



Havering

LONDON BOROUGH

REGULATORY SERVICES COMMITTEE AGENDA

7.30 pm

**Thursday
5 March 2015**

**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.

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.

Would members of the public also note that they are not allowed to communicate with or pass messages to Councillors during the meeting.

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 - 40)

5 P1128.14 - 7 HIGHVIEW GARDENS, UPMINSTER (Pages 41 - 60)

Report attached

6 P1617.14 - 67 CORBETS TEY ROAD, UPMINSTER (Pages 61 - 76)

Report attached

7 P1715.14 - HAROLD WOOD JUNIOR MIXED AND INFANTS SCHOOL (Pages 77 - 84)

Report attached

8 P1745.14 - 6 COTTONS APPROACH, ROMFORD (Pages 85 - 90)

Report attached

9 PLANNING OBLIGATIONS/LEGAL AGREEMENTS (Pages 91 - 94)

Report attached

10 PLANNING AND ENFORCEMENT APPEALS RECEIVED, PUBLIC INQUIRIES/HEARINGS AND SUMMARY OF APPEAL DECISIONS (Pages 95 - 120)

Report attached

11 SCHEDULE OF ENFORCEMENT NOTICES (Pages 121 - 136)

Report attached

12 PROSECUTIONS UPDATE (Pages 137 - 140)

Report attached

13 URGENT BUSINESS

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

14 EXCLUSION OF THE PUBLIC

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

15 SCHEDULE OF COMPLAINTS

**Andrew Beesley
Committee Administration
Manager**

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Regulatory Services Committee

5 March 2015

Application No.	Ward	Address
P1578.14	Rainham & Wennington	The Paddocks, Moor Hall Farm, Aveley
P1590.14	Mawneys	St Patrick's School Lowshoe Lane, Romford
P0968.14	Harold Wood	93 Shepherds Hill (land to rear of), Romford
P1350.14	Romford Town	The Frances Bardsley Academy for Girls, Brentwood Road, Romford
P1444.14	Upminster	Corbets Tey School, Harwood Hall Lane, Upminster
P1475.14	Romford Town	168-170 South Street, Romford
P0088.15	Upminster	Harwood Hall, Harwood Hall Lane, Upminster

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OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 5TH MARCH 2015

APPLICATION NO: P1578.14

WARD : Rainham & Wennington **Date Received:** 12th November 2014
Expiry Date: 14th March 2015

ADDRESS: The Paddocks
Moor Hall Farm
Aveley Essex

PROPOSAL: Importation of suitable reclamation materials to re-restore uneven land caused by differential settlement from past landfilling.

DRAWING NO(S): 0128/P/SC/1
0128/P/A/1
0128/P/A/2
0705 19
0128/P/R/1
0128/MP/1
0705 20
0128/P/O/1

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

SITE DESCRIPTION

The application site comprises around 7 hectares of open grassland located within the borough of Thurrock, along with land located within Havering, which would be used to provide vehicular access to the land in Thurrock, where the main development activities would be undertaken. The access through the land in Havering would be taken from New Road, through the Ingrebourne Links golf Course (under construction), and through the eastern perimeter of the golf course into Thurrock.

The site is located in the Green Belt and on land designated as Thames Chase Community Forest.

DESCRIPTION OF PROPOSAL

This planning application proposes the importation of around 50,000 cubed metres of material to restore the land located within Thurrock. Survey data demonstrates that the Thurrock land was poorly restored using mixed waste following mineral extraction in the 1960s. The site has experienced differential settlement and is in a generally poor condition. The proposal would involve removing the existing topsoil layer and part of the clay cap, spreading the imported material across the site to an average depth of 1 metre, and then replacing the topsoil layer. The site would be converted to agricultural use with a 5 year aftercare scheme. It is anticipated that the importation of material will be completed within 12 months. It is estimated that the 50,000cum of material would equate to 5,500 HGV loads, and therefore around 17 loads per day (34 movements) based on 27 working days per month.

RELEVANT HISTORY

HAVINGING

P1531.14 - Temporary change of use for a material storage area - Approved (16th January, 2015).

P00568.14 - Temporary change of use for a material storage area - Approved (18th July, 2014).

P0084.12 - Temporary change of use for a material storage area - Approved (10th April, 2012).

P0319.09 - Construction of a 'links' style golf course, club house, car parking and ancilliary facilities using treated indigenous and imported materials - Approved (25th May 2010).

THURROCK

14/01239/FUL - Importation of suitable reclamation materials to re-restore 7ha of land currently subject to differential settlement from past land filling - Approved (10th February, 2015).

CONSULTATIONS/REPRESENTATIONS

Notification letters were sent to 18 neighbouring properties; a site notice was placed in the vicinity of the site; and advertisements have been placed in the local press. No representations have been received.

Highways - No objections; condition recommended.

RELEVANT POLICIES

The following policies of the LDF Core Strategy and Development Control Policies DPD ("the LDF") are of relevance:

DC22 - Thames Chase Community Forest
DC33 - Car Parking
DC45 - Appropriate Development in the Green Belt
DC55 - Noise
DC61 - Urban Design

National Planning Guidance

National Planning Policy Framework

STAFF COMMENTS

Planning permission has been granted by Thurrock Council (reference 14/01239/FUL) for the land restoration works proposed within their borough, subject to a range of conditions. The relevant decision notice is appended to this report. The material considerations in Havering's case are much more limited, mainly relating to the proposed access arrangements. Conditions 1 (commencement date), 2 (completion date), 4 (approved plans), 11 (vehicle movement limits), 12 (haul road details), 16 (operating hours), 24 (importation monitoring), and 26 (implementation date) of the Thurrock permission are considered to be of relevance to those material matters relating to the Havering part of the proposal. It is recommended that these conditions be imposed, should planning permission be granted for the Havering part of the proposal, with the following exceptions:

- Condition 2 should be adapted to state that the importation of material shall be completed within 12 months from the date of commencement;
- A condition should be added requiring the approval of a scheme of wheel washing.

To the extent that the proposal would directly affect land within Havering, namely in the creation of the haul road and the installation of any additional wheel washing equipment, the land will be restored in accordance with the planning permission for the golf course. It is still anticipated that

the golf course development will be completed around the end of 2015, and the cessation of importation relating to the Thurrock site would occur at around the same time.

HIGHWAY/PARKING

Policy DC32 of the LDF states that the proposals will not be granted planning permission where they would result in significant adverse impacts on the functioning of the road network.

The Council's Highways officers have been consulted about the proposal but raised no objections subject to the use of a condition requiring the approval of wheel washing details. Further conditions are also recommended, as discussed earlier in this report, which would also be pertinent to the proposal's highways impact.

Incidents of mud being tracked into the highway from the golf course development have been reported in the past year and this proposal offers another opportunity to enhance the wheel washing facilities serving both the proposed land restoration in Thurrock and the ongoing golf course development. A more robust wheel washing condition, developed in conjunction with highways officers, is therefore recommended.

Subject to the use of the afore mentioned conditions, it is considered that the proposal would not result in any significant adverse impacts on highway safety and amenity.

OTHER ISSUES

To the extent that the proposed development would result in any direct impact upon land within Havering, the main impacts are highways related. It is considered that the proposal would not result in any significant adverse visual, amenity, or Green Belt related impacts, given that the proposed haulage route would proceed through an existing development site, which will be completed around the same time as the development under consideration. Subject to the conditions referred to earlier in this report, it is considered that the proposal would be in accordance with Policies DC45 and DC61, along with the guidance contained in the NPPF.

KEY ISSUES/CONCLUSIONS

The proposed development is considered to be acceptable having had regard to Policies DC22, DC32, DC45, DC55, and DC61 of the LDF, and all other material considerations.

RECOMMENDATION

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

1. Non Standard Condition 31

The development hereby permitted must be begun not later than the expiration of 3 years from the date of this permission.

Reason:

In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Non Standard Condition 32

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

Reason:

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

3. Non Standard Condition 33

The importation of material used in the restoration to the site and all infilling operations on the site shall cease and all restoration shall be completed by 18 months after the commencement of development unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure prompt, effective and satisfactory restoration of the site without harm to the amenities of the locality.

4. Non Standard Condition 34

Vehicle movement associated with the importation of material to the site shall not exceed a maximum of 500 loads per calendar month unless otherwise first agreed in writing with the Local Planning Authority.

Reason:

In order to minimise any adverse impacts arising from the construction of the development in accordance with Policy DC61 of the Development Control Policies Development Plan Document.

5. Non Standard Condition 35

The development hereby permitted shall not commence until the haul road to and from the site as detailed on plan ref: ref: 0128/P/A/2 has been formed.

For the duration of site operations vehicular access to the site shall be to and from the haul road between the site and the A1306 as detailed on plan ref: 0128/P/A/2 only and there shall be no other means of vehicular access to the site. No access shall be obtained from the road immediately south of the site and its junction with Romford Road.

Reason:

In the interests of highway safety and amenity in accordance with policies DC32 and DC61 of the Development Control Policies Development Plan Document.

6. Non Standard Condition 36

The operations and works hereby permitted (including materials movement of and deposition of material) and deliveries to the site shall only be carried out during the following times:

07:00 - 18:00 Monday to Friday
07:00 - 13:00 Saturday.

Unless in association with an emergency or the prior written approval of the local planning authority has been obtained. There shall be no operations or works at any time on any Sunday or Bank / Public Holiday.

Reason:

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

7. Non Standard Condition 37

Prior to the commencement of development a Scheme of Recording Measures shall be submitted to and agreed in writing with the Local Planning Authority. The Scheme of Recording Measures shall include proposed measures and procedures to:

Provide the Local Planning Authority with details of the quantum of materials disposed of on-site.

From the date the commencement the operator(s) shall maintain records in line with the Scheme of Recording Measures and shall make them available to the Local Planning Authority in accordance with the agreed scheme of recording measures or upon request. All records shall be kept for the duration of the permission and shall be available to the Local Planning Authority upon request.

Reason:

To allow the Local Planning Authority to monitor adequately activity at the site and to ensure compliance with the permission.

8. Non Standard Condition 38

The Local Planning Authority shall be notified in writing within 7 days of the dates of the following:

- a) Implementation of planning permission;
- b) Commencement of restoration;
- c) Complete and final restoration under this planning permission.

Reason:

To enable the Local Planning Authority to control and monitor the site to ensure compliance with the planning permission.

9. Non Standard Condition 39

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 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 plan to be used in the event of a break-down of the wheel washing arrangements.

Reason:

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

INFORMATIVES

1 Fee Informative

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

2 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.

Authorising Officer: Martin Knowles



20-02-2015

OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 5TH MARCH 2015

APPLICATION NO: P1590.14

WARD : Mawneys

Date Received: 26th November 2014

Expiry Date: 21st January 2015

ADDRESS: St. Patricks School
Lowshoe Lane
Romford

PROPOSAL: Proposed MUGA pitch on school field

DRAWING NO(S): F325/01
F325_D12 pitch specification
F325/03
F325/02

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

SITE DESCRIPTION

The proposed development area would be located within the curtilage of St Patrick's RC Primary School, between the school buildings and the site's eastern boundary, which adjoins Hood Walk, a residential street.

DESCRIPTION OF PROPOSAL

This planning application proposes the installation of a Multipurpose Games Area (MUGA), measuring around 684sqm in area, including 3m high, mesh fencing around the perimeter. The MUGA would be accessed via tarmac pathway. The submitted information states that the proposal would be for exclusive use of the school. The proposal would be located within 27m of the nearest residential property. No external lighting is indicated on the submitted plans.

RELEVANT HISTORY

There are no previous planning decisions of particular relevance to the application under consideration.

