyond the previously defined residential curtilage and new areas of hardsurfacing to be retained has also been laid to lawn. This lawn is circa 2640sq.m in area. The applicant has advised that this land is leased to them on a 99 year basis.

Taking into account the limited extent of the original curtilage, it is considered that the now proposed residential curtilage would result in an unacceptable urbanisation of the application site, well beyond that originally envisaged, to the detriment of the open character of the Green Belt.

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

The extensions are visible from the Country Park, in particular from views along an informal footpath directly to the south and from the woods to the east of the application site, although views into the site have been partly obscured by the applicant building a wall just inside the boundary which is higher than the retained boundary fence.

It is not however considered that there would be any adverse impact on visual amenity in the streetscene, bar that arising to green belt character.

### **IMPACT ON AMENITY**

The nearest residential properties front onto the same access road to the west of the application

site. Due to the distance and intervening buildings, it is not considered that the works undertaken would have any impact on residential amenity.

### **HIGHWAY/PARKING**

There would be no change to parking arrangements which seem to provide in excess of the 2 parking space requirement.

### **OTHER ISSUES**

Since harm has been identified through inappropriateness and visual impact, the proposal should not be approved unless very special circumstances are demonstrated to exist which, in line with the NPPF, outweigh the harm identified. The special circumstances offered by the applicants are as follows:

- the extensions are not disproportionate if the new dwellinghouse is taken as the "original dwellinghouse", as per the reasoned justification to the LDF Policy DC45 as it would be less than 50% larger

Staff Comment: According to the LDF the original dwellinghouse is "as built" on 1st July 1948. In this case, the dwelling on site is a replacement of a previous building. Together with the elements now proposed to be retained, total volume would be circa 163% greater than the volume of the original building, which Staff consider is disproportionate. In addition, the proposal involves development in the green belt beyond the approved residential curtilage.

- the rear covered way and western conservatory are sandwiched between existing buildings and structures and so would not materially affect the openness of the green belt

Staff comment: See comment above in respect of the residential curtilage; development beyond the approved curtilage is a change of use of the land to residential which is in principle, harmful to the green belt and the reasons for including the land within it; in respect of extending the buildings and joining them together, this clearly has an impact on openness, in particular as works to remove/demolish part of a building on site, which formed part of the original approval, have yet to be undertaken and are now proposed to be retained.

- the swimming pool is mainly underground with only 0.35m projecting above the surface of the patio and therefore does not diminish the openness of the green belt

Staff comment: The swimming pool is not within the approved residential curtilage and represents a change of use to residential as well as being a physical development in itself; that the pool does not project significantly above ground does not of itself mean that it has no impact on the open character of the green belt as it is accompanied by extensive hardstanding and a single-storey pump room/changing facility.

- the hardstanding areas do not have any material affect on the openness of the green belt since they simply reconcile a sloping area on the site.

Staff comment: Hardstanding is development and in this case is not within the approved residential curtilage; the extensive hardstanding undertaken at the site together with stepped accesses is not characteristic of undeveloped land in the green belt and it represents an urbanisation of the site.

- the originally approved residential curtilage of 6m depth and 35.5m wide was unreasonably

small for this dwelling and that now proposed is not disproportionate and, of itself would not have any impact on the openness of the green belt

Staff comment: The applicant was free to appeal against the condition on the approval which restricted the residential curtilage, but did not do so. The current proposal involves the change of use of the whole former stables site to a residential curtilage. The site area is 0.46 hectares which would result in an unreasonably large area of land in residential use.

- any structures etc. to be erected within the proposed residential curtilage would not be visible outside the site due to the screen walling now erected and would therefore not have any impact on the open character of the green belt

Staff comment: The wall around the site has been raised above 2m following Police advice; it is currently unauthorised, nonetheless just because any buildings may not be visible from certain public vantage points is not a very special circumstance to allow ancillary residential development over the whole of the former stables site of which the majority was open pasture.

Staff do not consider that the circumstances submitted, neither singly, or collectively, represent the very special circumstances needed to outweigh the in principle and other harm identified, in particular to the open character and appearance of this part of the Metropolitan Green Belt.

### **KEY ISSUES/CONCLUSIONS**

The proposal to retain various residential development outside the approved residential curtilage for this property in the green belt would result in inappropriate development in the green belt, unacceptably harmful to Green Belt principles and its open character. Staff do not consider that the circumstances submitted are very special such that they do not outweigh the harm identified. The proposal is therefore contrary to Policy DC45 of the LDF Core Strategy and Development Control Policies DPD.

### **RECOMMENDATION**

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

#### **1. REFGB (Standard Green Belt reason for refusal)**

The site is within the area identified in the Local Development Framework Core Strategy and Development Control Policies Development Plan Document as Metropolitan Green Belt. LDF Policy and Government Guidance as set out in the National Planning Policy Framework state 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 have been submitted in this case and the proposal is therefore contrary to Policy DC45 of the Core Strategy and Development Control Policies Development Plan Document.

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#### **1 Refusal - No negotiation**

Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: Consideration was given to seeking amendments, but given conflict with adopted planning policy, notification of intended refusal, rather than

negotiation, was in this case appropriate in accordance with para 186-187 of the National Planning Policy Framework 2012.

<b>APPLICATION NO:</b>	<b>P0678.14</b>	
<b>WARD :</b>	Cranham	<b>Date Received:</b> 4th August 2014 <b>Expiry Date:</b> 29th September 2014
<b>ADDRESS:</b>	12 Willow Parade Moor Lane Cranham	
<b>PROPOSAL:</b>	Change of Use from a shop (A1) to Financial & Professional Services (A2) and a new shop front. Revised Plan received 03/11/2014	
<b>DRAWING NO(S):</b>	PL-5302_01 PL-5302_02 PL-5302_03A PL-5302_04 PL-5302_05	
<b>RECOMMENDATION :</b>	It is recommended that <b>planning permission be GRANTED</b> subject to the condition(s) given at the end of the report given at the end of the report.	

## **SITE DESCRIPTION**

Two storey end of terrace property with a vacant A1 unit at ground floor, which was formally used as a pet shop entitled 'Four Paws'. The surrounding area comprises of a commercial row of shops with residential accommodation above. The site is located within the Front Lane, Cranham Major Local Centre.

## **DESCRIPTION OF PROPOSAL**

The application is for a change of use from a shop (A1) to Financial and Professional Services (A2) and a new shop front. The shop front consists of a pair of doors with a glass panel either side.

Opening hours are proposed to be 8:00 to 18:00 Monday to Friday.

The application is accompanied by floor plans which indicate the provision of an open plan office with an individual office and meeting room, a break out area, storage area, kitchen and a toilet.

There would be four full time employees.

## **RELEVANT HISTORY**

P2278.07 - Change of use from A1 Class to A5 Hot food take-away  
Refuse 15-01-2008

## **CONSULTATIONS/REPRESENTATIONS**

Neighbour notification letters were sent to 30 local addresses. No letters of representation were received. The application has been advertised in a local newspaper and by way of a site notice, as the application does not accord with the provisions of the development plan. The deadline for responses to the notices has not yet expired and any representations will be verbally updated to members. If members resolve to grant planning permission, this would be delegated to the Head



of Regulatory Services, subject to no new material considerations being raised in representations received after this meeting.

Essex and Suffolk Water - No objection to the change of use.

Highway Authority - No objection.

### **RELEVANT POLICIES**

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

### **MAYORAL CIL IMPLICATIONS**

Not liable for Mayoral CIL.

### **STAFF COMMENTS**

The issues arising from this application are the principle of the development, including the impact of the proposed changes of use on the retail vitality and viability of the Front Lane, Cranham Major Local Centre, impact on residential amenities and highways/parking.

### **PRINCIPLE OF DEVELOPMENT**

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

- The use provides a service appropriate to a shopping area;
- The proposal will not result in a group of three or more adjoining A2-A5 uses;
- Within the Major Local Centres, not more than 33% of the length of the relevant frontage will be in non-retail use following implementation of the proposal.

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

This policy is intended to maintain the viability and vitality of the relevant centre by protecting the predominantly retail use so that the range and choice of goods sold are maintained. The retail core of the centre has been defined in such a way as to single out the most concentrated areas of shopping for protection. In these areas the policy seeks to restrict the number of non-retail uses and also to prevent their grouping as this would interrupt the continuity of individual shopping frontages thus undermining their contribution to the centre as a whole.

The proposal would not result in a group of three or more adjoining A2-A5 uses.

In determining the relevant frontage for the purposes of the above, it is considered that the frontage runs between No.'s 1-12 Willow Parade, Moor Lane. This frontage has a total length of 79 metres.

There are 12 units within this parade. The five non-retail uses comprise the application site at No. 12 - formally in A1 use, No.1 - Professional Financial Solutions (PFS), No. 2 - Lottie & Ollie children's day nursery, No. 3 - Chiropodists & Osteopaths and No. 8- Sea World Fish 'N' Chips/Kebabs.

These five non-retail uses including the proposed change of use at No. 12 Willow Parade with a

combined frontage measuring 29.17 metres, would result in 36.9% of the total length of the parade in non-retail use, exceeding the 33% given in policy.

The proposed change of use from A1 to financial and professional services (A2) would provide services appropriate to the Front Lane Major Local Centre and therefore would contribute to the vibrancy and vitality of the locality. Staff are of the view that the proposal would maintain an active shop front and has the potential to make a contribution to pedestrian flows. It is proposed that the premises be open Monday to Friday during normal shopping hours.

When reviewing the merits of this application, consideration was given to the fact that this A1 unit has been vacant since October 2013 resulting in the unit having a somewhat neglected appearance. Although the change of use would be contrary to Policy DC16, it is considered that on balance, an A2 use would be acceptable, particularly as it would bring this vacant unit back into use, which staff consider would be a positive outcome for the vitality of this shopping parade in the Front Lane Major Local Centre.

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

The shop front consists of a pair of doors with a glass panel either side. The shop front would be similar in design to other existing shop fronts in the vicinity and therefore, would appear in character with the streetscene. The shop front would have an active frontage open to the street which complies with policy DC61.

### **IMPACT ON AMENITY**

With regard to the impact upon neighbouring properties consideration must be given to potential implications in terms of operating hours and noise and disturbance. In this instance, opening hours are proposed to be 8:00 to 18:00 Monday to Friday. Staff are of the view that the proposed A2 use would be unlikely to generate unacceptable levels of noise when viewed against the existing background noise levels arising from other uses in the locality.

### **HIGHWAY/PARKING**

There is space for two to three vehicles to the rear of the site. 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.

### **KEY ISSUES/CONCLUSIONS**

Although the change of use would be contrary to Policy DC16, it is considered that an A2 use would be acceptable, particularly as it would bring this vacant unit back into use, which staff consider would be a positive outcome for the vitality of this shopping parade in the Front Lane Major Local Centre. The opening hours are deemed to be acceptable and the new shop front would not have an adverse impact on the streetscene. The proposal would not be detrimental to neighbouring amenity, there are no parking issues arising nor would the proposal give rise to any other highway issues. Approval is recommended with authority delegated to the Head of Regulatory Services to issue the decision once the period for consultation expires, provided that no new material issues are raised which have not been covered by this report.

### **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. 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.

**3. SC27 (Hours of use) ENTER DETAILS**

The premises shall not be used for the purposes hereby permitted other than between the hours of 08:00 and 18:00 on Mondays to Saturdays and not at all on Sundays, Bank or Public holidays without the prior consent in writing of the Local Planning Authority.

Reason:-

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

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**INFORMATIVES**

**1 Approval following revision**

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

<b>APPLICATION NO:</b>	<b>P1266.14</b>	
<b>WARD :</b>	Cranham	<b>Date Received:</b> 11th September 2014 <b>Expiry Date:</b> 6th November 2014
<b>ADDRESS:</b>	Laburnham Stables Laburnham Gardens Cranham Upminster	
<b>PROPOSAL:</b>	Retention of 2No mobile homes currently on site adjacent to existing mobile home with permanent consent	
<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 application site is rectangular in shape and amounts to 584sqm. It lies entirely within the Green Belt within a larger site known as Laburnham Stables which also includes a further mobile home and a stable block, both with permanent planning permission. The site lies on the edge of the urban area of Cranham and is accessed via Laburnham Gardens. There is a mature hedgerow along the western boundary and further planting between the application site and the permanent mobile home. The remainder of Laburnham Stables is generally open grassland.

### **DESCRIPTION OF PROPOSAL**

The permanent retention of two mobile homes for gypsy/traveller occupation.

### **RELEVANT HISTORY**

P1733.01 - Relaxation of Condition (3 year limited period) of previously allowed appeal to permanent siting of mobile home and hardstanding for touring caravan. Apprv 12/07/2002

P1117.96 - Proposed family gypsy home comprising one mobile home, one touring caravan, hardstandings and fencing. Refused 25-10-1996

P1687.11 - Retention of 2no. mobile homes currently on site. Adjacent existing mobile home with permanent consent  
Apprv with cons 16-03-2012

P0129.08 - Retention of two no. mobile homes  
Apprv with cons 24-12-2008

P0300.07 - Permanent permission for two additional mobile homes  
Withdrawn 03-05-2007

P0593.03 - Stationing of two additional mobile homes  
Refuse 02-06-2003

### **CONSULTATIONS/REPRESENTATIONS**

The application was advertised by way of site and press notices as well as through the notification of five neighbouring properties. No representations have been received,

Streetcare (Highways) - no objections

London Fire Brigade - No additional fire hydrants required

Streetcare (Refuse) - no objections. Refuse sacks will need to be brought onto Laburnham Gardens on collection day.

Essex & Suffolk Water - no objections

London Fire and Emergency Planning Authority - satisfied with the proposals

## **RELEVANT POLICIES**

Planning Policy for Traveller Sites, in particular Policies E (Traveller Site in the Green Belt; H (Determining Planning Applications for Traveller Sites) and I (Implementation).

Parliamentary Statements published 17/01/2013 and 02/07/2013 regarding traveller sites in the Green Belt.

National Planning Policy Guidance

### LDF

CP14 - Green Belt

CP2 - Sustainable Communities

DC33 - Car Parking

DC45 - Appropriate Development in the Green Belt

DC61 - Urban Design

DC8 - Gypsies and Travellers

### OTHER

LONDON PLAN - 3.8 - Housing choice

LONDON PLAN - 7.16 - Green Belt

NPPF - National Planning Policy Framework

## **MAYORAL CIL IMPLICATIONS**

The application concerns a change of use and no new floorspace is being created, therefore, there is no CIL liability.

## **STAFF COMMENTS**

The issues arising from this application are: i) whether it is an appropriate use in the Green Belt; ii) whether there are acceptable impacts on visual and residential amenity, iii) whether there are acceptable access and parking arrangements and iv) whether there are any material considerations that could represent the very special circumstances by which development may exceptionally be permitted in the Green Belt.

The application includes a statement setting out that the two mobile homes would be for the sons of Mr and Mrs Tibbs and their families. The families have been occupying the site for a number of years and their gypsy/traveller status has been accepted by the Council. There are no details to indicate that this position has changed.

## **BACKGROUND**

There have been three previous temporary planning permissions for the stationing of the two

mobile homes on the site for gypsy/traveller occupation, granted in 2004, 2008 and 2012. The first in 2004 was for a three year period granted on appeal. In allowing the appeal the Inspector concluded that there were 'very special circumstances' that justified the grant of a temporary permission in the Green Belt. These included the acute overcrowding of the appellant's existing accommodation and the lack of an obvious alternative solution. In reaching this conclusion, he had regard to the fact that the appeal site was already a lawful and permanent gypsy site; and to the fact that the proposed mobile homes would be relatively secluded, and would not be conspicuous in views from any public vantage point. He also accepted that the position might change after the traveller needs assessment which the Council were to undertake had been completed and that it would be wrong to grant a permanent permission when the site may not form part of the consultation and final list of the proposed Gypsy/Traveller Site Allocation DPD.

The most recent temporary planning permission granted in 2012 was for the retention of the two mobile homes for occupation by the sons and family of the occupiers of the permanent mobile home (the current applicants). This expired in 16th March 2014. The reason given for the time limit was to enable the site to be formally considered in the forthcoming Gypsy and Traveller Caravan Sites Development Plan Document and in accordance LDF Policies CP2 and DC8.

The site has been identified in the most recent Gypsy and Traveller needs assessment (2010) and a permanent allocation proposed in the Gypsy and Traveller Local Plan (2012) (previously a DPD). Whilst this is the fourth application the circumstances which in the Inspector's view justified a temporary permission and not a permanent one, have not materially altered since 2004.

Preparation of work on the Council's Gypsy and Traveller Sites Local Plan (GTSLP) commenced in 2010 with the call for sites and needs assessment which updated the 2004 assessment. The proposed submission document was forwarded to the Secretary of State in December 2012. An 'examination in public' into the plan commenced in April 2013, but was suspended in June 2013 at the direction of the Inspector so that the Council could carry out further work on the plan. Work is underway to meet the Inspector's requirements, however, no date has been fixed for the examination to re-open.

The objectives of the GTSLP are stated as:

- \* To support the removal of unauthorised development in the borough, and strengthen the Council's ability to take enforcement action against unauthorised sites;
- \* To allocate sufficient suitable sites to meet the needs of Gypsies and Travellers living in Havering, as determined by the 2010 Havering Needs Assessment;
- \* To protect the Green Belt from inappropriate development, except in very special circumstances;
- \* To set out a clear delivery strategy for the allocated sites that identifies how much development will happen, where, when and by whom it will be delivered;
- \* To provide specific criteria about the form of development which will be allowed on each site to ensure the land use is appropriate within the constraints of the local area.

Based upon the needs assessment proposed Policy GTS2 seeks to identify and allocate sites to meet the assessed need. Policy GTS13 proposes the application site as being suitable for three pitches, the permanent pitch plus the two currently proposed to be retained.

During the examination the Inspector sought clarification from the Council on a number of issues. These included that a total of 61 permanent pitches are to be provided under the plan which includes 44 pitches that had or had had temporary planning permission. This included the current application site. It was also clarified that the allocation of sites established that they would be acceptable in the Green Belt, subject to site specific design and layout matters and there would be no further need to demonstrate 'very special circumstances' in terms of Green Belt policies.

The submission Local Plan can be afforded some limited weight in accordance with the guidance in paragraph 216 of the NPPF. However, whilst it sets out the Council's intentions the allocations remain as draft proposals until the plan is adopted.

In September 2014 the Government issued a consultation document on revised guidance on planning and travellers. This looks at whether there should be a new definition of 'traveller' for the purpose of planning. The consultation also addresses the provision of traveller sites in the Green Belt. The consultation, which finished on 23rd November sought responses to a number of questions. Given that this document is at a very early stage it can be afforded very little, if any weight and does not override any of the existing policies of the PPTS.

### **PRINCIPLE OF DEVELOPMENT**

The site lies within the area identified in the Havering Local Development Framework Core Strategy and Development Control Policies Development Plan Document (LDF) as Green Belt. LDF Policy DC45 and government guidance in the National Planning Policy Framework set out what development is appropriate in Green Belts and this does not include gypsy and traveller sites. More specifically the guidance in Planning Policy for Traveller Sites is that traveller sites (temporary or permanent) in the Green Belt are inappropriate development. Such development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Therefore, the proposed development for the permanent stationing of two caravans is considered unacceptable in principle.

### **GREEN BELT IMPLICATIONS**

Inappropriate development is by definition harmful to the Green Belt and should not be approved, except in 'very special circumstances'. The guidance in the NPPF is that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Policy H of the PPTS sets out the main considerations for new traveller sites, but in the Green Belt these would still need to amount to 'very special circumstances' if permission is to be granted. This has been reinforced in two recent ministerial statements in July 2013 and January 2014. These make it clear that both temporary and permanent traveller sites are inappropriate development in the Green Belt and that planning decisions should protect Green Belt land from such inappropriate development. In considering planning applications, although each case will depend on its facts, the single issue of unmet demand, is unlikely to outweigh harm to the Green Belt and other harm to constitute the 'very special circumstances' justifying inappropriate development in the Green Belt.

In terms of 'very special circumstances' in this case the applicant has put forward the identified need for accommodation and that the Council has accepted that such circumstances existed when granting temporary permission in the past. The reason for granting a temporary permission in 2012 was so that the site could be considered formally through the GTSLP. However, this work is still ongoing and the Local Plan has yet to be adopted. Further work is being undertaken and no date has been fixed for the examination in public to recommence.

Notwithstanding that the site is identified in the plan for three pitches in total, until the plan has been adopted it can only be given limited weight and cannot be considered to support the grant of permanent planning permission. The GTSLP has not progressed as quickly as envisaged when temporary permission was granted in 2012. In the circumstances staff consider that the appropriate course of action would be to grant a further temporary permission of three years. This would accord with national guidance in the PPTS which states that where the local planning authority cannot demonstrate an up-to-date five year supply of deliverable sites, this should be a significant material consideration when considering the grant of temporary planning permission.

The site is located on the edge of the urban area and marks the transition from the built up area to the open rural Green Belt. The permanent siting of two mobile homes on the site would detract from the open character of the Green Belt and contribute to the outward spread of the urban area. However, in light of the application history of the site and the submission GTSLP proposals it is considered that the 'very special circumstances' sufficient to justify a departure from development plan policies and the guidance in the NPPF do exist, but only in respect of a temporary permission.

#### **IMPACT ON AMENITY**

Both mobile homes are set away from the gardens of nearby residential properties and are well screened by an existing mature hedgerow. The mobile homes would not be readily visible from any public vantage points or the rear gardens of neighbouring properties. There would be no material impacts on the amenities of the nearest residential occupiers. No objections have been received to the application.

In this case the mobile homes are relatively secluded and the site is already well landscaped with mature hedgerows along the western boundary and between the two mobile homes and the authorised mobile home to the north. The impact on the rural character of the area would be limited and is considered acceptable. The mobile homes have been on the site for 10 years and there would be no increase in the impact as a result of this proposal. However, given the material impact on openness and the circumstances set out above staff consider that at this stage only a temporary permission could be justified.

#### **HIGHWAY/PARKING**

There is adequate space within the larger site for the parking of vehicles associated with the development. The access from Laburnham Gardens is considered acceptable and there have been no highway objections.

#### **OTHER ISSUES**

Government guidance in Policy H of the PPTS is that local planning authorities should consider the following issues amongst other relevant matters when considering planning applications for traveller sites:

- a) the existing level of local provision and need for sites;



- b) the availability (or lack) of alternative accommodation for the applicants;
- c) other personal circumstances of the applicant;
- d) that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites;
- e) that they should determine applications for sites from any travellers and not just those with local connections.

Policy H goes on to say that Local planning authorities should strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate the nearest settled community, and avoid placing an undue pressure on the local infrastructure. Local planning authorities should consider how they could overcome planning objections using planning conditions or planning obligations.

Policies CP2 and DC8 of the Core Strategy and Development Control Policies DPD apply to the provision of traveller sites. CP2 states that sites will be identified to meet identified needs and DC8 sets criteria for the consideration of applications for traveller sites. These include meeting an identified need and the site being capable of accommodating the number of caravans proposed. In the Green Belt the design, layout and landscaping should, amongst other things minimise the impact on openness and should not prejudice the purposes of including land in the Green Belt.

In this case the site would meet an identified need and no alternative accommodation is available as evidenced by the submission local plan. An additional two mobile homes would not place undue pressure on local infrastructure or dominate the nearest settled community. The layout does minimise the impact on the openness of the Green Belt and would not materially prejudice the purposes of including land within it. The site is also well landscaped. The proposals, would, therefore, meet the requirements of Policy H and LDF policy DC8.

To date there have been three temporary permissions for two mobile homes on the site, including the appeal decision. The guidance in the National Planning Policy Guidance is that it will rarely be justifiable to grant a second temporary permission as permission should normally be granted permanently or refused, as the reasons for a temporary permission will no longer apply. However, in this case there are exceptional circumstances and the reasons for the first temporary permission still apply and staff consider that a further temporary permission is justified.

## **KEY ISSUES/CONCLUSIONS**

The main issues in this case are the principle of the development and its impact upon the character, appearance and openness of the Green Belt. The proposed retention of the mobile homes constitutes inappropriate development. Staff consider that they are prejudicial to the openness of the Green Belt. However, in this case there are very special circumstances that would justify an exception from established policy. There is an unmet need for gypsy and traveller pitches as identified in the submission GTSLP. The site has been allocated in the Local Plan, however, there is uncertainty about the timing of its adoption. In these circumstances staff considered that a further three year temporary permission for three years would be appropriate. This would accord with the guidance in PPTS. However, the 'very special circumstances'

necessary to justify a permanent permission have not been demonstrated.

However, should members give different weight to the unmet need for gypsy and traveller sites and to the proposals of the GTSLP then there would be a case for either refusing planning permission or granting it permanently depending on the weight given.

## **RECOMMENDATION**

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

### **1. Non Standard Condition 37**

This permission shall be for a limited period only expiring on 4th December 2017 on or before which date the use hereby permitted shall be discontinued, the mobile homes and works carried out under this permission shall be removed and the site re-seeded and reinstated as pasture.

Reason: The grant of a permanent permission would not be appropriate until such time as the Gypsy and Traveller Caravan Sites Local Plan has been adopted and a permanent change of use considered in light of its policies and in accordance with Policies CP2 and DC8 of the LDF Core Strategy and Development Control Policies Development Plan Document.

### **2. Non Standard Condition 31**

The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1 of Planning Policy for Traveller Sites (2012).

Reason: Permission is granted solely in recognition of the unmet need for gypsy and traveller sites in Havering.

### **3. Non Standard Condition 32**

The use hereby permitted shall be carried on only by the following: Mrs C Tibbs and Mr Edward Tibbs and his wife, Laura and their children Edward, Lauren and Charles and Mrs Christina Imray (nee Tibbs) and her husband, Daniel and their children Daniel and James and any child born to these parents within the three year temporary period identified in Condition 1 above and shall not enure for the benefit of the land or any other person.

Reason: Permission is granted for a period pending the possible allocation of the site in a Development Plan Document on gypsy and traveller sites (or a Local Plan) and in recognition of the particular circumstances of the applicants.

### **4. Non Standard Condition 33**

When the premises cease to be occupied by those named in condition (3) above, or at the end of 3 years, whichever shall first occur, the use hereby permitted shall cease and all caravans, buildings, structures, materials and equipment brought on to the land, or works undertaken to it in connection with the use shall be removed and the land restored to its condition before the development took place.

**5. Non Standard Condition 34**

No vehicle over 3.5 tonnes shall be stationed, parked or stored on this site.

Reason: To protect the amenities of the area and the openness of the Green Belt.

**6. Non Standard Condition 35**

No commercial activities shall take place on the land, including the storage of materials.

Reason: To protect the amenities of the area and the openness of the Green Belt.

**7. Non Standard Condition 36**

No more than 2 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 shall be stationed on the application site at any time.

Reason: To protect the amenities of the area and maintain the open character of the Green Belt.

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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.

<b>APPLICATION NO:</b>	<b>P1273.14</b>	
<b>WARD :</b>	Romford Town	<b>Date Received:</b> 23rd September 2014 <b>Expiry Date:</b> 23rd December 2014
<b>ADDRESS:</b>	5 Lyon Road (C S Flooring) Romford	
<b>PROPOSAL:</b>	Change of Use of Warehouse (B8) to Formation and Distribution of Candles (B1c)	
<b>DRAWING NO(S):</b>	KS1409399/02 KS1409399/01 Location Plan	
<b>RECOMMENDATION :</b>	It is recommended that <b>planning permission be GRANTED</b> given at the end of the report.	

## **SITE DESCRIPTION**

The application site comprises a warehouse unit and its curtilage. The warehouse measures 1,092sqm in area. The site is located on the southern side of Lyon Road, which provides access to a range of warehouse and industrial buildings including the Brooke Trading Estate. The site's northern boundary adjoins the highway; the eastern and southern boundaries adjoin residential properties; whilst the western boundary lies adjacent to a factory. The site is located within a Secondary Employment Area.

## **DESCRIPTION OF PROPOSAL**

This planning application proposes the material change of use of a warehouse to B1(c) use, for the manufacture of candles. The manufacturing process would involve the use of melting tanks and subsequent pouring of liquid wax into containers; the combination of wax and scent by hand is followed by packaging and storage of finished candles ready for distribution. The submitted information states that no machinery would be used and that the absence of harmful impacts, such as noise and odour, make the proposal a B1 rather than a B2 use.

The proposed use would employ 20 full-time staff and upto 12 seasonal part-time staff. The existing ten parking spaces would be maintained, and there is also access to overspill parking within the wider estate. The proposal would involve 4-6 deliveries and collections per day. No alterations to the exterior of the building are proposed.

## **RELEVANT HISTORY**

The site is currently in use for storage and distribution purposes, but was previously in industrial use.

P0317.96 - Change of use from industrial use (B2) to showroom, storage and distribution centre (B8) - Approved.

## **CONSULTATIONS/REPRESENTATIONS**

32 neighbouring occupiers were notified about the proposal. No representations have been received.

Comments have been received from the following:

Highways - No objections.

Environmental Health - No objections.

### **RELEVANT POLICIES**

Local Development Framework (LDF) policies:

DC10 - Secondary Employment Areas  
DC32 - The Road Network  
DC61 - Urban Design

National Planning Policy Statement ("the NPPF")

### **MAYORAL CIL IMPLICATIONS**

The proposal would not give rise to a contribution under the Mayoral CIL Regulations.

### **STAFF COMMENTS**

The issues to be considered are the principle of the development, its impact in the street scene, the amenities of occupiers of nearby properties, and highway impact.

### **PRINCIPLE OF DEVELOPMENT**

The site is located within a Secondary Employment Area, Policy DC10 of the LDF states that planning permission will generally be granted in such locations for B1, B2, and B8 uses. The proposal is acceptable in principle.

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

Policy DC61 states that development should not be harmful to the character of the area.

The proposal would not result in any material changes to the exterior appearance of the application building, and there would not be any significant adverse impacts in relation to the character of the surrounding area.

### **IMPACT ON AMENITY**

The site is located within a Secondary Employment Area, however, residential properties are located alongside the site. Manufacturing processes and associated activities such as deliveries have the potential to cause a nuisance to residential occupiers. In this case, there is already a longstanding warehouse use at the site, which involves work-related activities and deliveries near to the adjoining properties. The applicants are applying for a B1(c) use as they consider that the proposal would be suitable in close proximity to residential properties, having minimal impacts in terms of noise, odour, etc. It is the potential impacts that differentiate B1(c) uses from B2 uses. The proposal would not involve the use of noisy machinery and would occur entirely indoors. Any significant adverse impacts on the amenities of neighbouring occupiers as a result of the proposed operations would imply a B2 use is being undertaken, in which case the operator would need to seek planning permission.

Given that the proposed process would be a B1(c) use with limited potential for nuisance, it is considered that the proposal would not result in any significant adverse impacts over and above those associated with the existing and established B8 use. In terms of its impact on local and residential amenity, the proposal is considered to be in accordance with Policy DC61 of the LDF.

## **HIGHWAY/PARKING**

The application site is already occupied by a B8 building. The highway authority has been consulted about the proposal with no objections being raised. It is considered that the proposal would be adequately served by the existing highway network and that the proposed provision of parking spaces would be sufficient. A condition is recommended requiring the approval of details in relation to bicycle storage.

## **KEY ISSUES/CONCLUSIONS**

The proposal is considered to be acceptable having regard to Policies DC10, DC32, and DC61 of the LDF and all other material considerations.

## **RECOMMENDATION**

It is recommended that **planning permission be GRANTED**

### **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. 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.

### **3. SC59 (Cycle Storage)**

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

Reason:-

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

### **4. Non Standard Condition 33**

The site shall only be used for B1(c) purposes.