CONSULTATIONS/REPRESENTATIONS

Notification letters were sent to 36 neighbouring occupiers. Five letters of representation have been received, objecting to the proposal on the following material grounds:

Material Planning Consideration -

- *Visual impact.
- *Noise impact.
- *Highways impact.

Non-Material Planning Consideration -

- *Proposed pitch will be rented out and the impact associated with that.
- *Devalue neighbouring property values.
- *Impact associated with artificial lighting.

Officer Comment:

The applicant has stated in their application that the pitch would be for the exclusive use of the school and would not be rented out.

Additional artificial lighting are not included with this application. Any proposal for lighting would be assessed under future planning applications.

Impact on property value is not a planning consideration as they can not be accurately quantified.

The material planning considerations will be addressed in the body of the officer's report.

RELEVANT POLICIES

LDF

- CP17 - Design
- CP8 - Community Facilities
- DC29 - Educational Premises
- DC48 - Flood Risk
- DC55 - Noise
- DC56 - Light
- DC61 - Urban Design

OTHER

- LONDON PLAN - 3.18 - Education facilities
- LONDON PLAN - 5.12 - Flood risk management
- LONDON PLAN - 7.4 - Local character
- NPPF - National Planning Policy Framework

MAYORAL CIL IMPLICATIONS

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

STAFF COMMENTS

The main issues in this case are considered to be the impacts on visual and residential amenity, and flood risk.

PRINCIPLE OF DEVELOPMENT

London Plan Policy 3.18, and Core Strategy and Development Control Policies DPD Policies CP8 and DC29 all encourage education facilities to be of sufficient quality to meet the needs of residents.

In this case, the proposal is considered to be acceptable in principal as it would improve the quality of the school by creating a multi purpose sports pitch which would contribute to the well-being of the students. Furthermore, the establishment of sporting facilities within school grounds can be reasonably expected, and is not a cause of concern for reverse sensitivity in this case, given the limited and non-commercial nature of the proposal.

DESIGN/IMPACT ON STREET/GARDEN SCENE

Policy DC61 states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area. Development must therefore respond to distinctive local building forms and patterns of development and respect the scale, massing and height of the surrounding physical context.

The proposal would not have an unacceptable degree of visual impact on the streetscene or the surrounding area as it is a fitting proposal for a school in terms of appearance. It is considered

that the proposed development would involve minor changes to the appearance of the site and that there would be no significant adverse visual impacts. The proposal's impact on the character of the area would mainly arise from its proposed use of 3m high mesh fencing, this is considered to be acceptable as the fencing would be visually permeable, especially when viewed from a distance. The proposed fencing would be viewed against the backdrop of other buildings located within the wider site, and would be some 27m away from the nearest residential dwelling. Furthermore, the proposal would be located within a fenced site where the boundary is sporadically lined by trees, which would soften its visual impact.

In terms of its visual impact, the proposal is considered to be in accordance with Policy DC61 of the LDF.

IMPACT ON AMENITY

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

The proposal would be located on land that can already be used for outdoor sporting activities associated with the school, and would not have an unacceptable degree of impact in terms of noise and disturbance on this basis. It is recommended that a condition be imposed requiring that the proposal only be used by the school.

The proposal is not expected to have a significant adverse impact on the safety and efficiency of the local highway network, as it would be used exclusively by the school, and would be established on an existing sports field which can be used for similar activities in its current guise.

It is considered that the proposal would not result in any significant adverse impacts on the amenities of neighbouring occupiers, and in this regard, is considered to be in accordance with the LDF.

FLOOD RISK

The Environment Agency has considered the proposal and is satisfied that the proposed surfacing materials would be sufficiently porous to prevent any significant adverse impacts in relation to surface water drainage.

KEY ISSUES/CONCLUSIONS

The proposed development is considered to be acceptable having had regard to Policy DC61 of the LDF, and all other material considerations.

RECOMMENDATION

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

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. Non Standard Condition 31

The proposed multipurpose games area shall only be used for school-related activities, and shall not be open to the general public.

Reason:

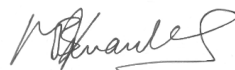
In the interests of residential amenity and in accordance with Policy DC61 of the Development Control Policies DPD.

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.

Authorising Officer: Martin Knowles



24-02-2015

APPLICATION NO:	P0968.14	
WARD :	Harold Wood	Date Received: 14th July 2014 Expiry Date: 8th September 2014
ADDRESS:	Land rear of 93 Shepherds Hill Romford	
PROPOSAL:	Retrospective change of Use of rear portion of garden at 93 Shepherds Hill to hardstanding car park (permeable surface) - Annexed to the public house as an 'Overspill Car Park'	
DRAWING NO(S):	SD/01 SD/02	
RECOMMENDATION :	It is recommended that planning permission be REFUSED for the reason(s) given at the end of the report given at the end of the report.	

CALL-IN

This application has been called in to committee by Councillor Eagling, as there is a parking concern for local residents and this overflow car park alleviates heavy parking when it occurs in Shepherds Hill.

SITE DESCRIPTION

The application site consists of a plot of land located to the rear of No. 93 Shepherds Hill, Romford, which originally formed part of their rear garden. The land comprises of an area of hard standing with a depth of 48 metres and a width of approximately 13 metres and 2m high timber fencing on its perimeter. There is clear drop in ground level of approximately 1m to 1.5 metres from the entrance to the existing concrete slab at the rear of the car park. The site is within the Metropolitan Green Belt.

DESCRIPTION OF PROPOSAL

The proposal seeks retrospective consent for the change of use of the rear portion of the garden at 93 Shepherds Hill to a hardstanding car park (permeable surface), which is annexed to the Shepherd & Dog public house as an overspill car park that comprises of 27 car parking spaces. The agent has advised that sub base of the car park is in the main a 4/20 open graded aggregate.

RELEVANT HISTORY

- N0061.11 - Non-material minor amendment to P0919.11 to add a window to back wall of kitchen extension instead of roof light

Approve no cons 09-12-2011
- P1176.11 - Demolish single storey rear extension and garage. Two storey rear extension , bay windows, external alterations & garage
Apprv with cons 04-11-2011
- P0919.11 - Single storey front, side and rear extensions, replacement doors and windows and associated external alterations, extract ducting, enclosed yard/bin store, reconfiguration of parking area and alterations to form a single point of access, hardstanding, landscaping and patio area.
Apprv with cons 26-08-2011

Environmental Health - No objection as the application has minor implications in terms of noise.

RELEVANT POLICIES

CP14 (Green Belt), DC33 (Car Parking), DC45 (Green Belt), DC48 (Flood risk) and DC61 (Urban Design) of the LDF Core Strategy and Development Plan Document are considered material.

Policies 6.13 (parking), 7.13 (safety, security and resilience to emergency), 7.16 (Green Belt) and 7.4 (local character) of the London Plan are relevant.

Chapters 9 (Protecting Green Belt land) and 10 (Meeting the challenge of climate change, flooding and coastal change) of the National Planning Policy Framework are relevant.

MAYORAL CIL IMPLICATIONS

This application is not liable for Mayoral CIL.

STAFF COMMENTS

The main issues in this case are considered to be the principle of development, the impact upon the character and appearance of the Green Belt, the impact on the streetscene, impact on local amenity and parking and highways issues.

PRINCIPLE OF DEVELOPMENT

The application site lies within Metropolitan Green Belt. The proposal seeks retrospective consent for the change of use of the rear portion of the garden at 93 Shepherds Hill to a hardstanding car park, which is annexed to the Shepherd & Dog public house as an overspill car park.

Paragraph 87 of the National Planning Policy Framework (NPPF) 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.

Policy DC45 of the LDF states that planning permission for development in the Green Belt will only be granted for the following purposes - they are essential for agriculture and forestry, outdoor recreation, nature conservation, cemeteries, mineral extraction or park and ride facilities, or they involve limited infilling or redevelopment on a site designated as a Major Developed Site in accordance with DC46.

The retrospective change of use of the rear portion of garden at 93 Shepherds Hill to a hardstanding car park is not one of the specified purposes listed in the NPPF and as such this proposal is inappropriate in principle. The NPPF provides that where inappropriate development is proposed within the Green Belt planning permission should not be granted unless the applicant can demonstrate very special circumstances exist that outweigh the harm resulting from the development.

In this instance, some very special circumstances have been put forward to outweigh the harm to the Green Belt. Prior to appraising these very special circumstances, it is necessary to consider other impacts that may arise from the proposal.

GREEN BELT IMPLICATIONS

Policy 9 of the NPPF states that the Government attaches great importance to Green Belts. The

fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

Staff consider that the retrospective change of use of the rear portion of the garden at 93 Shepherds Hill to a hardstanding car park annexed to the Shepherd and Dog public house, combined with the 2m high timber fencing on its perimeter, are harmful to the open and spacious character of the Metropolitan Green Belt contrary to Policy DC45 of the LDF and Chapter 9 of the NPPF. The area of hardstanding and the siting of the vehicles replaces an undeveloped area of land and as a result, materially erodes the openness of the Green Belt.

DESIGN/IMPACT ON STREET/GARDEN SCENE

It is considered that the hardstanding car park is not materially harmful to the streetscene, as it is set back approximately 55 metres from Shepherds Hill, is largely screened by the vehicles in the car park to the front and side of the public house and is located behind the rear garden of No. 93 Shepherds Hill. The car park is also screened by the 2m high timber paling fence on its perimeter.

The site is surrounded by the rear gardens of neighbouring properties. As such, it is considered that the overspill car park appears out of character in the rear garden environment.

IMPACT ON AMENITY

It is noted that there are floodlights on the perimeter of the overspill car park, which do not form part of this planning application. Representations have been received regarding the impact of the flood lights on neighbouring amenity and this is being investigated by the Council's Enforcement team.

Planning permission was granted on appeal for a new dwelling to the rear of the Shepherd & Dog Public House under application P0995.12. The rear of the proposed dwelling would be approximately 19 metres from the western boundary of the application site. The rear of No. 85 Shepherds Hill would be approximately 27 metres from the western boundary of the application site. There is a two storey dwelling at No. 87 Shepherds Hill, which is located north of the application site. The eastern and southern boundaries of the application site abut the rear gardens of No.'s 99 and 93 Shepherds Hill respectively.

When reviewing the merits of this application, consideration was given to the levels of pedestrian and vehicular movements that would be generated by the 27 car parking spaces within the application site. This would result in noise and disturbance from cars manoeuvring, car doors slamming, additional pedestrian movements and cars starting and moving off. Staff consider that noise from these sources would be readily apparent from nearby residential properties. This would be at a time when residents might reasonably expect noise levels to be lower than they are during the daytime.

It is considered that overspill car park generates a material increase in noise and disturbance from additional vehicle and pedestrian movement that is heightened in this quiet suburban location. It is considered that the addition of 27 car parking spaces results in an unacceptable intensification of the use of the site, which has a harmful effect on the living conditions of existing occupiers of neighbouring dwellings with regard to noise and disturbance contrary to Policy DC61 of the LDF.

HIGHWAY/PARKING

There are 48 car parking spaces at the front of the Shepherd & Dog public house and the overspill car park provides a further 27 spaces. The Highway Authority has no objection to the proposal. The Highways Department considers that there is not a requirement for parking restrictions outside the Shepherd & Dog public house at present, although this may be reviewed

at a later date. It is considered that the overspill car park does not create any parking or highway issues.