Reason:-

**5. Non Standard Condition 32**

The premises shall not be used for the purposes hereby permitted other than between the hours of 07:00 and 19:00 hours on Mondays to Fridays and 08:00 and 18:00 on Saturdays, and not at all on Sundays, Bank or Public holidays without the prior consent in writing of the Local Planning Authority.

Reason:-

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

**6. Non Standard Condition 31**

No deliveries shall be taken at or despatched from the site outside the hours of 07:00 and 19:00 hours Mondays to Fridays and 08:00 and 18:00 on Saturdays.

Reason: In the interests of residential amenity and to accord with Policy DC61 of the LDF Development Plan Policies DPD.

**7. Non Standard Condition 35**

No storage of plant or materials shall take place in the open air.

Reason:-

In the interests of amenity and to accord with Policy DC61 of the LDF Development Plan Policies DPD.

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**INFORMATIVES**

**1 Fee Informative**

A fee is required when submitting details pursuant to the discharge of conditions. In order to comply with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which came into force from 22.11.2012, a fee of £97 per request or £28 where the related permission was for extending or altering a dwellinghouse, is needed.

**2 Approval - No negotiation required**

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

<b>APPLICATION NO:</b>	<b>P1355.14</b>	
<b>WARD :</b>	Gooshays	<b>Date Received:</b> 2nd October 2014 <b>Expiry Date:</b> 27th November 2014
<b>ADDRESS:</b>	Meadow Rise Church Road Noak Hill Romford	
<b>PROPOSAL:</b>	Change of use to residential caravan site for occupation by Gypsy family with associated hardstanding and toilet block	
<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 application site is rectangular in shape and amounts to 800sqm. It is located on the western side of Benskins Lane and gains access from long unmade access road off Church Road to the south. The site lies entirely within the Green Belt. The site has a paved surface and contains a large mobile home, a stable block, three touring caravans and a toilet/utility block. The site is located between three other plots occupied by traveller families.

### **DESCRIPTION OF PROPOSAL**

The change of use of land to residential for siting of one mobile home and three touring caravans for residential occupation by a single gypsy family, with associated hardstanding and toilet block. Planning permission for the use of the site expired in 2013 and this application seeks to retain the existing use of the site either permanently or for a further temporary period.

### **RELEVANT HISTORY**

- P0022.10 - Variation of Condition 3 of P0398.06 to allow continued occupation by gypsy family.  
Apprv with cons      11-03-2010
- P0398.06 - Change of use to residential for the siting of one mobile home and two touring caravans for one gypsy family  
Refuse                      27-04-2006

### **CONSULTATIONS/REPRESENTATIONS**

The application was advertised by way of site and press notices as well as through the notification of 17 neighbouring properties. No representations have been received.

Streetcare (Highways) - no objections

### **RELEVANT POLICIES**

Planning Policy for Traveller Sites (PPTS), in particular Policies E (Traveller Site in the Green Belt; H (Determining Planning Applications for Traveller Sites)and I (Implementation).

Parliamentary Statements published 17/01/2013 and 02/07/2013 regarding traveller sites in the Green Belt.



National Planning Policy Guidance

LDF

CP14 - Green Belt  
CP2 - Sustainable Communities  
DC33 - Car Parking  
DC45 - Appropriate Development in the Green Belt  
DC61 - Urban Design  
DC8 - Gypsies and Travellers

OTHER

LONDON PLAN - 3.8 - Housing choice  
LONDON PLAN - 7.16 - Green Belt  
NPPF - National Planning Policy Framework

**MAYORAL CIL IMPLICATIONS**

The application concerns a change of use and no new floorspace is being created, therefore, there is no CIL liability.

**STAFF COMMENTS**

The issues arising from this application are: i) whether it is an appropriate use in the Green Belt; ii) whether there are acceptable impacts on visual and residential amenity, iii) whether there are acceptable access and parking arrangements and iv) whether there are any material considerations that could represent the very special circumstances by which development may exceptionally be permitted in the Green Belt.

The application includes a statement setting out that the site is being occupied by Ms Roseanna Brown and her partner. Ms Brown has been occupying the site for a number of years and her gypsy/traveller status has been accepted by the Council. There are no details to indicate that this position has changed. The statement goes on to say that the family do not have the means to buy land elsewhere and that Havering does not have any socially provided sites. Those in the wider area are full. The family has strong local connections and the applicant and her sister travel to local fairs to sell goods which they make. Her sons are horse dealers and the family maintain the tradition of travelling for commercial reasons.

**BACKGROUND**

Planning permission was granted on appeal in January 2007 for occupation by a single gypsy family for a period of 3 years. The permission was extended for a further three years in 2010. The permissions allowed for three caravans to be stationed on the land, including one mobile home. In the appeal decision the Inspector considered that the development was 'inappropriate development' that would be harmful to the Green Belt and the rural character of the countryside. But in view of the adjoining traveller sites the harm was less than it otherwise would have been.

From the evidence submitted he concluded that there was an identified substantial need for additional site in Havering and that there were no available alternative sites in the locality. In his view the LDF, which was in draft at the time, did not appear to adequately address the need. However, he concluded that the need and lack of alternatives did not outweigh the harm when considering a permanent permission. Nevertheless these positive factors, together with future action through the LDF process to identify sites, did outweigh the limited harm identified in light of the adjoining sites, such as to justify a temporary permission. He also took account of appeal decisions in respect of these sites.

The LDF had been adopted when the 2010 application was considered and whilst a needs assessment had been undertaken, there were no specific site allocations. The conclusion reached was that the shortage of gypsy/traveller sites in the locality and the lack of alternatives should be afforded considerable weight. A further temporary permission for three years was again considered appropriate along the lines argued by the appeal inspector. Whilst there were four caravans on the site, one mobile home and three touring caravans, the permission only allow for up to three. There are currently four caravans on site with the tourers being in the same location as in 2010. No enforcement or breach of condition action has been taken against this additional caravan.

It is also relevant to note that both the 2007 and 2010 permissions allowed for occupation by any gypsy/traveller family and was not personal to Ms Brown. The current occupation of the site is in one mobile home and three touring caravans.

The site has been identified in the most recent Gypsy and Traveller needs assessment (2010) and a permanent allocation proposed in the Gypsy and Traveller Local Plan (2012) (previously a DPD). Whilst this is the third application the circumstances which in the Inspector's view justified a temporary permission and not a permanent one, have not materially altered since 2007.

Preparation of work on the Council's Gypsy and Traveller Sites Local Plan (GTSLP) commenced in 2010 with the call for sites and needs assessment which updated the 2004 assessment. The proposed submission document was forwarded to the Secretary of State in December 2012. An 'examination in public' into the plan commenced in April 2013, but was suspended in June 2013 at the direction of the Inspector so that the Council could carry out further work on the plan. Work is underway to meet the Inspector's requirements, however, no date has been fixed for the examination to re-open.

The objectives of the GTSLP are stated as:

- \* To support the removal of unauthorised development in the borough, and strengthen the Council's ability to take enforcement action against unauthorised sites;
- \* To allocate sufficient suitable sites to meet the needs of Gypsies and Travellers living in Havering, as determined by the 2010 Havering Needs Assessment;
- \* To protect the Green Belt from inappropriate development, except in very special circumstances;
- \* To set out a clear delivery strategy for the allocated sites that identifies how much development will happen, where, when and by whom it will be delivered;
- \* To provide specific criteria about the form of development which will be allowed on each site to ensure the land use is appropriate within the constraints of the local area.

Based upon the needs assessment proposed Policy GTS2 seeks to identify and allocate sites to meet the assessed need. Policy GTS3 proposes the application site as being suitable for one pitch.

During the examination the Inspector sought clarification from the Council on a number of issues. These included that a total of 61 permanent pitches are to be provided under the plan which includes 44 pitches that had or had had temporary planning permission. This included the current application site. It was also clarified that the allocation of sites established that they would be acceptable in the Green Belt, subject to site specific design and layout matters and there would be no further need to demonstrate 'very special circumstances' in terms of Green Belt policies.

The submission Local Plan can be afforded some limited weight in accordance with the guidance in paragraph 216 of the NPPF. However, whilst it sets out the Council's intentions the allocations remain as draft proposals until the plan is adopted.

In September 2014 the Government issued a consultation document on revised guidance on planning and travellers. This looks at whether there should be a new definition of 'traveller' for the purpose of planning. The consultation also addresses the provision of traveller sites in the Green Belt. The consultation, which finished on 23rd November sought responses to a number of questions. Given that this document is at a very early stage it can be afforded very little, if any weight and does not override any of the existing policies of the PPTS.

## **PRINCIPLE OF DEVELOPMENT**

The site lies within the area identified in the Havering Local Development Framework Core Strategy and Development Control Policies Development Plan Document (LDF) as Green Belt. LDF Policy DC45 and government guidance in the National Planning Policy Framework set out what development is appropriate in Green Belts and this does not include gypsy and traveller sites. More specifically the guidance in Planning Policy for Traveller Sites is that traveller sites (temporary or permanent) in the Green Belt are inappropriate development. Such development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Therefore, the proposed development for the permanent stationing of two caravans is considered unacceptable in principle.

## **GREEN BELT IMPLICATIONS**

Inappropriate development is by definition harmful to the Green Belt and should not be approved, except in 'very special circumstances'. The guidance in the NPPF is that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Policy H of the PPTS sets out the main considerations for new traveller sites, but in the Green Belt these would still need to amount to 'very special circumstances' if permission is to be granted. This has been reinforced in two recent ministerial statements in July 2013 and January 2014. These make it clear that both temporary and permanent traveller sites are inappropriate development in the Green Belt and that planning decisions should protect Green Belt land from such inappropriate development. In considering planning applications, although each case will depend on its facts, the single issue of unmet demand, is unlikely to outweigh harm to the Green Belt and other harm to constitute the 'very special circumstances' justifying inappropriate development in the Green Belt.

In terms of 'very special circumstances' in this case the applicant has put forward the identified need for accommodation and lack of alternative provision in the locality. The Council has accepted that such circumstances existed when granting temporary permission in the past. The

reason for granting a temporary permission in 2010 was so that a permanent permission was inappropriate as concluded by the appeal Inspector. The work to identify sites as envisaged by the Inspector is still ongoing and the Local Plan has yet to be adopted. Further work is being undertaken and no date has been fixed for the examination in public to recommence.

Notwithstanding that the site is identified in the plan for a single pitch, until the plan has been adopted it can only be given limited weight and cannot be considered to support the grant of permanent planning permission. The application seeks either permanent or temporary permission. In the circumstances staff consider that the appropriate course of action would be to grant a further temporary permission of three years. This would accord with national guidance in the PPTS which states that where the local planning authority cannot demonstrate an up-to-date five year supply of deliverable sites, this should be a significant material consideration when considering the grant of temporary planning permission.

The site is located within the open rural Green Belt. The permanent siting of four caravans on the site would detract from the open character of the Green Belt, notwithstanding the adjoining development. However, in light of the application history of the site and the submission GTSLP proposals it is considered that the 'very special circumstances' sufficient to justify a departure from development plan policies and the guidance in the NPPF do exist, but only in respect of a temporary permission.

#### **IMPACT ON AMENITY**

The site is set within a cluster of existing gypsy/traveller sites and there is only one permanent residential property in the immediate vicinity, Mariecot Bungalow which is over 50m away. Given that the use would be residential with no commercial activities and there is screen landscaping along the nearest boundary of the bungalow, staff consider that there would be no material impact on the amenities of occupiers of this property. The site has been in residential use since at least 2007 without any complaints specific to the application site. No objections have been received to the application.

The impact of the use on the rural character of the area would not be altered by this proposal and is considered acceptable until such time as the GTSLP has been adopted.

#### **HIGHWAY/PARKING**

There is adequate parking within the site for vehicles associated with the development. The access from Church Road is considered acceptable. No objections have been raised by the Highway Authority.

#### **OTHER ISSUES**

Government guidance in Policy H of the PPTS is that local planning authorities should consider the following issues amongst other relevant matters when considering planning applications for traveller sites:

- a) the existing level of local provision and need for sites;
- b) the availability (or lack) of alternative accommodation for the applicants;
- c) other personal circumstances of the applicant;
- d) that the locally specific criteria used to guide the allocation of sites in plans or which form the

policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites;

e) that they should determine applications for sites from any travellers and not just those with local connections.

Policy H goes on to say that Local planning authorities should strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate the nearest settled community, and avoid placing an undue pressure on the local infrastructure. Local planning authorities should consider how they could overcome planning objections using planning conditions or planning obligations.

Policies CP2 and DC8 of the Core Strategy and Development Control Policies DPD apply to the provision of traveller site. CP2 states that sites will be identified to meet identified needs and DC8 sets criteria for the consideration of applications for traveller sites. These include meeting an identified need and the site being capable of accommodating the number of caravans proposed. In the Green Belt the design, layout and landscaping should, amongst other things minimise the impact on openness and should not prejudice the purposes of including land in the Green Belt.

In this case the site would meet an identified need and no alternative accommodation is available as evidenced by the submission local plan. An additional one mobile home would not place undue pressure on local infrastructure or dominate the nearest settled community. The layout does minimise the impact on the openness of the Green Belt, although there would be an additional touring caravan over the number previously permitted, which appears to have been on site since 2010, if not before. The proposals would not materially prejudice the purposes of including land within it. The site is set well back from the public highway and is not readily visible from any public viewpoints. The proposals, would, therefore, meet the requirements of Policy H and LDF policy DC8.

To date there have been two temporary permissions for a mobile home and two touring caravans on the site, including the appeal decision. The guidance in the National Planning Policy Guidance is that it will rarely be justifiable to grant a second temporary permission as permission should normally be granted permanently or refused, as the reasons for a temporary permission will no longer apply. However, in this case there are exceptional circumstances and the reasons for the earlier temporary permissions still apply and staff consider that a further temporary permission is justified.

### **KEY ISSUES/CONCLUSIONS**

The main issues in this case are the principle of the development and its impact upon the character, appearance and openness of the Green Belt. The proposed retention of the mobile home and the change of use of the land constitutes inappropriate development. Staff consider that the proposal is prejudicial to the openness of the Green Belt. However, in this case there are very special circumstances that would justify an exception from established policy. There is an unmet need for gypsy and traveller pitches as identified in the submission GTSLP. The site has been allocated in the submission Local Plan, however, there is uncertainty about the timing of its adoption. In these circumstances staff consider that a further three year temporary permission would be appropriate. This would accord with the guidance in PPTS. However, the 'very special circumstances' necessary to justify a permanent permission have not been

demonstrated.

However, should members give different weight to the unmet need for gypsy and traveller sites and to the proposals of the GTSLP then there would be a case for either refusing planning permission or granting it permanently depending on the weight given.

## **RECOMMENDATION**

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

### **1. Non Standard Condition 37**

This permission shall be for a limited period only expiring on 4th December 2017 on or before which date the use hereby permitted shall be discontinued, the mobile home and works carried out under this permission shall be removed and the site re-seeded and reinstated as pasture.

Reason: The grant of a permanent permission would not be appropriate until such time as the Gypsy and Traveller Caravan Sites Local Plan has been adopted and a permanent change of use considered in light of its policies and in accordance with Policies CP2 and DC8 of the LDF Core Strategy and Development Control Policies Development Plan Document.

### **2. Non Standard Condition 31**

The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1 of Planning Policy for Traveller Sites (2012).

Reason: Permission is granted solely in recognition of the unmet need for gypsy and traveller sites in Havering.

### **3. Non Standard Condition 32**

The use hereby permitted shall be carried on only by Ms Roseanna Brown and Mr Bob Lee and their resident dependants and shall not enure for the benefit of the land or any other persons.

Reason: Permission is granted for a period pending the possible allocation of the site in a Development Plan Document on gypsy and traveller sites (or a Local Plan) and in recognition of the particular circumstances of the applicants.

### **4. Non Standard Condition 33**

When the premises cease to be occupied by those named in condition (3) above, or at the end of 3 years, whichever shall first occur, the use hereby permitted shall cease and all caravans, buildings, structures, materials and equipment brought on to the land, or works undertaken to it in connection with the use shall be removed and the land restored to its condition before the development took place.

Reason: Permission is granted for a period pending the possible allocation of sites in a Development Plan Document on gypsy and traveller sites (or a Local Plan) and in recognition of the particular circumstances of the applicants.

**5. Non Standard Condition 34**

No vehicle over 3.5 tonnes shall be stationed, parked or stored on this site.

Reason: To protect the amenities of the area and the openness of the Green Belt.

**6. Non Standard Condition 35**

No commercial activities shall take place on the land, including the storage of materials.

Reason: To protect the amenities of the area and the openness of the Green Belt.

**7. Non Standard Condition 36**

No more than four caravans, of which only one shall be a mobile home, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 shall be stationed on the site at any time.

Reason: To protect the amenities of the area and maintain the open character of the Green Belt.

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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 December 2014

**Subject Heading:**

**P1066.14 – Ingrebourne Hill, Rainham Road**

Engineering earthworks to merge Ingrebourne Hill with Hornchurch Country Park using inert soils, including temporary soils treatment and recovery, internal haul road, ancillary buildings, overnight security and structures to provide a managed woodland area with recreational and amenity after use.

**Ward:**

**South Hornchurch**

**Report Author and contact details:**

**Simon Thelwell (Projects and Regulation Manager, Regulatory Services) 01708 432685**

**Policy context:**

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

**Financial summary:**

**None**

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

Clean, safe and green borough	<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 type="checkbox"/>
High customer satisfaction and a stable council tax	<input type="checkbox"/>

## SUMMARY

This planning application proposes the importation of approximately 650,000 tonnes of material over a 30 month period, and the undertaking of engineering operations to create a new landform connecting Ingrebourne Hill with Hornchurch Country Park. The final landform would be landscaped with trees and other vegetation to provide an area of recreation and nature conservation open to the public.

In summary, the main issues to be considered are:

- The principle of development, in particular, whether the proposal would constitute appropriate development in the Green Belt, and whether the proposal would be in accordance with policies relating to the importation of inert material;
- The visual impact of the proposal;
- Whether the proposal can be operated in a manner that is not significantly harmful to local amenity, or the amenities of neighbouring occupiers;
- Whether the proposed access arrangements and generation of traffic would be significantly harmful to highway safety;
- Whether the proposal would have an acceptable impact in relation to archaeology and a range of environmental considerations, including air quality, flood risk and drainage, ecology, and ground contamination;
- Whether the proposal can be restored to an acceptable standard.

On balance, officers consider the proposal to be acceptable, subject to adherence to planning conditions.

## RECOMMENDATIONS

That subject to there being no contrary direction from the Mayor of London, 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, particulars and specifications.

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

3. Commencement of development - Written notification shall be submitted to the Local Planning Authority at least 7 days in advance of the commencement of development.

Reason:

To ensure that operations take place in an orderly fashion with minimum harm to the amenities of the area and to ensure proper restoration of the site to agriculture.

4. Trees and Hedgerows - No development shall take place until there has been submitted to and agreed in writing by the Local Planning Authority, details of all existing trees and hedgerows on the land, and details of those to be retained, together with measures for their protection during the course of the development. The development shall be undertaken in accordance with the approved details.

Reason:

To ensure that operations take place in an orderly fashion with minimum harm to the amenities of the area and to ensure proper restoration of the site to agriculture.

5. Soil and Overburden Storage – A scheme of soil and overburden storage shall be submitted to and approved in writing by the Local Planning Authority, detailing how:

i) Topsoil, subsoil, and overburden within a phase, and beneath any buildings, plant, and haul roads will be stripped to their full depths prior to extraction works commencing within that phase;

ii) Topsoil, subsoil and overburden will be stored in separate bunds and stockpiles, with adjoining material bunds being separated by intermediary materials;

iii) Materials will be stored like upon like, so that topsoil shall be stripped from beneath subsoil bunds/stockpiles and subsoil from beneath overburden bunds/stockpiles;

iv) The surfaces of all topsoil, subsoil, and overburden bunds and stockpiles will be vegetated prior to the commencement of phased extraction operations.

The development shall be undertaken in accordance with the approved details.

Reason:

In the interests of visual amenity and in accordance with Policy DC61 of the Core Strategy and Development Control Policies DPD.

6. Restoration – No development shall take place until a detailed scheme of restoration, relating to all areas of the application site, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the use and depths of soil material; final levels and contours (shown at 1 metre intervals); along with details of all planting, boundary treatment, proposed access arrangements, a restoration programme and timetable, and drainage works. The site's restoration shall be undertaken in accordance with the approved details, including timeframes within which the approved details will be implemented. Written notification to the Local Planning Authority shall be provided within 7 days of the completion of final restoration.

Reason:

To ensure that operations take place in an orderly fashion with minimum harm to the amenities of the area and to ensure proper restoration of the site to agriculture.

7. Aftercare - An aftercare scheme, detailing the steps as may be necessary to bring the restored land within each phase to the required standard for subsequent public recreation and nature conservation use, shall be submitted for the written approval of the Local Planning Authority not later than 12 months following the commencement of development. The approved scheme shall:

a) Provide an overall strategy for a 5 year aftercare period within each phase, including the maintenance and/or replacement where necessary, of any hedging or tree planting that may be damaged, die, or become diseased, along with the maintenance and replacement where necessary, of any field drainage and ditch systems. The submitted overall strategy shall specify the timing of the measures to be undertaken and shall be implemented within 7 days of final restoration.

b) Provide for the submission of annual management reports describing each year's aftercare programme, to be submitted in writing to the Local Planning Authority not less than 1 month before the final restoration within each phase, and then subsequently on an annual basis for the duration of the aftercare period.

Reason:

To ensure that operations take place in an orderly fashion with minimum harm to the amenities of the area and to ensure proper restoration of the site to agriculture.

8. Wheel washing - Before the development hereby permitted is first commenced, vehicle cleansing facilities to prevent mud being deposited onto the public highway during construction works shall be provided on site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be retained thereafter and used within the application site at relevant entrances to the site throughout the duration of construction works.

The submission will provide;

- a) A plan showing where vehicles will be parked within the site to be inspected for mud and debris and cleaned if required. The plan should show where construction traffic will access and exit the site from the public highway.
- b) A description of how the parking area will be surfaced, drained and cleaned to prevent mud, debris and muddy water being tracked onto the public highway;
- c) A description of how vehicles will be checked before leaving the site – this applies to the vehicle wheels, the underside of vehicles, mud flaps and wheel arches.
- d) A description of how vehicles will be cleaned.
- e) A description of how dirty/ muddy water be dealt with after being washing off the vehicles.
- f) A description of any contingency in the event of a break-down of the wheel washing arrangements and should debris be tracked into the public highway.

Reason:

In order to prevent materials from the site being deposited on the adjoining public highway, in the interests of highway safety and the amenity of the surrounding area, and in order that the development accords with the Development Control Policies Development Plan Document Policies DC61 and DC32.

9. Operations methodology – No development shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority making provision for an Operations Method Statement to control

the adverse impact of the development on the amenity of the public and nearby occupiers. The Operations Method statement shall include details of:

- a) parking of vehicles of site personnel and visitors;
- b) storage of plant and materials;
- c) measures for minimising the impact of noise and, if appropriate, vibration arising from extraction and infilling activities;
- d) predicted noise and, if appropriate, vibration levels for the proposed operations, using methodologies and at points agreed with the local planning authority;
- e) scheme for monitoring noise and if appropriate, vibration levels using methodologies and at points agreed with Mineral Planning Authority; siting and design of temporary buildings;
- f) scheme for security fencing/hoardings, depicting a readily visible 24-hour contact number for queries or emergencies;
- g) details of the disposal of waste arising from the operational programme, including from any buildings. 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.

10. Delivery and Servicing Plan - No development shall take place until a delivery and servicing plan has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide details of how the operator will manage traffic movements to and from the site to ensure that Heavy Goods Vehicle movements are optimised to avoid daily peak hour periods. The approved scheme shall be implemented and retained for the life of the development.

Reason:

In the interests of highway safety and amenity.

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

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

12. External lighting - Prior to the commencement of the development a scheme for the lighting of external areas of the development, including the access roads and working areas, shall be 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 installation of any external lighting shall be undertaken in accordance with the approved scheme.

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.

13. Cycle storage - Prior to the commencement of waste importation works, 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 retained until such time as the relevant site area is to be restored.

Reason: In the interests of providing a wide range of facilities for members of staff, in the interests of sustainability and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC36.

14. Dust Management - No development shall take place until a scheme for the prevention, monitoring, and control of dust drift and deposition has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details. Should any dust be observed crossing the site's boundaries, then all infilling and processing operations shall cease until such time as the dust drift has been brought under control.

Reason:

To ensure that minimum harm is caused to the amenities of the area and those of local residents.

15. Archaeology -

No development shall take place until a written groundworks method statement for the scheme has been submitted to and approved in writing by the Local Planning Authority. All groundworks shall be undertaken in accordance with the approved method statement.

Reason:

Heritage assets of archaeological interest survive on the site. The planning authority wishes to secure their preservation prior to development in accordance with recommendations given by the borough and in the NPPF.

16. Restoration - In the event of the cessation of operations for a period exceeding 12 months at any time before the site is fully restored, a reinstatement and low level restoration and aftercare scheme shall be submitted for the written approval of the Local Planning Authority, at the latest, within 2 months of the end of that 12 month period. The scheme shall provide details of final levels, soiling and landscaping, and a proposed timescale for implementation, and shall be implemented within 1 month of the scheme being approved.

Reason:

To ensure that the site is restored in a prompt and acceptable manner.

17. Settlement Pond – No development shall take place until details of the proposed settlement pond(s) have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include information about the proposed location, ground levels, drainage arrangements, boundary treatment, signage, and safety measures. The development shall be undertaken in accordance with the approved details and be retained as such until the final restoration of the site.

Reason:

In the interests of local amenity and in accordance with Policy DC61 of the Development Control Policies DPD.

18. Working Hours - With the exception of water pumping and office-based activities, no activities authorised by this permission shall take place, except between the following times:

0800 - 1800 hours Monday to Friday, and  
0800 – 1300 hours on Saturdays

No operations shall take place on Sundays, Bank and public holidays.

Reason:

In the interests of residential amenity and in accordance with the Development Control Policies Development Plan Document Policy DC61.

19. Restoration Materials – None of the existing topsoil, subsoil, or overburden shall be removed from the site.

Reason:

To ensure any soils and overburden stripped from the site are used in the site's restoration, and to reduce the amount of material needing to be imported for the site's restoration.



20. Soil Handling - No topsoil or subsoil shall be stripped, moved or replaced except in dry weather conditions and when the soils are in a correspondingly dry and friable condition. Soil handling and movement shall not take place between November and March in any year. Topsoils shall be not be traversed by vehicles at any time during the course of the development, except for the purposes of stripping or reinstatement. Written notification shall be submitted to the Local Planning Authority at least 7 days in advance of the commencement of soil stripping operations within each working area, and 7 days in advance of the re-instatement of soils as part of the site's restoration.

Reason:

To minimise damage to surface soils during stripping and re-spreading operations thereby helping improve the quality of final restoration of the site.

21. Infill Material - Only inert waste material shall be imported to the site for the purposes of infilling and restoration. With the exception of screening bunds, material shall not be stockpiled more than 4m above ground level.

Reason:

In the interests of local amenity and in accordance with Policy DC61 of the Core Strategy and Development Control Policies DPD.

22. Restoration - Any areas of the site filled to final levels but not available for final restoration shall be temporarily seeded with grass in the first available planting season.

Reason:

To ensure that minimum harm is caused to the amenities of the area and those of local residents.

23. Tonnages – No more than 650,000 tonnes of material shall be imported to, and no more than 162,500 tonnes of the 650,000 tonnes that may be imported shall be exported from, the site in total. No more than 217,000 tonnes of material shall be imported in through, and no more than 54,250 tonnes exported out from, the Rainham Road site entrance per annum, without the prior written approval of the Local Planning Authority. Written records of the vehicle loads and tonnages removed from and imported to the site shall be kept for the duration of the operations on site and made available to the Local Planning Authority on request within seven working days.

Reason:

The development has been assessed on the basis that a given amount of material will be transported to and from the site per annum.

24. Vehicle Movements - Heavy goods vehicle movements into the approved site access shall not exceed 100 movements in and 100 movements out per day for the duration of the development, unless otherwise agreed in writing by the Local Planning Authority. Written records detailing the daily vehicle movements to and from the site over the duration of the development, including the tonnages of material imported and exported, shall be retained at the site at all times, and shall be made available for inspection by the Local Planning Authority. A copy of the aforementioned record shall also be provided to the Local Planning Authority on request within seven working days of request.

Reason:

The development has been assessed on the basis that a given amount of material will be transported to and from the site per annum.

25. Restoration - The importation of material shall cease within 3 years of the commencement of development. The whole of the application site shall be fully restored, in accordance with the approved restoration scheme, within 4 years of the commencement date.

Reason:

In the interests of ensuring the site is restored as soon as possible.

26. Phasing - The development shall be undertaken on a phased basis, as indicated on the submitted plans, commencing in phase 1 and progressing in numerical order. With the exception of phase 1, operations shall not commence in a phase until operations have been completed, and grass seeding has been undertaken, in the previous phase.

Reason:

In the interests of local amenity and in accordance with Policy DC61 of the Development Control Policies DPD.

27. Ecological Management Plan - No development shall take place until an ecological management plan relating to Unit 6 of the Ingrebourne Marshes SSSI has been submitted to and approved in writing by the Local Planning Authority. The submitted information shall consider the impacts of the development on the SSSI and any necessary measures for the protection, maintenance, and enhancement of SSSI notified features, species, and habitats. The development shall be undertaken in accordance with the approved scheme.

Reason:

In the interests of nature conservation and in accordance with Policy DC58 of the Development Control Policies DPD and the Wildlife and Countryside Act 1981 (as amended).

28. Contamination, Hydrology & Water Quality – No development shall take place until a hydrological monitoring and mitigation plan has been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include measures in relation to monitoring, mitigation, and reporting in respect of contamination, flora and fauna within the proposed attenuation ponds and watercourse, hydrology, water levels, and water quality within the restored site. The submitted scheme shall include details of the preparation and submission of an annual monitoring report to the Local Planning Authority and Natural England. The development shall be undertaken in accordance with the approved details.

Reason:

To protect groundwater and surface water quality and resources of the Ingrebourne Marshes SSSI. To ensure that the proposed activities do not result in a detrimental impact on groundwater and surface water quality or flows. To ensure compliance with the Water Framework Directive.

29. Noise - Following commencement and during on-site operations, daily measurements of noise from on-site operations shall be taken and recorded, and a monitoring report demonstrating that the site operations meet the design specifications of the submitted report by LF Acoustics (dated June 2014) shall be submitted to and approved in writing by the Local Planning Authority. The monitoring reports shall be submitted to the Local Planning Authority every three months from the date development commences.

Reason:

To minimise the impact of the development on the surrounding area in the interests of amenity.

30. Drainage – No development shall take place until a detailed surface water drainage scheme for the site, based on the submitted flood risk assessment (FRA) (Ingrebourne Hill FRA produced by Hafren Water, dated July 2014 Ref: 1703/FRA-01) has been submitted to and approved in writing by the local planning authority. The drainage strategy shall include a restriction in surface water run-off to greenfield run-off rates and surface water storage shall be provided through the use of ponds as outlined in the FRA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason:

To prevent the increased risk of flooding, to improve and protect water quality and improve habitat and amenity. To ensure compliance with policy 5.13 Sustainable Drainage and policy DC48 of your (London Borough Havering) Core Strategy.

31. Drainage - The development hereby permitted shall not be commenced until such time as a scheme to treat and remove suspended solids from surface water run-off during construction works has been submitted to, and approved in writing by, the local planning authority. The development shall thereafter be undertaken in accordance with the approved details.

Reason:

To protect the ecological value of the Ingrebourne Marshes SSSI. This condition is required to ensure that no suspended solids from the site enter ecosystem of the SSSI through the surface water network as this could cause the deterioration of the SSSI.

32. Contamination - No development shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site has been submitted to and approved in writing by the local planning authority:

1. A preliminary risk assessment which has identified:

- all previous uses;
- potential contaminants associated with those uses;
- a conceptual model of the site indicating sources, pathways and receptors;
- potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. The results of the site investigation and detailed risk assessment referred to in (2) shall inform an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The development shall be undertaken in accordance with the approved details, including any required contingency actions.

Reason:

The Desk Study submitted with this planning application indicates that polluting substances are present as a result of the previous use of the site as a landfill between 1977 and 19994. The site is located within close proximity to the Ingrebourne Marshes SSSI which is a protected habitat. This condition is required to ensure that any pollution or contamination is investigated and remediated appropriately to reduce the risk to controlled waters and the Ingrebourne Marshes SSSI.

33. Contamination – A verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the local planning authority within 3 months of the completion of the approved restoration scheme. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason:

To ensure that any remedial works required to protect controlled waters and the Ingrebourne Marshes SSSI are completed within a reasonable timescale.

34. Contamination - No development shall take place until a long-term monitoring and maintenance plan in respect of contamination, including a timetable of monitoring and submission of reports to the Local Planning Authority, has been submitted to and approved in writing by the Local Planning Authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to and approved in writing by the Local Planning Authority. Any necessary contingency measures shall be carried out in accordance with the details in the approved reports before the end of the first year of aftercare. On completion of the monitoring specified in the plan a final report demonstrating that all long-term remediation works have been carried out and confirming that remedial targets have been achieved shall be submitted to and approved in writing by the Local Planning Authority within 3 months.

Reason

The Desk Study submitted with this planning application indicates that polluting substances are present as a result of the previous use of the site as a landfill between 1977 and 19994. The site is located within close proximity to the Ingrebourne Marshes SSSI which is a protected habitat. This condition is required to ensure that any pollution or contamination is

investigated and remediated appropriately to reduce the risk to controlled waters and the Ingrebourne Marshes SSSI.

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

Reason:

To protect controlled waters and the Ingrebourne Marshes SSSI. To ensure that any previously unidentified contamination encountered during development is appropriately remediated.

36. Drainage - No infiltration of surface water drainage into the ground at this site is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason:

Infiltrations SuDs such as soakaways through contaminated soils are unacceptable as contaminants can remobilise and cause groundwater pollution.

37. Highways – No development shall take place until a scheme detailing the implementation of a scheme of highway improvements and maintenance has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved scheme.

Reason:

In the interests of ensuring good design and ensuring public safety and to comply with policies of the Core Strategy and Development Control Policies DPD, namely CP10, CP17, and DC61.

38. Air Quality – No development shall take place until a scheme of air quality monitoring has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved scheme.

Reason:

In the interests of air quality, in accordance with Policy DC52 of the Core Strategy and Development Control Policies DPD.

39. Lorry Routing – No development shall take place until a scheme detailing the implementation of a lorry routing scheme, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail the measures to ensure that heavy goods vehicles associated with the proposed development only approach and leave the site via the A1306 (between Dover's Corner and the A13) and that part of Rainham Road located between the site entrance and Dover's Corner. The approved development shall be undertaken in accordance with the approved scheme.

Reason:

In the interests of ensuring good design and ensuring public safety and to comply with policies of the Core Strategy and Development Control Policies DPD, namely CP10, CP17, and DC61.

## **INFORMATIVES**

1. 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 new or amended access as 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. The applicant must contact Engineering Services on 01708 433751 to discuss the scheme and commence the relevant highway approvals process. Please note that unauthorised work on the highway is an offence.
2. The access works will be subject to an agreement made under S278 of the Highways Act 1980 (as amended) and will cover the installation and final removal of the accesses. It is likely that part of the agreement will have a requirement for the ongoing maintenance of the section of East Hall Lane being used to cross between sites.
3. The developer (including their representatives and contractors) is advised that planning consent does not discharge the requirements of the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works of any nature) required during the construction of the development. Please note that unauthorised work on the highway is an offence.
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. 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. Please note that unauthorised use of the highway for construction works is an offence.

5. The development of this site is likely to damage heritage assets of archaeological and historical interest. The applicant should therefore submit detailed proposals in the form of an archaeological project design. The design should be in accordance with the appropriate English Heritage guidelines.
6. Throughout the period of working, restoration and Aftercare, the operator should take all reasonable steps to ensure that drainage from areas adjoining the site is not impaired or rendered less efficient by the permitted operations. The operator shall take all reasonable steps, including the provision of any necessary works, to prevent damage by erosion, silting or flooding and to make proper provision for the disposal of all water entering, arising on or leaving the site during the permitted operations.
7. Any oil, fuel, lubricant, paint or solvent within the site should be stored so as to prevent such material from contaminating topsoil, subsoil, soil forming material, or reaching any watercourse.
8. Throughout the period of working, restoration and aftercare, the operator should have due regard to the need to adhere to the precautions laid out in the leaflet entitled "Preventing the Spread of Plant and Animal Diseases", published by Defra.
9. The importation of 450-500 thousand tonnes of inert waste/solids will require an bespoke Environmental Permit (EPR Permit) under the Environmental Permitting Regulations 2010. This is due to the proximity of the Ingrebourne Marshes SSSI. It should be noted that approval of this planning application does not mean that an EPR permit application will be successful.

The applicant can view more information on how to apply for a EPR permit by visiting the pages on the GOV.UK website at the link below:

<https://www.gov.uk/government/collections/environmental-permit-application-forms-for-a-new-bespoke-permit>

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.



## REPORT DETAIL

### 1. Site Description

- 1.1 The application site comprises approximately 14ha of land, embracing part of Ingrebourne Hill and a flat open field within Hornchurch Country Park.
- 1.2 Ingrebourne Hill represents a largely completed area of land raising intended to restore a former mineral extraction site, which has been open to the public for a number of years. The hill, which covers an area in excess of 52ha, has been the subject of tree planting managed by the Forestry Commission. The application site comprises approximately 4.2ha of Ingrebourne Hill and 9ha of Hornchurch Country Park, where part of the hill's north eastern flank slopes down to meet a gently sloping field. The site also includes an access route, mainly running along the southern edge of Ingrebourne Hill and meeting the public highway at Rainham Road.
- 1.3 The proposed access route runs through an area of open land and part of the Ingrebourne Hill park, at its south western end. The remainder of the site, where the proposed land raising would occur, is located at the eastern end of Ingrebourne Hill and at the south western end of Hornchurch Country Park. The site's south eastern boundary adjoins a woodland located within Hornchurch Country Park; the southern boundary and much of the north western boundaries adjoin Ingrebourne Hill; whilst the remainder of the north western and the north eastern boundaries lie adjacent to Hornchurch Country Park.
- 1.4 Most of the proposed development would take place approximately 90m to the north west of the Ingrebourne Marshes SSSI, although the proposed access route would be located a minimum of 20m away. The nearest residential property to the site is Albyn's Farm, which is located within 10m of the site's north eastern boundary. Albyn's Farm includes two Grade II listed buildings; an existing hedgerow, to be retained, runs between this property and the proposed area of development, running within the site's north eastern boundary. Residential areas are located around 210m to the northwest, 260m to the south, and 270m to the west. The proposed vehicular access onto Rainham Road would be located within approximately 21m of residential properties.
- 1.5 The site is located within the Green Belt, forms part of the Thames Chase Community Forest, and also forms part of a Borough level Site of Nature Conservation Importance.

### 2. Description of Proposal

- 2.1 The proposed development would involve the importation of approximately 650,000 tonnes of inert material to create a new landform at the site. The

imported material would be composed of construction, demolition, and excavation waste gathered from sites in and around Greater London. The imported material would be deposited in a reception area, located at the southern end of the operational area, and would then be screened into a grade of material that is suitable for use as engineering soils. It is anticipated that up to 30% of the imported material would be unsuitable, and would be transferred back out of the site for use as recycled aggregate in the construction industry. At the applicant's other land restoration sites, the amount of material rejected is typically between 15-20%.

- 2.2 The minimum estimated period for the importation of material is 30 months and it is anticipated, on this basis, that the proposal would give rise to 160 lorry movements per day (80 in and 80 out). It is more cost effective for any rejected material to be removed by lorries that are already delivering to the site and otherwise leaving empty, nevertheless, on the assumption that 25% of the imported material is rejected, the applicant estimates that the development would give rise to a daily average of 200 lorry movements.
- 2.3 Suitable material would be deposited over the existing flank of Ingrebourne Hill and the adjoining field, providing a more gentle connection between the two than currently exists. The proposed landform would rise up from the current ground levels around the edges of the aforementioned field to meet the highest point of Ingrebourne Hill as it exists within the application area. The end result would be an undulating landform, rising from between 8m and 10m AOD at the lowest points, to 20m AOD at the highest points, with the greatest depth of material being approximately 10m where the existing hill and the field meet.
- 2.4 The development would be undertaken in two phases. The topsoils and suitable subsoils would first be stripped and stored within 4m high screening bunds running along the site's north western, north eastern, and south eastern boundaries, and along the northern edge of the proposed treatment area. The bunds, which are intended to store soils and provide visibility and noise screens, would be grass seeded. Existing planting located within phase 1 would be relocated to an adjoining area of Ingrebourne Hill. The stored soils would be used to restore the site. Safety fencing, 2m in height, would be located on the inside of the proposed bunding.
- 2.5 The first phase would commence in the northern area of the site, adjoining the north western and north eastern boundaries, and the northern edge of the proposed treatment area. The proposed works would progress inwards from the site boundaries. Following the completion of phase 1 and erection of a new, 5m high screening bund along its southern edge, work would commence in phase 2. Works would proceed towards the south east, through the remainder of the field and onto Ingrebourne Hill. Material would be laid down in consecutive 1m thick layers. The final part of Phase 2 would involve the incorporation of the treatment area into the new landform.
- 2.6 The finished landform would be landscaped with woodland and grasslands, with a network of footpaths connecting the proposal to the remainder of

Ingrebourne Hill and Hornchurch Country Park. A drainage pond would be located in the site's eastern corner, and would be connected to a network of drainage ditches running along the north western, north eastern, and south eastern site boundaries.

- 2.7 The proposed treatment area would be approximately 1ha in area, and would provide space for the delivery and storage of imported material, along with the siting of mobile plant for material processing and the production of suitable soils, along with recycled aggregate, which would be exported out of the site. The plant would include screening equipment, and occasional use of a crusher, each of which would be around 3.5m in height. The applicant intends to use only one piece of plant at a time to reduce noise impacts, and it is anticipated that the equipment to be employed would be screened by the bunding that would surround the treatment area. The treatment area would be located around 200m from Albyn's Farm, and 300m from the other nearest properties. The mobile plant on-site will comprise hydraulic excavators, dozers, and dump trucks/lorries.
- 2.8 The proposed buildings would include two welfare units measuring 2.4m x 6m in area and 2.7m in height, to be located at the north eastern end of the site, along with a weighbridge office. The weighbridge is already located near to the site entrance and would be retained. Dual wheel washing equipment would be located towards the western end of the access road.

### **3. Relevant History**

- 3.1 The site includes land located within Hornchurch Country Park, which was included in the following planning applications:

P2028.07 - Reclamation and landscaping of damaged areas of Hornchurch Country Park to recreate grassed flightway layout of former RAF Hornchurch, using imported pre-treated inert materials. This application was refused for the following reasons:

*"1. The proposed development would, by reason of the height, design and layout of the final landform, create a formation that would cause harm to the visual amenity of the immediate local landscape to the detriment of nearby adjoining neighbouring properties and users of the park. In this respect, the development would be contrary to policies DC18 and DC61 of the Development Control Policies Development Plan Document.*

*2. The proposal would create undue harm to neighbouring residents and those using the park from associated noise, dust and general disturbance during the construction process involving extensive earth moving works, associated vehicle movements and operational machinery. The development would be contrary to policy CP7 of the Local Development Framework Core Strategy Development Plan Document and policies DC18 and DC53 of the Development Control Policies Development Plan Document.*

3. *The proposed development would, by virtue of extensive earthworks, result in unacceptable harm and destruction to existing established ecological habitats contrary to policies CP15, CP16 of the Local Development Framework Core Strategy Development Plan Document and policy DC58 of the Development Control Policies Development Plan Document.*

4. *The proposed development would be unacceptable by creating a landform which will alter the existing surface water flows and increase the risk of flooding to the detriment of nearby residential properties. In this respect, the development would be contrary to policy CP15 of the Local Development Framework Core Strategy Development Plan Document and policy DC49 and DC52 of the Development Control Policies Development Plan Document.”*

The site also includes land forming part of Ingrebourne Hill, which was the subject of the following planning decision:

P1375.07 - Installation of additional public recreation infrastructure including car park, paths and play areas – Approved.

P1442.94 - Reclamation of damaged land and construction of a lake by excavation and importation of suitable materials to restore to the Ingrebourne Valley Country Park – Approved.

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

4.1 The applicant undertook a public consultation exercise prior to the submission of the application; this involved a public exhibition, notifications of which were advertised in the local press and sent to ward councillors and the area’s MP, along with the publication and distribution of a leaflet sent to residents.

The application has been advertised by the Council by means of site notices and a press advertisement. Neighbour notification letters have been sent to 800 local addresses.

48 letters of objection have been received. The following comments have been made:

- The proposal would be detrimental to local air quality;
- The proposal would result in dust-drift;
- The proposal would cause a noise nuisance;
- The proposed access arrangements would be inadequate;
- The proposal would diminish highway safety and cause congestion;
- There are already landfill operations in the local area;
- The proposal would be harmful to the Green Belt and local character;
- The proposal would be harmful to wildlife and ecosystems;
- Damage to soils;
- The financial viability of the application company should be investigated;

- The proposal does not take account of existing development in the local area;
- The proposal could result in contamination;
- Inadequate information in relation to the site's ecology and ecological impact;
- The site should be left in its current condition for use by the public.
- The proposal is a money-making scheme;
- The proposal would exacerbate flooding issues at the site;
- Unexploded ordnance at the site could result in a hazard;
- The proposed drainage arrangements are inadequate;
- The loss of a public open space.

Comments have also been received from the following consultees:

Environment Agency – No objections; conditions recommended;

Natural England – No objections; conditions recommended.

English Heritage - No objections; conditions recommended.

Greater London Authority - No objections subject to very special circumstances being demonstrated in relation to inappropriate Green Belt development; the submission of an air quality assessment; and the use of conditions in relation to waste management, transport, and ecology.

Transport for London - No objections; conditions recommended.

Highway Authority - No objections; conditions/obligations recommended.

Environmental Health – No objections; conditions/obligations recommended.

Thames Water - No objections.

Essex and Suffolk Water – No objections.

Essex Wildlife Trust – No objections.

## **5. Relevant Policies**

### **5.1 National Planning Policy**

National Planning Policy Framework (“the NPPF”)

### **5.2 Regional Planning Policy**

Following its adoption the London Plan July 2011 is the strategic plan for London and the following policies are considered to be relevant: 5.13 (sustainable drainage), 5.18 (construction, excavation, and demolition waste), 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), 6.14 (freight), 7.3 (designing out crime), 7.4 (local character), 7.8 (heritage assets and archaeology), 7.14 (improving air quality), 7.15 (reducing noise and enhancing soundscapes), 7.16 (green belt), 7.19 (biodiversity and access to nature), and 8.2 (planning obligations).

### 5.3 Joint Waste Plan for East London (“the Waste DPD”)

Policies W4 (Disposal of inert waste by landfilling) and W5 (General considerations with regard to waste proposals.)

### 5.4 Local Planning Policy

Policies CP13, CP15, CP16, DC22, DC32, DC33, DC34, DC36, DC40, DC42, DC43, DC45, DC48, DC49, DC52, DC53, DC55, DC58, DC60, DC61, DC70, and DC72 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document (“the LDF”) are material considerations.

In addition, the Landscaping SPD, Sustainable Design and Construction SPD, and the Planning Obligations SPD are also material considerations in this case.

## 6. **Staff Comments**

- 6.1 The application is supported by an Environmental Impact Assessment, which has involved a number of detailed surveys and analysis of the proposal’s likely impacts, to support a consideration of the proposal’s acceptability in relation to planning policy and any other material planning considerations. A detailed consideration of the proposal’s impact on the highway network, neighbouring occupiers, visual amenity, archaeology, ecology, hydrology, ground conditions, and air quality amongst other things.
- 6.2 The main issues to be considered in the determination of this application are considered to be the principle of development, the impacts on visual and residential amenity, impact on the openness of the Green Belt, access arrangements, archaeology, air quality, flood risk, ground and surface waters, ecology, and other considerations.

## 7. **Assessment**

### 7.1 Principle of Development

- 7.1.1 The submitted information states that the proposal would, in part, support the improved restoration of a former mineral extraction site, and the planting of a community woodland. Policy CP13 states that mineral workings should be restored to the highest standards using progressive restoration techniques, and should secure an acceptable after use in line with Green Belt objectives. The proposal would involve the progressive restoration of the site, with the final after use being a public open space and woodland. The final use would therefore be a continuation of the site’s existing use.

Officers are satisfied that a high standard of site restoration can be achieved. In addition to the indicative information contained in the application, it is recommended that a condition be imposed requiring the approval of a detailed restoration and after care scheme.

- 7.1.2 Policy W4 of the Waste DPD states that planning permission for waste disposal by landfilling will only be granted provided the waste to be disposed of cannot practicably and reasonably be reused. The policy also states that the proposal should be both essential to, and involve the minimum quantity of waste necessary for, restoring current or former mineral workings sites and facilitating a substantial improvement in the quality of land. The proposed fill material will need to be approved separately by the Environment Agency, however, the intention is to use inert fill material – primarily construction, demolition, and excavation waste derived from building projects. The proposal would involve the recycling of material suitable for use as a recycled aggregate, and which would not be suitable for the proposed development. The remaining soil material is not likely to have any significant use value or ability to be recycled further, and its use as fill material is therefore considered to be suitable.
- 7.1.3 The submitted information states that the proposed operations are intended, in part, to improve the restoration a former mineral working site. The amount of material to be deposited and the resulting land levels are in excess of the minimum amount required to restore a mineral working. However, a further objective of the proposal is to improve the relationship between Ingrebourne Hill and Hornchurch Country Park. To the extent that the proposal would effectively address the significant ground-level differences between these two areas of land, in a manner that would avoid an obviously uniform and artificial appearance, it is considered, on balance, that the proposal would employ the minimum amount of material required to achieve the land improvement objectives. In terms of the principal of development, the proposal is considered to be in accordance with Policy W4 of the Waste DPD.
- 7.1.4 Policy DC45 of the LDF states that planning permission will only be granted for development in the Green Belt that is for given purposes providing other policies in the LDF are complied with. Policy DC45 has been superseded by guidance contained in the NPPF.
- 7.1.5 National planning guidance is also a material consideration in the determination of planning applications. The preliminary assessment when considering proposals for development in the Green Belt is as follows:-
- a) It must be determined whether or not the development is inappropriate development in the Green Belt. The NPPF and the LDF set out the categories of development not deemed to be inappropriate.
  - b) If the development is considered not to be inappropriate, the application should be determined on its own merits.

- c) If the development is inappropriate, the presumption against inappropriate development in the Green Belt applies, except in very special circumstances.
- 7.1.6 In terms of Green Belt policy, the proposed development would include building and engineering operations, along with a material change of use involving the creation of a temporary material processing area.
- 7.1.7 Paragraph 89 of the NPPF states that building operations constitute inappropriate development in the Green Belt, except in given circumstances. The proposal would result in the installation of temporary buildings, to contain offices and staff facilities. Wheel washing and weighbridge installations are also proposed. These buildings are not included in the NPPF's definition of appropriate building operations, and are therefore considered to constitute inappropriate development in the Green Belt.
- 7.1.8 Paragraph 90 of the NPPF states that "certain other forms of development", that are separate from building operations, may constitute appropriate development in the Green Belt providing they preserve the openness of and do not conflict with the purposes of including land in the Green Belt. These include engineering operations. The proposed engineering operations would, first and foremost, result in a permanent new landform of substantial scale. The proposal would also include the formation of temporary screening bunds, which would also serve the purpose of storing soils, along with the laying out of operational areas, such as the treatment area.
- 7.1.9 Whilst temporary in nature, it is considered that the proposed bunds would amount to noticeable additions to the open character of the landscape, in terms of their height, form, and bulk. The buildings and treatment area, which would include the presence of stockpiled material, heavy goods vehicles and other equipment, would result in a significant increase in the intensity of the site's use, which it is considered would reduce openness. In terms of the proposed landform: it is considered that the proposal would be capable of blending in effectively with the existing hill and country park, and would, on completion, provide an area of openness and a use that is suitable in the Green Belt. Nevertheless, in terms of the site's existing form and appearance, it is difficult to avoid the conclusion that the proposal, with its sheer scale, would not diminish the existing openness of the Green Belt, particularly during the 3 year period of construction. Given the impact on the openness of the Green Belt, the proposed engineering operations and associated development are considered to constitute inappropriate development.
- 7.1.10 The proposed treatment area would involve a material change of use of the land. Although the treatment area could be considered as ancillary to the land raising activities, given that the material deposited must be of a suitable grade and standard, it could also be argued that the engineering material could be processed elsewhere, at non Green Belt sites. The NPPF is silent in relation to material changes of use, and this aspect of the proposal is therefore considered to be inappropriate development.



7.1.11 As the proposal is considered to constitute inappropriate development in the Green Belt, it is incumbent upon the applicant to demonstrate that there are very special circumstances that outweigh the harm by reason of inappropriateness and any other harm. This matter will be addressed later in this report.

## 7.2 Visual Impact

7.2.1 Policy DC61 of the LDF states that development proposals should not result in significant harm to the visual amenity. Policy W4 of the Waste DPD states that proposals for landfilling should incorporate finished levels that are compatible with the surrounding landscape, and that the levels are the minimum required to restore the land to the agreed after use.

7.2.2 It has already been concluded that aspects of the proposal would be detrimental to the openness of the Green Belt. That the proposal would be harmful to the openness of the Green Belt is considered to be an indication that it may be harmful to the visual amenities and landscape character of the area. However, the impact on openness is only one factor involved in the consideration of visual impact.

7.2.3 When viewed from within the site, or from the air, the proposal would result in significant permanent changes to the appearance of the landscape. Nevertheless, following the site's restoration, it is considered that the proposal would blend in with its open, landscaped surroundings and would be an improvement upon the existing situation, where Ingrebourne Hill meets Hornchurch Country Park in an abrupt and artificial manner. Moreover, the existing area of the country park included within the site area forms an area of grassland that is considered to be of limited landscape character and interest.

7.2.4 During the construction phase of the development, it is considered that the proposal would have a detrimental impact on the character of the site. Particularly in terms of the proposed treatment area, bunding, buildings, and general construction activity. However, these aspects of the development would be of a temporary nature, and with appropriate mitigation measures, restoration, and aftercare, need not result in significant visual harm when considered at ground level and from beyond the site boundaries.

7.2.5 The proposal would involve the use of 4-5m high screening bunds around the perimeter of the working areas. Moreover, much of the site would be screened by the surrounding landscape and proposal. Ingrebourne Hill would screen much of the proposal to the west and north, and vegetation to the north, east, and south would serve to limit the impact of the proposal.

7.2.6 The proposed locations of above-ground buildings and structures, including a buildings, plant, and wheel washing equipment, are such that, when their scale and surrounding screening works are considered, they would not be significantly visible from beyond the site's boundaries and would, in any

case, appear as very small additions in relation to the overall scale of the site under consideration. The proposed screening bunds and stockpiles would amount to noticeable visible additions within the local landscape, however, the use of grass seeding, to be secured by condition would enable them to blend in reasonably well within what is a generally green landscape.

7.2.7 Except to the extent that the development as a whole would be detrimental to the openness of the Green Belt, which is a form of visual harm, it is considered that the various mitigation measures and the nature of the proposal would limit harm to the visual amenities and character of the surrounding landscape, when considered from beyond the site's boundaries.

7.2.8 The proposed restoration scheme would result in the restoration of the site to a landscaped area of public open space. The proposed screening, stockpiles, buildings, and structures would be removed, and an aftercare scheme would ensure that the site is properly restored to public open space and that the proposed planting schemes are successful. The proposed indicative restoration and aftercare schemes are considered to be sufficient to enable the site to be properly restored to an appropriate after-use, following the completion of infilling works. Moreover, the development would take place in phases meaning that the parts of the site subject to construction activity at any one time would be limited.

7.2.9 Conditions have been recommended that would require the submission and approval of detailed restoration and aftercare schemes; the completion of the development within a given time period to ensure that the site is restored as soon as possible; the grass-seeding of screening bunds; and the prevention of stockpiling above a certain level.

7.2.10 The proposal, by its very nature, would result in significant changes to the appearance of the site itself, and it is already acknowledged that the proposal would result in significant harm in terms of its impact on the openness of the Green Belt during the period of operations. Despite the temporary nature of the proposed development, the proposed mitigation measures, restoration and aftercare schemes, and recommended conditions; it is considered that the proposal, by reason of its harm to the openness of the Green Belt, would have a harmful visual impact in what is otherwise a relatively open landscape.

### 7.3 Residential and Local Amenity

7.3.1 Policy DC61 of the LDF states that development proposals should not result in significant adverse impacts on local or residential amenity. Policy W5 of the Waste DPD states that planning permission for waste related development will only be granted where it can be demonstrated that there would not be significant harm to people.

7.3.2 The proposed construction works would be located within approximately 40m of Albyn's Farm, and 53m of the dwellings within that property, taking account of the access lane, hedgerow, proposed watercourse, and bunding

that would be located between the two. The proposed operational area is located hundreds of metres away from the nearest residential properties. The proposed treatment area is located around 200m away from the nearest residential property.

- 7.3.3 The Council's Environmental Health officers have been consulted about the proposal, with no objections being received in relation to noise impacts subject to the use of conditions requiring the approval of a noise monitoring scheme, and adherence to limited operating hours.
- 7.3.4 The proposed development would be undertaken on a phased basis, which would limit its impacts to given areas of the site at given points in time. The proposed working areas would be screened by 4-5m high bunds, which would also act as noise baffles. Subject to conditions limiting the working times of the proposed development and adherence to the noise controls outlined in the submission, and given the separation distances between noise-sensitive properties in third party ownership, and the proposed use of mitigation measures, it is considered that the proposal would not result in significant noise impacts. It is also considered that the proposal would not result in significant nuisance in relation to overlooking, loss of light, or loss of outlook.
- 7.3.5 Operations involving the deposition, processing, and storage of soils have the potential to give rise to significant problems in relation to dust-drift, particularly during dry weather conditions. However, this problem can be adequately controlled through the use of appropriate measures, such as the planting of vegetation on storage mounds and bunds; along with the use of wheel washing equipment, bowsers, and sprinklers to keep exposed areas damp. A number of conditions are recommended, which it is considered would adequately control this potential problem.
- 7.3.6 Conditions are recommended that would require the approval of details for the control of noise and external lighting; limit the operating hours of the development; control dust drift from the site; and require that the development proceed on a phased basis. Subject to the use of these conditions, it is considered that the proposal, in terms of its impacts on residential amenity, would not result in significant harm to the amenities of neighbouring occupiers. In this regard, the proposal is considered to be in accordance with Policy DC61 of the LDF and Policy W5 of the Waste DPD.

#### 7.4 Access Arrangements

- 7.4.1 Policy DC32 states that development will only be permitted that would not result in adverse impacts on the functioning of the road network.
- 7.4.2 The submitted information states that the proposal, when the importation of waste and potential export of rejected aggregate material have been considered, would result in a daily average of 200 vehicle movements (100 vehicles in, and 100 vehicles out.) The proposal would employ an existing access onto Rainham Road and internal haulage road for the delivery of

material to the proposed treatment area. The applicant considers that the use of a dual vehicle washing system in combination with the long internal haulage road, would prevent the tracking of material into the public highway.

7.4.3 The Council's Highways officers have been consulted about this proposal and have commented that the traffic generated by the development would increase the overall traffic flow by around 1% on Rainham Road. However, in terms of the HGV movements, the increase would be around 17.5%. The conclusion reached is that the proposal would not result in significant harm providing conditions are employed, which can be imposed should planning permission be granted.

7.4.4 The Council's Highways officers have requested a condition requiring the approval of measures to prevent the deposition of material into the highway. Further conditions would require the approval of proposed works to the highway, a construction method statement, along with a delivery and servicing plan. Conditions are also recommended that would limit the number of vehicle movements per day, and limit the period of material importation to 3 years. In order to make the access suitable for use by articulated vehicles, modifications will be required prior to development commencing, and this can be achieved through the use of a condition. Following the completion of development, Highways officers argue that the access junction should be returned back to a standard suitable for lighter vehicles, pedestrian, and cyclist use. The applicant has agreed to pay the sum of £15,000 to enable the Highway Authority to achieve its desired layout. A further sum of £2,879.19 towards the cost of highway maintenance has also been requested. Both sums would be secured through the use of conditions requiring the approval of schemes of highways improvements and maintenance.

7.4.5 The proposed lorry routing scheme would require that HGVs only approach the site and leave via Rainham Road (between the site entrance and Dover's Corner) and the A1306 (between Dover's Corner and the A13.) This is intended to ensure that HGVs do not travel through residential areas and only make use of roads with sufficient capacity to accommodate them. Highways officers are satisfied that, subject to the aforementioned conditions, including amendments to the site entrance, that the proposed roadways and junctions would have sufficient capacity to accommodate the anticipated traffic.

7.4.6 Subject to the aforementioned conditions, it is considered that the proposal would not result in any significant adverse impacts on highway safety and amenity. In this regard, the proposal is considered to be in accordance with Policies DC32 and DC42 of the LDF.

## 7.5 Archaeology

7.5.1 Policy DC70 of the LDF states that planning permission will only be granted where satisfactory provision is made for preservation and recording of archaeological remains in situ or through excavation.

7.5.2 English Heritage has been consulted about the proposal. No objections have been raised subject to the use of a condition requiring the approval of a groundworks method statement. Subject to the use of this condition, the proposal, in terms of its impact on archaeology, is considered to be in accordance with Policy DC70 of the LDF.

## 7.6 Air Quality

7.6.1 Policy W5 of the Joint Waste DPD states that planning permission for waste proposals will only be granted where there would be no significant adverse impacts on air quality.

7.6.2 The Council's Environmental Health officers have been consulted about the proposal following the submission of an air quality assessment. No objections have been raised, subject to the use of a condition requiring the approval of a scheme of air quality monitoring. Subject to this scheme being secured by means of a legal agreement, the proposal is considered to be in accordance with Policy W4 of the Joint Waste DPD.

## 7.7 Flood Risk, Drainage, and Contamination

7.7.1 Policy W5 of the Joint Waste DPD states that planning permission for waste proposals will only be granted where there would be no adverse impacts in relation to flooding, hydrogeology, and drainage arrangements.

7.7.2 The Council's Environmental Health officers have been consulted about the proposal with no objections being raised subject to the use of a condition relating to ground contamination, which should be imposed if planning permission is to be granted.

7.7.3 The Environment Agency has been consulted about the proposal with no objections being raised. Conditions have been recommended, which are intended to detail the monitoring, control, and mitigation measures relating to the drainage regime in and around the site; the prevention of surface water penetration except with the approval of the LPA; and the submission of information relating to the prevention of contamination. These conditions have been included in the recommendation section of this report.