OTHER ISSUES

The Case for Very Special Circumstances

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

- The Shepherd & Dog public house was refurbished three years ago and since then, it benefits from a successful trade with approximately 300 covers on a Friday, 300 covers on a Saturday and 400 covers on a Sunday. The public house employs a total of 58 staff. In an economic climate where public houses are failing, the success of this public house outside a town centre is notable and constitutes an important community asset.
- The public house is busy and active and generates high demand for car parking. The overspill car park increases the on site parking by around 50% and would accommodate the needs of the public house. The additional parking has created a balance between the parking demand and parking provision. The users of the pub can park on adjoining highways and were indeed doing so.
- The Council will have on record the residents' objections to the number of cars parked on the adjoining highways due to the success of the public house and a petition was signed by numerous residents to ask the Council to implement parking restrictions in the residential area surrounding the public house. It is better to provide an on-site solution than clients parking on the adjoining highways.
- The car park results in a limited loss of openness. There is no permanent structure which is affecting the openness of the Green Belt. Vehicles are all below the fencing that is currently in place. The vehicles are not visible from the surrounding area, nor are they visible from the highway. The cars are only parked when the pub is open and are not permanently in place.
- The site is previously residential curtilage, whilst not previously developed land, it is suburban in nature rather than open land. The garden therefore, could accommodate residential paraphernalia, such as play equipment and clothes lines, etc.
- There is no real impact on neighbouring properties.

It is considered that the very special circumstances, in themselves, are not particularly unusual or weigh significantly in favour of the use of the site for a hardstanding car park. It is considered that there are not overriding considerations that outweigh the harm to the open character and appearance of the Green Belt arising from the use of the site for an overspill car park.

FLOOD RISK

The description of the proposal on the application form states that the hardstanding car park has a permeable surface. Also, the agent has advised that sub base of the car park is in the main a 4/20 open graded aggregate. However, Staff consider that the description of the proposal is incorrect, as the hardstanding car park is not permeable. A member of the Council's StreetCare Department has visited the site and provided the following comments. The material of the car park comprises of road planings - an asphaltic based material and the sub grade supporting this construction is not available to view. The area has a loose gravel finish to it. However when the gravel comprising of the asphalt planings are cleared to a firm base to about an inch below the gravel, the material is hard and well bound together, which allows this material to support the vehicular movement without sustaining ruts and the associated damage of slow vehicle movements. Therefore this material is well compacted, and being asphaltic nature is bonding together over time and will continue to do so getting tighter and firmer as time passes on. There is clear drop in ground level of approximately 1m to 1.5 metres from the entrance of the car park to the existing concrete slab at the rear of the car park. Adjacent to the western boundary of the application site, there is an approximately a 1m sheer drop to the land currently being developed house footings constructed to oversite level for which work has ceased well over a year ago. Adjacent to the existing concrete slab on the northern boundary of the application site, there is also a sheer drop of a similar depth. On the third remaining side the levels to the adjacent

property appear to be generally the same. Staff consider that water would not be able to pass through the hardstanding material since it is highly impermeable, more so than crushed rock or concrete material due to it being of an asphaltic nature. Water does not lay on this material due to the marked drop in level to the west and north boundaries of the site. It is noted that the slab has a lot of silt deposited on the existing concrete slab and if this material was allowing water to pass through it there would be little if any silt deposits on the slab.

Policy DC48 states that development must be located, designed and laid out to ensure that the risk of death or injury to the public and damage from flooding is minimised whilst not increasing the risk of flooding elsewhere and ensuring that residual risks are safely managed. Staff consider that the non-permeable surface of the overspill car park, together with the change in ground levels surrounding the application site, gives rise to surface water run-off and is likely to lead to flooding of the surrounding area contrary to Policy DC48 of the LDF.

KEY ISSUES/CONCLUSIONS

In conclusion the retrospective change of use of the rear portion of garden at No. 93 Shepherds Hill to a hardstanding car park represents inappropriate development in a Green Belt location contrary to national and local planning policies. Inappropriate development is by definition harmful to the character of the Green Belt and the purposes of including land within it. Staff consider that the very special circumstances cited are not overriding considerations and do not outweigh the harm to the open character and appearance of the Green Belt.

It is considered that overspill car park generates a material increase in noise and disturbance from additional vehicle and pedestrian movement and results in an unacceptable intensification of the site, which has a harmful effect on the living conditions of existing occupiers of neighbouring dwellings with regard to noise and disturbance contrary to Policy DC61 of the LDF.

Staff further consider that the non-permeable surface of the overspill car park, together with the change in ground levels surrounding the application site, gives rise to surface water run-off and is likely to lead to flooding of the surrounding area contrary to Policy DC48 of the LDF.

It is therefore recommended that planning permission be refused.

RECOMMENDATION

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

1. Reason for refusal - Metropolitan Green Belt

The site is within the area identified in the Local Development Framework as Metropolitan Green Belt. Policy DC45 of the LDF and Government Guidance as set out in the National Planning Policy Framework (Green Belts) states that in order to achieve the purposes of the Metropolitan Green Belt it is essential to retain and protect the existing rural character of the area so allocated and that new development will only be permitted outside the existing built up areas in the most exceptional circumstances. The retrospective change of use of the rear portion of the garden at No. 93 Shepherds Hill to a hardstanding car park is inappropriate in principle in the Green Belt. The special circumstances that have been submitted in this case, do not outweigh the in principle harm and visual harm to the character and openness of the Green Belt arising from this proposal. The proposed development is therefore contrary to Policy DC45 of the LDF Core Strategy and Development Control Policies Development Plan Document, as well as Chapter 9 of the National Planning Policy Framework.

2. REFUSAL - Non Standard 2

The overspill car park generates a material increase in noise and disturbance from

additional vehicle and pedestrian movement and results in an unacceptable intensification of the use of the site, which has a harmful effect on the living conditions of existing occupiers of neighbouring dwellings with regard to noise and disturbance contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.

3. Refusal - Non standard 3

The non-permeable surface of the overspill car park, together with the change in ground levels surrounding the application site, gives rise to surface water run-off likely to lead to flooding of the surrounding area contrary to Policy DC48 of the LDF Core Strategy and Development Control Policies DPD, Policy 7.13 of the London Plan as well as Chapter 10 of the National Planning Policy Framework.

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.

APPLICATION NO:	P1350.14	
WARD :	Romford Town	Date Received: 21st November 2014
		Expiry Date: 20th February 2015
ADDRESS:	The Frances Bardsley Academy for Girls Brentwood Road Romford	
PROPOSAL:	To remove 127m of existing fencing and gate at the rear of the school (2m high chainlink and post) and replace it with a 3m high palisade security fence and a gate to match the new fence.	
DRAWING NO(S):	13/137/1/SD2	
RECOMMENDATION :	It is recommended that planning permission be GRANTED subject to the condition(s) given at the end of the report given at the end of the report.	

SITE DESCRIPTION

The site consists of a two-storey school located to the south of Brentwood Road. Towards the east, north and west of the school boundaries are mainly 2-storey residential dwellings whilst the southern boundary consists of tennis courts and Hylands Park.

The existing sixth form centre is approached from the north and is located South East of the main school. It is surrounded by a high tree boundary, with a large playing field located to the west of the building.

DESCRIPTION OF PROPOSAL

The application seeks consent for the provision of a new 127m, 3m high palisade security fencing with anti-climb feature and a 1.5m wide single leaf gate to match the new fence.

The new fence would replace the existing 2m high fence and gate situated to the southern boundary and to the north of the Hylands Park tennis courts.

RELEVANT HISTORY

- P1019.14 - To remove 100m of fencing at the rear of the school (2m high chainlink and post) and replace it with a 3m high palisade security fence. This forms a boundary between the school and Hylands Park
Withdrawn - Invalid 20-10-2014
- P0193.14 - Extensions to existing sixth form block to create extra classrooms, a common room, multi-use hall and a new lobby/reception area.
Apprv with cons 24-03-2014
- P1520.13 - The existing sixth form block will be re-modelled internally with the addition of single storey extensions, creating extra classrooms, a common room, multi-use hall and a new lobby/reception area.
Withdrawn 12-02-2014
- P1094.13 - 8no. 13m high floodlight columns and floodlighting fittings to an existing artificial pitch
Apprv with cons 18-11-2013

CONSULTATIONS/REPRESENTATIONS Page 20

Letters of notification were sent out to 15 adjoining neighbouring properties and 1 letter of objection was received raising the following concerns:

- Fence would be big and ugly
- No need for a fence

Parks and Open Spaces has raised concerns with the visual impact the fence will have on Hylands Park. In the event of an approval it is requested that the fence be painted green in order to minimise the impact.

RELEVANT POLICIES

LDF

- DC29 - Educational Premises
- DC61 - Urban Design

OTHER

- LONDON PLAN - 3.18 - Education facilities
- NPPF - National Planning Policy Framework

STAFF COMMENTS

The main issues to be considered by Staff in this case are the visual impact of the proposal on the surrounding area.

DESIGN/IMPACT ON STREET/GARDEN SCENE

In terms of the impact on the surrounding area, Policy DC61 seeks to ensure that new developments/alterations are satisfactorily located and are of a high standard of design and layout. Furthermore, it seeks that the appearance of new developments/alterations is compatible with the character of the surrounding area, and would not prejudice the environment of the occupiers and adjacent properties.

The proposed 3m high fencing would replace the existing 2m high fencing and would be entwined with the existing vegetation along the southern boundary of the school site. Staff consider the proposal to be sufficiently screened not to result in an unacceptable impact when viewed from Hylands Park. The largest part of the fence would be situated behind the Hylands Park tennis courts which would provide further visual mitigation.

IMPACT ON AMENITY

The proposal is for fencing and is sufficiently set away from residential properties. Staff do not consider the proposal to have an unacceptable impact on neighbouring amenity and is in accordance with the aims and objectives of Policy DC61 of the LDF.

HIGHWAY/PARKING

The proposal would not have an impact on the existing parking situation.

KEY ISSUES/CONCLUSIONS

Having regard to the above, whilst it is acknowledged that there will be some minor impact on the existing character of the site, Staff do not consider that material harm to the character of the surrounding area will arise from this proposal. The impact upon surrounding area and residential amenity is negligible. Staff consider the proposal to be acceptable and approval is recommended accordingly.

RECOMMENDATION

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

1. S SC4 (Time limit) 3yrs

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

Reason:-

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. S SC32 (Accordance with plans)

The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans, particulars and specifications.

Reason:-

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

3. Non Standard Condition 31

Notwithstanding the detail shown on drawing 13/137/1/SD2 and contained within the design and access statement, the development shall be carried out in 3m high green galvanized and powder coated steel security fencing with anti-climb feature unless alternative details are submitted to and approved 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 in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61.

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.

APPLICATION NO:	P1444.14	
WARD :	Upminster	Date Received: 21st November 2014 Expiry Date: 16th January 2015
ADDRESS:	Corbets Tey School Harwood Hall Lane Upminster	
PROPOSAL:	2no. external glazed domes. Revised plans received	
DRAWING NO(S):	F343/01 Rev. A F343/02 Rev. A E343/04 Rev. B	
RECOMMENDATION :	It is recommended that planning permission be GRANTED subject to the condition(s) given at the end of the report given at the end of the report.	

SITE DESCRIPTION

The application site is Corbets Tey School, which is located on the north side of Harwood Hall Lane, some 65m west of its junction with Corbets Tey Road. The school is situated within the Metropolitan Green Belt and partially within the Corbets Tey Conservation Area, which extends across the northern part of the school grounds. The site of the proposal is situated outside of the Conservation Area.

The site is currently occupied by a cluster of school buildings, predominantly single and two-storey and has been previously extended on a number of occasions. The school has a single storey timber clad swimming pool extension, which is situated to the east of the main school building. There is parking to the school frontage and grassed playing fields to the north of the school buildings. To the east of the main school building is a sensory playground. There are a number of large trees within the school grounds, in particular to the eastern site boundary, some of which are subject of a Tree Preservation Order.

The site is adjoined to the north and west by open Green Belt land. To the east of the site lie residential dwellings, which front on to Harwood Hall Lane or Londons Close.