7.7.4 Subject to the use of the aforementioned conditions, it is considered that the proposal would have an acceptable impact in relation to flood risk and drainage arrangements.

## 7.8 Ecology

7.8.1 Policy DC58 of the LDF states that the biodiversity and geodiversity of SNCIs will be protected and enhanced.

7.8.2 The site is located in close proximity to the Ingrebourne Marshes SSSI and includes a Borough level Site of Nature Conservation Importance. The

application is accompanied by ecological surveys, which consider the impacts the proposal is likely to have on different species and sites of ecological value.

7.8.3 The Environment Agency, Natural England, and Essex Wildlife Trust have considered the proposal and are satisfied that it could be undertaken without significant harm arising in relation to the SSSI, and nature conservation interests. The recommended conditions have been included in the recommendation section of this report.

7.8.4 It is considered that the site's restoration, which would involve a substantial amount of tree planting and the establishment of grassland areas, along with a SSSI management scheme to be approved by Natural England, would result in significant ecological enhancements compared to the existing situation.

## 7.9 Other Considerations

### *Restoration*

7.9.1 Policy W4 of the Joint Waste DPD states that planning permission for landfilling operations will only be granted where site workings would be restored to high standards, enhancing overall environmental quality, nature and geological conservation and public accessibility. Officers are satisfied that the proposed development can be restored to an acceptable standard and that the proposed after-use would be appropriate in the Green Belt. Given the proposed improvement in the relationship between Ingrebourne Hill and Hornchurch Country Park, the proposed landscaping works, and network of public rights of way, it is considered that the restoration of the site would result in visual, ecological, and public benefits compared to the existing situation. Conditions have been imposed requiring the approval of detailed restoration and aftercare schemes to ensure the site is properly restored to an appropriate standard.

7.9.2 Policy DC22 states that within the Thames Chase Community Forest, that opportunities will be sought to increase the recreational, landscape, and biodiversity quality of land, along with public accessibility, supporting other strategies such as the London Green-Grid. As discussed in the previous paragraph, it is considered that the proposal would help to achieve these objectives. The proposal would help to enhance linkages between Ingrebourne Hill and Hornchurch Country Park, integrating the two into a wider network of green spaces.

7.9.3 A range of conditions have been recommended, which are intended to prevent any loss or damage to the site's existing sub and topsoils, which should be imposed if planning permission is to be granted.

### *Representations*

7.9.4 The assessment contained in this report has been undertaken having regard to the representations received from consultees, including the general public. Those comments, which were detailed earlier in this report, except where they did not relate to material planning matters, were considered in the relevant sections of the assessment.

*Very Special Circumstances*

7.9.5 The applicant has submitted a statement of very special circumstances to address the possibility that the development would constitute inappropriate development in the Green Belt. The very special circumstances cited are as follows:

“

- *the engineering operations are necessary to replace the incongruous steep northern slope of Ingrebourne Hill. The completed landform has been carefully designed to produce a more sympathetic, softer and undulating slope feathering out and merging into the lower lying ground of Hornchurch Country Park that, together with managed woodland planting, will blend in with the surrounding countryside;*
- *the engineering operations needed to achieve the proposed landform and remediate damaged land will be proportionate, use the least amount of material necessary and make use of soil materials which would replace other materials that would otherwise be used, consistent with NPPF para.143 bullet 8 and NPPW Appendix A;*
- *the remediation of damaged land is strongly promoted through local strategies such as the All London Green Grid (Supplementary Planning Guidance within the London Plan) and the Thames Chase Plan and is fundamental to maintaining openness consistent with the LP policy 2.18;*
- *the completion of the site to a high standard will secure a permanent and viable future for the land with wider environmental benefits in terms of upgrading the local landscape and providing greater public access, outdoor recreation, public amenity and biodiversity in accordance with an approved Community Forest plan, consistent with NPPF para. 92;*
- *the completed landform will create opportunities for the increased usability of the land for recreation and provide the ideal setting for walking as a healthy and safe leisure pursuit within a high quality pedestrian friendly environment, consistent with NPPF paras. 81 and 89;*
- *the completed site will deliver an enhanced 'missing link' in the All London Green Grid Programme vital to creating a continuous network of pathways and woodland areas, consistent with the LP policy 2.18;*
- *the completed site will meet, locally, the aspirations of the Council and in the wider context will fulfil those of the All London Green Grid project, the*

*Green Arc initiative which promotes the positive management and use of the urban fringe to provide a good quality environment for people, provide additional access to the countryside, encourage outdoor recreation and provide opportunities for additional areas of nature conservation interest and wildlife, consistent with NPPF para. 73;*

- *the completed site will provide considerable opportunities for increasing the biodiversity of the locality, consistent with NPPF para.118;*
- *the completion of the project, on schedule, can only be achieved by the re-use of treated soils, manufactured to produce suitable soil forming materials engineered to enable the site to be restored to a beneficial woodland and public amenity after-use;*
- *the re-use of excavation materials is recognised as being sustainable and beneficial to land reclamation (LP policy 5.18 and para. 5.88) as these soil materials will replace other materials that could have been used, thereby, conserving natural resources;*
- *the proposed earthworks depend on the soils being fit for purpose and so the ability to treat soils is critical to the engineering operations. Therefore, a soil treatment facility is essential to remove the oversized hard materials in order to meet the stringent specification within Best Practice Guidance Note 5 published by the Forestry Commission for planting onto 'brownfield, landfill or otherwise disturbed sites';*
- *the temporary soils treatment facility is a necessary and complementary part of the project but will only ever be ancillary and used exclusively for the project;*
- *the limited amount of plant needed for soil treatment will comprise a mobile dry screener on sledges, loading shovels, excavator and occasionally a crusher to produce granular material for site roads, drainage and pathway surfacing when the site is restored. No fixed plant is required and all buildings and plant are temporary and will be removed on completion of the project;*
- *the removal of oversized solid materials, produced as a by-product of the soil treatment process but no longer required on site, could be beneficially re-used by the construction industry. This would, indirectly, help to reduce the demand for land-won aggregates and contribute to recycling targets for non-hazardous construction and demolition waste and would be highly sustainable according with both the NPPW and the Waste Hierarchy, LP policy 5.20, Local Development Core Strategy (policy CP11) and recycling targets set by the Waste Framework Directive.”*

7.9.6 It was concluded earlier on in this report that the proposal would be detrimental to the openness of the Green Belt and that this would result in a degree of visual harm within the wider landscape. It was also concluded that



the proposed material treatment area would constitute inappropriate development in the Green Belt.

7.9.7 It is considered that the visual harm of the proposal would be limited and that the proposed mitigation measures and conditions would significantly reduce any visual harm over and above the impact on openness. The proposed treatment area and other operations would be well screened, and the treatment area itself has been significantly reduced in area since the application was submitted, with a view to minimizing its impact and providing the minimum amount of capacity required to create suitable engineering material on-site. Following the completion of the proposed development, it is considered that the proposal would meet a number of policy objectives, delivering significant landscape, biodiversity, access, and public health benefits, meeting strategic objectives for the creation of a green network of connected public open spaces. Whilst the proposal would result in a degree of harm during its construction, this would be for a limited period and could be sufficiently controlled by conditions. The proposed recycling of material during the construction phase and the resultant production of aggregate would help to reduce the demand for primary aggregate resources. To the extent that the harm to the openness of the Green Belt would also be harmful to the visual amenities of the site and surrounding area, it is considered that there are material considerations that outweigh this.

7.9.8 Officers conclude that, in this case, there are very special circumstances that outweigh the identified harm to the Green Belt and any visual harm.

## **8. Conclusion**

8.1 The proposed development has been assessed in relation to the following matters:

- The principle of development, in particular, whether the proposal would constitute appropriate development in the Green Belt, and whether the proposal would be in accordance with policies relating to the disposal of inert waste by landfilling;
- The visual impact of the proposal;
- Whether the proposal can be operated in a manner that is not significantly harmful to local amenity, or the amenities of neighbouring occupiers;
- Whether the proposed access arrangements and generation of traffic would be significantly harmful to highway safety;
- Whether the proposal would have an acceptable impact in relation to archaeology and a range of environmental considerations, including air quality, flood risk and drainage, ecology, and ground contamination;

- Whether the proposal can be restored to an acceptable standard;
  - Whether very special circumstances exist that clearly outweigh the harm, by reason of inappropriateness and any other harm.
- 8.2 On balance, officers conclude that there are very special circumstances in this case, which outweigh the harm to the openness of the Green Belt, and any associated visual harm, in particular the improvements to recreation, open space and nature conservation compared to the existing situation. In all other respects, the proposal is considered to be acceptable. However, this is a balancing exercise, and Members may reach a different conclusion.
- 8.3 Officers consider the proposal to be acceptable having had regard to Policies CP13, CP15, CP16, DC22, DC32, DC33, DC34, DC36, DC40, DC42, DC43, DC45, DC48, DC49, DC50, DC52, DC53, DC55, DC58, DC60, DC61, DC70 and DC72 of the LDF and all other material considerations. It is recommended that planning permission be granted subject to the recommended planning conditions.

## IMPLICATIONS AND RISKS

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

None.

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

Legal resources will be required to draft an settle related agreements under the Highways Act 1980. Planning decisions which relate to Council owned land must be made in accordance with section 38(6) of the Planning and Compulsory Purchase Act 2004, independent of the Council's ownership.

### **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, thus contributing to the provision of mixed and balanced communities.

## **BACKGROUND PAPERS**

Environmental Impact Assessment in support of planning application P1066.14.

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# REGULATORY SERVICES COMMITTEE

4 December 2014

# REPORT

**Subject Heading:**

**P1196.14: 1 Junction Road, Romford**

**Ward:**

**Romford Town**

**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 extension and conversion of existing solicitors office (use class B1) to form 6no. residential flats (use class C3). The development will consist of 3 no. one-bedroom flats and 3 no. two-bedroom flats.

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.

## 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 £2,500, subject to indexation. This is based on the creation of 125 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 £36,000 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 the Head of Regulatory Services 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 approved 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

Prior to the first occupation of the dwellings, the car parking provision shall be laid out to the full satisfaction of the Local Planning Authority and be made available for 6no. 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 as indicated in drawing no. 1250/04 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 and thereafter only soils that are approved by the Local Planning Authority shall be used on or imported into the application site. 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. 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.

#### 10. Construction Method Statement

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

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

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

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

#### 11. Obscure Glazing

The proposed windows in the flank elevations as indicated on drawing no. 1250/02 Revision B, serving the bathrooms only, shall be permanently glazed with obscure glass and thereafter be maintained and permanently fixed shut to the satisfaction of the Local Planning Authority.

Reason: In the interests of privacy, and in order that the development accords with the 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 Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: Improvements required to make the proposal acceptable were negotiated and submitted, in accordance with para 186-187 of the National Planning Policy Framework 2012.
3. 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 £2,500 (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. Site Description**

- 1.1 The application relates to the property at 1 Junction Road, Romford. This is a two-storey detached building currently in use as a solicitor's office (use class B1a).
- 1.2 The property forms the end building in a row of large detached properties that front onto the eastern side of Junction Road. The neighbouring building located to the south at 3 Junction Road is split into two self-contained flats and the three storey flatted accommodation at Chartwell Place is located directly opposite to the west of the site. Immediately to the north is a resident's car park and Upwood Court which frames the corner of Junction Road and Main Road. To the east the rear of the site backs onto the car park of Romford Clinic and the rear garden of 4 Gilbert Road.
- 1.3 The premises has a vehicular access across the building frontage directly from Junction Road onto a strip of hardstanding which is used for off street car parking. There is an additional vehicular access to the rear of the site via a narrow access road leading between No. 4 & 6 Gilbert Road with additional car parking provision available in a rear yard area.
- 1.4 This section of Junction Road is characterised by large detached residential blocks of flats of two to three storeys in height.
- 1.5 The site is relatively flat and covers an area of 483 square metres.

### **2. Description of Proposal**

- 2.1 The application is seeking planning permission for the extension and conversion of existing solicitors office (use class B1) to form 6no. residential flats (use class C3). The development will consist of 3no. one-bedroom flats and 3no. two-bedroom flats.
- 2.2 The proposed development would involve various extensions including a two storey side extension, first floor rear extension and an increase in the roof ridge height to accommodate a loft conversion, conversion from hipped to gable ended roof and the installation of front and rear dormers.
- 2.3 The first floor extension would involve building out the main rear elevation by 0.7 metres with a centrally located section, set in from the side elevations by approximately 2.3 metres and would project out a further 4 metres. There

would be no access from the extension onto the flat roof of the existing single storey rear section of the building.

- 2.4 At the side the two storey extension would infill an area between the existing single storey rear extension and an existing two storey section. It would also project forward to infill the area adjacent to the front corner of the building, giving the building a consistent building line to the side and forming a gable elevation with additional extensions to the roof ridge height. As such the ridge line would be increased by approximately 0.7 metres. This would allow for the creation of a flat in the attic space and would alter the roof design from a hip to a gable with the inclusion of 2no. dormers in the front roof slope and 2no. dormers in the rear roof slope.
- 2.5 The 3no. ground floor flats will be accessed from separate entrances on the north and south side elevations, with the upper floor flats accessed from a new communal entrance to the front.
- 2.6 The strip of hard standing along the frontage would be retained for car parking providing 4no. spaces with an additional 2no. spaces provided to the rear and accessed via the existing right of way from Gilbert Road. A new electronic gate would be installed at the rear access into the site. The existing rear yard would be reconfigured with the inclusion of an area of shared amenity space.

### **3. Relevant History**

- 3.1 P1547.04 - First floor extension to office – Refused
- 3.2 P0957.99 – Single storey rear extension to offices – Approved
- 3.3 P0737.94 - Demolition of existing building and erection of 4no. 1 bed self-contained flats – Approved

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

- 4.1 Notification letters were sent to 109 properties and 3 letters of objection have been received.
- 4.2 The objections to the proposed development can be summarised as follows:
  - The boundary fencing is not to be renewed causing problems with weeds and pebbles intruding into the neighbouring garden.
  - The electronic gates and cycle store area would create additional noise.
  - The side window would result in a loss of privacy.
  - The conversion to flats will dramatically increase the number of cars using the existing access and passing closely between the houses causing noise, disturbance and vibrations.
  - Increased parking issues in the area.
  - The ownership of the rear access is shared by the owners of No.1 and No.5 Junction Road.

- 4.3 Essex and Suffolk Water - no objection.
- 4.4 Thames Water – no objection, recommended informatives relating to waste water, surface water drainage and water are included in any approval notice.
- 4.5 London Fire Brigade Water Team – no objection.
- 4.6 London Fire and Emergency Planning Authority – no objection.
- 4.7 Local Highway Authority – no objection.
- 4.8 Environmental Health – no objection, recommended a condition relating to contaminated land issues is included in any approval notice.

## **5. Relevant Policies**

- 5.1 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.
- 5.2 Other relevant documents include the Residential Design SPD, Sustainable Design and Construction SPD and the Planning Obligations SPD.
- 5.3 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.
- 5.4 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.

## **6. Staff Comments**

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

### ***Principle of Development***

- 6.2 The provision of additional housing is consistent with the NPPF and Policy CP1 as the application site is within a sustainable location in an established urban area.

- 6.3 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. In addition, prior to the commercial use at the site, the building was originally constructed as residential accommodation.
- 6.4 On this basis the proposal is considered to be policy compliant in landuse terms and its use for domestic residential purposes is therefore regarded as being acceptable in principle.

### ***Density/ Layout***

- 6.5 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.
- 6.6 The proposal would provide 6no residential units at a density equivalent to around 80 dwellings per hectare. This complies with the aims of Policy DC2 which states that a dwelling density of between 80 to 120 dwellings per hectare would be appropriate in this location.
- 6.7 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.
- 6.8 For one-bedroom flats for two people the standard is set at 50 square metres and for two bedroom flats at between 61 square metres and 70 square metres depending on the number of occupants. The proposed flats would all either meet or exceed the required internal spacing standards and are therefore be considered to be of an acceptable size for day to day living.
- 6.9 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. The proposed ground floor rear flat would have access directly onto the proposed shared amenity area, although this would not be solely for use by the flat, the proposed additional planting to the area around the doors would help to protect privacy. The amount of amenity space proposed is relatively low, but in comparison with the other flatted accommodation along this section of Junction Road is generally consistent with the existing arrangements for the area. Given the location of the site close to the town centre and in view of local character Staff consider, as a matter of judgement, that the amenity space provision is acceptable in this case. The suitability of the amenity provision and quality of the residential living environment is however a matter of judgement for Members.
- 6.10 On balance it is considered that the proposed internal spacing and amenity area 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.

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

- 6.11 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.
- 6.12 The proposed building will form a relatively prominent feature in the streetscene at Junction Road. However, the design and style of the proposed extensions are considered to adhere to the architectural character of the surrounding area, with the roof ridge height, bulk and massing matching those of the neighbouring buildings at No.s 5 & 7 Junction Road.
- 6.13 The scale and massing of the three-story flatted accommodation at Chartwell Place located directly opposite the site would serve to reduce the impact of the increased roof ridge height within the context of its setting in the streetscene.
- 6.14 These substantial residential buildings opposite the site provide a backdrop for the current proposal. The scale and massing of the three-story flatted accommodation at Chartwell Place would serve to absorb the impact of the increased roof extension and increased bulk. Given the context of neighbouring development it is considered that the design would be acceptable within the local streetscene.
- 6.15 On balance it is considered that the proposed development would contribute positively to the streetscene at Junction Road and would serve to maintain and enhance the character and appearance of the area in accordance with Policy DC61.

### ***Impact on Amenity***

- 6.16 The Residential Design SPD states that new development should be sited and designed such that there is no detriment to existing residential amenity through overlooking and/or privacy loss and dominance or overshadowing. Policy DC61 reinforces these requirements by stating 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 properties.
- 6.17 The main consideration in terms of neighbouring residential amenity relates to the impact on privacy, daylight and outlook of the flats at No.s 3 & 3a Junction Road and No.4 Gilbert Road located to the south and east of the development site respectively.

- 6.18 The proposed first floor extension would be located to the north of No.3 Junction Road and set in from the boundary by approximately 3.6 metres. Consequently the positioning of this element of the proposal would result in a minimal impact in terms of overshadowing and loss of outlook. The roof extensions will increase the height and bulk of the building, however the majority of the extensions will be contained within the existing footprint and as such would not unduly impact on the residents at No.s 3a & 3 Junction Road. The windows in southern elevation of the application building would be reconfigured, most notably with a first floor bedroom window facing the side elevation of No.3, however this will replace an existing side office window. Two additional side windows will be installed in the first and second floors both serving the proposed bathrooms. These can be obscure glazed by condition. Any potential overlooking as a result of the window alterations would be limited and no materially greater than the current situation.
- 6.19 The proposed first floor extension will be located approximately 24 metres from rear windows at No.4 Gilbert Road at an oblique angle. The increased height and massing in comparison to the existing building will result in some loss of outlook, but given the distance and the spacing between the application site and No.4 Gilbert Road it would not be to an extent that would be considered detrimental to the amenity of the occupants. Likewise the additional windows in the rear elevation will face towards the rear garden area of No.4, again at an angle, but given the distance would not result in undue loss of privacy to the rear garden.
- 6.20 Given the distances and the positioning of the windows it is not considered that the proposed development will represent any issues in relation to residential amenity of the other neighbouring houses and flats in accordance with policy DC61.
- 6.21 In terms of the amenity of future occupants of the proposed dwellings, it is considered that although the amount of amenity space proposed in the development is limited, given the site location it is adequate. The surrounding flatted accommodation within this suburban location are characterised by modestly sized gardens and it is considered that the shared open arrangement of the areas around the rear car park adheres to this principle resulting in an acceptable quality of amenity for future occupants.
- 6.22 On balance, it is considered that the proposed development 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.

### ***Environmental Issues***

- 6.23 The site has been in use as commercial offices for many years and before that as residential accommodation. There are no historical contaminated land issues associated with the plot, however Environmental Protection



have requested a condition to ensure any soils imported to the site for landscaping purposes does not contain contaminates.

- 6.24 The site is not located within a Flood Zone and presents no issues in relation to flood risk.
- 6.25 The proposal is not considered to give rise to any significant noise issues subject to conditions required by Environmental Health.

### ***Parking and Highway Issues***

- 6.26 The site is in a central location and falls within the Romford PTAL zone 5-6, which is well served by public transport and within walking distance from the Romford train station. Government guidance encourages a relaxation in parking and other standards in town centre locations, particularly where there is good access to public transport and the proposal accords with this advice.
- 6.27 Nevertheless, the proposed development can demonstrate the provision of 6no. car parking spaces to the front and rear to be allocated as 1no. space per flat.
- 6.28 The Local Highway Authority has raised no objection to the proposal and the proposed car parking and access arrangements are considered to be satisfactory.
- 6.29 Secure storage for up to six bicycles would be provided in an enclosed timber cycle store adjacent to the existing single storey rear section of the building and the proposed communal amenity area.
- 6.30 An enclosed refuse store would be provided to the front of the site adjacent to car parking area. Given the proximity to Junction Road the area would be easily accessible for refuse vehicles.

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

- 6.31 The proposed development will create 6.no new residential units with 125 square metres of new gross internal floorspace. Therefore the proposal is liable for Mayoral CIL and will incur a charge of £2500.00 based on the calculation of £20.00 per square metre.
- 6.32 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 6 no. new dwellings and would therefore be subject to a legal agreement to provide a contribution of £36,000.

## **7. Conclusion**

- 7.1 Having regard to all relevant factors and material planning considerations Staff are of the view that this proposal would be acceptable.
- 7.2 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, in particular the amount of amenity space provision. On balance the proposal is considered to be acceptable in all material respects.
- 7.3 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 29 August 2014.  
Revised plans received 27 October 2014.

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**REGULATORY  
SERVICES  
COMMITTEE**

**REPORT**

4 December 2014

**Subject Heading:**

**P1195.14: Tara, Southend Arterial Road, Romford**

**Demolition of the existing bungalow and construction of 8no. flats with parking and landscaping.  
(Application received 5 September 2014)**

**Ward:**

**Squirrels Heath**

**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 three storey block containing 8no. flats with associated parking and landscaping. The site is relatively flat and is formed of a rectangular strip of land currently occupied by a detached dormer bungalow fronting onto the A127 Southend Arterial Road with several garages and outbuildings to the side.

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.

## 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 £8,740, subject to indexation. This is based on the creation of 437 square metres of net additional 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 £42,000 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 the Head of Regulatory Services 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 in accordance with drawing no. 3167\_PL12B 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

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 as indicated in drawing no. 3167\_PL12B 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

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

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

(c) Following completion of measures identified in the approved remediation scheme mentioned in (b) above, a "Verification Report" that demonstrates the effectiveness of the remediation carried out, any requirement for longer term monitoring of contaminant linkages, maintenance and arrangements for contingency action, must be produced, and is subject to the approval in writing of the Local Planning Authority.

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

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. Contamination Monitoring

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

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

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

12. Construction Method Statement

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

- a) parking of vehicles of site personnel and visitors;
- b) storage of plant and materials;
- c) dust management controls;

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

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

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

13. Noise Impact Assessment

Prior to the commencement of any development an assessment shall be undertaken of the impact of road noise emanating from (ENTER ROAD) upon the development in accordance with the methodology contained in the Department of Transport/Welsh office memorandum, "Calculation of Road Traffic Noise", 1988. Following this, a scheme detailing measures, which are to protect occupants from road traffic noise shall be submitted to, and approved in writing by the Local Planning Authority and shall be implemented prior to occupation.

**Reason:** To protect future residents against the impact of road noise in accordance with Department of Environments, Planning Policy Guidance Note 24, " Planning & Noise" 1994, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

14. Obscure and Fixed Glazing

The proposed windows in the flank elevations as indicated on drawing no. 3167\_PL11.1B, 3167\_PL11.2B and 3167\_PL11.3B shall be permanently glazed with obscure glass and thereafter be maintained and permanently fixed shut to the satisfaction of the Local Planning Authority.

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

15. Secured By Design

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

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

#### 16. 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.

### 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 Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: Improvements required to make the proposal acceptable were negotiated and submitted, in accordance with para 186-187 of the National Planning Policy Framework 2012.
3. 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.
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](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.

## REPORT DETAIL

### 1. Site Description

- 1.1 The application relates to the property at Tara, Southend Arterial Road, Romford. The site is currently occupied by a detached dormer bungalow with several garages and outbuildings to the side, a hardstanding forecourt to the front and garden to the rear.
- 1.2 The plot is relatively flat and is formed of a rectangular strip of land covering an area of 945 square metres. To the north the site has a frontage onto the A127 with direct vehicular access via a dropped crossing. Flatted residential accommodation at Ferguson Court lies to the west, houses at Ferguson Avenue to the south and the Moreton Bay Industrial Estate to the east.

- 1.3 As such the surrounding area is characterised by a mixture of residential and commercial uses.

## **2. Description of Proposal**

- 2.1 The application is seeking planning permission for the demolition of the existing bungalow and the construction of a three storey block consisting of 8no. flats with parking and landscaping. The development would comprise 5no. two-bedroom flats and 3no. one-bedroom flats.
- 2.2 The proposed block would have an 'L-shaped' footprint of approximately 203 square metres, covering approximately 21% of the 945 square metre site. The building will be situated in close proximity to the eastern boundary with a depth of 24.5 metres.
- 2.3 The building would incorporate a flat roof design with a height of 8.6 metres and would include a gated undercroft section adjacent to Ferguson Court providing vehicular access to the rear car park.
- 2.4 Internally the block would be arranged to give the flats an outlook to either the front or to the rear. Each apartment would feature separate bedrooms and bathrooms and a combined lounge and kitchen area as well as a private balcony or terrace.
- 2.5 The proposed development would provide off street car parking for 12no. vehicles (1.5 no. spaces per dwelling) with three spaces laid out in the front forecourt area and the remaining spaces located to the rear. In terms of access into the site the development will utilise the existing dropped kerb driveway arrangement directly from the A127.
- 2.6 A strip of 112 square metres at the rear of the site abutting the garden boundary of No.s 63 & 65 Ferguson Avenue would be laid out as shared resident's amenity space.

## **3. Relevant History**

- 3.1 P0533.14 - Demolition of the existing Bungalow and Construction of 3no. houses and a block of 6no. flats with parking and landscaping – Withdrawn
- 3.2 P1817.05 – Half hip to gable with front & rear dormers – Approved
- 3.3 P1584.05 - Loft conversion with front and rear dormer – Refused

## **4. Consultations/Representations**

- 4.1 Neighbour notification letters were originally sent to 92 properties and 3 letters of objection have been received.

- 4.2 The objections to the proposed development can be summarised as follows:
- Out of character with the local area.
  - Will result in overlooking and loss of privacy.
  - The additional noise from increased traffic entering and leaving the site.
  - Overdevelopment of the site.
  - Loss of outlook and enjoyment of rear garden.
- 4.4 Essex and Suffolk Water - no objection.
- 4.5 Thames Water – no objection, recommended informatives relating to waste water, surface water drainage and water are included in any approval notice.
- 4.6 London Fire Brigade Water Team – no objection.
- 4.7 London Fire and Emergency Planning Authority – the access appears to be tight for a pump appliance. However, it would be able to approach to within 45 metres of all sections of the building in compliance with the Fire Safety Procedural Guidance.
- 4.8 Local Highway Authority – no objection.
- 4.9 Environmental Health – no objection, requested the inclusion of conditions relating to contaminated land issues and a noise assessment.
- 4.10 Highways Agency – no objection.
- 4.11 Designing Out Crime Officer – no objection, recommend a condition relation to Secured by Design measures.

## **5. Relevant Policies**

- 5.1 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.
- 5.2 Other relevant documents include the Residential Design SPD, Sustainable Design and Construction SPD and the Planning Obligations SPD.
- 5.3 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.

- 5.4 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.

## **6. Staff Comments**

- 6.1 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.

### ***Principle of Development***

- 6.2 The NPPF and Policy CP1 support an increase in the supply of housing in existing urban areas where development is sustainable.
- 6.3 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.
- 6.4 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.

### ***Density/ Layout***

- 6.5 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.
- 6.6 The proposal would provide 8 no. flats consisting of 3 no. one-bedroom and 5 no. two-bedroom units at a density equivalent to around 84 dwellings per hectare. Policy DC2 states that a dwelling density of between 50 to 80 dwellings per hectare would be appropriate in this location. On balance the proposed density would marginally exceed this density level, but given the site circumstances and consideration of the design and layout the proposed density is considered to be appropriate in this instance.
- 6.7 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.
- 6.8 For one-bedroom flats for two people the standard is set at 50 square metres and for two bedroom flats at between 61 square metres and 70 square metres depending on the number of occupants. The proposed flats



would all either meet or exceed the required internal spacing standards and are therefore be considered to be of an acceptable size for day to day living.

- 6.9 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. The proposed ground floor rear flats would include private external terrace areas of 5 square metres and 7 square metres respectively, accessed from the lounge. The upper floors will include external balconies of between 4.25 square metres and 7.25 square metres, again accessed off the lounge.
- 6.10 An area of approximately 112 square metres to the rear of the site adjacent to the rear car park and the garden boundaries of No.s 63 & 65 Ferguson Avenue would be set out as a strip of shared amenity space for the residents. The proposed amenity area will have a southerly facing aspect allowing good levels of sunlight.
- 6.11 Although the amount of shared amenity space proposed is relatively low in comparison to the adjacent flatted accommodation at Ferguson Court, the proposed units would include private terrace and balcony areas of a satisfactory size and position. Therefore the amount of private amenity space proposed in the development is regarded as being adequate for the requirements of one and two bedroom apartments.
- 6.12 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 residents of the proposed block 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.

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

- 6.13 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.
- 6.14 The proposed building would form a relatively prominent feature in the streetscene along this section of Southend Arterial Road. However, the design and style of the proposed block are considered to adhere to the architectural character of the adjacent flatted accommodation at Ferguson Court, with the building height, bulk and massing matching that of the neighbouring buildings, albeit with a more contemporary appearance.
- 6.15 The residential blocks at Ferguson Court front onto the A127 in a linear row and the proposed block would effectively continue the building line established by the adjacent development. As such the existing three storey residential buildings would provide a backdrop for the current proposal serving to absorb much of the scale and massing of the proposed block particularly from the main vantage points along both directions of the A127.

- 6.17 The buildings at the Moreton Bay Industrial Estate immediately to the south east of the site are a collection of single storey workshops of various sizes in a 'horse-shoe' arrangement. In this regard the proposed residential block will be more prominent in the streetscene in comparison to the Industrial Estate buildings, but the transition in height would be relatively minimal and proportionate given the close proximity of the proposed development to the existing blocks at Ferguson Court and the sympathetic design and appearance within the setting.
- 6.18 On balance it is considered that the proposed development would contribute positively to the streetscene along this section of Southend Arterial Road and would serve to maintain and enhance the character and appearance of the area in accordance with Policy DC61.