DESCRIPTION OF PROPOSAL

Corbets Tey School is a school for children and young people who have statements detailing particular personal educational needs. The school caters for pupils aged 4 to 16 with moderate to severe learning challenges, including autism, and a number of medical syndromes.

The proposal is for 2 no. 'Solardome' glazed dome structures. The proposed Solardomes are intended to be used for outdoor 'break out' teaching sessions for small groups of children. One dome will be focused on gardening and will house planting (garden) areas which the children will be able to participate in inside the dome. The other dome will be used for general outdoor workshop type learning based on a number of environmental and scientific topics.

The domes will measure 6287mm in diameter and 3.5m in overall height. The domes will be positioned centrally to the rear of the school building adjacent to an existing play area. The proposal would be set in 55m from the western boundary, 59m from the eastern boundary and 72m from the northern boundary. New tarmac paths will be provided up to each Solardome location. Dense vegetation would remain to the boundaries of the site.

RELEVANT HISTORY

REGULATORY SERVICES COMMITTEE
5th March 2015

The school has had numerous previous extensions. The most recent planning history is set out below:

P1104.04 - Detached garage - Approved

P0509.07 - Demolish old storage shed and erect new detached storage shed - Approved

P0752.07 - Two storey resource extension - Approved

P1183.09 - Two storey side extension to existing classroom block, with adjoining single storey stores lobby connection to existing swimming pool building - Approved

P1505.10 - External sensory play area on existing field including new surfacing and fencing. Plant room extension - Approved

P0261.11 - Detached single storey building to provide disabled toilets and changing facilities for use in conjunction with new sensory play area - Approved

P0040.12 - Detached single storey building providing accessible toilets and changing facilities for new sensory play area - Approved

P0640.13 - New staff car park with vehicular access off Harwood Hall Lane and 2m mesh fence to perimeter - Approved

P1250.13 - Two storey flat roof extension with adjoining single storey flat roof extension and mono pitch glass roof porch to swimming pool building - Approved

P1250.13 - Two storey flat roof extension with adjoining single storey flat roof extension and mono pitch glass roof porch to swimming pool building.
Apprv with cons 06-12-2013

P0640.13 - New staff car park with vehicular access off Harwood Hall Lane and 2m mesh fence to perimeter.
Apprv with cons 04-10-2013

P0138.13 - New staff car park comprising perforated polymer sheeting with flush timber edging kerb to perimeter - size 60m x 15m
Withdrawn 13-03-2013

P1449.12 - Electrically operated 1550mm high steel sliding gate to front vehicular entrance of school site
Withdrawn 15-05-2013

P0040.12 - Detached single storey building providing accessible toilets and changing facilities for new sensory play area.
Apprv with cons 27-03-2012

P0261.11 - Detached single storey building to provide disabled toilets and changing facilities for use in conjunction with new sensory play area.
Apprv with cons 08-04-2011

CONSULTATIONS/REPRESENTATIONS

The application has been advertised on site and in the press as a Green Belt application. Notification letters were sent out on 24/11/14 to 6 neighbouring occupiers and no letters of objection were received. A second round of notifications were sent out on 17/02/15 after a revision to the position of the proposed domes.

The notification period has not expired by at the time of writing this report. The notification period

would however expire before the Regulatory Services meeting of 05/03/15 and Staff would present any letters received from neighbours on the evening of the meeting.

English Heritage did not raise an objection to the proposal from an archaeological perspective.

RELEVANT POLICIES

LDF

CP14 - Green Belt
CP17 - Design
DC29 - Educational Premises
DC45 - Appropriate Development in the Green Belt
DC61 - Urban Design

MAYORAL CIL IMPLICATIONS

There are no Mayoral CIL implications for the proposal.

STAFF COMMENTS

The issues arising from this proposal are its acceptability within the Metropolitan Green Belt, the impact on the character and openness of the Green Belt and the locality in general, the local residential amenity, parking and highway impact and environmental issues.

PRINCIPLE OF DEVELOPMENT

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.

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.

GREEN BELT IMPLICATIONS

In terms of the impact of the development on the Green Belt, Staff acknowledge that there would be some visual impact owing to the appearance of the proposed structures. However, the structures are relatively small in size and sited as close to the existing school building as possible, which appears as a backdrop to the proposed structures. It is not considered, within the context of the existing school buildings and the extent of open space that remains around the facility, that it would materially harm the intrinsic openness of this Green Belt site. Members are invited to apply their judgement to this aspect of the scheme.

The applicant has submitted details of very special circumstance in order to justify the potential harm to the Green Belt. An appraisal of those circumstances is given below.

IMPACT ON AMENITY

There are existing residential properties to the east of the application site, including dwellings in Harwood Hall Lane and in Londons Close. The proposed domes will be well removed from the nearest residential property (approximately 70m) and will not have an impact on residential amenity.

HIGHWAY/PARKING

The proposals would not have an impact on the current parking or access arrangement.

OTHER ISSUES

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).

Given the scale and nature of the proposal, it is considered that the proposal would constitute inappropriate development in the Green Belt.

As set out above, in order to justify the proposal, very special circumstances are needed. In respect of the very special circumstances case, the applicant has made reference to the fact that the school is an existing development within the Green Belt, which caters for pupils with complex learning needs that require individual support to cater for each pupil's individual learning style. The school have a very special need for the two glazed domes in that it is very important that the school provides diverse and specialist learning environments in order to maintain the attention and focus of its pupils. It has been highlighted by the school's teaching staff that semi-outdoor learning such as can be provided within the proposed glazed domes will aid the pupils immensely by placing them in a stimulating and accessible environment that is outside of the conventional classroom walls. The proposed glazed domes will therefore provide the much needed 'break out' learning environment for its pupils who require a more specialist and functional learning platform.

Along with aiding the pupils of Corbets Tey School, it is also intended that other local schools could enjoy the new facilities and teaching environment that proposed glazed domes will bring via after school workshops and organised school visits. The proposed domes will also therefore aid the wider local area as a specialist learning facility.

In terms of the impact of the development on the Green Belt, Staff acknowledge that there would be some visual impact owing to the appearance of the proposed structures. However, the domes are relatively small in size and low level (3.5m high) and sited as close to the main school building as possible, which appears as a backdrop to the proposed structure. It is not considered, within the context of the existing school buildings and the extent of open space that remains around the facility, that it would materially harm the intrinsic openness of this Green Belt site.

It is a matter of judgement for members whether the very special circumstances is sufficient to overcome the impact on the Green Belt. Staff however consider the reasons given for very special circumstances are sufficient to offset any adverse impact on the openness of the Green Belt.

KEY ISSUES/CONCLUSIONS

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 justify the proposal which are considered sufficient to overcome the harm by reason of inappropriateness and any other harm, as required by the guidance contained in the NPPF.

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, DC61, and DC68 of the LPP, and all other material considerations.

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.

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.

APPLICATION NO:	P1475.14	
WARD :	Romford Town	Date Received: 27th October 2014 Expiry Date: 22nd December 2014
ADDRESS:	168-170 South Street Romford	
PROPOSAL:	Change of use of ground floor retail unit (A1) to restaurant (A3)	
DRAWING NO(S):	Site Location Plan no. 1433/P/2 (Scale 1:500) Site Location Plan no. 1433/P/1 (Scale 1:1250)	
RECOMMENDATION :	It is recommended that planning permission be GRANTED subject to the condition(s) given at the end of the report given at the end of the report.	

CALL-IN

The application has been called-in by Councillor Thompson on the grounds that a restaurant in this part of South Street with later opening than the present retail use is unsuitable for this location under what are a large number of retirement flats and that the necessary provision of an extraction flue is unlikely to safeguard the residents above from cooking smells impinging on the enjoyment of their property. Furthermore the location cannot absorb any more parking, being on a bus route and Regarth Avenue is full at night. The disposal of restaurant waste also gives rise to concerns.

BACKGROUND

The application was deferred at the Regulatory Services Committee meeting on 19 February 2015. Councillor Chapman had expressed a wish to speak on behalf of neighbouring residents but was unable to attend the 19 February meeting and as such the Committee were resolved to defer the application until the meeting on 5 March 2015.

SITE DESCRIPTION

The application relates to the building at 168-170 South Street, Romford. This is a three storey premises located on the corner of South Street and Regarth Avenue. At ground floor level the unit comprises an A1 retail unit currently occupied by 'Professional Music Technology' with associated storage space and offices in the upper floor levels. The premises forms part of a parade of commercial units including a sauna and convenience store with offices and storage above. The upper floors of the block to the south contains retirement flats and the rear of the site backs onto residential accommodation at Regarth Avenue and Gibson Court. The site is located directly adjacent to the retail fringe of Romford town centre and as such the surrounding area is characterised by a mixture of commercial and residential uses.

DESCRIPTION OF PROPOSAL

The application is seeking planning permission for the change of use of the ground floor unit from an A1 retail use to an A3 restaurant.

At this stage the applicant is just applying to change the use of the 180 square metre commercial unit in order to advertise the premises to prospective restaurant tenants.

As a result it is the principle of the change of use that is being considered and the proposal would not result in external alterations to the shop frontage or the internal layout. Any new fascia signage or shopfront alterations would be subject to separate applications.

The current landlord does not have a tenant lined up to occupy the proposed restaurant and

therefore full details of the the proposed numbers of staff or opening hours are unknown, although it is reasonable to expect that a restaurant would seek to operate in the evening.

It should be noted that prior approval has recently been granted to allow the conversion of the office space above the application site to self contained flats.

In addition planning permission (P0441.98) was granted at the premises in 1998 for the change of use of a hairdresser and building society to a restaurant.

RELEVANT HISTORY

- P0040.15 - Change of use of first floor retail and office space to 3no. self contained apartments with additional windows and alterations to South Street elevation.
Awaiting Decision
- J0012.14 - Prior Approval request for the change of use of 1st and 2nd floors from offices to residential use by the conversion of approximately 7,000 sq.ft. into 7 private apartments.
Prior App COU 14-10-2014
Given
- J0001.13 - Prior Approval request for the change of use from offices to residential use by the conversion of approximately 7,000 sq.ft. into 7 self contained apartments.
Prior App COU 30-08-2013
Refuse
- P1308.12 - Proposed construction of additional floor to provide seven new flats, bin store & cycle parking
Refuse 10-01-2013
- P0624.12 - Construction of an additional floor to provide four self contained flats (2x2 bed, 2x1 bed) above 168-174 South Street and three self contained flats (3x1bed) above 182-186 South Street. Rear staircase extension to 168-174 South Street. Bin stores and cycle parking.
Refuse 14-08-2012
- P1367.11 - Construction of an additional floor to provide four self contained flats (2x2bed, 2x1bed) above 168-174 South Street and three self contained flats (3x1 bed) above 182-186 South Street. Rear extension to 168-174 South Street. Bin stores and cycle parking.
Withdrawn 15-11-2011
- P0441.98 - Change of use from A1/A2 to A3 from hairdresser/building society to restaurant use
Apprv with cons 14-08-1998

CONSULTATIONS/REPRESENTATIONS

Notification letters were sent to 134 properties and 14 representations have been received. The comments are summarised as follows:

- Noise and disturbance during the day and late into the evening from customers, staff, deliveries and general activity associated with the restaurant.
- Noise from kitchen fans and extraction equipment.
- Unpleasant cooking smells and odours in close proximity to neighbouring residential accommodation.
- Increased waste and litter would attract vermin.
- Disruption to the peaceful environment enjoyed by the residents of the neighbouring retirement

apartments at Gibson Court.

- Inappropriate location for a restaurant.
- Inadequate parking provision in this area of South Street.
- There are already enough restaurants in Romford, especially along South Street and Victoria Road.
- Potential for anti-social behaviour.

Environmental Health - no objection, but have recommended conditions relating to noise insulation and noise levels of any plant and machinery, the extract and removal/ dispersal of odours are included in any approval notice.

Local Highway Authority - no objection.

RELEVANT POLICIES

LDF

- DC11 - Non-Designated Sites
- DC16 - Core and Fringe Frontages in District and Local Centres
- DC23 - Food, Drink and the Evening Economy
- DC33 - Car Parking
- DC36 - Servicing
- DC55 - Noise
- DC61 - Urban Design
- SPD12 - Shopfront Design SPD

OTHER

- LONDON PLAN - 2.15 - Town Centres
- LONDON PLAN - 4.7 - Retail and town centre development
- LONDON PLAN - 4.8 - Supporting a successful and diverse retail sector
- LONDON PLAN - 7.3 - Designing out crime
- NPPF - National Planning Policy Framework

MAYORAL CIL IMPLICATIONS

There are no Mayoral CIL implications relating to the proposal as the application concerns a change of use without the creation of additional floor space.

STAFF COMMENTS

The main considerations relate to the the principle of the proposed change of use the impact on the surrounding residential amenity and the implications for highways, pedestrian access and parking.

PRINCIPLE OF DEVELOPMENT

The site is located within central Romford in an area typified by a mixture of commercial and residential uses. Ground floor commercial premises and office blocks are evident extending along South Street towards the cross roads junction with Oldchurch Road and Thurloe Gardens. However, the designated zoning of the Romford retail fringe area identified under policy RM11 of the Romford Area Action Plan Supplementary Planning Document (SPD) ends with premises directly opposite the application site at No.183 South Street (the end unit in the traditional parade of shops contained in the 1930's building at Station Parade). This means that the application site is situated just outside the retail fringe area and is not strictly subject to the provisions of Policy RM11.

Nevertheless, the application site is adjacent to the retail fringe and is contiguous with other commercial uses along this section of South Street beyond the retail fringe zone. On this basis it is considered that the site demonstrates a clear and strong association with Romford town

centre, the retail fringe area and the general activities appropriate to town centre uses.

Policy DC23 seeks to encourage a diverse range of complementary day and evening uses in town centres. In landuse terms staff take the view that a restaurant use would be appropriate in a town centre location and given the provisions of Policy DC23 the principle of the change of use is therefore considered to be acceptable.

Issues in relation to the residential amenity of neighbouring occupiers is considered in more detail in the 'Impact on Amenity' section of this report.

DESIGN/IMPACT ON STREET/GARDEN SCENE

The change of use proposes no alteration to the building frontage and any proposed signage would be addressed through an additional application.

IMPACT ON AMENITY

Policy DC23 also seeks to manage the evening and night time economy by considering with regard to new development its disturbance and cumulative impact on the character and function of a centre, related anti-social behaviour, and impacts on crime and the amenities of nearby residents.

Policy DC61 states that planning permission will not be granted where the proposal has adverse effects on the environment by reason of noise impact, hours of operation and fumes.

This section of South Street is typified by commercial uses at ground floor level (including restaurants and takeaways) with residential accommodation above and residential streets leading off from South Street. The Gibson Court retirement flats are located to the rear, however the main activity associated with the restaurant, such as customers entering and leaving the premises would take place away from the retirement properties at the frontage with South Street.

The site is located within central Romford, so it is acknowledged that those residents living near to the application site at Gibson Court, Regarth Avenue, Southbury Court and those living above the commercial premises on South Street would expect a different type of environment from that which would be found in an entirely suburban housing area.

Nevertheless, given the nearby residential properties it is considered reasonable to impose a restriction on the operating hours of the restaurant to between the hours of 10:00 to 23:00 on Monday to Sunday. Staff are of the view that the opening hours restriction would mitigate any unreasonable impact on neighbouring residents through noise and disturbance late into the evening whilst recognising the town centre location of the premises.

Concerns have been raised by neighbouring residents in relation to smells and odours emanating from the restaurant as well as noise and disturbance from plant and extract equipment. At this stage no information has been provided with regard to the location of any flues or extractors as the specific requirements of any future restaurant tenants are not currently known by the applicant.

In order to address these issues Environmental Health have recommended a series of conditions which will require the implementation of additional measures before the restaurant can operate. As such further details would include a scheme to insulate the premises to secure a reduction in the level of noise emanating from within as well as limiting the noise levels of any external plant and machinery to be installed. To address concerns in relation to smells a condition would be used to ensure suitable equipment is installed at the premises to extract and disperse odours and odorous materials and prevent nuisance to neighbouring residents.

On balance staff consider that through the implementation of necessary and reasonable conditions in relation to hours of operation, noise and disturbance and odours any undue impact from the proposed restaurant can be adequately addressed in accordance with policies DC23 and DC61.

Issues concerning on-street customer car parking are discussed in more detail in the Highways section of the report.

HIGHWAY/PARKING

The site has a Public Transport Accessibility Zone (PTAL) rating of 6b; meaning that the premises has very good access to a variety of public transport facilities. South Street is a main bus route with a bus terminus situated some 100 metres away and Romford Station just 150 metres from the site. Given the town centre location and the good public transport links there is no requirement for the proposed restaurant to provide dedicated off street customer car parking provision.

South Street is a busy route through the area and is subject to a fairly consistent amount of traffic throughout the day and into the evening. Given the nature of the road a number of parking controls are present on South Street as well as on Regarth Avenue. In terms of on-street parking there are public car parking bays directly to the front of the application site on South Street and motorcycle parking bays to the side on Regarth Avenue. The other parking along Regarth Avenue is restricted to residents only between 08:30-18:30 Monday to Sunday.

The Local Highway Authority have raised no objection and it is not considered that the proposed change of use would result in any parking or highway safety issues.

No details have been provided in relation to the secure storage of refuse materials. However, a condition would be included to secure details of a waste management scheme. This would include details of the method and location of refuse storage, including provision for all refuse to be properly contained within an approved facility, together with arrangements for refuse disposal to ensure that satisfactory waste storage and disposal measures are implemented by any future occupier.

SECTION 106

The proposed change of use is not liable for any charges under the provisions of Policy DC72 of the LDF and the Planning Obligations SPD.

KEY ISSUES/CONCLUSIONS

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

Staff consider that the proposed change of use raises considerations in relation to the impact on the on the amenity of the neighbouring residents. On balance the proposal is considered to be acceptable in all material respects.

Staff are of the view that given the town centre location and the inclusion of conditions relating to hours of operation, noise and disturbance and odours the proposal would not 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.

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. SC27 (Hours of use) ENTER DETAILS

The premises shall not be used for the purposes hereby permitted other than between the hours of 10:00 and 23:00 on Monday to Sunday 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.

3. Control of Noise (Pre Commencement Condition)

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

Reason:

To prevent noise nuisance and odour nuisance to adjoining properties and in order that the development accords with the Development Control Policies Development Plan Document Policies DC55 and DC61.

4. SC42 (Noise - New Plant) (Pre Commencement Condition)

Before any works commence a scheme for the new plant or machinery shall be submitted to the Local Planning Authority to achieve the following standard. Noise levels expressed as the equivalent continuous sound level LAeq (1 hour) when calculated at the boundary with the nearest noise sensitive property shall not exceed LA90 -10dB and shall be maintained thereafter to the satisfaction of the Local Planning Authority.

Reason:-

To prevent noise nuisance to adjoining properties in accordance with the recommendations of Planning Policy Guidance Note 24 "Planning & Noise" 1994, and in order that the development accords with the Development Control Policies Development Plan Document Policies DC55 and DC61.

5. SC50 (Extract ventilation for A3 uses) (Pre Commencement)

Before the use commences suitable equipment to remove and/or disperse odours and odorous material should be fitted to the extract ventilation system in accordance with a scheme to be designed and certified by a competent engineer and after installation a certificate to be lodged with the Planning Authority. Thereafter, the equipment shall be properly maintained and operated within design specifications during normal working

6. Vibration & Noise (Pre Commencement Condition)

Before the use commences a scheme to control the transmission of noise and vibration from any mechanical ventilation system installed shall be submitted to and approved in writing by the the Local Planning Authority and implemented prior to the permitted use commencing. Thereafter, the equipment shall be properly maintained and operated during normal working hours.

Reason:-

To protect the amenity of occupiers of nearby premises, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61

7. SC49 (Waste disposal A3 uses) (Pre Commencement Condition)

Before the uses commences details of a waste management scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme, which shall thereafter be permanently maintained, shall include details of the method and location of refuse storage, including provision for all refuse to be properly contained within the approved facility, together with arrangements for refuse disposal. The scheme shall be implemented on site, in accordance with the approved details, prior to the commencement of the use hereby approved and retained permanently thereafter.

Reason:-

To protect the amenity of occupiers of nearby premises, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

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.

APPLICATION NO:	P0088.15	
WARD :	Upminster	Date Received: 22nd January 2015 Expiry Date: 19th March 2015
ADDRESS:	Harwood Hall Harwood Hall Lane Upminster	
PROPOSAL:	Demolition of existing swimming pool enclosure and replacement swimming pool enclosure	
DRAWING NO(S):	View M View on top View F end panel A	
RECOMMENDATION :	It is recommended that planning permission be GRANTED subject to the condition(s) given at the end of the report given at the end of the report.	

SITE DESCRIPTION

The application site is located on the southern side of Harwood Hall Lane, to the south-west of the built up area of Upminster. The site consists of the Oakfields Montessori School, which is within Harwood Hall, a Grade II Listed building. The site consists of several buildings, including an enclosed swimming pool which is in poor condition. The swimming pool was used in conjunction with the school.

The surrounding area is rural in nature, with one residential dwelling adjoining the school site to the west, and Corbets Tey School to the north opposite the application site.

DESCRIPTION OF PROPOSAL

The application proposes to replace the existing swimming pool enclosure with a new one of similar size.

The proposed enclosure would be 18.75m long by 9.3m wide, and would be polycarbonate with steel structure. The structure would have an arched roof with straight sides, and would house the existing pool, change rooms, and plant room.

RELEVANT HISTORY

- L0001.13 - Listed Building Consent for internal alterations to form revised kitchen with external flue, new internal toilet provision, extension to existing conservatory to form new store to hall and surfacing of two external areas to form childrens play space with low level lighting
Apprv with cons 17-05-2013
- P0026.13 - External flue, new internal toilet provision, extension to existing conservatory to form new store to hall and surfacing of two external areas to form childrens play space with low level lighting
Apprv with cons 17-05-2013
- P0693.97 - Retention of swimming pool swimming pool enclosure and lean-to conservatory and engineering works to create play area within walled garden
Apprv with cons 24-10-1997
- L0004.97 - Retention of swimming pool, swimming pool enclosure and lean-to conservatory
Apprv with cons 24-10-1997

P0093.93 - Change of use to School
Apprv with cons 14-05-1993

L0001.93 - Application for Listed Building consent for change of use to school and ancillary works
Apprv with cons 14-05-1993

CONSULTATIONS/REPRESENTATIONS

Public Consultation -

The proposal was advertised by way of a site notice and in the local press as development which is contrary to the Metropolitan Green Belt Policies of the LDF Core Strategy and Development Control Policies Development Plan Document, is within a conservation area, and affects the setting of a Listed Building. In addition, 20 neighbouring occupiers were directly notified of the application via letter.

No representations were received as part of the public consultation process.

Internal Consultees -

English Heritage - No objections in terms of archaeological considerations.

Highways - No objections.

Environmental Health - No objections subject to condition limiting hours of construction.