### ***Impact on Amenity***

- 6.19 The Residential Design SPD states that new development should be sited and designed such that there is no detriment to existing residential amenity through overlooking and/or privacy loss and dominance or overshadowing. Policy DC61 reinforces these requirements by stating 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 properties.
- 6.20 The eastern projecting wing of the proposed block would match a similar projecting section on the Ferguson Court building. The existing flats in this end block each contain one side window in the recessed side elevation which provides an outlook directly over the application site. However, the proposed block would be designed to abut the boundary with Ferguson Court and replicate the projecting arrangement, but with the majority of the block set back within the site some 7 metres from the overlooking windows at the rear and some 8.4 metres at the front. Overall it is considered that this measure would maintain a reasonable amount of spacing between the existing and proposed block whilst at the same time ensuring that the outlook from the neighbouring windows is not unduly compromised.
- 6.21 In order to prevent overlooking and loss of privacy between the proposed and existing flats, obscure glazing would be installed in the side windows of the proposed block. In addition, 1.8 metre high privacy screens will be erected on the corners of the balconies attached to the south eastern elevation to prevent direct overlooking between dwellings.
- 6.22 The proposed development would be located over 50 metres from the rear of houses at No.s 63 & 65 Ferguson Avenue. The closest part of the development would be the shared amenity area which would abut the rear garden boundary of these neighbouring dwellings and serve to provide a green buffer between the proposed car park and the rear gardens.

- 6.23 Given the distances and the positioning of the windows it is not considered that the proposed development will represent any issues in relation to residential amenity of the other neighbouring houses and flats in accordance with policy DC61.
- 6.24 In terms of the amenity of future occupants of the proposed flats, it is considered that the proximity of the development to the Moreton Bay Industrial Estate could potentially cause noise and disturbance issues as a result of the neighbouring light industrial uses. However, the proposed block would be located on a site with an established residential use. Any potential issues could be reasonably addressed through building regulation noise insulation measures. In addition, a condition requiring a noise assessment to be undertaken prior the commencement of the development has been recommended.
- 6.25 On balance, it is considered that the proposed development 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.

#### ***Environmental Issues***

- 6.26 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.
- 6.27 The site is not located within a Flood Zone and presents no issues in relation to flood risk.
- 6.28 The proposal is not considered to give rise to any significant noise issues subject to conditions required by Environmental Health.

#### ***Parking and Highway Issues***

- 6.29 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 medium rating and therefore new residential development in this location is required to provide a moderate car parking provision of 1.5 no. spaces per unit.
- 6.30 The proposal can demonstrate provision for 12no. off street car parking spaces which meets the prescribed 1.5 spaces per dwelling requirement. Three spaces would be laid out in the front forecourt area and the remaining nine spaces would be provided in a car park located to the rear via a gated undercroft.
- 6.31 In terms of access into the site the development will utilise the existing dropped kerb driveway arrangement directly from the A127. The proposed development would potentially result in an intensification of the use of this access, however amount of additional vehicles using the access point is not considered to be materially greater in comparison to the existing use and

the neighbouring access to Moreton Bay Industrial Estate. Vehicles would be able to enter and leave the site in a forward gear.

- 6.32 Street Care have confirmed that any refuse collection for the proposed block would take place as per the existing arrangements for the bungalow. An enclosed refuse store would be provided to the front of the site adjacent to car park and the boundary with the A127, although at this stage no details of the design have been provided. Given the proximity to road the area would be easily accessible for refuse collectors.
- 6.33 The London Fire and Emergency Planning Authority have raised concerns that the access point would be tight with a limited turning area for pump appliances. The development would however allow for a pump appliance to approach to within 45 metres of all sections of the building in compliance with the Fire Safety Procedural Guidance.
- 6.34 The Highways Agency and the Local Highway Authority have raised no objection in relation to the proposed amount of car parking provision and the access and servicing arrangements from the A127.
- 6.35 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.
- 6.36 Internal secure bicycle storage would be provided adjacent to the main rear entrance to the block.

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

- 6.37 The proposed development will create 8no. new residential units with 437 square metres of new gross internal floorspace. Therefore the proposal is liable for Mayoral CIL and will incur a charge of £8,740 based on the calculation of £20.00 per square metre.
- 6.38 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, although a deduction can be made for any existing dwellings to be lost. The proposal would create a net increase of 7 dwellings and would therefore be subject to a legal agreement to provide a contribution of £42,000.

## **7. Conclusion**

- 7.1 Having regard to all relevant factors and material planning considerations Staff are of the view that this proposal would be acceptable.
- 7.2 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.

7.3 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 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 5 September 2014 and 8 October 2014.

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**REGULATORY  
SERVICES  
COMMITTEE**

**REPORT**

4 December 2014

**Subject Heading:**

P1293.14 – Harold Wood Primary School, Recreation Avenue, Romford - Demolition of the existing outbuildings. Re-surfacing to provide a new 29 spaces car park, new footpaths and drop-off area (received 18/09/14, revised drawings received 08/10/14)

**Ward:**

Emerson Park

**Report Author and contact details:**

Suzanne Terry  
Interim Planning Manager  
[suzanne.terry@havering.gov.uk](mailto:suzanne.terry@havering.gov.uk)  
01708 432755

**Policy context:**

Local Development Framework  
The London Plan  
National Planning Policy Framework

**Financial summary:**

None

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

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

## SUMMARY

This application is put before Members as the premises relates to a Council owned school. The planning application is for permission to demolish the existing outbuildings situated in the south-western corner of the Harold Wood Park and re-surfacing to provide a new 29 spaces carpark, new footpaths and drop-off area. The planning issues are set out in the report below and cover the impact on streetscene, surrounding area and residential amenity. Staff consider the proposal to be acceptable.

## REPORT DETAIL

That the planning permission be granted subject to the following conditions:

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

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

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

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

3. External Lighting: The development hereby approved shall not be brought into use until external lighting has been provided in accordance with details which shall previously have been submitted to and approved by the Local Planning Authority in writing.

**Reason:** In the interests of residential amenity in accordance with Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.

4. Hours of Construction: No construction works or construction related deliveries into the site shall take place other than between the hours of 08.00 to 18.00 on Monday to Friday and 08.00 to 13.00 hours on Saturdays unless agreed in writing with the Local Planning Authority. No construction



works or construction related deliveries shall take place on Sundays, Bank or Public Holidays unless otherwise agreed in writing by the Local Planning Authority.

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

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 the 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.

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

**Reason:** In the interests of ensuring good design and ensuring public safety and to comply with policies of the Core Strategy and Development Control Policies DPD, namely CP10, CP17, and DC61

## INFORMATIVES

1. Fee Informative:

A fee is required when submitting details pursuant to the discharge of conditions. In order to comply with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which came into force from 22.11.2012, a fee of £97 per request or £28 where the related permission was for extending or altering a dwellinghouse, is needed.

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

3. To the extent that any part of the application site is held for open space purposes it may under a separate legal procedure be subject of a proposed appropriation under section 122(2A) of the Local Government Act 1972.

## REPORT DETAIL

### 1. Site Description

- 1.1 The application site comprises Harold Wood Park located off the junction of Recreation Avenue and Coombe Road. The subject site consists of a number of single storey buildings to the south-western corner of Harold Wood Park. The Park is situated in a predominantly residential area. Harold Wood Primary School is situated to the south of the site. The site is Council owned land.

### 2. Description of Proposal

- 2.1 The Council is in receipt of a planning application seeking permission to demolish the existing outbuildings situated in the south-western corner of Harold Wood Park and the re-surfacing to provide a new 29 space carpark, new footpaths and drop-off area.
- 2.2 The existing single storey buildings on site would be demolished in order to make room for the proposed parking spaces, footpaths and drop-off area. The proposed parking will be for the use of the park as well as the school. The timings are complimentary, i.e. the park use is expected to be mainly in the evening and at weekends. A drop off point will also be provided for parent of children attending the school.

### 3. History

- 3.1 P0222.13 - Extensions and alterations to Harold Wood Primary School to increase pupil intake from 420 to 630 pupils including additional parking for staff - Approved
- 3.2 P1431.05 - Installation of internal platform lift, construction of external access ramp and conversion of two store rooms into a disabled WC facility - Approved.

### 4. Consultation/Representations

- 4.1 Notification letters were sent to 26 neighbouring properties, 1 letter of objection was received raising the following concerns:

- objecting to demolishing all of the building and suggest providing a toilet in one of them

- 4.2 Highways have not raised an objection provided that the standard vehicle access condition be added in the event of an approval.

## **5. Relevant Policies**

- 5.1 Policies CP14 (Green Belt), CP17 (Design), DC26 (Location of Community Facilities), DC28 (Dual use of School Facilities), DC29 (Educational Premises), DC45 (Appropriate Development in the Green Belt), DC55 (Noise) and DC61 (Urban Design) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Documents are material planning considerations.
- 5.2 In addition, Policies 3.18 (Educational facilities), 3.19 (Sport facilities), 7.4 (Local character) and 7.16 (Green Belt) of the London Plan and Chapters 7 (Requiring good design) and 8 (Promoting healthy communities) of the National Planning Policy Framework are relevant.

## **6. Staff comments**

- 6.1 The issues in this case are the principle of the development, the impact on the open character of the Green Belt, the impact of the development in the street scene, impact on the amenities of nearby residential occupiers and highways/parking
- 6.2 *Principle of development*
- 6.2.1 The application is for additional parking and new drop-off facility for children attending the school. The parking facilities would be available for the use of current school pupils and also for community use when visiting the park. Staff consider the development to comply in principle with Policies DC26 and DC28, as it serves community facilities and enables dual use of the parking for the school and wider community.
- 6.2.2 Although the proposed development would result in a loss of a small part of the grassed open area of the park the proposal does not involve the loss of any land containing a sports pitch.
- 6.2.3 The National Planning Policy Framework states that, as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 6.2.4 The proposed development does not fall within the category of development which is allowed in the Green Belt and is therefore considered to be inappropriate development. Inappropriate development can only be

justified where the in principle inappropriateness, together with any other harm, is clearly outweighed by very special circumstances. Prior to determining whether any such circumstances exist, an assessment of whether any other harm arises is given below.

### 6.3. *Green Belt*

6.3.1 Looking first at the visual impact of the proposal, the general setting of the site is relatively open with vegetation limiting views into the site from Recreation Avenue and Coombe Road. The proposal would not result in the removal of any of the vegetation along the western boundary of the site. Although the proposal would still cause a degree of harm to the current openness of the site and the Green Belt, Staff consider the impact to be partly mitigated by the existing high hedge along the western boundary and the removal of the existing single storey buildings on site. Members are invited to apply their judgement to this aspect of the scheme.

6.3.2 The new car park would also materially intensify the overall usage of the site and result in further urban sprawl within the Green Belt. This would partly replace the previous open green land and would be contrary to the aims of the NPPF.

6.3.3 A case for very Special Circumstances is discussed later in the report

### 6.4 *Impact on Local Character and Street Scene*

6.4.1 It is considered that the proposal would not be harmful to the streetscene as the car park would only be partly visible in the streetscene given a high hedge which runs along the western boundary.

6.4.2 The proposal would be tucked into the southwestern boundary of the park which is surrounded by residential development and Harold Wood Primary School to the southeast. Any potential impact to the surrounding area is therefore also deemed acceptable.

### 6.5 *Impact on Amenity*

6.5.1 Policy DC61 considers that new developments should not have an unreasonably impact on noise and disturbance. The nearest residential dwelling at no. 67 Recreation Avenue is situated approximately 20m from the subject car park.

6.5.2 The proposed parking area would be used by the school and Harold Wood park and would be open during school and park hours. Opening times would coincide with the school hours and closing time would be at dusk (closing time of Harold Wood Park). Staff do not consider the proposal to result in an unacceptable impact in terms of noise and disturbance given the daytime opening hours. There is therefore no need to add an opening hours condition given that the car park would only be open during school and park hours.

## 6.6 *Highways / Parking Issues*

6.6.1 The application would not raise highways or parking concerns. The proposal would utilise the existing access arrangements and would result in an increase in parking provision for the Harold Wood Primary School and Harold Wood Park.

## 6.7 *The Mayor's Community Infrastructure Levy*

6.7.1 The subject premises would not create additional floor space and the application would therefore not be CIL liable.

## 6.8 *Other Issues*

6.8.1 Inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. It is for the applicant to show why permission should be granted and very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations (NPPF, paragraph 88).

6.8.2 The applicants very special circumstances case centres around the lack of existing parking for the existing sport facilities in Harold Wood Park and the mitigated impact of the development resulting from the removal of the existing single storey buildings on site.

6.8.3 Harold Wood Park's facilities include a summer meadow, playsite with inclusive play equipment, multi-use ball court, skate/BMX equipment, tennis courts and outdoor gym. The resident sports association use the park for football and cricket. There are currently 7 football pitches, 2 cricket pitches and 3 tennis courts. Parking is available towards the northern part of the site for 34 vehicles. Given the amount of sport facilities available and limited number of parking spaces it is clear that there is a significant shortage of existing parking. The proposal would add an additional 29 spaces to the benefit of this community facility.

6.8.4 The replacement of the existing single storey building with hard standing, albeit a larger area, would arguably also not result in a materially greater impact on the openness of the Green Belt compared to the existing site circumstances.

6.8.5 Staff consider, on balance, that the reasons given for very special circumstances justify the unacceptable impact on the openness of the Green Belt. However, it is acknowledged that this is a matter for judgement of Members.

## **7. Conclusion**

7.1 The proposal is considered to acceptable on balance in terms of its impact on the Green Belt. Although the proposal is considered inappropriate

development in the Green Belt, the applicant has submitted very special circumstances to overcome the harm by reason of inappropriateness and any other harm, as required by the guidance contained in the NPPF.

- 7.2 The application under consideration has been assessed in accordance with planning policy and guidance. The proposed development is considered to be acceptable having had regard to Policies CP14, DC45 and, DC61 of the LDF, and all other material considerations.

## **IMPLICATIONS AND RISKS**

### **Financial Implications and risks:**

None.

### **Legal Implications and risks:**

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

To the extent that any part of the application site is held for open space purposes it may under a separate legal procedure be subject of a proposed appropriation under section 122(2A) of the Local Government Act 1972.

### **Human Resource Implications:**

None

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

The Council's planning policies are implemented with regard to Equalities and Diversity. The proposals are considered to assist accessibility to the school and park.

## **BACKGROUND PAPERS**

1. Application forms and plans received 18/09/14, revised drawings received 08/10/14.

**REGULATORY  
SERVICES  
COMMITTEE**

**REPORT**

4 December 2014

**Subject Heading:**

**P1260.14 – 22a Station Lane,  
Hornchurch – Conversion of existing  
vacant first and second floor office  
space, loft conversion and external  
alterations to create 3 No. 1 bedroom  
self-contained apartments, front and  
rear dormer windows, roof light and  
replacement windows (received  
10/09/14 & 1/12/14)**

**Ward**

**St Andrews**

**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

This report is for the conversion of existing vacant first and second floor office space, loft conversion and external alterations to create 3 No. 1 bedroom self-contained apartments, front and rear dormer windows, roof light and replacement windows. A Section 106 Legal Agreement is required to secure a financial contribution in accordance with the Planning Obligations Supplementary Planning Document. 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. The applicable fee is based on an additional internal gross floor area of 46m<sup>2</sup> which equates to a Mayoral CIL payment of £920 (subject to indexation).

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

- A financial contribution of £18,000 to be used towards infrastructure costs in accordance with the Planning Obligations Supplementary Planning Document and Policy DC72.
- 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 the Head of Regulatory Services 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 hereby permitted shall not be commenced later than three years from the date of this permission.



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

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

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

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

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

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

## INFORMATIVES

1. Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: Improvements required to make the proposal acceptable were negotiated and submitted, in accordance with para 186-187 of the National Planning Policy Framework 2012.
2. The 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 £920 (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 obligations - The planning obligations recommended in this report have been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the obligations are considered to have satisfied the following criteria:-
  - (a) Necessary to make the development acceptable in planning terms;
  - (b) Directly related to the development; and
  - (c) Fairly and reasonably related in scale and kind to the development.
4. 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 details can be found by visiting <http://www.securedbydesign.com/professionals/details.aspx?forcecode=met>. They are able to provide qualified advice on incorporating crime prevention measures into new developments.
5. A fee is required when submitting details pursuant to the discharge of conditions. In order to comply with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which came into force from 22.11.2012, a fee of £97 per request or £28 where the related permission was for extending or altering a dwellinghouse, is needed.

### Planning Obligations

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

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

REPORT DETAIL
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**1. Site Description:**

- 1.1 The application site is a commercial three storey mid terrace property located on the western side of Station Lane, Hornchurch. The ground floor unit comprises of Mayfair Bathrooms.

**2. Description of development:**

- 2.1 The proposal is for planning permission for the conversion of existing vacant first and second floor office space, loft conversion and external alterations to create 3 no. 1 bedroom self-contained apartments. The proposal includes, front and rear dormer windows, a roof light and replacement windows. Flats A and B would comprise of a living/dining/kitchen room, bathroom, a bedroom and bathroom. Flat C would comprise of a kitchen on the second floor and a bathroom, bedroom and living/dining room in the roof space. All the flats would be accessed from an external staircase at the rear of the building. There is no amenity space or car parking provision for the flats.

**3. Relevant History:**

- 3.1 No relevant planning history.

**4. Consultations/Representations:**

- 4.1 68 letters of notification were sent out informing local residents about the proposed works. No letters of representation were received.
- 4.2 London Fire Brigade will be satisfied with the proposals subject to a pump appliance being able to approach to within 45m of all points within each dwelling.
- 4.3 Environmental Health - Recommend a construction hours condition if minded to grant planning permission.
- 4.4 StreetCare Department – Provision and space needs to be provided for a 660 litre refuse bin and a 360 litre recycling bin, both lockable.
- 4.5 The Highways Authority has no objection to the proposals.

## 5. **Relevant policies:**

- 5.1 Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP17 (Design), DC2 (Housing Mix and Density), DC3 (Housing Design and Layout), DC4 (Conversions to residential and subdivision of residential uses), DC16 (Core and fringe frontages in district and local centres), DC33 (Car Parking), DC61 (Urban Design), DC63 (Delivering Safer Places) 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) and 8.2 (Planning obligations) of the London Plan are relevant.
- 5.3 Policies 6 (Delivering a wide choice of high quality homes) and 7 (Requiring good design) of the National Planning Policy Framework are relevant.

## 6. **Staff Comments:**

- 6.1 The main issues in this case are the principle of development, site layout, impact on the streetscene and impact on residential amenity and any highway and parking issues.

### 6.2 **Principle of Development**

- 6.2.1 The application site is in the Retail Core of Hornchurch Major District Centre. The proposal would retain an A1 use at ground floor in accordance with Policy DC16.
- 6.2.2 The conversion of the existing vacant first and second floor office space, loft conversion and external alterations to create 3 no. 1 bedroom self-contained apartments above the A1 use would be acceptable in principle and adheres to Policy DC4, as this can help bring activity to town and district centres and increase their vitality and viability.

### 6.3 **Density and site layout**

- 6.3.1 In terms of the form of development, the proposal needs to be considered having regard to the provisions of Policy DC4 of the DPD which relates to proposals to sub-divide houses to provide more residential units. With regards to this policy, any proposal will be required to satisfy a number of criteria. These are that each flat should be of an adequate size, self contained with a reasonable outlook and aspect; should not materially reduce the privacy enjoyed by the occupants of adjoining properties; should provide a suitable degree of amenity space; and should meet required parking standards. Policy DC4 of the DPD also outlines the above and states that the living rooms of

new units should not abut the bedrooms of adjoining units. The specific criteria in terms of Policy DC4 are assessed throughout the course of this report. It is considered that the flats would have an acceptable outlook and aspect.

6.3.2 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 seeks that new residential development conforms to minimum internal space standards set out in the plan. The proposal is for the conversion of existing vacant first and second floor office space, loft conversion and external alterations to create 3 no. 1 bedroom self-contained apartments.

6.3.3 The London Plan seeks a minimum internal floor area of 50 square metres for a flat with one bedroom and 2 bed spaces. In this instance, Flats A and C have a gross internal floor space of 51 and 56 square metres respectively, which is acceptable. Flat B has a gross internal floor area of 45 square metres, which is below the standard in the London Plan. Staff consider that a shortage of 5 square metres of floor space would not constitute sufficient grounds for refusing planning permission for this application. The acceptability of the internal space would also be a buyer beware issue. This is however a matter of judgement for Members as to the acceptability of the resultant living accommodation.

6.3.4 The Residential Design SPD states that private amenity space and/or communal amenity space should be provided for flats. The Council's guidance does advise that in a predominantly commercial area where a mixed use development of residential flats above office or retail uses is considered appropriate, the total amenity space area may be reduced, or waived altogether provided that:

- (a) the relationship of the proposed building block to adjoining boundaries and buildings is acceptable,
- (b) flats have an acceptable outlook
- (c) the building mass is appropriate in the streetscene, and
- (d) all other policies and standards are met in full.

6.3.5 In this location, there is no existing or availability for the future provision of dedicated amenity space for the flats. This is not dissimilar to some other residential units in the locality and, given the above, it is considered that there would be insufficient grounds to refuse the application based on a lack of amenity provision.

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

6.4.1 It is noted that the width and siting of the two front dormer windows do not adhere to the guidance in the Residential Extensions and Alterations SPD. No. 26A Station Lane has two front dormer windows of a similar design and proportions, although these are partly screened by a balustrade and were approved in 2009, which pre-dates the design guidance. Staff consider that the proposed front dormer windows are very wide and more prominent than

those at No. 26A Station Lane. Following negotiations with the agent, the plans were amended by reducing the width of the window frames (not the dormers) to 1 metre and of sash style to match the first and second floor windows on the front elevation of the building. The width and siting of the front dormer windows and their impact on the streetscene is a matter of judgement for Members. The remaining replacement windows and external alterations are deemed to satisfactorily integrate with the building.

- 6.4.2 It is considered that the rear dormer window is contained well within the body of the roof and would be sited below the roof ridge and from both flanks. It is noted that No. 26 Station Lane has a roof light and rear dormer window of similar design and proportions to the proposal and therefore, it is considered that the proposed roof light and rear dormer window would integrate satisfactorily with the rear façade of the adjoining units in this parade.

## **6.5 Impact on amenity**

- 6.5.1 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.

- 6.5.2 From the list of neighbours that were consulted for this application, there does not appear to be a residential dwelling located above No. 20 Station Lane and no letters of representation were received from this property.

- 6.5.3 It is considered that the conversion of the existing vacant first and second floor office space into 3 no. 1 bedroom self-contained flats would not result in significant levels of noise and disturbance compared with their former use as offices.

- 6.5.4 Staff consider that the front and rear dormer windows are contained well within the body of the roof and would not be harmful to residential amenity. It is considered that the replacement windows, front and rear dormer windows and roof light would not create any additional overlooking or loss of privacy over and above existing conditions.

## **6.6 Highway/parking issues**

- 6.6.1 There is no off street parking provision for the flats. In light of the town centre location of the site (enabling easy access to services and facilities) and the bus stops to the front of the site from which a number of bus routes operate, Staff consider that no car parking provision in this instance is acceptable. Indeed, in choosing whether to purchase/rent a property in such a location, potential occupants would be aware of the lack of car parking facilities prior to occupation. The Highways Authority has no objection to the proposal. It is considered that the proposal would not create any highway or parking issues. The agent has advised that provision for refuse will be made to the rear of No. 26 Station Lane and details of this will be secured by condition.

## **6.7 The Mayor's Community Infrastructure Levy**

6.7.1 The additional floor space created as a result of the loft conversion and front and rear dormer windows is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The proposed development would have a floor space of 46 square metres. On this basis, the CIL liability equals 46 x £20 per sq.m = £920 (subject to indexation).

## **6.8 Planning Obligations**

6.8.1 A Section 106 Legal Agreement is required to secure a financial contribution of £18,000 to be used towards infrastructure costs in accordance with Policy DC72 and the Planning Obligations Supplementary Planning Document.

## **6.9 Conclusion**

6.9.1 The conversion of existing vacant first and second floor office space to create 3 no. 1 bedroom self-contained apartments is acceptable in principle. Staff consider that the loft conversion, external alterations, front and rear dormer windows, a roof light and replacement windows would integrate satisfactorily with the existing building and the streetscene. It is considered that the proposal would not be materially harmful to residential amenity. It is considered that the proposal would not create any highway or parking issues. Having regard to all material planning considerations, it is recommended that planning permission be granted.

## **IMPLICATIONS AND RISKS**

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

None.

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

Legal resources will be required for the drafting of a 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 10/09/2014 & 1/12/14.



**REGULATORY  
SERVICES  
COMMITTEE**

**REPORT**

4 December 2014

**Subject Heading:**

**P0010.12 – Damyns Hall Aerodrome,  
Aveley Road, Upminster**

**Demolition of existing buildings and  
replacement with new hangar  
constructed within a landscaped  
compound. The compound also to  
provide all outside parking for home  
based aircraft.**

**(Application Received 16 April 2012)**

**Ward:**

**Upminster**

**Report Author and contact details:**

**Suzanne Terry, Interim Planning  
Manager  
[suzanne.terry@havering.gov.uk](mailto:suzanne.terry@havering.gov.uk)  
01708 432755**

**Policy context:**

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

**Financial summary:**

**None**

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

Ensuring a clean, safe and green borough	<input checked="" type="checkbox"/>
Championing education and learning for all	<input type="checkbox"/>
Providing economic, social and cultural activity in thriving towns and villages	<input checked="" type="checkbox"/>
Value and enhance the life of our residents	<input checked="" type="checkbox"/>
Delivering high customer satisfaction and a stable council tax	<input type="checkbox"/>

## **SUMMARY**

This planning application for a new hangar building and outdoor plane storage was originally reported to the Regulatory Services Committee in August 2013, where it was resolved to grant planning permission subject to the satisfactory completion of a legal agreement. The heads of terms of the legal agreement sought to limit use of the aerodrome by helicopters and airships and required the setting up of a consultative committee. The applicants have queried the proposed clause relating to airships and have commented that they were of the view that the limitation would be 65 days per annum rather than 65 movements as in the committee resolution. The applicants are not willing to agree to a limitation to 65 movements and so are seeking a change to the heads of terms of the legal agreement relating to airships. It is considered that some alteration to this clause would be acceptable and it is recommended that planning permission be granted subject to a revision to the original resolution regarding airship movements.

## **RECOMMENDATIONS**

That the Committee notes that the development proposed could be liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable charge would be up to £10,800. This is based on the creation of 540m<sup>2</sup> 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 Legal Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended), to secure the following:

- That the aerodrome use of the land be limited to use by light aircraft, save for the use by helicopters and airships as defined and limited within the Legal Agreement.
- Helicopters Movements – That there will be no more than 5 helicopter movements (movements to be defined as one in, one out) in any week (Monday-Sunday).
- Airship Movements – That airships shall only use the site for a maximum of 65 days a year, that for 14 of the 65 days, there be no more than 10 airship movements per day, that for 51 of the 65 days there be no more than 2 airship movements per day. That a log be kept of all airship movements.
- The above not to apply when temporary events that are taking place as permitted development in accordance with Part 4 of the Town and Country

Planning (General Permitted Development) Order 1995, or any enactment superseding or replacing that order with similar provisions.

- To set up and run a consultative committee whose remit would be to bring to the attention of the aerodrome operators any current issues in relation to the aerodrome and to instigate a complaints policy agreed between the consultative committee and the aerodrome operators

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 be carried out in complete accordance with the approved drawings listed on page 1 of this decision notice.

Reason: To accord with the submitted details and LDF Development Control Policies Development Plan Document Policy DC61.

3. Removal of Buildings – The hanger building and outdoor light aircraft parking area hereby approved shall not be brought into use until the T hangers, tractor shed, barn building and shipping containers as identified on drawing numbers DHA-100 Rev A and DHA-200 are demolished and all material arising from demolition removed from the site.

Reason: To ensure that the openness of the Green Belt is preserved in accordance with Policy DC45 of the Local Development Framework and the National Planning Policy Framework.

4. No parking or storage of aircraft – Except for non-home based light aircraft, visiting the site for less than a 24 hour period (or other period previously agreed in writing by the Local Planning Authority) and light aircraft parked/stored within the area shown as “parking out area” on drawing number DHA-101, no aircraft shall be parked or stored anywhere in the open air on the site. For the purposes of this condition, light aircraft does not include helicopters or airships, for the avoidance of doubt however airships may be tethered overnight whilst in use in connection with event filming/broadcasts.

Reason: To ensure that the openness of the Green Belt is preserved in accordance with Policy DC45 of the Local Development Framework and the National Planning Policy Framework.

5. No outdoor storage – Other than light aircraft stored/parked in accordance with and as defined in Condition 4 and farm machinery required in connection with the agricultural use of the site, there shall be no outdoor storage of any items or materials.

Reason: In order to ensure a satisfactory external appearance and prevent harm to the openness of the Green Belt, in accordance with Policies DC45 and DC61 of the Local Development Plan and the NPPF.

6. Bund and Landscaping – The hanger building and outdoor light aircraft parking area hereby approved shall not be brought into use until the bund and landscaping has been provided in accordance with Drawing No.DHA-101. The approved bund shall be retained thereafter. 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: To ensure a satisfactory visual appearance in accordance with Policies DC45 and DC61 of the Local Development Plan.

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

Reason: Heritage assets of archaeological interest survive on the site. The planning authority wishes to secure the provision of archaeological investigation and the subsequent recording of the remains prior to development (including historic buildings recording), in accordance with Policy DC70 and NPPF.

8. Materials - Before any of the development hereby permitted is commenced, details of the finished external colour of the building 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 in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61.

9. Maximum number of light aircraft – There shall be no more than 50 light aircraft stored on the site at any time. No other aircraft, including helicopters, shall be

stored on the site, except for airships tethered overnight in whilst in use in connection with event filming/broadcasts.

Reason: In order to ensure that the activity associated with the use of the site as an aerodrome is kept within acceptable limits in the interests of residential amenity and the openness of the Green Belt in accordance with Policies DC45, DC55 and DC61 of the Local Development Plan.

10. Restriction on Use – The building and open parking area hereby approved shall only be used for the storage/parking and maintenance of light aircraft or agricultural machinery and for no other purpose. For the purposes of this condition, light aircraft does not include helicopters or airships, for the avoidance of doubt however airships may be tethered overnight whilst in use in connection with event filming/broadcasts.

Reason: In order that the local authority may control the use of the site in the interests of visual amenity, residential amenity and openness of the Green Belt in accordance with Policies DC45, DC55 and DC61 of the Local Development Plan.

11. External lighting – No external lighting shall be installed on the site, except in accordance with details that have previously been submitted and approved in writing by the Local Planning Authority.

Reason: In order to ensure that lighting does not appear obtrusive or result in loss of residential amenity, in accordance with Policies DC45 and DC61 of the Local Development Plan.

## **INFORMATIVES**

1. Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: Improvements required to make the proposal acceptable were negotiated and submitted, in accordance with para 186-187 of the National Planning Policy Framework 2012.
2. The planning obligations recommended in this report have been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the obligations are considered to have satisfied the following criteria:-
  - (a) Necessary to make the development acceptable in planning terms;
  - (b) Directly related to the development; and
  - (c) Fairly and reasonably related in scale and kind to the development.
3. 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.

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 up to £10,800. CIL is payable within 60 days of commencement of development. A Liability Notice will be sent to the applicant (or anyone else who has assumed liability) shortly. Further details with regard to CIL are available from the Council's website.