RELEVANT POLICIES

LDF

CP14 - Green Belt
CP17 - Design
CP18 - Heritage
CP8 - Community Facilities
DC29 - Educational Premises
DC45 - Appropriate Development in the Green Belt
DC61 - Urban Design
DC67 - Buildings of Heritage Interest
DC68 - Conservation Areas
SPD2 - Heritage SPD

OTHER

LONDON PLAN - 3.18 - Education facilities
LONDON PLAN - 7.16 - Green Belt
LONDON PLAN - 7.4 - Local character
NPPF - National Planning Policy Framework

MAYORAL CIL IMPLICATIONS

The proposed development is not liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 as it would have an additional floor area of under 100sqm. The proposal would be an increase in GIA of 26.82sqm, which would be exempt.

STAFF COMMENTS

The subject application is brought forward to the Regulatory Services Committee as it is inconsistent with Policy DC45 of the LDF Core Strategy and Development Control Policies DPD,

adopted 2008.

More specifically, the proposal is the replacement of a swimming pool structure for a school, which is not within the list of activities deemed appropriate in the Green Belt in accordance with Policy DC45.

PRINCIPLE OF DEVELOPMENT

It is noted that the application site falls within the Metropolitan Green Belt.

The use associated with the proposal (i.e. a school) is considered to be acceptable despite not being within the list of activities deemed appropriate in the Green Belt in accordance with Development Control Policies DPD Policy DC45. The purpose of the proposal is to enhance the existing use, which is to replace the derelict swimming pool enclosure with a new one.

As previously discussed under the 'Relevant History' section of this report, the application site was granted planning permission for its current use as a school under P0093.93, and the retention of the existing swimming pool structure was permitted under P0693.97.

On this basis, there is no need to reassess the impact associated with the use of the site as a school, as this was already deemed to be acceptable under P0093.93. The main issues to consider with regards to the subject application is those associated with the physical component, i.e. the replacement swimming pool enclosure itself.

Chapter 9 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate development in the Green Belt. An exception to this is 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. Subject to any extensions being proportionate this form of development can be acceptable in principle.

Where extensions are considered to be disproportionate and therefore inappropriate, such applications should not be approved except in very special circumstances. The NPPF advises 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.

Due to the unique circumstances of the application site, the proposal should be judged on - (a)whether it has a detrimental impact on the openness of the Green Belt, or conflict with any of the purposes of including land within it; (b)whether it is proportionate to the existing building; (c)whether the proposal gives rise to any unacceptable detrimental impact on the residential amenity of adjoining occupiers; (d)whether there are significant detrimental impact on the efficient and safe operation of the local highway network; and (f)any other matters.

The physical component of the proposal is acceptable in principle when assessed against the criteria as listed above. This will be expanded upon below.

GREEN BELT IMPLICATIONS

As indicated above, the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate development in the Green Belt. An exception to this is 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.

In this case, the proposal is considered to be proportionate compared to the existing structure it replaces. They are similar in footprint and have an identical location. The proposed building would also be similar in height as the existing structure, it would have a maximum height of

3.4m, whereas the existing structure has a ridge height of 3m.

The proposed structure would have a volume of approximately 489 cubic metres, and the existing structure has a volume of 386 cubic metres. This represents an increase of 27% in volume over the existing structure which is considered to be acceptable.

The proposal would not have an adverse impact on the perception of openness in the area, as it is comparable in size to the existing building, and would be no closer to the boundary than the existing building. It would not alter the relationship between the pool enclosure and any other buildings within the application site or on adjoining properties.

On this basis, it is considered that the proposal would not have an unacceptable impact on the open nature and character of the Green Belt in terms of its massing, or conflict with any of the purposes of including land within it. Overall, Staff consider that the proposed replacement structure would not result in disproportionate additions over and above the size of the existing building, and does not constitute inappropriate development in the Green Belt when assessed against Chapter 9 of the NPPF.

LISTED BUILDING

The application site incorporates a Grade II listed structure, which is Harwood Hall. The proposal would have no impact on this building and would be located over 20m away. The proposal would not detrimentally alter the setting of the listed building as it would replace an existing structure, which is clearly not an original feature of the site. On this basis, the proposal would not have a detrimental impact on the setting of Harwood Hall.

DESIGN/IMPACT ON STREET/GARDEN SCENE

Policy DC61 states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area. Development must therefore respond to distinctive local building forms and patterns of development and respect the scale, massing and height of the surrounding physical context.

The design of the proposal is considered to be acceptable, as it is a simple modern structure which replaces a derelict structure which is in obvious disrepair. Whilst the proposal is not of a traditional structure, neither is the existing swimming pool enclosure it would replace, it would nevertheless be an improvement to the existing situation.

The proposal would not be visible when viewed from Harwood Hall Lane due to the mature screening vegetation along the boundaries of the application site. It would therefore have no impact on the character or appearance of the streetscene.

The proposal would not have a detrimental impact on the character of the surrounding area as it would replace an existing building and would improve its appearance. The visual impact of the proposal would largely be softened by screening vegetation along the boundaries of the application site.

In light of the above, the proposal is considered to be appropriate and will not have a detrimental impact on the streetscene or the character of the surrounding area. This is consistent with Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.

IMPACT ON AMENITY

As previously discussed, the proposal is well-screened from neighbouring buildings and would replace an existing building, which is comparable in scale and massing. The closest residential property is some 100m west of the proposed structure. On this basis, the proposal would have no impact on the residential amenity of any neighbouring properties.

HIGHWAY/PARKING

The proposal would have no impact on the car parking and vehicle access implications of the application site. Consequently, Council's Highways Division has no objections to the proposal.

KEY ISSUES/CONCLUSIONS

The proposal is considered to be appropriate as it would replace an existing structure, and would improve the visual aesthetics of the application site as a whole. The proposed structure would be proportionate to the existing structure, and would not have a detrimental impact on the character of the streetscene or the surrounding area. It would have no impact on the residential amenity of neighbouring residential occupiers.

On this basis, the proposal is considered to be appropriate.

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. SC09 (Materials) (Pre Commencement Condition)

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

Reason:-

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

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 Standard Green Belt Informative

The application property is within the Metropolitan Green Belt where there are restrictions over development. In view of those extensions which have already taken place and/or been granted permission, it should not be assumed that further extensions will be agreed.

3 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.

**REGULATORY
SERVICES
COMMITTEE**

REPORT

5 March 2015

Subject Heading:

P1128.14 – 7 Highview Gardens, Upminster – Demolition of 7 Highview Gardens and erection of 2 no. semi-detached houses and 1 detached house (received 3/09/14, revised 16/02/15)

Ward

Upminster

Report Author and contact details:

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

Policy context:

Local Development Framework
The London Plan
National Planning Policy Framework

Financial summary:

None

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

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

SUMMARY

The application seeks planning permission for the demolition of 7 Highview Gardens and the erection of two semi-detached houses and one detached house. Staff consider that the proposal would accord with the residential, environmental and highways policies contained in the Local Development Framework Core Strategy and Development Control Policies Development Plan Document. It is recommended that planning permission be granted subject to conditions and the completion of a Section 106 Legal Agreement.

Councillor Van de Hende requested this application be called to committee, on the grounds that the plan to build three dwellings on the site would be overdevelopment, bulky in the streetscene given the demolition of a bungalow to be replaced by three houses. In addition, the bungalow proposed for demolition is semi-detached, so there are concerns about the linked property and the impact on it. There would also be a loss of amenity (view) for neighbours as this backs onto Upminster Windmill.

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 £5,340, subject to indexation. This is based on the creation of 267 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 £12,000 to be used towards infrastructure costs in accordance with the Planning Obligations Supplementary Planning Document and Policy DC72 of the LDF.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 Agreement to the date of receipt by the Council.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the Agreement, prior to completion of the Agreement, irrespective of whether the agreement is completed.
- The Developer/Owner to pay the appropriate planning obligation/s monitoring fee prior to completion of the Agreement.

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

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

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

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

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

3. Details of flank to no.5 – No development, including the demolition of no.7 Highfield Gardens, shall commence until full details of the proposed treatment and appearance of the flank wall of no.5 Highfield Gardens is submitted to and approved in writing by the Local Planning Authority. No part of the development hereby approved shall be occupied until works to the flank wall of no.5 are completed in accordance with the approved details.

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.

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

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

5. Flank windows - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995(or any order revoking and re-enacting that Order with or without modification) no window or other opening (other than those shown on the submitted plan,) shall be formed in the flank wall(s) of the building(s) hereby permitted, unless specific permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

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

6. 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

7. 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.

8. Cycle storage - Prior to the first occupation of the development hereby permitted, cycle storage of a type and in a location previously submitted to and agreed in writing by the Local Planning Authority shall be provided and permanently retained thereafter.

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

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

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

10. Obscure glazing - The first floor en-suite windows on the flank elevations of the semi-detached dwellings on plots 1 and 2 as shown on the approved

Drawing No. 2014/05/05A shall be permanently glazed with obscure glass to the satisfaction of the Local Planning Authority.

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

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

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

12. Permitted Development - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 Article 3, Schedule 2, Part 1, as amended by the Town and Country Planning (General Permitted Development) (Amendment)(no. 2)(England) Order 2008 Classes A - E, , (or any order revoking and re-enacting that Order with or without modification) no extensions, roof extensions or alterations shall take place to the dwelling house and no outbuildings shall be erected in the rear garden area of the dwellings, with the exception of ancillary structures up to 10 cubic metres in volume, unless permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

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

13. Soil contamination - (1) Prior to the commencement of any works pursuant to this permission the developer shall submit for the written approval of the Local Planning Authority;
 - a) A Phase I (Desktop Study) Report documenting the history of the site, its surrounding area and the likelihood of contaminant/s, their type and extent incorporating a Site Conceptual Model.

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

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

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

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

15. Car parking - Before the dwellings hereby permitted are first occupied, the area set aside for car parking shall be laid out and surfaced to the satisfaction of the Local Planning Authority and retained permanently thereafter for the accommodation of vehicles visiting the site and shall not be used for any other purpose.

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

16. Vehicle Access - 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.

17. Wheel washing - No development shall take place until a scheme of vehicle cleansing 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, which shall be retained for the life of the development. The submitted scheme will provide the following details:

- 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, including their 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 washed off the vehicles.

- f) A description of any contingency plan to be used in the event of a breakdown of the wheel washing arrangements.

- g) A description of how any material tracked into the public highway will be removed.

Should material be deposited in the public highway, then all operations at the site shall cease until such time as the material has been removed in accordance with the approved details.

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.

18. Demolition method statement and construction management plan – Prior to the commencement of the development hereby approved, a demolition method statement and a construction management plan shall be submitted to and approved in writing by the Council. Details shall include control measures for dust, noise, vibration, lighting, delivery locations, restriction of hours of work and all associated activities audible beyond the site boundary to 08:00-18:00 hours Mondays to Fridays and 08:00 – 13:00 hours on Sundays, advance notification to neighbours and other interested parties of proposed works and public display of contact details including accessible phone contact details to persons responsible for the site works for the duration of the works. Approved details shall be implemented throughout the project period.

Reason: To ensure that the amenity of occupiers of surrounding premises is not adversely affected by noise, vibration, dust, lighting or other emissions from the building site.

19. Waste materials – No waste materials should be burnt on the site of the development hereby approved.

Reason: In the interests of neighbouring amenity.

20. Garage - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) the garage(s)/carport(s) hereby permitted shall be made permanently available for the parking of private motor vehicles and not for any other purpose including living accommodation or any trade or business.

Reason: To provide satisfactory off-street parking at the site, and that the development accords with the Development Control Policies Development Plan Document Policy DC61

21. Precautionary bat survey - An internal survey of the existing dwelling and garage at 7 Highview Gardens, Upminster, including the roof areas for bats must be undertaken by a suitably qualified ecologist to determine any evidence of the presence of bats or use of the dwelling as a bat roost, prior to any demolition works and between May and September. Evidence that the survey has been undertaken in the form of an ecological report including any recommendations shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of demolition of the existing care home. If evidence of bats is found then a licence application will need to be submitted to Natural England. The proposed development shall be implemented in accordance with the approved ecological report, including any recommendations. If at any time during the works, presence of bats is

suspected/identified, works in that area shall cease immediately and an ecologist contacted to enable further appropriate action to be implemented.