## REPORT DETAIL

### 1. Background

- 1.1 On 22 August 2013, Members resolved to grant planning permission, subject to the satisfactory completion of a Legal Agreement, for the demolition of existing buildings and replacement with new hanger constructed within a landscaped compound. The compound also to provide all outside parking for home based aircraft.
- 1.2 The Heads of Terms of the S106 Agreement were to include the following:
- That the aerodrome use of the land be limited to use by light aircraft, save for the use by helicopters and airships as defined and limited within the Legal Agreement.
  - Helicopters Movements – That there will be no more than 5 helicopter movements (movements to be defined as one in, one out) in any week (Monday-Sunday).
  - Airship Movements – That there will be no more than 65 airship movements in any calendar year. That a log be kept of all airship movements.
  - The above not to apply when temporary events that are taking place as permitted development in accordance with Part 4 of the Town and Country Planning (General Permitted Development) Order 1995, or any enactment superseding or replacing that order with similar provisions.
  - To set up and run a consultative committee whose remit would be to bring to the attention of the aerodrome operators any current issues in relation to the aerodrome and to instigate a complaints policy agreed between the consultative committee and the aerodrome operators
- 1.3 The legal agreement has been drafted in accordance with the above terms and forwarded to the applicant for completion. The applicant has responded that they did not agree the term in relation to airships. They believed that the restriction was that airships be restricted to 65 days per year with unlimited number of movements on those days. In checking the correspondence on this matter it appears that Staff always referred to 65 movements, the applicant to 65 days and that this difference was not noticed by either party.

- 1.4 The applicant has requested that the agreement be amended accordingly. Staff were not willing to recommend unlimited airship use for 65 days a year due to adverse impact and have suggested that airship use be limited to a maximum of 65 days a year, with movement numbers limited to a maximum of 10 for 14 of those days and 2 for 51 of those days. The applicant has indicated willingness to enter the legal agreement on these terms.

## **2.0 Assessment**

- 2.1 As paragraphs 6.22 and 6.24 of the original report (appended to this report) sets out, there is some doubt as to whether airships and helicopters can lawfully use the site, but in order to avoid further lengthy enforcement action that may possibly result in no control being exercised, restrictions on airships and helicopters had been agreed (although it now turns out that the nature of restriction on airships was not agreed).
- 2.2 In recommending a restriction on the number of airship movements to a maximum of 65 a year, Staff's intention was to limit any experience flights to a short period, whilst also allowing an airship to be based at the aerodrome whilst being used to cover major events. The restriction now being proposed would effectively limit the experience flights to a maximum of 14 days a year. The period where an airship could use the site would be longer than the original intention, but with a limit of 2 movements per day.
- 2.3 It is considered that the restriction in relation to airships now proposed should ensure that the impact on residential amenity and the green belt would be within acceptable limits.

## **3.0 Conclusion**

- 3.1 It is considered that the proposed change to the clause regarding airships would be acceptable and that planning permission should be granted, subject to the completion of a satisfactory legal agreement.
- 3.2 The report to committee of 22 August 2013 is included as an Appendix to this report.



# REGULATORY SERVICES COMMITTEE

# REPORT

22 August 2013

Subject Heading:

P0010.12 – Damyns Hall Aerodrome,  
Aveley Road, Upminster

Demolition of existing buildings and  
replacement with new hanger  
constructed within a landscaped  
compound. The compound also to  
provide all outside parking for home  
based aircraft.

(Application Received 16 April 2012)

Report Author and contact details:

Helen Oakerbee, Planning Manager  
helen.oakerbee@havering.gov.uk

Policy context:

National Planning Policy Framework  
Local Development Framework

Financial summary:

None

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

Ensuring a clean, safe and green borough	<input checked="" type="checkbox"/>
Championing education and learning for all	<input type="checkbox"/>
Providing economic, social and cultural activity in thriving towns and villages	<input checked="" type="checkbox"/>
Value and enhance the life of our residents	<input checked="" type="checkbox"/>
Delivering high customer satisfaction and a stable council tax	<input type="checkbox"/>

SUMMARY



Damyns Hall Aerodrome is a site in mixed aerodrome and agricultural use located to the south of Upminster, within the Green Belt. A number of enforcement notices have been served including those in relation to unauthorised buildings and intensification in the aerodrome use, which were upheld on appeal due to adverse impact on the openness of the Green Belt.

The current application is to provide a building and outdoor area to provide light aircraft storage and includes the demolition of some existing lawful buildings on the site. Subject to conditions and legal agreement, it is considered that the proposal, although inappropriate development, would not have any greater impact on the openness of the Green Belt and that there are very special circumstances that overcome the in principle harm. On balance, it is considered that the impact on residential amenity would be within acceptable limits. It is recommended that planning permission be granted.

## RECOMMENDATIONS

That the Committee notes that the development proposed could be liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable charge would be up to £10,800. This is based on the creation of 540m<sup>2</sup> 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 Legal Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended), to secure the following:

- That the aerodrome use of the land be limited to use by light aircraft, save for the use by helicopters and airships as defined and limited within the Legal Agreement.
- Helicopters Movements – That there will be no more than 5 helicopter movements (movements to be defined as one in, one out) in any week (Monday-Sunday).
- Airship Movements – That there will be no more than 65 airship movements in any calendar year. That a log be kept of all airship movements.
- The above not to apply when temporary events that are taking place as permitted development in accordance with Part 4 of the Town and Country Planning (General Permitted Development) Order 1995, or any enactment superseding or replacing that order with similar provisions.
- To set up and run a consultative committee whose remit would be to bring to the attention of the aerodrome operators any current issues in relation to the

aerodrome and to instigate a complaints policy agreed between the consultative committee and the aerodrome operators

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 be carried out in complete accordance with the approved drawings listed on page 1 of this decision notice.

Reason: To accord with the submitted details and LDF Development Control Policies Development Plan Document Policy DC61.

3. Removal of Buildings – The hanger building and outdoor light aircraft parking area hereby approved shall not be brought into use until the T hangers, tractor shed, barn building and shipping containers as identified on drawing numbers DHA-100 Rev A and DHA-200 are demolished and all material arising from demolition removed from the site.

Reason: To ensure that the openness of the Green Belt is preserved in accordance with Policy DC45 of the Local Development Framework and the National Planning Policy Framework.

4. No parking or storage of aircraft – Except for non-home based light aircraft, visiting the site for less than a 24 hour period (or other period previously agreed in writing by the Local Planning Authority) and light aircraft parked/stored within the area shown as “parking out area” on drawing number DHA-101, no aircraft shall be parked or stored anywhere in the open air on the site. For the purposes of this condition, light aircraft does not include helicopters or airships, for the avoidance of doubt however airships may be tethered overnight whilst in use in connection with event filming/broadcasts.

Reason: To ensure that the openness of the Green Belt is preserved in accordance with Policy DC45 of the Local Development Framework and the National Planning Policy Framework.

5. No outdoor storage – Other than light aircraft stored/parked in accordance with and as defined in Condition 4 and farm machinery required in connection with the agricultural use of the site, there shall be no outdoor storage of any items or materials.

Reason: In order to ensure a satisfactory external appearance and prevent harm to the openness of the Green Belt, in accordance with Policies DC45 and DC61 of the Local Development Plan and the NPPF.

6. Bund and Landscaping – The hanger building and outdoor light aircraft parking area hereby approved shall not be brought into use until the bund and landscaping has been provided in accordance with Drawing No.DHA-101. The approved bund shall be retained thereafter. 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: To ensure a satisfactory visual appearance in accordance with Policies DC45 and DC61 of the Local Development Plan.

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

Reason: Heritage assets of archaeological interest survive on the site. The planning authority wishes to secure the provision of archaeological investigation and the subsequent recording of the remains prior to development (including historic buildings recording), in accordance with Policy DC70 and NPPF.

12. Materials - Before any of the development hereby permitted is commenced, details of the finished external colour of the building 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 in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61.

13. Maximum number of light aircraft – There shall be no more than 50 light aircraft stored on the site at any time. No other aircraft, including helicopters, shall be stored on the site, except for airships tethered overnight in whilst in use in connection with event filming/broadcasts.

Reason: In order to ensure that the activity associated with the use of the site as an aerodrome is kept within acceptable limits in the interests of residential amenity and the openness of the Green Belt in accordance with Policies DC45, DC55 and DC61 of the Local Development Plan.

14. Restriction on Use – The building and open parking area hereby approved shall only be used for the storage/parking and maintenance of light aircraft or agricultural machinery and for no other purpose. For the purposes of this condition, light aircraft does not include helicopters or airships, for the avoidance of doubt however airships may be tethered overnight whilst in use in connection with event filming/broadcasts.

Reason: In order that the local authority may control the use of the site in the interests of visual amenity, residential amenity and openness of the Green Belt in accordance with Policies DC45, DC55 and DC61 of the Local Development Plan.

15. External lighting – No external lighting shall be installed on the site, except in accordance with details that have previously been submitted and approved in writing by the Local Planning Authority.

Reason: In order to ensure that lighting does not appear obtrusive or result in loss of residential amenity, in accordance with Policies DC45 and DC61 of the Local Development Plan.

## INFORMATIVES

5. 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.
6. 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.
7. 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.
8. 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 up to £10,800. CIL is payable within 60 days of

commencement of development. A Liability Notice will be sent to the applicant (or anyone else who has assumed liability) shortly. Further details with regard to CIL are available from the Council's website.

## REPORT DETAIL

### **1. Site Description**

1.1 Damyns Hall Aerodrome is site in mixed use as agriculture, aerodrome and limousine business covering an area of approximately 48.5 hectares, located to the west of Aveley Road and north of Warwick Lane, approximately 1km south of the built up area of Upminster. The site contains a number of buildings and open areas, including:

- two grass runways;
- open fields, some of which are used for crop production;
- a storage/administrative building including a café for users of the site (ancillary use), offices and light aircraft storage;
- a residential mobile home;
- an unauthorised hanger building, subject to enforcement notice (see planning history below);
- a “tractor shed” dutch barn building providing storage for agricultural machinery;
- a barn building and associated yard with storage containers, used in association with a limousine business;
- to the west of the barn building a large vegetated bund formed of hardcore, up to 6 metres in height;
- an unauthorised area of hardstanding used as a car park (see planning history below)
- two “T” hangar buildings used to store light aircraft.

1.2 The main access to the site is from Aveley Road, running alongside Damyns Hall Cottages.

1.3 The site is surrounded by mainly agricultural land, some longstanding commercial uses and some residential properties along the north and south of Aveley Road.

1.4 The site is within the Metropolitan Green Belt.

### **2. Description of Proposal**

2.1 It is proposed to create an area within the site currently occupied by the limousine business for the storage of light aircraft, including a hangar building and open light aircraft storage.

- 2.2 The proposed building would cover an area of 540 square metres, being 45 metres long by 12 metres wide and with a sloping roof, 5 metres high at the front of the building and 4 metres high at the back.
- 2.3 To the front of the building would be a hard surfaced area providing access to the aerodrome taxiing areas and runways. To the west of this would be an area of grassed grid concrete providing an outdoor parking area for light aircraft. It is estimated that 35 light aircraft could be stored in this area, 15 within the building and 20 in the open area. Surrounding the building and parking area would be up to 3 metre high earth bunds, formed from the current 6m high bund, topped with soil and seeded with grass, with openings at each end providing access. Beyond the bunds would be two areas of tree planting.
- 2.4 As part of the proposal, a number of existing lawful buildings would be removed from the site:
- the barn building and storage containers used in association with the limousine business;
  - the tractor shed;
  - two “T” hangers
- 2.5 The location of the proposed hangar site is close to where the original Damyns Hall House was located and an archaeological statement has been submitted in support of the application.

### **3. Relevant History**

- 3.1 There has been a number of planning applications and enforcement notices served in relation to the use of the site as an aerodrome which are particularly relevant to this current application. The Planning and Enforcement history in relation to the site is outlined below.
- 3.2 **Historic Use of Site** - The site was owned by a local farmer who for many years used the site for the taking off and landing of light aircraft, both for his own use, use by flying clubs and use by individual enthusiasts. The aerodrome consisted of a grass runway and a hangar building, surrounded by fields of crops.
- 3.3 There is no record of planning permission ever being granted for the use of the site as an aerodrome.
- 3.4 **Background to Enforcement Notices** - In 2005, following the death of the site owner, the land was sold. The new owner of the site contacted staff in Planning as to possible future development of the site. He was advised that as there were no planning records that an aerodrome lawfully existed on the site, he should apply to establish the lawfulness of the use. An application for a Certificate of Lawfulness of Existing Use (Council Ref: E0005.06), with details of the historic use of the site, was submitted in early 2006. The Certificate was issued in 2007, confirming that the use as an aerodrome was lawful, but based

on the information provided, limited to storage of a maximum of 15 aircraft being stored inside the existing hangar building.

3.5 In 2006, complaints were received that a new hangar building was being erected and that flying activity from the site had substantially increased. In 2007, complaints were received that helicopter flights were taking part from the site. In 2008, complaints were received that an airship was operating from the site.

3.6 In part in response to the investigation into the complaints, in 2007 and 2008 planning applications were submitted relating either to retention of buildings/intensified use or for new development:

P1861.07 - Change of use of land for the purposes of stationing 2No. mobile homes - refused 16 November 2007.

P1858.07 - Construction of car park for 125 cars to serve Aerodrome- refused 21 December 2007

P1860.07 - Change of use of land for the purposes of stationing a single portable office unit- refused 21 December 2007

P1866.07 - Change of use of land for the purposes of stationing a double portable office unit - refused 21 December 2007

P1859.07 - Change of use from agriculture to composite use including agriculture and aerodrome - refused 21 December 2007

P1871.07 – Change of use of agricultural barn for aircraft hangar and hardstanding – refused 16 November 2007

P2031.08 – Temporary stationing of three portable office units – refused 22 January 2009.

P1924.08 - Change of use of agricultural barn for aircraft hangar and hardstanding - refused 20 March 2009.

All the applications were refused under delegated powers, principally for reasons related to impact on the Green Belt and impact on nearby residents.

3.7 As a result of investigations into buildings and use of the site, a report to the Regulatory Services Committee on 18 September 2008 identified a number of planning breaches at the site and recommended enforcement action. The Committee resolved to take enforcement action as recommended.

3.8 **Enforcement Action and Appeal** - Enforcement notices were served and were subject to appeal which took place by way of public inquiry in January 2010. The appeal also dealt with the refusals of planning permission for the retention of portable office building and the hangar building, the latter of which was refused by the Regulatory Services Committee on 19 March 2009.

3.9 A Public Inquiry took place to consider the appeals with the appeal decision being issued on 8 June 2010. The Inspector decided that some aspects were unacceptable and dismissed the appeals with enforcement notices upheld, whilst a couple of the breaches were granted planning permission subject to conditions. The owner of the site appealed to the High Court in regard to some aspects of the Inspectors decision. The application was dismissed by the High Court on 10 December 2010.

3.10 **Summary of Outcome of Appeal**

<b>Breach of Planning Control</b>	<b>Inspectors Decision</b>	<b>Inspectors Reasons</b>	<b>Current Status</b>
Aircraft Hangar Building	Dismiss appeal, uphold enforcement notice with variation.	The building is not an agricultural building and therefore not permitted development. It is a substantial building that causes serious harm to the openness of the Green Belt.	The enforcement notice was altered to allow 12 months (8 June 2011) to remove the building and 18 months (8 Dec 2011) to restore the land. The hangar remains in place.
Material intensification of use of site	Dismiss appeal, uphold enforcement notice with variation	The certificate confirms that the lawful use of the land was for keeping of 15 light aircraft. The keeping of 41 light aircraft on the site is a material increase requiring planning permission. Storing aircraft in the open decreases the openness of the Green Belt. A limitation on numbers stored on the site is preferable to a limit on flight numbers.	The enforcement notice was varied to allow 12 months (8 June 2011) to reduce the number of light aircraft stored to 15 and to be stored in the lawful hangar building. Outdoor storage of aircraft continues to take place.
Siting of Residential Mobile Home	Allow appeal, enforcement notice quashed	The mobile home is required for security purposes and therefore a temporary planning consent would be appropriate.	Temporary planning permission has been granted, which expired on 1 July 2013, and limited to occupation of employees of the aerodrome.



Three portable office buildings	Dismiss appeal, uphold enforcement notice with variation	The buildings are of considerable size and have a degree of permanence and therefore they are development requiring planning permission. The buildings add to the built form of the site and reduce the openness of the Green Belt.	The enforcement notice was varied to allow 12 months to remove the office buildings. The buildings have been removed.
Café use of building	Dismiss appeal, uphold enforcement notice with variation	Agreed by parties that café use is inappropriate.	Café should only be open to aerodrome users and not members of the public
Additional Decking	Dismiss appeal, uphold enforcement notice with variation	Agreed by all parties that part of decking not authorised	Decking has been removed to comply with notice
Hardcore Car Park	Allow appeal, enforcement notice quashed	In association with the lawful use, a small car park would be necessary. Provided its size is reduced by half and suitably landscaped and car parking does not take place anywhere else, then the harm to the Green Belt is minimised.	Planning permission granted for car park, subject to scheme to reduce size by half and landscaping.  Planning application reference P1242.12 submitted seeking alternate car park – currently under consideration.

3.11 A planning application (Ref. P0617.13) has been submitted for an extension to the club building. This has yet to be determined.

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

4.1 The application has been advertised by way of site and press notice as well as notification to occupiers of nearby properties. Nine letters of objection have been received, raising the following points:-

- the enforcement notices should be complied with before any more planning applications are considered;

- further commercialisation of Green Belt land;
- use of local footpaths and other recreational space is disturbed by noise of aircraft and helicopters;
- proposal would be detrimental to the Green Belt;
- proposal would result in increased aircraft movements to the detriment of safety;
- helicopter use should be restricted;
- activity at the site has increased significantly since the ownership of the site changed;
- increased traffic using access on a dangerous bend;
- noise and loss of privacy has been caused to residents from aircraft, wing walker plane, airships, model aircraft flying and shows taking place;
- increases in flights could lead to a commercial air business being located at the aerodrome.

4.2 The Highways Authority has raised no objection to the proposal.

4.3 English Heritage Archaeology have requested a condition to provide a watching brief during construction works.

## **5. Relevant Policies**

5.1 The National Planning Policy Framework, in particular Sections 1 (Building a strong, competitive economy) and 9 (Protecting Green Belt land) are relevant to the application.

5.2 London Plan Policies 7.15 (Reducing Noise and Enhancing Soundscapes) and 7.16 (Green Belt) are relevant to the application.

5.3 The Local Development Framework, Core Strategy and Development Control Policies Development Plan Document Policies DC18 (Protection of Public Open Space, Recreation, Sports and Leisure Facilities), DC32 (The Road Network), DC45 (Appropriate Development in the Green Belt), DC55 (Noise), DC70 (Archaeology and Ancient Monuments) and DC72 (Planning Obligations) are relevant to the application.

## **6. Staff Comments**

6.1 The main considerations in relation to this application are the principle of development, compliance with Green Belt policy including the impact upon the openness of the Green Belt, quality of the design, the need to support economic growth, impact upon residential and other amenity, the impact on the highway and whether there are any very special circumstances to allow inappropriate development in the Green Belt. The Inspectors decision in relation to the enforcement notices and refused planning permissions is considered to be a relevant consideration in the determination of the application.

### **Principle of Development**

- 6.2 The use of the land as an aerodrome as part of a mixed agricultural unit is lawful and therefore development of an associated building does not raise any fundamental land-use objection. The site is within the Green Belt and this forms the principle consideration in this case. Paragraph 79 of the National Planning Policy Framework (NPPF) states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open with the essential characteristics of Green Belts being their openness and their permanence. The Green Belt issues are considered further below.

### **Green Belt Considerations**

- 6.3 Paragraph 89 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- buildings for agriculture and forestry;
- provision for 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 Paragraph 88 of the NPPF states that local planning authorities ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

- 6.5 Paragraph 90 of the NPPF states what other forms of development would not be inappropriate. These are:

- mineral extraction;
- engineering operations;
- local transport infrastructure which can demonstrate a requirement for Green Belt location;
- the re-use of buildings provided that the buildings are of permanent and substantial construction; and
- development brought forward under a Community Right to Build Order.

- 6.6 Policy DC45 of the LDF states that planning permission for new buildings will only be granted if they are essential for agriculture and forestry, outdoor recreation, nature conservation or cemeteries. It states further that planning permission for the redevelopment of authorised commercial/industrial sites will be granted provided there is a substantial decrease in the amount of building on the site and improvements to the Green Belt environment.
- 6.7 From the above policy considerations, it is considered that the proposed building would not represent an appropriate building for outdoor recreation. The aerodrome does provide for leisure flying and the aerodrome comprises of many open areas. However, there is also a commercial nature to the operation that includes businesses that offer flying lessons and “flight experiences”. From the information submitted at the appeal, and in subsequent discussions with the aerodrome operators, the aerodrome would only be viable if there was an sufficient income stream from such commercial activities and a minimal number of aircraft are required to be stored on site in connection with this as well as offering those who fly for leisure a base to store their aircraft and undertake flights. This minimal number of aircraft is well in excess of the 15 that can currently be stored within lawful buildings on the site. The Inspector concluded from the evidence submitted at the Inquiry that “this general aviation operation is by no means exclusively an outdoor leisure activity”. It is therefore not possible to conclude that the proposed building is appropriate for outdoor sport and recreation.
- 6.8 It is considered that the proposal would not represent a replacement of a building that is not materially larger. The proposal involves the replacement of an existing building and shipping containers that are currently used for storage and workshop purposes in connection with a limousine business. However, the building is materially larger – floorspace increasing from 211 square metres to 540 square metres, volume increasing from 1118 cubic metres to 2430 cubic metres.
- 6.9 Policy DC45 requires that where there is a total redevelopment of a commercial site that there should be a substantial decrease in built form on the site. This policy has, to an extent, been superseded by the less onerous but more up to date NPPF policy that allows partial or total redevelopment of brownfield sites provided that there is no greater impact on the openness of the Green Belt. It is considered that the proposal would not meet this requirement as the extent of land taken by the proposed building and aircraft parking area is greater than taken by the current building and yard area and includes some of the undeveloped green area surrounding the building.
- 6.10 The development includes an area of land to provide outdoor storage of aircraft. This, and the proposed building, represents a material increase in the aerodrome use of the land as confirmed by the Certificate of Lawfulness issued in 2007. Such changes of use are not included in the list of appropriate development in the NPPF.
- 6.11 For the reasons outlined above, it is considered that the development does not meet any of the policy exceptions and would be inappropriate development in

the Green Belt. There would therefore need to be a demonstration of very special circumstances to outweigh the harm to the Green Belt through inappropriateness. Before considering the very special circumstances, it would be appropriate to consider other relevant considerations with the proposal, including the impact upon the openness of the Green Belt.

### **Impact on the Openness of the Green Belt**

6.12 The proposed hangar building would have a floorspace of 540 square metres and a volume of 2430 cubic metres and a maximum height of 5 metres. As part of the development of the hangar building, it is proposed to demolish a number of buildings around the aerodrome site, including:

- the current building on the site of the proposed building, which has a floorspace of 212 square metres, a volume of 1118 cubic metres and a maximum height of 6.5 metres;
- the Dutch barn building, which has a floorspace of 100 square metres, a volume of 648 cubic metres and a maximum height of 7.8 metres;
- a large T hangar building with a floor area of 67 square metres, a volume of 172 cubic metres and a maximum height of 3.72 metres;
- a small T hangar building with a floor area of 57 square metres, a volume of 136 cubic metres and a maximum height of 2.75 metres;
- a number of containers and shed buildings around the current limousine business building totalling 140 square metres in floor area and 365 cubic metres in volume.

All these building are considered to be lawful. There is a large silver hanger building on the site, but this is subject to an enforcement notice requiring its removal and does not form part of the assessment of openness in this case.

6.13 On a pure numerical assessment, there would be a decrease of 36 square metres in the total floorspace of buildings on the site (from 576 to 540 square metres) and 39 cubic metres in the total volume of buildings (from 2439 to 2430 cubic metres). There would therefore be a slight decrease in the total amount of built form on the site.

6.14 The Dutch barn and T hangar buildings stand within quite open parts of the site and their removal would improve the openness of the respective parts of the site. The building used for the limousine business and the area around it is fairly untidy, including containers and other open storage. The 6 metre high bund formed mainly of hardcore as well as material from the former Damyns Hall which stood on this site further detracts from the openness of this part of the site. In terms of the impact of the proposal on the openness of this part of the site it is considered relevant that the proposed building would not be as high as the building it replaces, that the bund would be reduced in height and its appearance improved by adding a topsoil layer and grass seed. It is also considered that the aircraft storage would largely be obscured from views due to the bund. Compared to the current part of this site it is considered that the impact on the openness of the Green Belt would not be significant. Associated with improvements to openness of the site elsewhere, overall it is considered

that the proposal, subject to conditions requiring removal of buildings from the site and restricting storage of aircraft to the proposed area, would improve the openness of the Green Belt.

### **Design Considerations**

- 6.15 The proposed building would be of a fairly low profile and with external materials of sheet metal and large sliding doors, the finished colour to be agreed and subject to condition. The building would appear similar to many modern agricultural buildings and would not look particularly out of place, particularly given the current state of the building and land on which it would be placed and the proposed bund and landscaping to be provided.
- 6.16 The proposed design is considered to be acceptable, in accordance with Policy DC61.

### **Economic Considerations**

- 6.17 Paragraph 19 of the National Planning policy Framework states that significant weight should be placed on the need to support economic growth through the planning system. The application has been submitted in response to enforcement action against unauthorised hangar building and outdoor storage of aircraft. The number of aircraft based at the aerodrome is currently around 42. If this number was to be reduced to the 15 required by enforcement notices, it has been argued by the applicant that this would seriously affect the ability of the aerodrome to operate as a going concern with consequent loss of employment. The applicants have stated further that the aerodrome has become a popular local attraction for those interested in aviation and that the aerodrome supports the annual Military Show and that its loss would be detrimental to the local area.
- 6.18 It is considered that some weight can be given to these considerations, although they are not determinate in this case.

### **Impact on Residential and Other Amenity**

- 6.19 The proposed building and outdoor aircraft storage would be situated a minimum of 385 metres from the nearest residential property at Damyns Hall Cottages. At this distance, there would be no significant noise issues from the operation of aircraft or undertaking maintenance in the building or the area to the front of it.
- 6.20 The proposal would result in an increase in the number of aircraft that can be based at the aerodrome – rising from 15 to a maximum of 50. This would be likely to increase the levels of comings and goings in vehicles to/from the property. The access road into the site is a minimum of 17 metres from the nearest house, although it does run nearer to the garden area of 1 Damyns Hall Cottages. Given that most comings and goings would be during the day and that the existing Aveley Road is relatively busy, the increase in disturbance caused by more vehicles accessing the site is not considered to be significant.
- 6.21 Noise from light aircraft can be disturbing, mostly noise when the aircraft is on the ground about to take off. Light aircraft flying overhead further away from the

aerodrome are not considered to cause significant noise disturbance. Training of pilots may involve circuits where planes land and take off again immediately, circle the airfield to land again but it appears that this type of flying activity has taken place since the aerodrome has been in use. There is a wing walking plane based at the aerodrome which flies at low level around the aerodrome site and causes some disturbance, although it is only used occasionally. At times over the last few years, helicopter “experience” and tour flights have been based at the aerodrome with helicopters hovering over the site and/or flying low around the surrounding areas. At busy times, this has resulted in complaints being received. Also in the past commercial airship tours of London have taken place from the site with a large airship based at the site for the summer and flying in low when taking off/landing. More recently an airship that supplies images for broadcast has been parked overnight during major events in London, although this has attracted few complaints.

- 6.22 This issue of noise was discussed at the appeal with the Council arguing that the use of the site by helicopters and airships was not lawful as the Certificate referred to “light aircraft” and that the use by helicopters and airships caused the most disturbance. The appellants argued that airships and certain helicopters fell within the definition of light aircraft and could legitimately use the site. The Inspector, perhaps because he felt he did not have to, did not conclude either way on the issue of the lawfulness of helicopter and airship use of the site. The Inspector concluded that a limitation on the number of aircraft on the site was the most effective control. The Inspector considered that good neighbourliness could solve many of the issues – e.g. using the north-south runway more often and taxiing to a point further from the houses before take-off. However, the Inspector considered that such practices were difficult to enforce through planning conditions and also considered that a limit of the total number of flights would be difficult to enforce. At the appeal, the appellants submitted a unilateral undertaking under Section 106 of the Town and Country Planning Act, obligating them to set up a consultative committee which would instigate a complaints process to bring matters to the aerodrome operators. Although there was no restriction on this obligation coming into effect (e.g. dependant on appeal being allowed), the consultative committee has not been set up.
- 6.23 In the case of the present application the proposed building and aircraft storage would be closest to the north-south runway. Aircraft using this runway would take off away from any residential properties and therefore there could be less disturbance from light aircraft to the nearest residential properties, although it would be difficult to require aircraft to use this runway as it would depend on wind direction. There would be the potential for more aircraft movements as there would be the ability to have more aircraft on site.
- 6.24 In negotiation with the aerodrome owners, rather than the possibility of further lengthy enforcement action which could be unsuccessful for either side it has been suggested that if the majority of helicopter movements could be controlled, this would go some way to addressing noise issues and could allow some additional aircraft (light aircraft) to be stored at the site. In this regard the applicant has agreed to limit the maximum number of helicopter movements to

five in any week. This would ensure that experience flights and hovering above properties is minimised. The applicant has also agreed to limit airship movements to a maximum of 65 in any year, which again should limit any experience flights to a short period or enable the airship that covers major events (and causes little or no disturbance) to continue to use the site. These controls would not apply when events are taking place at the site – under planning legislation the site can be used for up to 28 days in any year for temporary uses. The applicant has also agreed to the setting up of the consultative committee. These requirements would be secured through a S106 legal agreement.

- 6.25 On balance, with the legal agreement, it is considered that the degree of additional noise and disturbance as a result of more aircraft being stored on the site is not so significant as to warrant refusal of planning permission, although Members would be entitled to take a contrary view. A Condition is recommended to that limits the total number of aircraft stored at the site. It is suggested that this be 50, 15 that can currently be stored in the lawful hanger/club building and 35 in the proposed building/outdoor storage area.

#### **Highway Impact**

- 6.26 As a result of the proposal, there would likely be an increase in vehicle movements using the access on Aveley Road. The Highways authority have not raised an objection to the application, although objections have been received that the access to the site is on a dangerous bend in the road.
- 6.27 The issue of the safety of the access was examined at appeal, with the Inspector agreeing with the appellant's highway witness who considered that the visibility for emerging traffic at the junction with Aveley Road is good.
- 6.28 The proposal would not result in a significant increase in traffic and therefore it is considered that there are no highway safety concerns.
- 6.29 At appeal, planning permission was granted for a car park, but subject to it being reduced in size and landscaping being provided. A current planning application (P1242.12) seeks to amend this permission to provide an overflow area to provide additional parking if necessary. The car park application is, to an extent, dependent on this present application as it would influence the size of car park required. Therefore the car park application would be considered subsequent to any decision on the present application. On the basis of the car park application there would be at least 32 parking spaces available in the car park, although parking can take place elsewhere on the site.
- 6.30 It is considered that the site has sufficient space to accommodate any additional parking demand arising from the proposal.

#### **Very Special Circumstances**

- 6.31 Having established that the proposal represents inappropriate development in the Green Belt. It now needs to be considered whether there are any very special circumstances that outweigh the harm to the Green Belt.



- 6.32 As concluded above, the proposal has a limited impact on the openness of the Green Belt. Some isolated buildings would be removed from the site and the openness from many vantage points would be improved. This is considered to carry significant weight in favour of the development.
- 6.33 The existing limousine business area which includes a high hardcore bund, tired looking building, containers and open storage would be improved with the new building, bund, landscaping and open aircraft storage area. This is considered to carry significant weight in favour of the development.
- 6.34 The retention of employment at the aerodrome and provision of an attraction in the Borough carries some limited weight in favour of the development.
- 6.35 The introduction of additional controls over helicopter and airship movements carries some limited weight in favour of the development.
- 6.36 Taking all the above factors into consideration, and in particular that the proposal does not affect the openness of the Green Belt to any significant degree, it is considered that in this particular case there are sufficient very special circumstances to outweigh the harm to the Green Belt through inappropriateness.

#### **Other Activities Taking Place at the Site**

- 6.37 There are other activities taking place at the site which are currently being investigated or monitored. These include a number of events that are taking place under the 28 day temporary use permitted development. There is a model aircraft club based at the site which would require planning permission. No application has been submitted to date. Temporary planning permission granted for the mobile home on the site has recently expired and the applicants have been informed that a planning application should be submitted if this is to be retained on the site.
- 6.38 None of the above are considered either to influence the outcome of, or prevent a decision being made on, the current application.

### **7. Mayors Community Infrastructure Levy**

- 7.1 The proposal includes new buildings totalling 540 square metres. As the buildings to be demolished are more than this, it is possible that no CIL would be payable, but this depends on whether the buildings have been in use for the 6 months preceding the commencement of the development. In the circumstances, an informative should be added that up to £10,800 CIL may be payable.

### **8. Conclusion**

- 8.1 In conclusion it is considered that the proposal, although inappropriate development, would not have any greater impact on the openness of the Green Belt and that there are very special circumstances that overcome the in principle harm.

- 8.2 Whether the proposal, which would likely result in increased aircraft movements from the site, would cause unacceptable increase in noise disturbance is a matter for judgement for Members. It is considered that the lawful aerodrome use does cause some disturbance, but that the position of the additional aircraft storage area (including hangar) close to a less disturbing north-south runway, the establishment of a consultative committee and limitations on helicopter and airship use of the site does satisfactory limit any increase in noise and disturbance.
- 8.3 It is considered that the proposal accords with the relevant national, London Plan and local planning policies identified in this report. It is recommended that planning permission be granted, subject to legal agreement and conditions.

## IMPLICATIONS AND RISKS

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

None directly arising from this application.

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

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

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

None

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

None

## BACKGROUND PAPERS

Application forms, plans and supporting documents

Appeal Decision References APP/B5480/C/09/2096896, 2105342, 2105343, 2105344, 2105346, 2105347, 2105348, 2105349, APP/B5480/A/09/2100488 & APP/B5480/A/09/2101867

**REGULATORY  
SERVICES  
COMMITTEE**

**REPORT**

4 December 2014

**Subject Heading:**

**P1388.14: William Pike House,  
Waterloo Gardens, Romford**

**Convert the existing ground floor pram  
sheds into 2 No 2 bedroom flats  
including provision of 2 No new  
parking spaces. (Application received  
14/10/2014)**

**Ward**

**Romford Town**

**Report Author and contact details:**

**Suzanne Terry  
Interim Planning Manager 01708  
432755 [suzanne.terry@havering.gov.uk](mailto:suzanne.terry@havering.gov.uk)**

**Policy context:**

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

**Financial summary:**

**None**

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

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

## SUMMARY

The proposal is for the conversion of the existing unused lower ground floor of an 11 storey residential block to provide two new flats. The residential block is part of the Waterloo Gardens Estate and is managed by the London Borough of Havering Homes and Housing Department.

The existing lower ground floor currently contains the points of access to the upper floors and areas consisting of bin storage, plant/general storage areas and a number of pram stores. The layout of the lower ground floor is proposed to be extensively re-configured, refurbished and extended to create two new flats each with two bedrooms, their own canopied entrance and amenity space. Two additional parking spaces will be provided.

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.

This application is brought before the Committee because the site comprises Council owned land and one objection has been received.

## 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 £1322.00, subject to indexation. This is based on the creation of 66.1 square metres of new gross internal floor space.

That planning permission be granted subject to the following conditions:

1. Time Limit

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

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

2. In Accordance with Approved 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

Prior to the first occupation of either dwelling, the car parking provision shall be laid out to the full satisfaction of the Local Planning Authority and be made available for 2 no. 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

Unless otherwise agreed in writing by the Local Planning Authority, external alterations to the building shall be carried out in materials to match those in the existing building.

**Reason:** To ensure that the appearance of the proposed development will harmonise with the character of the surrounding area.

### 5. Construction works/delivery times

No construction works or construction related deliveries into the site shall take place other than between the hours of 08.00 to 18.00 on Monday to Friday and 08.00 to 13.00 hours on Saturdays unless agreed in writing with the local planning authority. No construction works or construction related deliveries shall take place on Sundays, Bank or Public Holidays unless otherwise agreed in writing by the local planning authority,

**Reason:** To protect residential amenity and in order that the development accords with Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.

## 6. Planning Obligations

The development hereby approved shall not commence until payment towards infrastructure costs has been made to the Local Planning Authority in accordance with the requirements of Policy DC72 of the LDF and the Planning Obligations Supplementary Planning Document.

**Reason:** In order that the development makes the required contribution to the infrastructure costs arising from the proposed development and to accord with the Planning Obligations SPD.

## 7. Sound insulation

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

**Reason:** To prevent noise nuisance to adjoining properties

## 8. Contaminated Land Report

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

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

contingency action must be produced, and is subject to the approval in writing of the Local Planning Authority.

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

#### 9. Contaminated Land

- a) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the local planning authority. The remediated strategy shall be implemented as approved.
- b) Following completion of the remediation works as mentioned in (a) above a "Verification Report" must be submitted demonstrating that the works have been carried out satisfactorily and remediation targets have been achieved.

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

#### 10. 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.

#### 11. Cycle Storage

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

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

## 12. Boundary Treatment

Before the dwelling hereby permitted is first occupied the boundary treatment shown on the drawing no.14166\_15 A is to be carried out and thereafter permanently maintained.

**Reason:** In the interests of protecting amenity.

## 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 (NPPF) 2012.
3. 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 £1322 (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 on the commencement of the development before works begin. Further details with regard to CIL are available from the Council's website.

<b>REPORT DETAIL</b>
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### 1. Site Description

- 1.1 The application site comprises an 11 storey tower block 'William Pike House'. It lies to the west of Waterloo Gardens and to the north east of St Andrews Road.



- 1.2 To the immediate north of the site lies Thomas England House which is a similar 11 storey tower block. The surrounding area is predominantly residential and comprising of three and four storey residential blocks.
- 1.3 The existing lower ground floor of the residential block currently contains the points of access to the upper floors and areas consisting of bin storage, plant/general storage areas and a number of unused pram stores.
- 1.4 New detached blocks of replacement pram stores have been constructed to the north east corner of the building.

## **2. Description of Proposal**

- 2.1 The proposal is for the conversion and extension of the existing unused lower ground floor of the 11 storey residential block to provide two new two-bedroom flats.
- 2.2 The proposed flats will have internal floor space of 73.2sqm and 62.7sqm with amenity space of 19.1sqm and 21.7sqm respectively. They will each have their own canopied entrance facing onto Waterloo Gardens.
- 2.3 Externally the block will be extended to a depth of some 4m. There will be new entrance doors to the units and fenestration. Alterations and additions to the external walls will be finished to match the existing block. There will be a new first floor balcony above to flats on the first floor.
- 2.4 Two additional parking spaces will be provided and each flat will have cycle storage space to the front of the proposed properties.

## **3. Relevant History**

- 3.1 None

## **4. Consultations/Representations**

- 4.1 95 neighbouring occupiers were notified of the proposal. One objection has been received indicating that there are already insufficient parking spaces and that the proposal will exacerbate this issue.
- 4.2 The Local Highway Authority has raised no objections to the proposal.
- 4.3 Environmental Health has raised no objections to the proposal but has requested that conditions relating to contaminated land and noise are attached should the application be approved.

## **5. Relevant Policies**

- 5.1 Policies CP1 (Housing Supply), CP17 (Design), DC2 (Housing Mix and Density), DC4 (Conversions to residential and subdivision of residential units), DC7 (Lifetime and Wheelchair Housing) DC33 (Car Parking), DC35

(Cycling), 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 (DPD) are considered to be relevant.

- 5.2 Other relevant documents include the Residential Design Supplementary Planning Document (SPD), Residential Extensions and Alterations SPD and the Planning Obligations SPD.
- 5.3 Policies 3.3 (Increasing housing supply), 3.4 (Optimising Housing Potential) 3.5 (Quality and design of housing developments), 3.8 (Housing choice), 6.9 (cycling), 6.13 (Parking), 7.3 (Designing out crime), 7.4 (Local character) and 8.2 (planning obligations) of the London Plan are material considerations.
- 5.4 The National Planning Policy Framework, specifically Sections 6 (Delivering a wide choice of high quality homes) and 7 (Requiring good design) are relevant to this application.

## **6. Staff Comments**

- 6.1 The issues arising in respect of this application and which will be addressed through this report are the principle of development, impact on the street scene and design, amenity issues and parking and highways implications.

## **7. Principle of Development**

- 7.1 The NPPF and Policy CP1 of the Core Strategy support an increase in the supply of housing in existing urban areas where development is sustainable.
- 7.2 The proposal is for the conversion and extension of the existing lower ground floor into two new flats. Officers consider that this would provide additional housing and that there is no objection in principle to the loss of the pram store which is no longer required or used. Alternative provision to the pram stores has been provided elsewhere on the site.
- 7.3 The conversion/extension would accord with the need for more affordable units of this size.
- 7.4 It is considered that the proposed additional residential units in this existing residential block would be acceptable in principle, subject to its impact being within acceptable limits.

## **8. Density/ Layout**

- 8.1 The existing flatted block is of a high density compared with surrounding development in the area. The proposal would add two units to the existing block which will increase the density of the development. However, the existing pram store is unused and the existing lower ground floor arrangement is underutilised. The addition of two flats is considered to bring

an existing space into beneficial use. The small increase in density is not considered to be a justifiable reason for refusal if the proposal is considered acceptable in all other respects.

- 8.2 London Plan Policy 5.3 and table 3.3 set minimum space standards for new development. For two bedroom properties for three people the minimum gross internal area is 61sqm. Both of the proposed flats exceed this standard. It is therefore considered that the accommodation would be of a suitable size.
- 8.3 The Council's Residential Design SPD recommends that every home should have access to suitable private/ communal space in the form of private gardens, communal gardens, courtyards, patios, balconies or roof terraces. The fundamental design considerations for amenity space should be its usability and quality. Each flat is proposed to have private amenity space directly at the front of the property running the whole length of the frontage. The boundary will have a 1.2m metal railing, providing a clearly designated private space. The outlook is on to a grassed area in front of the amenity space and Waterloo Gardens. It is considered that the proposed private amenity space will be beneficial for residents and is acceptable.
- 8.4 New larger, balconies are also proposed for two existing properties on the first floor. The new balconies will be situated on the roof of the proposed extension at ground floor level and will provide additional private amenity space for existing residents.

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

- 9.1 The proposal comprises of a single storey extension to the front of the existing residential block. The extension is 4m in depth and expands the whole length of the existing frontage which is approximately 18.8m.
- 9.2 Council policy DC61 seeks to ensure that all new development complements or improves the amenity and character of the area through its appearance, materials used, layout and integration with surrounding land and buildings.
- 9.3 The front of the extension will comprise the new individual access points to the new flats, this will create a more active and attractive frontage on Waterloo Gardens which is currently a relatively blank elevation with a series of high windows.
- 9.4 Alterations and additions to external walls will be finished to match the existing. The current external finish to the ground floor is mainly rendered masonry with concrete panelling and facing brickwork to the upper floors. The ground floor access doors and screening are predominantly hardwood with the uPVC windows.

9.5 It is considered that the modest scale, bulk, height and massing of the extension and its design is compatible with the character and appearance of the local street scene and will have limited impact.

## **10. Impact on Amenity**

10.1 Policy DC61 of the Core Strategy and Development Control Policies DPD requires new development not to harm the amenities of adjoining occupiers by reason of noise and disturbance, loss of light, overlooking or other impacts.

10.2 The nearest residential properties are those within the existing building and those that could be most affected would be the occupiers directly above on the first floor. The material increase of noise is considered to be minimal and will be managed by sound insulation, which will be secured by condition.

10.3 It is considered that there would be no adverse impact on existing residential amenity from the proposed flats.

10.4 With regards to the amenity for the proposed units, the second bedroom for flat no. 1 will have a window on the northern side elevation close to the new pram stores, this may result in a lack of privacy to this bedroom, although this could be mitigated by the use of blinds. Given that this is the window to a second rather than the principal bedroom and that the future occupiers would be aware of this issue prior to occupation of the property, on balance it is not considered that this is reason for refusal. This is however a matter of judgement for Members.

## **11. Parking and Highway Issues**

11.1 Policy DC33 seeks to ensure all new developments make adequate provision for car parking. Policy DC2 sets out the parking standards for the borough. In this area the standard is for 1-1.5 spaces per unit. Two new spaces are proposed to meet the needs of the new flats.

11.2 The Local Highway Authority has raised no objection in relation to the proposed amount of car parking provision.

11.3 An objection was raised on parking grounds, over concerns regarding existing levels of parking and the potential for the proposed flats to exacerbate this problem. However, adequate parking provision is made for the new residential units and this is considered to be acceptable.

11.4 Bicycle parking for each unit is proposed within the private amenity space to the front of each property. This meets the requirements for 1 cycle parking space for 1 or 2 bed flats as set out in the Revised Early Minor Alterations to the London Plan and is therefore considered to be acceptable.

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

- 12.1 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 two new dwellings and will therefore be subject to a £12,000 contribution. This will be secured through a condition.
- 12.2 The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. Havering's Mayoral CIL rate is £20 per sqm. The applicable fee is based on the net increase in gross internal floor area 66.1sqm which equates to a Mayoral CIL payment of £1322.00 (66.1m x £20).

## **13. Conclusion**

- 13.1 Having regard to all relevant factors and material planning considerations, officers are of the view that the proposal would not have an adverse impact on the street scene or result in a loss of amenity to neighbouring occupiers. The proposal is considered to be acceptable in all other respects and it is therefore recommended that planning permission be granted subject to conditions set out in this report.

### **IMPLICATIONS AND RISKS**

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

Financial contributions will be sought through the legal agreement.

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

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

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

None

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

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

### **BACKGROUND PAPERS**

Application form, drawings and supporting statements received on 14 October 2014.

**REGULATORY  
SERVICES  
COMMITTEE**

**REPORT**

4 December 2014

**Subject Heading:**

**P1390.14: Thomas England House,  
Waterloo Gardens, Romford**

**Convert the existing ground floor pram  
sheds into 2No flats (1No 2 bed and  
1No 1 bed) including the provision of  
2No new parking spaces (application  
received 14/10/2014**

**Ward**

**Romford Town**

**Report Author and contact details:**

**Suzanne Terry  
Interim Planning Manager 01708  
432755 [suzanne.terry@havering.gov.uk](mailto:suzanne.terry@havering.gov.uk)**

**Policy context:**

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

**Financial summary:**

**None**

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

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

## SUMMARY

The proposal is for the conversion of the existing unused lower ground floor of an 11 storey residential block to provide two new flats. The residential block is part of the Waterloo Gardens Estate and is managed by the London Borough of Havering Homes and Housing Department.

The existing lower ground floor currently contains the points of access to the upper floors and areas consisting of bin storage, plant/general storage areas and a number of pram stores. The layout of the lower ground floor is proposed to be extensively re-configured, refurbished and extended to create two new flats comprising a one bedded and a two bedded property each their own canopied entrance and amenity space. Two additional parking spaces will be provided.

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.

This application is brought before the Committee because the site comprises Council owned land and one objection has been received.

## 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 £858.00, subject to indexation. This is based on the creation of 42.9 square metres of new gross internal floor space.

That planning permission be granted subject to the following conditions:

1. Time Limit

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

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

2. In Accordance with Approved 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

Prior to the first occupation of either dwelling, the car parking provision shall be laid out to the full satisfaction of the Local Planning Authority and be made available for 2 no. 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 (DPD) Policy DC33.

### 4. External materials

Unless otherwise agreed in writing by the Local Planning Authority, external alterations to the building shall be carried out in materials to match those in the existing building.

**Reason:** To ensure that the appearance of the proposed development will harmonise with the character of the surrounding area.

### 5. Construction works/delivery times

No construction works or construction related deliveries into the site shall take place other than between the hours of 08.00 to 18.00 on Monday to Friday and 08.00 to 13.00 hours on Saturdays unless agreed in writing with the local planning authority. No construction works or construction related deliveries shall take place on Sundays, Bank or Public Holidays unless otherwise agreed in writing by the local planning authority,

**Reason:** To protect residential amenity and in order that the development accords with Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.

## 6. Planning Obligations

The development hereby approved shall not commence until payment towards infrastructure costs has been made to the Local Planning Authority in accordance with the requirements of Policy DC72 of the LDF and the Planning Obligations Supplementary Planning Document (SPD).

**Reason:** In order that the development makes the required contribution to the infrastructure costs arising from the proposed development and to accord with the Planning Obligations SPD.

## 7. Sound insulation

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

**Reason:** To prevent noise nuisance to adjoining properties

## 8. Contaminated Land Report

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

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

contingency action must be produced, and is subject to the approval in writing of the Local Planning Authority.

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

#### 9. Contaminated Land

- a) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the local planning authority. The remediated strategy shall be implemented as approved.
- b) Following completion of the remediation works as mentioned in (a) above a "Verification Report" must be submitted demonstrating that the works have been carried out satisfactorily and remediation targets have been achieved.

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

#### 10. 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.

#### 11. Cycle Storage

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

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

12. Boundary Treatment

Before the dwelling hereby permitted is first occupied the boundary treatment shown on the drawing no.14166\_05 A is to be carried out and thereafter permanently maintained.

**Reason:** In the interests of protecting amenity.

## **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 (NPPF) 2012.
3. 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 £858 (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 on the commencement of the development before works begin. Further details with regard to CIL are available from the Council's website.

<b>REPORT DETAIL</b>
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### **1. Site Description**

- 1.1 The application site contains an 11 storey tower block 'Thomas England House'. It lies to the west of Waterloo Gardens and to the south east of Queen Street.
- 1.2 To the immediate south of the site lies William Pike House which is a similar 11 storey tower block. The surrounding area is predominantly residential and comprising of three and four storey residential blocks.

- 1.3 The existing lower ground floor of the residential block currently contains the points of access to the upper floors and areas consisting of bin storage, plant/general storage areas and a number of unused pram stores.
- 1.4 New detached blocks of replacement pram stores have been constructed to the south east corner of the building.
- 1.5 Directly to the south east of the site and adjacent to the replacement pram stores is a single storey non residential concierge building.

## **2. Description of Proposal**

- 2.1 The proposal is for the conversion and extension of the existing unused lower ground floor of the 11 storey residential block to provide two new flats.
- 2.2 The proposed one bedroom flat will be 59.2sqm and the two bedroom property will be 75.6sqm 62.7sqm with amenity space of 14.9sqm and 19.1sqm respectively. They will each have their own canopied entrance facing onto Waterloo Gardens.
- 2.3 There will be a single storey extension to the building. Alterations and additions to the external walls will be finished to match the existing block. It is also proposed to construct an external balcony to serve existing first floor flats.
- 2.4 Two additional parking spaces will be provided and each flat will have cycle storage space to the front of the proposed properties within the amenity space.

## **3. Relevant History**

- 3.1 None

## **4. Consultations/Representations**

- 4.1 83 neighbouring occupiers were notified of the proposal. One objection has been received siting concerns regarding the construction time, lack of parking provision, fire risk and anti-social behaviour. The objector also stated that the area was designed for storage space.
- 4.2 The Local Highway Authority has raised no objections to the proposal.
- 4.3 Environmental Health has raised no objections to the proposal but has requested that conditions relating to contaminated land and noise are attached should the application be approved.

## **5. Relevant Policies**

- 5.1 Policies CP1 (Housing Supply), CP17 (Design), DC2 (Housing Mix and Density), DC4 (Conversions to residential and subdivision of residential units), DC7 (Lifetime and Wheelchair Housing) DC33 (Car Parking), DC35 (Cycling), 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.
- 5.2 Other relevant documents include the Residential Design SPD, Residential Extensions and Alterations SPD and the Planning Obligations SPD.
- 5.3 Policies 3.3 (Increasing housing supply), 3.4 (Optimising Housing Potential) 3.5 (Quality and design of housing developments), 3.8 (Housing choice), 6.9 (cycling), 6.13 (Parking), 7.3 (Designing out crime), 7.4 (Local character) and 8.2 (planning obligations) of the London Plan are material considerations.
- 5.4 The National Planning Policy Framework, specifically Sections 6 (Delivering a wide choice of high quality homes) and 7 (Requiring good design) are relevant to this application.

## **6. Staff Comments**

- 6.1 The issues arising in respect of this application and which will be addressed through this report are the principle of development, impact on the street scene and design, amenity issues and parking and highways implications.

## **7. Principle of Development**

- 7.1 The NPPF and Policy CP1 of the Core Strategy support an increase in the supply of housing in existing urban areas where development is sustainable.
- 7.2 The proposal is for the conversion and extension of the existing lower ground floor into two new flats. Officers consider that this would provide additional housing and that there is no objection in principle to the loss of the pram store which is no longer required or used. Alternative provision to the pram stores has been provided elsewhere on the site.
- 7.3 The conversion/extension would accord with the need for more affordable units of this size.
- 7.4 It is considered that the proposed additional residential units in this existing residential block would be acceptable in principle, subject to its impact being within acceptable limits.

## **8. Density/ Layout**

- 8.1 The existing flatted block is of a high density compared with surrounding development in the area. The proposal would add two units to the existing block which will increase the density of the development. However, the existing pram store is unused and the existing lower ground floor arrangement is underutilised. The addition of two flats is considered to bring an existing space into beneficial use. The small increase in density is not considered to be a justifiable reason for refusal if the proposal is considered acceptable in all other respects.
- 8.2 London Plan Policy 5.3 and table 3.3 set minimum space standards for new development. One bedroom properties for two people should have minimum gross internal area of 50sqm and two bedroom properties for four people should have a minimum gross internal area of 70sqm. Both of the proposed flats exceed these standards. It is therefore considered that the accommodation would be of a suitable size.
- 8.3 The Council's Residential Design SPD recommends that every home should have access to suitable private/ communal space in the form of private gardens, communal gardens, courtyards, patios, balconies or roof terraces. The fundamental design considerations for amenity space should be its usability and quality. Each flat is proposed to have private amenity space directly at the front of the property running the whole length of the frontage. The boundary will have a 1.2m metal railing, providing a clearly designated private space. The outlook is on to a grassed area in front of the amenity space and Waterloo Gardens.
- 8.4 The proposed amenity space for flat no 2 is in close proximity to the existing concierge building therefore reducing the level of privacy. However, on balance it is considered that the proposed private amenity space will be beneficial for residents and is acceptable.
- 8.5 New larger, balconies are also proposed for two existing properties on the first floor. The new balconies will be situated on the roof of the proposed extension at ground floor level and will provide additional private amenity space for existing residents.

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

- 9.1 The proposal comprises of a single storey extension to the front of the existing residential block. The extension is 3m in depth and 17.3 metres in length.
- 9.2 Council policy DC61 seeks to ensure that all new development complements or improves the amenity and character of the area through its appearance, materials used, layout and integration with surrounding land and buildings.

- 9.3 The front of the extension will comprise the new individual access points to the new flats, this will create a more active and attractive frontage on Waterloo Gardens which is currently a relatively blank elevation with a series of high windows.
- 9.4 Alterations and additions to external walls will be finished to match the existing. The current external finish to the ground floor is mainly rendered masonry with concrete panelling and facing brickwork to the upper floors. The ground floor access doors and screening are predominantly hardwood with the uPVC windows.
- 9.5 It is considered that the modest scale, bulk, height and massing of the extension and its design is compatible with the character and appearance of the local street scene and will have limited impact.

## **10. Impact on Amenity**

- 10.1 Policy DC61 of the Core Strategy and Development Control Policies DPD requires new development not to harm the amenities of adjoining occupiers by reason of noise and disturbance, loss of light, overlooking or other impacts.
- 10.2 The nearest residential properties are those within the existing building and those that could be most affected would be the occupiers directly above on the first floor. The material increase of noise is considered to be minimal and will be managed by sound insulation, which will be secured by condition.
- 10.3 It is considered that there would be no adverse impact on existing residential amenity from the proposed flats.
- 10.4 With regards to the amenity for the proposed units, the immediate outlook of the bedroom window for flat no. 2 is onto the new pram stores and for flat no.1 a window is proposed for one of the bedrooms on the northern elevation adjacent to an existing pathway. The location of these windows presents potential privacy issue, although it is noted that this can be partially mitigated by the use of blinds/ curtains. The acceptability of these relationships is a matter of judgement. On balance officers consider that it is acceptable given that future occupiers of the units will be aware of the potential for loss of privacy before occupying the units. However, Members may reach a different view in this respect.

## **11. Parking and Highway Issues**

- 11.1 Policy DC33 seeks to ensure all new developments make adequate provision for car parking. Policy DC2 sets out the parking standards for the borough. In this area the standard is for 1-1.5 spaces per unit. Two new spaces are proposed to meet the needs of the new flats.



- 11.2 The Local Highway Authority has raised no objection in relation to the proposed amount of car parking provision.
- 11.3 An objection was raised on parking grounds, over concerns regarding existing levels of parking. However, adequate parking provision is made for the new residential units and this is considered to be acceptable.
- 11.4 Bicycle parking for each unit is proposed within the private amenity space to the front of each property. This meets the requirements for one cycle parking space for one or two bed flats as set out in the Revised Early Minor Alterations to the London Plan and is therefore considered to be acceptable.

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

- 12.1 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 2 new dwellings and will therefore be subject to a £12,000 contribution. This will be secured through a condition.
- 12.2 The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. Havering's Mayoral CIL rate is £20 per sqm. The applicable fee is based on the net increase in gross internal floor area 42.9sqm which equates to a Mayoral CIL payment of £858.00 (42.9m x £20).

## **13. Conclusion**

- 13.1 Having regard to all relevant factors and material planning considerations, officers are of the view that the proposal would not have an impact on the street scene or result in a loss of amenity to neighbouring occupiers. The proposal is considered to be acceptable in all other respects and it is therefore recommended that planning permission be granted subject to conditions set out in this report.

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## **IMPLICATIONS AND RISKS**

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

Financial contributions will be sought through the legal agreement.

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

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

**Human Resources implications and risks:**

None

**Equalities implications and risks:**

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

**BACKGROUND PAPERS**

Application form, drawings and supporting statements received on 14 October 2014.

# REGULATORY SERVICES COMMITTEE

# REPORT

4 December 2014

**Subject Heading:**

**P0680.14: Scotts Primary School,  
Bonington Road, Hornchurch**

**Ward**

**Extensions to 3no. classrooms,  
together with the demolition of existing  
garage stores, formation of new play  
area with canopy over and extension to  
existing playground (Application  
received 30 September 2014)**

**Hacton**

**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 development is for the erection of front extensions to Scotts Primary School which is formed of single storey buildings located within a fairly large open playing field.

The development is in an advanced stage of works and seeks to provide extra space to existing classrooms and teaching areas by creating an additional floor space of approximately 46 square metres.

No significant concerns are raised in relation to the impact on the character and appearance of the streetscene and the impact on the amenity of the neighbouring residents from the development.

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

## RECOMMENDATIONS

The Committee delegate authority to the Head of Regulatory Services to grant planning permission subject to the conditions set out below:

### 1. External Materials

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

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

### 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.

## **INFORMATIVES**

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

<b>REPORT DETAIL</b>
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### **1. Site Description**

- 1.1 The application relates to the site at Scotts Primary School, Bonington Road, Hornchurch. This is an existing school comprised of single storey buildings which has a main entrance to the north off Bonington Road. There is also access to the site from the south off Maybank Avenue.
- 1.2 The site is located within a fairly large area of open space bounded by Airfield Way to the east and residential properties to the south and west. Rows of terraces along Bonington Road lie adjacent to the boundary of the site to the north.
- 1.3 The site is relatively flat and covers an area of approximately 21619m<sup>2</sup> (2.161 ha).

### **2. Description of Proposal**

- 2.1 The application is for the erection of front extensions to two existing class rooms and a teaching area. The single storey extensions project approximately 2.5 metres beyond the front elevation and are designed with flat roofs at a height of 3.15 metres.
- 2.2 Other works involve the removal of existing sheds and garages and also the installation of a canopy roof to the side elevation to provide a new play area.

### **3. Relevant History**

- 3.1 P1352.14 - Proposed single storey stand alone unit comprising of 8 classrooms and toilets, along with linking walkway – Pending decision
- 3.2 P1302.04 - Single storey extension to house new disabled facility and extended staff room area – Approved with conditions
- 3.3 P0469.02 - Extension to provide music and art room, store, staffroom, offices and corridor access – Approved with conditions

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

- 4.1 Neighbour notification letters were sent to 104 properties. 4 letters of objection have been received as a result of the consultation raising the following issues:
  - The development will create additional traffic problems involving car parking and road safety issues.
  - Increased noise and disturbance created from the development.

### **5. Relevant Policies**

- 5.1 Policies CP17 (Design), DC29 (Educational Premises), DC61 (Urban Design) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document are considered to be relevant.
- 5.2 Policy 3.18 (Educational Facilities) of the London Plan are material considerations.
- 5.3 The National Planning Policy Framework, specifically Sections 1 (Building a strong, competitive economy) and 7 (Requiring good design) are relevant to the development.

### **6. Staff Comments**

- 6.1 The main considerations relate to the impact on the character and appearance of the street scene and the implications for the residential amenity of occupants of nearby houses.

### **7. Principle of Development**

- 7.1 Policy DC29 states that the Council will ensure that the provision of primary education facilities is sufficient to meet the needs of residents by, amongst other things, seeking to meet the need for increased school places within existing sites.

7.2 The development represents an expansion in the school floor space of approximately 46 square metres to provide additional space to existing classrooms and teaching areas. The proposal is considered to be a necessary expansion in order for the school to continue to meet the needs of residents as well as future demands from population changes.

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

8.1 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.

8.2 The front extensions reflect the height and building lines of the existing school and are designed to harmonise with the architectural details and materials of the existing building. The works to the side elevation are not considered to cause a significant impact to the appearance of the existing buildings.

8.3 Overall the development would integrate appropriately with the character and appearance of the surrounding area.

## **9. Impact on Amenity**

9.1 The nearest residential properties are located at least 16 metres away from extensions at Bonington Road to the north. Given the siting of the development, the front extensions and alterations to the side elevation is not considered to cause a significant impact the surrounding neighbouring properties.

9.2 The additional floor area created is not considered to cause a material increase in noise and disturbance to the surrounding area.

9.3 Overall it is not considered that the development results in any undue impact on the amenity of the surrounding residential properties in accordance with the provisions of policy DC61.

## **10. Parking and Highway Issues**

10.1 The additional floor space created by the extensions will not create an increased footfall to a degree which would affect the existing off street car parking arrangements or obstruct established access ways into the site.

## **11. Conclusion**

- 15.1 Having regard to all relevant factors and material planning considerations Staff are of the view that this proposal would be acceptable.
- 15.2 Staff consider that the extensions and alterations to the school building will not adversely impact on the streetscene and will serve to maintain the character and appearance of the local area. The development will not result in any undue loss of amenity to the occupants of the neighbouring residential accommodation. Therefore the proposal is considered to be acceptable in all material respects.

### **IMPLICATIONS AND RISKS**

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

None

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

None

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

None.

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

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

### **BACKGROUND PAPERS**

Application form and drawings received on 14 May 2014.



# REGULATORY SERVICES COMMITTEE

4 December 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 December 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 9 August 2014 and 7 November 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 September 2014, 27 new appeals have been started. Decisions on 25 appeals have been received during the same period 16 have been dismissed, 3 allowed, 1 appeal deemed invalid, 3 appeals withdrawn and 2 appeals part allowed part refused.