Reason: To ensure compliance with the Habitats Regulations and the Wildlife & Countryside Act 1981 (as amended), Chapter 11 of the NPPF and Policies DC58 & DC59 of the LDF.

22. Timing of demolition/vegetation clearance (breeding birds) - Demolition and/or removal of trees, hedgerows, shrubs, scrub or tall herbaceous vegetation shall be undertaken between September and February inclusive. If this is not possible then a suitably qualified ecologist shall check the areas concerned immediately prior to demolition and/or vegetation clearance works to ensure that no nesting or nest-building birds are present. If any nesting birds are present then the demolition and/or vegetation shall not be removed until the fledglings have left the nest.

Reason: All wild birds, their nests and young are protected during the nesting period under The Wildlife and Countryside Act 1981 (as amended), Chapter 11 of the NPPF and Policies DC58 & DC59 of the LDF.

23. The proposed development shall be implemented in accordance with the Extended Phase 1 Survey dated July 2014 which shall include the following on site measures:

- The provision of 5 bird boxes and 5 bat boxes on trees and around the new dwellings.
- Native and wildlife friendly landscaping including the use of native, fruit and pollen rich species in the proposed landscaping scheme.
- Provision of partially buried log piles to the rear of the proposed gardens.

Reason: In order to protect the conservation status of bats in compliance with the Habitats Regulations and the Wildlife and Countryside Act 1981 (as amended), Chapter 11 of the NPPF and Policies DC58 and DC59 of the LDF.

INFORMATIVES

1. The proposal is liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be £5,340. CIL is payable within 60 days of commencement of development. A Liability Notice will be sent to the applicant (or anyone else who has assumed liability) shortly. Further details with regard to CIL are available from the Council's website.

2. Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: 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. Following a change in government legislation a fee is now required when submitting details pursuant to the discharge of conditions, in order to

comply with the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations, which came into force from 06.04.2008. A fee of £97 per request is needed.

4. 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.

5. 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.

6. 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.

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

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

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

REPORT DETAIL

1. Site Description:

1.1 The application site comprises of a single storey semi-detached dwelling with a garage located on the southern side of Highview Gardens, Upminster. Ground levels fall from east to west and from north to south. The rear of the application site consists of a wooded area. The site backs onto the Upminster Windmill, which is Grade II* listed. The surrounding area is characterised by a variety of single and two storey detached and semi-detached dwellings of differing styles.

2. Description of development:

2.1 The application seeks full planning permission for the demolition of 7 Highview Gardens and the erection of two semi-detached houses and one detached house. The pair of semi-detached dwellings would have a combined width of 12.8 metres (not including the attached garages), a depth of 10.4 metres and a height of 9 metres with a gabled roof and roof lights. Each semi-detached dwelling has an attached single storey garage and one off street car parking space.

2.2 The detached two storey dwelling would have a width of 6.3 metres (not including the garage), a depth of 11 metres at ground floor and 8 metres at first floor and a height of 9 metres with a gabled roof and roof lights. The dwelling has an attached single storey garage and one off street car parking space.

3. Relevant History:

3.1 No relevant planning history.

4. Consultations/Representations:

4.1 The application has been advertised in a local newspaper and by way of a site notice as it affects the setting of a listed building. Twenty neighbouring occupiers were notified of the planning application. Thirteen letters of objection were received with detailed comments that have been summarised as follows:

- It is alleged that the site plan is not correct, as the boundary between the new detached house (plot 3) and No. 9 Highview Gardens to the rear finishes where the dotted line "line of boundary wall to be removed" and not further beyond this as shown on the plan.
- Overdevelopment of the plot and intensification of use.
- The proposal will be overbearing and out of scale in terms of its appearance compared with neighbouring properties.
- Loss of trees and woodland that benefits the neighbourhood from a security, privacy, noise and wildlife perspective.
- New developments will only be acceptable within existing settlements.
- Queried if the woodland behind No. 7 Highview Gardens is part of the existing settlement.
- Loss of privacy and overlooking from the proposed Windmill Visitor Centre.

- The siting and visual impact of the proposed development.
- Loss of views (including the woodland and Upminster Windmill).
- The width of the proposed plots would be out of character with those of neighbouring houses.
- It is alleged that the woodland to the rear of the site is part of the Council owned Windmill Green.
- Parking and access.
- It is alleged that there are various inaccuracies in the supporting documentation for this application.
- Impact on neighbouring amenity.
- Highway and pedestrian safety.
- Concerns that No. 5 Highview Gardens would look unbalanced and out of keeping in the streetscene, in the event that the adjoining bungalow is demolished.
- Traffic and congestion.
- The impact of the proposal on the functioning, character, setting and restoration of the Upminster Windmill, which is Grade II* Listed.
- The impact of demolishing No. 7 Highview Gardens on the foundations and thermal efficiency of the attached property.
- The internal party wall of No. 5 Highview Gardens is not weather proof.
- Reference was made to restrictive covenants on No.'s 5 and 7 Highview Gardens, which prevent taller structures being built that would restrict the flow of wind to the mill direct to the rear of these properties.
- Overlooking and loss of privacy from the proposed dwellings.
- Loss of light.
- Traffic, noise and dust pollution during construction works.
- Impact on property value.

4.2 In response to the above, comments regarding loss of privacy and overlooking from the proposed Windmill Visitor Centre are not material planning considerations, as it does not form part of this planning application. Comments regarding property value and loss of views are not material planning considerations. Comments regarding the foundations and internal party wall of No. 7 Highview Gardens are not material planning considerations – they are matters for the parties involved under the Party Wall Act. The insulation to no.7 is covered by the Building Regulations. Covenants are not material planning considerations. There are no Tree Preservation Orders on the application site itself. The woodland to the rear of the application site is not Council owned. Noise, disturbance and wheel washing during construction can be addressed by appropriate planning conditions. A revised plan was submitted, which has amended the site boundary of plot 3 adjacent to No. 9 Highview Gardens. The remaining issues are addressed in the following sections of this report.

4.3 Upminster Windmill Trust– The properties surrounding the Mill Field were built around 1920 and are generally semi-detached houses. An exception was made with a pair of semi-detached bungalows at numbers 5 and 7 Highview Gardens. The bungalows are of unusual design, being wide with little depth. There is also a wide open area at the side of one of them. It is alleged that the design was chosen to limit interference to the wind that was driving the Mill.

There are concerns that the siting of the three houses close together may reduce the capacity to run the Mill after it is restored.

- 4.4 Bonwick Milling Heritage Consultancy – The existing bungalows could well have been designed with wind flow to the mill in mind. Higher buildings on the site would have a negative impact on the wind flow to and away from the windmill sails. To mitigate the effects of interruption of the wind flow, it is suggested that the height of the proposed buildings should be no greater than the ridges of the surrounding semi-detached properties. It is suggested that to mitigate the negative effects, the density of the building on the site is reduced, for example, from 3 to 2 dwellings, with space for air flow in between them.
- 4.5 Ancient Monuments Society – Suggested that more research is carried out to establish the original function, age and interest of the building.
- 4.6 The Society for the Protection of Ancient Buildings (SPAB)- Mills Section – Originally objected to the proposal in October 2014, as it would be likely to have a negative impact on the winding and thus operation of the Upminster Windmill when it is returned to working order. After which, a consultation response was received in December 2014 from Templetech Ltd, which commented on this application on behalf of the Society for the Protection of Ancient Buildings. Doubtful if the proposed development would have a significant additional impact on the Upminster Windmill, although it would be preferable if its roof height were no more than that of the houses on the opposite side of the road. Recommends designating the area around the Upminster Mill as a Protected Village Amenity Area (PVAA), which should include a height restriction that also applies to trees.
- 4.7 English Heritage – This application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.
- 4.8 Crime Prevention Design Advisor – Recommends an informative if minded to grant planning permission.
- 4.9 The Highway Authority has no objections to the proposal and recommends conditions for vehicle access and wheel washing.
- 4.10 Environmental Health – Recommend conditions regarding contamination, a demolition method statement and a construction management plan.
- 4.11 Heritage Officer has no objections to the proposal.

5. **Relevant policies:**

- 5.1 Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP17 (Design), CP18 (Heritage), DC2 (Housing Mix and Density), DC3 (Housing Design and Layout), DC33 (Car Parking), DC53 (Contaminated land), DC58 (Biodiversity and Geodiversity), DC59 (Biodiversity in new developments), DC61 (Urban Design), DC63 (Delivering Safer Places), DC67 (Buildings of Heritage Interest) and DC72 (Planning Obligations) of the LDF Core Strategy

and Development Control Policies Development Plan Document are also considered to be relevant together with the Design for Living Residential Design Supplementary Planning Document, the Residential Extensions and Alterations Supplementary Planning Document and the Planning Obligation Supplementary Planning Document.

- 5.2 Policies 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 6.13 (parking), 7.1 (building London's neighbourhoods and communities), 7.13 (safety, security and resilience to emergency), 7.4 (local character), 7.8 (Heritage Assets and Archaeology) and 8.2 (Planning obligations) of the London Plan are relevant.
- 5.3 Policies 6 (Delivering a wide choice of high quality homes), 7 (Requiring good design), 11 (Conserving and enhancing the natural environment) and 12 (Conserving and enhancing the historic environment) of the National Planning Policy Framework are relevant.

6. **Staff Comments:**

- 6.1 The issues arising from this application are the principle of development, the impact on the streetscene and the setting and functioning of the adjacent Grade II* listed Upminster Windmill, amenity implications and any highway and parking issues.

6.2 **Principle of Development**

- 6.2.1 Policy DC11 states that where sites which are suitable for housing become available outside the Green Belt, the employment areas, the commercial areas, Romford Town Centre and the district and local centres, the Council will not normally permit their use for other purposes. The location of the site complies with these criteria. The site does not fall within any pertinent policy designated areas as identified in the Local Development Framework Proposals Map. It has been established, in land use terms, that the site is suitable for a housing development, particularly as a dwelling occupies the site and therefore, the principle of a residential use is in accordance with policy criteria. There is no objection in principle to the demolition of 7 Highview Gardens.

6.3 **Density/site layout**

- 6.3.1 The application site covers an area of approximately 0.0876 hectares. For this proposal of three dwellings this equates to a density of 34 dwellings per hectare, which is within the range anticipated by Policy DC2 for housing density, where the advised range for residential development in this part of the borough is 30-65 dwellings per hectare.
- 6.3.2 The Council's Design for Living SPD in respect of amenity space recommends that every home should have access to suitable private and/or communal amenity space in the form of private gardens, communal gardens, courtyards, patios, balconies or roof terraces. In designing high quality amenity space, consideration should be given to privacy, outlook, sunlight, trees and planting,

materials (including paving), lighting and boundary treatment. All dwellings should have access to amenity space that is not overlooked from the public realm and this space should provide adequate space for day to day uses.

- 6.3.3 The proposal provides approximately 151, 140 and 146 square metres of amenity space for the dwellings in plots 1, 2 and 3 respectively. Staff are of the view that the proposed rear garden areas for the proposed dwellings are acceptable in terms of area and would provide future occupiers with a useable external space for day to day activities such as outdoor dining, clothes drying and relaxation.

6.4 Design/impact on street/Garden scene

- 6.4.1 Council policy and guidance seeks to ensure that new developments are satisfactorily located and are of a high standard of design and layout. Furthermore, the appearance of new developments is compatible with the character of the surrounding area, and would not prejudice the environment of the occupiers and adjacent properties.