## 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 09-AUG-14 AND 07-NOV-14**

APPEAL DECISIONS - PLANNING					
Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p><b>P0437.14</b> 2 Yevele Way Hornchurch <i>Single storey front &amp; side extension</i></p>	Written Reps	Refuse	Delegated	The proposed side extension would, by reason of its excessive depth, width, bulk and lack of subservience, detract from the appearance of the subject dwelling and appear as an unacceptably dominant and visually intrusive feature, harming the character of the streetscene and the visual amenities of Emerson Park Policy Area, contrary to Emerson Park SPD, the Residential Extension and Alteration Supplementary Planning Document and Policy DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.	<p><b>Allowed with Conditions</b></p> <p>The projection of the extension beyond the forward most point of the nearest dwelling was found not be significant, as it would be some distance from the back edge of the footway. It would be perceived against the back drop of the main two storey element of the dwelling. This would serve to lessen its impact and it would appear subservient when viewed within the street scene.</p>
<p><b>P1415.12</b> 17-79 Butts Green Road Hornchurch <i>Variation of Condition 9 of APP/B5480/A/11/216707 (P1649.09) to allow for newspaper deliveries to occur between the hours of 5am and 7am.</i></p>	Written Reps	Approve With Conditions	Committee	The proposal would result in noise and disturbance in the early hours of the morning resulting in disruption to the sleep patters of adjoining residential occupiers to the detriment of residential amenity, contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.	<p><b>Dismissed</b></p> <p>It was noted that the noise generated by the hustle and bustle of daily life is likely to be considerably reduced between the hours of 0500 and 0700 at this location because of the generally residential character of the locality. The Inspector found that the nature and frequency of the early morning deliveries would have an unacceptable impact upon the noise environment. Moreover the Inspector doubted that planning conditions alone would control driver behaviour even if a delivery management plan was put in place.</p>
<p><b>P1161.13</b> 250A Hornchurch Road Hornchurch <i>Variation of Conditions 2,4 and 7 of application P1962.07</i></p>	Written Reps	Refuse	Delegated	The proposed development would, by reason of the inadequate provision of amenity space, result in a cramped over-development of the site to the detriment of future occupiers and the character of the surrounding area contrary to the requirements of the Residential Design Supplementary Planning Document and Policy DC4 of	<p>The proposal sought to remove the condition which requires the garden area to be divided. The Inspector found that without division of the garden the development would be detrimental to the living conditions of occupiers of the flats. The Council argued that an amended car parking layout would lead to an</p>

**LIST OF APPEAL DECISIONS MADE BETWEEN 09-AUG-14 AND 07-NOV-14**

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 186</p>				<p>the LDF Development Control Policies DPD.</p> <p>The proposed development would, by reason of a lack of on site car parking provision, result in unacceptable overspill onto the adjoining roads to the detriment of highway safety and residential amenity contrary to Policies DC2 and DC33 of the LDF Development Control Policies DPD.</p> <p>The proposal would, by reason of noise, disturbance and fumes associated with vehicles manoeuvring directly under the bedroom window of the ground floor maisonette, be seriously detrimental to the amenity enjoyed by the occupier of the ground floor maisonette contrary to Policy DC61 LDF Development Control Policies DPD.</p> <p>The proposal would, by reason the communal amenity space provision and the layout of the flats, results in clear views into the ground floor bedroom and kitchen of the ground floor occupier to the detriment of the amenity enjoyed by the occupier of the ground floor flat contrary to Policy DC61 LDF Development Control Policies DPD.</p>	<p>unacceptable overspill of parking onto adjoining roads. There is on street parking on both Hornchurch Road and on Cheviot Road and a condition requiring the provision of two parking spaces and the removal of the wall was necessary in the interests of highway safety.</p> <p>In conclusion the Inspector found that the amended wording of condition 2 to be in accordance with policy DC61 and that the existing wording to condition 4 to be necessary and reasonable. Condition 7 was be deleted and was retained in its current form.</p>
	<p><b>P1093.13</b> 62 Lyndhurst Drive Hornchurch <i>Proposed Cattery to the rear of garden</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The development, by reason of the nature of use proposed, would be likely to result in unacceptable levels of noise and disturbance to the detriment of residential amenity and contrary to Policy DC55 and DC61 of the Core Strategy and Development Control Policies DPD.</p>



**LIST OF APPEAL DECISIONS MADE BETWEEN 09-AUG-14 AND 07-NOV-14**

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				<p>The proposed development would, by reason of the inadequate on site car parking provision for a cattery would result in unacceptable overspill onto the adjoining roads to the detriment of the free flow of traffic and thereby harmful to highway safety and residential amenity contrary to Policy DC33 of the Local Development Framework Development Control Policies Development Plan Document.</p> <p>The proposed cattery by reason of the introduction of a commercial use within a residential curtilage, would be harmful to the residential character of the locality and result in an intensification of use on site to the detriment of highway safety and residential amenity contrary to Policies D61 and DC33 of the LDF Core Strategy and Development Control Policies DPD.</p>	<p>could lead to customers parking on street resulting in obstructions, requiring vehicles to slow down, increasing the risk of accidents which would be harmful to highway safety.</p>
<p><b>P0443.13</b>                      Garages R/O 2 Tempest Way Rainham  <i>Demolition of garages and construction of 3 x 1 bedroom bungalows with private amenity and off street car parking,</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</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 Policy DC33.</p> <p>The proposed 3 no. bungalows would by reason of their density and layout result in over-development of the site. The density proposed for the site is beyond the limits as set out in local and regional planning policy, giving rise to an unacceptably cramped appearance and overdevelopment of the site harmful to</p>	<p style="text-align: center;"><b>Dismissed</b></p> <p>The proposed dwellings would have modest amenity spaces and sited close to the boundaries of surrounding properties. They would appear cramped within the plot in comparison to the neighbouring houses and therefore uncharacteristic of the area in which it is located. The arrangement of the dwellings would result in direct overlooking from neighbouring two storey properties. Finally the circulation areas around the proposed dwellings would be likely to result in noise and disturbance to future occupants.</p> <p>The Inspector found that the proposal would</p>

**LIST OF APPEAL DECISIONS MADE BETWEEN 09-AUG-14 AND 07-NOV-14**

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				<p>the character and appearance of the surrounding area, visually intrusive and out of character contrary to Policies DC2 and DC61 of the LDF Core Strategy and Development Control Policies DPD. The proposed development would, by reason of its layout, density and positioning within the site, result in a poor outlook and living environment for future resident's due to the overlooked amenity space and proximity of adjacent properties and their vehicle access/storage routes contrary to the Residential Design Supporting Planning Document and Policy DC61 of the Local Development Framework Development Control 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. In failing to deliver a high quality of design and layout through the deficiencies described in reasons 1- 3 above, the proposal fails to justify such high density of development and would result in an overdevelopment of the site, contrary to Policies DC2 and DC61 of the LDF Development Control Policies Development Plan Document.</p>	<p>not have an adverse effect on highway safety in relation to car parking arrangements but this did not overcome impact on the character and appearance of the surrounding area and the failure to provide satisfactory accommodation for future occupants of the dwellings.</p>

**LIST OF APPEAL DECISIONS MADE BETWEEN 09-AUG-14 AND 07-NOV-14**

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p><b>P1429.13</b> 131 Brentwood Road Romford <i>Two storey side and rear extensions and front porch</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed development would, by reason of its close proximity to the flank boundary and consequent cramped relationship with No.133 Brentwood Road result in an unacceptable and uncharacteristic loss of space, particularly at first floor level and a visually uncomfortable relationship between the two buildings. The resultant harm to the appearance and character of the streetscene would be contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.</p> <p>The proposed development would, by reason of excessive bulk, mass and proximity to the neighbouring property, No.133 Brentwood Road result in unacceptable light loss and will overbear and dominate the outlook and amenity of this neighbour, contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.</p>	<p><b>Dismissed</b></p> <p>The proposal would include a 2-storey addition which would extend to the side boundary of the site, almost adjacent to the flank wall of an end of terrace property. The almost total loss of the gap would result in a terracing effect that would have an unacceptable effect on the character and appearance of the street scene. Part of the proposed extensions would extend a significant distance beyond the adjacent part of the neighbouring dwelling. Due to its rear protrusion, height and siting, this element of the proposal would have an unacceptable effect on neighbouring living conditions with regard to the loss of natural light &amp; outlook</p>
<p><b>Q0237.13</b> Suttons Farm Tomkyns Lane Upminster <i>Discharge of Condition 1 of Enforcement Reference ENF/110/09/HW for 1) Three Stepped Levels, 2) Hard Surfacing Patio Area, 3) Sunken Garden, 4) Boundary Walls, Pillars, Gates, Fences etc.</i></p>	<p>Written Reps</p>				<p><b>Allowed</b></p> <p>The fence has already been erected and is located close to the highway with an area of planting between the road and the fence. It was found that although the fence has a more prominent appearance than other boundary treatments locally, the hedge to the front of the fence, facing the road ensures that the fence would be screened from the lane. In this context, the fence appears visually subordinate, having minimal impact on the Green Belt</p>

**LIST OF APPEAL DECISIONS MADE BETWEEN 09-AUG-14 AND 07-NOV-14**

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p><b>P1146.13</b>                      R/O 9-11 Kenilworth Avenue Romford  <i>The erection of 2 No 1 bed detached bungalows with one parking space per dwelling.</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposal would, by reason of its scale, bulk, massing and layout, result in an unsatisfactory relationship between the proposed and the existing adjoining dwellings, which would be out of character with the overall form and layout of the surrounding rear garden environment and detrimental to the character of the streetscene in Fairford Way, which would be detrimental to the residential amenities of the area and contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.</p> <p>The proposed development would, by reason of the inadequate on site car parking provision, result in unacceptable overspill onto the adjoining roads to the detriment of highway safety and residential amenity and contrary to Policy DC33 of the LDF Core Strategy and Development Control Policies DPD.</p> <p>The proposed development would be unacceptable as vehicular access cannot be provided from the site to a public highway because it has not been demonstrated that there is sufficient land within the applicant's ownership or control to facilitate vehicular access from the site to a public highway and is therefore contrary to Policy DC62 of the LDF Core Strategy and Development Control Policies DPD.</p> <p>In the absence of a mechanism to secure a planning obligation towards the infrastructure costs of new development the proposal is contrary to the provisions</p>	<p style="text-align: center;"><b>Dismissed</b></p> <p>The proposal is for the erection of a pair of bungalows in a backland location. However the siting, width and mass of the proposed bungalows would significantly erode the space in the street scene and have a harmful visual effect on the appearance of the area. The proposal would have a detrimental impact on the living conditions of future occupiers of the bungalows by reason direct overlooking from neighbouring upper floor rear windows.</p> <p>In favour of the proposal, the appellants submitted an undertaking during the appeal and the Council have confirmed it to be acceptable and the Inspector found that the proposal would not have an adverse effect on highway safety. These did outweigh the findings on character, appearance and amenity.</p>

**LIST OF APPEAL DECISIONS MADE BETWEEN 09-AUG-14 AND 07-NOV-14**

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				of the Havering Planning Obligations Supplementary Planning Document and Policy DC72 of the LDF Core Strategy and Development Control Policies DPD.	
<b>P1480.13</b> 339 Front Lane Cranham  <i>Single storey rear conservatory extension</i>	Written Reps	Refuse	Delegated	The development when seen in the context of previous extensions to the property would, by reason of its excessive depth, height and position close to the boundary with No.337 Front Lane, be seen as an intrusive and unneighbourly development which will overbear and dominate the outlook and amenity of this neighbour. The development is therefore contrary to the Residential Extension and Alteration Supplementary Planning Document and Policy DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.	<p style="text-align: center;"><b>Dismissed</b></p> The appeal proposal is a substantial structure although it is the same depth as the one it replaced; it is significantly wider and occupies nearly the full width of the dwelling. The Inspector found that the proposal materially alters the outlook from the neighbour's living room and appears dominant and overbearing from the neighbour's garden, particularly from the area immediately to the rear of this adjoining property.
<b>P1461.13</b> 17 Tudor Avenue Romford <i>Two storey rear extension</i>	Written Reps	Refuse	Delegated	The proposed first floor rear extension would, by reason of its visually conflicting roof form, excessive depth, scale, bulk and mass, poorly relate to the existing dwelling and would appear as an unacceptably dominant and visually intrusive feature in the rear garden scene. The development is therefore harmful to the character and appearance of the surrounding area, contrary to the Residential Extensions and Alterations Supplementary Planning Document and Policies DC61 and DC69 of the LDF Core Strategy and Development Control Policies Development Plan Document The first floor rear extension would, by	<p style="text-align: center;"><b>Dismissed</b></p> The Inspector considered that the shape, volume and arrangement of the proposal and its proximity to the boundary would cause material harm to the living conditions of the immediate neighbours by reason of a significantly reduced outlook. The form of the development however would not cause material harm to the character and appearance of the surrounding area but this did not outweigh the living conditions issue.

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**LIST OF APPEAL DECISIONS MADE BETWEEN 09-AUG-14 AND 07-NOV-14**

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				<p>reason of its depth, height and position close to the boundary of the site, be a dominant and overbearing feature which is an oppressive and unneighbourly development that would have an adverse effect on the amenities of adjacent occupiers at No.19 Tudor Avenue, contrary to the Residential Extensions and Alterations Supplementary Document and Policies DC61 and DC69 of the LDF Core Strategy and Development Control Policies Development Plan Document.</p>	
<p><b>P0226.14</b> Former Petrol Service Station Eastern Avenue West Romford <i>Second floor extension of existing mixed use commercial / residential building to provide two additional one bedroom flats</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed second floor extension would unbalance the characteristic stepped appearance and symmetry of the existing building and appear as an unacceptably dominant and visually intrusive feature in the street scene, representing a cramped form of overdevelopment of the site, harmful to the appearance of the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.</p> <p>The cumulative impact of the second floor extension, combined with the height, scale and bulk of the existing building, would be an unneighbourly development and appear dominant, overbearing and visually intrusive in the rear garden environment of No.44 -50 Hainault Road harmful to residential amenity contrary to the aims and objectives of Policy DC61 of the LDF Development Control Policies</p>	<p><b>Dismissed</b></p> <p>The appellant submitted a Unilateral Undertaking with the appeal, which the Council confirmed would meet its requirements. A proposal for a similar form of development was dismissed on appeal. The flats have a distinctive contemporary character evident in the symmetry and characteristic stepped appearance of the building. The proposal failed to respect this form, character and appearance. Although it would be an improvement than the previous scheme, the bulky appearance of the appeal scheme would adversely harm the living conditions of the occupiers of neighbouring properties with regard to outlook.</p>

**LIST OF APPEAL DECISIONS MADE BETWEEN 09-AUG-14 AND 07-NOV-14**

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				<p>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><b>P0412.14</b>                      Land at R/O 92 Manser Road Rainham  <i>The erection of a 4 bed bungalow.</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed development would, by reason of its height and size and position on the existing rear garden of the host property, appear isolated, result in amenity areas which are uncharacteristically small in comparison to the more spacious gardens in the surrounding area and would therefore be harmful to the character and appearance of the area and contrary to the NPPF, Policy DC61 of the LDF Development Control Policies Development Plan Document and the Residential Design SPD.</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 style="text-align: center;"><b>Dismissed</b></p> <p>The appellant submitted a Unilateral Undertaking with the appeal, which the Council confirmed would meet its requirements. On the main issue, the proposal for a single dwelling was a resubmission following the dismissal of a recent appeal for a pair of bungalows on the site. This proposal failed to overcome the concerns raised in the previous appeal regarding the relationship of the development to the street, neighbouring houses and the character and appearance of the area</p>
<p><b>P0100.13</b>                      R/O 6-8 Manor Road Romford  <i>Construction of 2no semi detached bungalows</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposal would, by reason of its massing and depth in close proximity to the rear boundary result in a cramped form of over-development adversely impacting on the character of the</p>	<p style="text-align: center;"><b>Dismissed</b></p> <p>The overall extent of development and the close proximity of the bungalows to their rear boundaries would contrast markedly with the more spacious surroundings to the appeal</p>

**LIST OF APPEAL DECISIONS MADE BETWEEN 09-AUG-14 AND 07-NOV-14**

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 194</p>				<p>locality, the rear garden environment and thereby be detrimental to neighbouring residential amenity, contrary to Policies DC2, DC3 and DC61 of the LDF Core Strategy and Development Control Policies DPD and SPD on Residential Design. The proposal would, by reason of its proximity to the rear boundary result in limited levels of outlook from the bungalow and substandard living conditions contrary to policies DC3 and DC61 of the LDF Core Strategy and Development Control Policies DPD and SPD on Residential Design. 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>site and therefore cramped within this context. Given this cramped arrangement, resultantly there would be harm to the living conditions of the occupiers of the bungalow on the west plot by reason of the loss of outlook and inadequate outdoor space. The Inspector found that contributions sought by the Council for infrastructure met the relevant legislative tests however the appellant failed to make such provision for such contributions and the proposal was contrary to policy.</p> <p>It was however noted that there would be no significant loss of outlook for the occupiers of the neighbouring properties however but this did outweigh the findings on the harm of the proposal.</p>
	<p><b>P0158.14</b> Rainham Social Club, 30 Upminster Road and r/o 76, 78 and 80 Upminster Road South Rainham <i>External alterations, roof lights, side and rear dormer windows, conversion of Rainham Social Club to 1) Bed &amp; Breakfast 2) Loft Conversion with additional bedrooms</i></p>	<p>Written Repts</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposal would result in an intensification of the use of the site, which when taken together with the failure to provide sufficient guest and staff parking provision, combined with the absence of adequate servicing and refuse facilities, would result in an unacceptable overspill onto the adjoining roads to the detriment of the free flow of traffic, which would be harmful to highway safety and residential amenity contrary to Policies DC32, DC33, DC36, DC61 and Annexe</p>



**LIST OF APPEAL DECISIONS MADE BETWEEN 09-AUG-14 AND 07-NOV-14**

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				5 of the LDF Core Strategy and Development Control Policies DPD.	alternative for guests that could not park on site. The resulting impact would be overspill parking in the surrounding roads. Furthermore the proposal failed to make provision for adequate servicing arrangements which again would have harmful effect on highway safety and living conditions.
<p><b>P1549.13</b>            11 Ryder Gardens            Rainham  <i>Variation of condition 8 of planning application P0574.09 to increase the number of children on the premises from 12 to 15.</i></p>	Written Reps	Approve With Conditions	Committee	The development, by reason of the over intensification of the day nursery use in a limited sized building, would result in unacceptable levels of noise and disturbance materially harmful to neighbours' amenity, including the rear garden environment and contrary to Policy DC61 of the Core Strategy and Development Control Policies DPD. The development, by reason of the levels of vehicular activity associated with the use would result in unacceptable levels of noise and disturbance, materially harmful to nearby residential amenity and contrary to Policy DC61 of the Core Strategy and Development Control Policies DPD.	<p style="text-align: center;"><b>Dismissed</b></p> The nursery can currently operate with up to 12 children. The proposal sought to increase this by 3 children, resulting in a total of 15 children, a 25 per cent increase. This could add three vehicles dropping and picking up from the site or some six journeys over the day. There would not be adequate or additional on-site parking for the increased use and additional vehicles would be pushed onto surrounding roads. In conclusion there would be an increase in noise and disturbance from additional vehicle and pedestrian movement both on and off site, which even at 25% increase, would be heightened in this quiet suburban location leading to an unacceptable intensification of the use.
<p><b>P0296.14</b>            65 Grove Park Road            Rainham Essex  <i>Construction of a new 2 storey end of terrace house and re-shaping of roof and rear dormer to host dwelling No.65</i></p>	Written Reps	Refuse	Delegated	The proposal, by reason of its bulk, mass, depth and proximity to the boundaries of this corner site, appear as a visually intrusive and overbearing form of development within the streetscene and the neighboring rear garden environment, resulting in material harm to local character and amenity, contrary	<p style="text-align: center;"><b>Dismissed</b></p> The new dwelling would be formed by an extension to the existing terrace. The site itself is a corner location. The Inspector concluded that the design elements of the proposal would in from of development both bulky and brutal in appearance which would stand out as an incongruous feature

**LIST OF APPEAL DECISIONS MADE BETWEEN 09-AUG-14 AND 07-NOV-14**

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p><i>Grove Park Road.</i></p>				<p>to Policies DC2 and DC61 of the Local Development Framework and criteria in Supplementary Design Guidance on Residential Extensions and Alterations 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 Policy DC33 of the Local Development Framework.</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 Policy DC72 of the LDF Development Control Policies Development Plan Document and the provisions of the Havering Planning Obligations Supplementary Planning Document.</p>	<p>The proposed parking arrangement was found not to have a harmful effect on highway safety or the living conditions of nearby residents. The appellant failed to provide a financial contribution to the Council however the Inspector did not find that contributions sought by the Council for infrastructure met the relevant legislative tests. It was concluded that the absence of the unilateral undertaking neither counted for or against the proposed development</p>
<p><b>P0497.14</b> 9 South Street Romford <i>Retrospective application for the installation of glass shop front and roller shutter</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposal by reason of the scale and forward projection of roller shutter box and the inappropriate design and appearance solid pin hole roller shutters, results in unsympathetic, visually intrusive shop front which does not preserve or enhance the special character of this part of the Conservation Area contrary to Policies DC61 and DC68 and the Shopfront Design SPD.</p>	<p><b>Allowed with Conditions</b></p> <p>The Council's concerns related to the solid design and level of forward projection. The Inspector found the degree of projection of the shutter box is modest and its visual impact in the street scene is very limited, particularly given the context of more prominent shutter boxes at several nearby premises. Furthermore their prevalence means that the use of a solid design at the appeal property would not materially increase the degradation of the conservation area.</p>

**LIST OF APPEAL DECISIONS MADE BETWEEN 09-AUG-14 AND 07-NOV-14**

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p><b>J0002.14</b>                      3-11 Grenfell Avenue                      Hornchurch  <i>Prior Approval</i>  <i>Notification of a change of use from B1(office) to C3(residential)</i></p>	<p>Written Reps</p>	<p>Refuse Prior Approval</p>	<p>Delegated</p>	<p>Prior Approval is refused as the proposal makes inadequate provision for off street parking and as it fails to make provision to prevent future occupiers from obtaining on-street parking permits. The proposal would therefore result in increased parking congestion in surrounding streets, contrary to the safety and functioning of the highway and contrary to Policy DC32 of the Local Development Framework and the guidance contained in the National Planning Policy Framework.</p> <p>INFORMATIVE</p> <p>It is the Council's opinion that a legal agreement cannot be completed in association with an application for prior approval. The applicant is therefore advised that express planning permission would need to be sought for the proposal. However, in assessing such a proposal, the Council would be giving consideration to all of the material planning considerations, in addition to highways, flood risk, and contaminated land issues. The applicant may wish to seek pre-application advice prior to submitting a planning application.</p> <p>The applicant is also advised that they are entitled to lodge an appeal with the Secretary of State against this refusal of prior approval.</p>	<p><b>Dismissed</b></p> <p>This appeal was against the refusal of a prior approval application. The Council can only assess the proposal in terms of a) the transport and highway impacts of the development; b) contamination and flooding risks on site; and c) the provisions of paragraph N of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).</p> <p>In this case, the main issue was if the scheme would result in unacceptable transport and highway impacts. The Inspector found that the area appears to have a significant level of parking stress and that the available (and restricted) on-street parking was in constant demand during a site visit. The level of parking spaces proposed would not meet the guidance set out in the LDF for the number of residential units and this would result in a material increase in parking congestion. The proposal would result in unacceptable transport and highway impacts.</p>

**LIST OF APPEAL DECISIONS MADE BETWEEN 09-AUG-14 AND 07-NOV-14**

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p><b>P0253.14</b> 123 Howard Road Upminster <i>Proposed loft conversion - changing roof from hip to gable, single storey rear extension, internal alterations</i></p>	Written Reps	Refuse	Delegated	The proposed rear dormer window would, by reason of its excessive depth, bulk and mass be incapable of being satisfactorily accommodated within the roof slope of this property and would appear as an unacceptably dominant and visually intrusive feature in the rear garden environment thereby causing harm to the appearance of the surrounding area, contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD and the Residential Extensions and Alterations SPD.	<p><b>Part Allowed/Part refused</b> The Council had no objection to the single storey rear extension. This element of the appeal was allowed and permission was granted with conditions. On the issue of the loft conversion, the proposed dormer and first floor rear extension due to their height, width and particularly their depth, would be an extremely large addition to the roof and the rear of the building. These alterations would fail to complement the character of the building in terms of their scale, style and form.</p>
<p><b>P0726.14</b> Woodbridge Close Somford <i>Two storey side extension</i></p>	Written Reps	Refuse	Delegated	The proposed two storey side extension would, by reason of its excessive width and bulk, detract from the appearance of the subject terrace and appear as an unacceptably dominant and visually intrusive feature, eroding the spacious character of the streetscene and causing harm to the appearance of the surrounding area, contrary to the Residential Extensions and Alteration Supplementary Planning Document and Policy DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.	<p><b>Dismissed</b> The proposed extension would fail to maintain the rhythm that is associated with the existing terrace. As a result of its width, this would result in the dwelling at the appeal site projecting significantly forward of the neighbouring dwelling to its west and the terraces located to the east of the site. Consequently, it would be at odds with the building line associated with these properties. It would have an unacceptable impact upon the character and appearance of the host building.</p>

**TOTAL PLANNING =** 20

**LIST OF APPEAL DECISIONS MADE BETWEEN 09-AUG-14 AND 07-NOV-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

**LIST OF APPEAL DECISIONS MADE BETWEEN 09-AUG-14 AND 07-NOV-14**

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p>ENF/218/11/RT 34 Lake Rise Romford</p>	<p>Written Reps</p>				<p style="text-align: center;"><b>Dismissed</b></p> <p>The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused</p> <p>On the ground (a) appeal; that planning permission should be granted for what is alleged in the notice, it was considered that the design, extent and location of the balcony materially harm the neighbours' quality of life by reason of harm to amenity including a loss of privacy from direct overlooking and noise and disturbance. The Inspector observed that people standing on the patio are likely to be noticeable given the height of the patio and concluded that its height is unacceptable and results in a loss of privacy through overlooking.</p> <p>On the appeal lodged under grounds (b) and (c) As a matter of fact and degree, the construction of a raised patio and first floor balcony occurred at the time the notice was issued. The development carried out is not in accordance with the terms of the 2013 permission. The construction of a raised patio and balcony do not benefit from PD rights. The development carried out materially affects the external appearance of the dwelling as a whole. Express planning permission is required for the matters alleged and it has not been granted and so the alleged matters constituted a breach of planning control.</p> <p>On the issue of whether the steps required by</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 09-AUG-14 AND 07-NOV-14

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p><b>ENF/218/11/RT</b> 34 Lake Rise Romford</p>	<p>Written Reqs</p>				<p><b>Dismissed</b> the notice are excessive, ground (f), the Inspector found that the requirements of the notice are not excessive and nothing short of full compliance would remedy the breach. On the time for compliance ground (g) the Inspector was satisfied that 3 months is a reasonable period for compliance.</p> <p>An application for an award of costs against LBH was refused.</p>

**TOTAL ENF =**

**LIST OF APPEAL DECISIONS MADE BETWEEN 09-AUG-14 AND 07-NOV-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 =		20			
Total Enf =		1			
Appeals Decided =		25			
Appeals Withdrawn or Invalid =		4			
Total =		21			
	<b>Dismissed</b>		<b>Allowed</b>		
Hearings	0	0.00%	0	0.00%	
Inquiries	0	0.00%	0	0.00%	
Written Reps	16	76.19%	5	23.81%	

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# REGULATORY SERVICES COMMITTEE

# REPORT

4 December 2014

**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 4 September 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
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
Hogbar Farm Lower Bedford Road Romford ENF/36/14/	Planning permission expired	Delegated	13-02-14	13-03-14
10 Rainham Road Rainham ENF/209/07/SX	Unauthorised car wash and breach of conditions: Notice A - Cease the washing and cleaning of vehicles except in the wash bay and former garage Notice B - Unauthorised stationing of a container and the construction of an outbuilding and canopy with supporting structure	Committee 14-11-13	16-01-14	13-02-14
3 Austral Drive Hornchurch  ENF/397/12/ST	Without planning permission, the unauthorised creation of a decking area shown hatched black on the attached plan ("the Decking") to the rear of the residential property	Committee 03-10-13	23-12-13	30-01-14

ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	DATE OF COMMITTEE AUTHORITY	ENFORCEMENT NOTICE SERVED	APPEAL LODGED
Leprechaun New Holding Gerpins Lane Upminster  ENF/481/09/UP	Without planning permission the erection of an outbuilding located outside of the residential curtilage	Delegated	26-08-14	29-09-14
Rear of 195-197 New Road Rainham  ENF/58/14/	Without planning permission: (a) the material change of use of the land for the unauthorised purpose of vehicle repairs, sale of vehicles and sale of vehicle parts, dismantling of vehicles the storage of vehicle parts, storage of vehicles accessories, storage of tyres and storage of containers ("Use") and (b) the construction of a timber and metal vehicles repair structure on the land ("Structure")	Delegated	26-08-14	06-10-14
Land at Aveley Marshes Rainham  ENF/431/09/RW	Without planning permission a change of use of the land shown hatched black on the attached plan A (hereinafter call "the land") from open land with nil use to a use of the land as a scaffolding yard and for the storage of scaffolding equipment storage of crane parts, storage of scrap vehicles including HGV's and HGV bodies, storage of containers. storage of plant equipment, parking and storage of vehicles and storage of agricultural equipment	Committee 30-01-14	22-09-14	27-10-14

# 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 Hill) 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, Lauzers 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
57 Nags Head Lane Brentwood	Development (5 Notices)	Committee 15-01-09	06-03-09	06-03-09	15-04-09	Appeal part allowed/part dismissed	Pursuing compliance
64 Berwick Road Rainham	Unauthorised fence	Delegated 27-08-09	27-08-2009	02-10-09	12-03-10	Appeal dismissed	Pursuing compliance
118 Mashiters Walk Romford	Development	Delegated 20-08-09	23-12-09	24-12-09	11-08-09	Appeal dismissed	Pursuing compliance
222 Havering Road Romford	Development	Committee 29-10-09	18-01-10	18-01-10	25-02-10	Appeal dismissed	Pursuing compliance
179-181 Cherry Tree Lane Rainham	Use	Delegated 03-08-10	28-01-10	29-01-10			Pursuing compliance
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
5 Little 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 Romford	Development	Delegated	28-08-12	28-08-12			Pursuing compliance
20 Upminster Road South Romford	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	Appeal dismissed	Pursuing compliance
5 Playfield Avenue Collier Row Romford	Development	Delegated	22-11-13	25-09-13		Appeal invalid	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		Temporary permission granted
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 Comer New Road Rainham	Use	Delegated	11-03-14	11-03-14			Pursing compliance

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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
356 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
195-197 New Road Rainham	Development/Use	Delegated	26-08-14	26-08-14	06-10-14		See schedule A
Leprechauns Gerpins Lane Upminster	Development	Delegated	26-08-14	26-08-14	29-08-14		See Schedule A
Unit 4 Detection House Brooklands Approach Romford	Use	Delegated	21-10-14	21-10-14			Pursuing compliance

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30 Elms Close Hornchurch	Development	Committee 21-08-14	21-10-14	21-10-14			Pursuing compliance
Land at Aveley Marshes Rainham	Use	Committee 30-01-14	22-09-14	22-09-14	27-10-14		See Schedule A

# REGULATORY SERVICES COMMITTEE

# REPORT

4 December 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	[]
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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