- 6.4.2 The street scene of which the subject site forms part is drawn from a variety of single and two storey detached and semi-detached dwellings of differing styles with both hipped and gabled roofs. The width of the existing bungalows at No.'s 5 and 7 Highview Gardens is unusually wide (approximately 16 metres). Due to the width and design of these pairs of bungalows, the demolition of one half is not considered to result in a building which would appear out of character. Visually, the retention of no.5 with a gap to a two storey pair of semi-detached houses would not appear out of character. Details of the finish of the flank of no. 5 would be required by condition.

- 6.4.3 The siting of the proposed semi-detached and detached dwellings is considered to be acceptable, as it would be in general alignment with the slightly staggered front building line of No.'s 5 and 9 Highview Gardens given the bend in the road adjacent to the frontage of plot 3. There would be a separation distance of approximately 2.6 metres between the eastern two storey flank wall of the dwelling in Plot 1 and No. 5 Highview Gardens. There would be a separation distance of approximately 6.4 metres between two storey flank walls of the dwellings in plots 2 and 3. There would be a separation distance of between approximately 4 and 5.8 metres between the western flank of the dwelling in plot 3 and No. 9 Highview Gardens. Given the separation distances outlined above, Staff consider that the siting of the proposed dwellings would contribute to the open and spacious character in the streetscene.

- 6.4.4 Following negotiations with the agent, the plans have been amended to provide greater articulation to the front façade of the dwellings with the provision of a two storey front projection with bay windows and a larger and more integrated gable roof feature. In addition, the windows on the front facades of the dwellings have been aligned. Staff consider that these revisions have enhanced the appearance of the proposed dwellings. It is considered that the proposal would integrate satisfactorily with the streetscene as well as the character and appearance of the surrounding area.

6.5 Listed Building Implications

- 6.5.1 Policy DC67 advises that an application for planning permission will only be allowed where it does not adversely affect a listed building or its setting. Government policy contained within the National Planning Policy Framework advises that there should be a presumption in favour of the conservation of designated heritage assets and the more significant the designated heritage asset, the greater the presumption in favour of its conservation should be.
- 6.5.2 The Council's Heritage Officer was consulted on this application and advised that the proposed development would have little impact on the Grade II* listed Upminster Windmill or its setting, particularly as the wooded area with trees and planting to the rear of the application site would be retained. In addition, there would be a separation distance of approximately 33 metres between the Upminster Windmill and the north eastern boundary of the rear garden of plot 1. Having regard to these factors the proposal is considered not to harm the setting of the adjacent listed building and to comply with Policy DC67.

6.6 Impact on amenity

- 6.6.1 With regard to amenity issues, consideration should be given to future occupiers of these properties 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.
- 6.6.2 The Residential Extensions and Alterations SPD states that as a general rule, houses can be extended from the rear wall of the original dwelling by up to 4 metres in depth for a semi-detached dwelling. This is to ensure the extension is subordinate to the original dwelling. Any greater depth required should be within an angle of 45 degrees, taken from the 4 metre dimension on the property boundary, in order to ensure a reasonable level of amenity is afforded to neighbouring properties. In this instance, the attached garage of the dwelling in plot 1 would marginally infringe a 45 degree notional line taken from the eastern boundary of the application site, although Staff consider that this would not result in a significant loss of amenity to No. 5 Highview Gardens. When reviewing the merits of this application, consideration was given to the fact that the roof of the garage is hipped, which minimises its bulk and is single storey. Also, the garage has a height of 2.5 metres to the eaves and 3.7 metres to the ridge. In addition, No. 5 Highview Gardens has a flat roofed single storey rear extension, which would help to mitigate the impact of the proposal. Both proposed semi-detached properties have a rear projection of 2.5 metres, which complies with guidance.
- 6.6.3 As there would be a separation distance of approximately 2.6 metres between the eastern flank wall of the dwelling in plot 1 and No. 5 Highview Gardens, the relationship would be equivalent to that created by a 2m set in and permissible depth of a first floor rear extension of 3m for standard semi-

detached properties, therefore it is considered that the proposal would not unacceptably impact on the amenity of No. 5.

6.6.4 No. 9 Highview Gardens has a small ground floor flank window that serves a playroom and is a secondary light source with a window on its front elevation. No. 9 Highview Gardens has a clear glazed door on its flank wall that serves a utility room and is not a habitable room. No. 9 Highview Gardens has a three pane window on its flank that forms part of a single storey rear extension that serves an open plan dining room and kitchen and is a secondary light source with patio doors and windows on its rear façade. It is noted that ground levels fall from east to west and from north to south and as such, No. 9 Highview Gardens is located at a lower ground level than the application site.

6.6.5 Staff consider that the proposed dwelling in plot 3 would not result in a significant loss of amenity to No. 9 Highview Gardens for the following reasons. Firstly, the rear façade of the proposed dwelling at first floor level would be in general alignment with the two storey rear façade of this neighbouring dwelling. The proposed detached dwelling has a single storey rear projection of 2.5 metres, which is less than the 4 metres as per the Residential Extensions and Alterations SPD and has a hipped roof, which minimises its bulk. There would be a separation distance of between approximately 4 and 5.8 metres between the western flank of the dwelling in plot 3 and No. 9 Highview Gardens, which would help to mitigate its impact. No. 9 Highview Gardens does not have any flank windows that serve habitable rooms and are primary light sources. In addition, No. 9 Highview Gardens has a single storey rear extension with a depth of 4.5 metres (approved under application P0250.10), which would help to mitigate the impact of the proposal.

6.6.7 A revised plan was submitted to show the amended site boundary of plot 3 adjacent to No. 9 Highview Gardens, following the removal of a small square shaped parcel of land to the rear of the proposed dwelling. As such, Staff consider that the proposed dwelling in plot 3 may result in some overlooking of the rear garden of No. 9 Highview Gardens, which is not deemed to be unduly harmful to neighbouring amenity, although this is a matter of judgement for Members.

6.6.8 With the exception of No. 9 Highview Gardens, it is considered that the proposed development would not result in any undue overlooking or loss of privacy to neighbouring properties. The detached dwelling in plot 3 does not feature any windows on its western flank. The first floor flank en-suite windows of the semi-detached dwellings in plots 1 and 2 will be obscure glazed by condition. Details of boundary treatments and landscaping will be secured by condition if minded to grant planning permission.

6.7 Highway/parking issues

6.7.1 Each dwelling in plots 1-3 has a single garage and its use for off street car parking provision will be secured by condition if minded to grant planning permission. In addition, there is space for one vehicle on hardstanding to the front of the proposed dwellings, which together with the garages, is sufficient.

The Highway Authority has no objection to the proposal subject to the provision of conditions. It is considered that the proposal would not create any highway or parking issues.

6.8 Other issues

- 6.8.1 Policy DC58 states that biodiversity and geodiversity will be protected and enhanced throughout the borough by not granting planning permissions which would adversely affect priority species/habitats identified either in the London or Havering Biodiversity Action Plans unless the economic or social benefits of the proposals clearly outweigh the nature conservation importance of the site and only then if adequate mitigation measures to secure the protection of the species/habitat can be provided and no alternative site is available.
- 6.8.2 An ecology report was submitted with the application and defined the site as being of low ecological value. All relevant surveys have been undertaken for protected species and priority BAP habitats and at the appropriate time of year. The Council's Regeneration Officer has no objection to the proposal and has recommended three conditions if minded to grant planning permission – one regarding an internal survey of the existing dwelling for bats before any work takes place, one regarding the timing of demolition/vegetation clearance in respect of breeding birds and to secure ecological enhancements within the residential development.
- 6.8.3 An arboricultural report and tree condition survey for the application site was submitted with this application. The Council's Tree Officer has visited the site and placed a Tree Preservation Order (reference TPO 1-15) on the oak and yew trees, which are located in the wooded area outside of the application site.

6.9 Upminster Windmill

- 6.9.1 The Society for the Protection of Ancient Buildings (SPAB)- Mills Section – originally objected to the proposal in October 2014, as it would be likely to have a negative impact on the winding and thus operation of the Upminster Windmill when it is returned to working order. A consultation response was subsequently received in December 2014 from Templetech Ltd, which commented on this application on behalf of the SPAB. It was considered doubtful if the proposed development would have a significant additional impact on the Upminster Windmill, although it would be preferable if its roof height were no more than that of the houses on the opposite side of the road. Staff consider that it is not necessary to designate the area around the Upminster Mill as a Protected Village Amenity Area (PVAA).
- 6.9.2 The agent has submitted a report from a specialist, which concludes that very rarely (6.7% of the overall daylight hours) does the wind blow from the direction of the proposed development towards the windmill, and only in exceptional circumstances will the wind blow from this direction exceed the speed necessary for the mill to operate. The report states that the impact of the proposed development on the wind when blowing from the North West and North-northwest will be limited, the wind from this direction is already

disrupted by the buildings natural/manmade topography and the existing retained trees (which are taller than, and closer to, the windmill than the proposed development. With regard to the previously developed nature of the site, the scale and distance of the development from the windmill, and the existing conditions, it is the specialist's contention that the proposed development is not going to impact on the operation of the windmill. Given the findings of the specialist report, Staff consider that the proposed development would not be unduly harmful to the functioning of the Upminster Windmill.

7. The Mayor's Community Infrastructure Levy

- 7.1 The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3, as the proposal is for one new dwelling. The existing dwelling, conservatory and garage with a gross floor area of 154 square metres are being demolished. According to the CIL form the proposed semi-detached and detached dwellings and garages would have a combined gross floor space of 421 square metres. On this basis, the CIL liability equals $421 - 154 = 267$. Therefore, CIL would be payable up to £5,340 (subject to indexation).
 $267 \times \text{£}20 \text{ per sq.m} = \text{£}5,340$.

8. Planning Obligations

- 8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that, "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". Section 70 of the Town and Country Planning Act 1990 sets out the general considerations for Local Planning Authorities in determining planning applications and Section 70(2) requires that, "in dealing with such an application the authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations". Paragraph 2 of the National Planning Policy Framework (NPPF) reiterates this: "Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise".
- 8.2 The proposal is liable to a contribution of £12,000 in accordance with adopted Policy DC72 of the Development Plan and the adopted Planning Obligations SPD. These policies are up to date and accord with Paragraph 12 of the NPPF and the proposal should therefore be determined in accordance with these policies unless material considerations indicate otherwise. Staff have had regard to the Planning Policy Guidance (PPG) relating to the application of a residential unit threshold for infrastructure tariff which advises that no contribution be sought for developments of 10 residential units or less and which is a material consideration however officers consider that greater weight should be accorded to up to date Development Plan Policy and the supporting Planning Obligations SPD. Staff consider that the guidance in the PPG does not immediately supersede current adopted policy as set out in the existing development plan and adopted supplementary planning guidance and

that greater weight should be given to adopted policy within the development plan.

9. Conclusion

- 9.1 Staff consider the site to be acceptable in principle for residential development. It is considered that the layout and access of the dwellings proposed is compatible with the prevailing character of development within the locality. Staff are of the view that the proposal would provide suitable amenity provision for future occupiers and would have an acceptable relationship to adjoining properties. There are some concerns that the proposed dwelling in plot 3 may result in some overlooking of the rear garden of No. 9 Highview Gardens, which is not deemed to be unduly harmful to neighbouring amenity, although this is a matter of judgement for Members. It is considered that the proposal would not create any parking or highway issues. Staff consider that the proposed development would not be unduly harmful to the functioning or setting of the Grade II* listed Upminster Windmill. There would be a financial contribution of £12,000 towards infrastructure improvements. Subject to the completion of a legal agreement the scheme is considered to be acceptable.

IMPLICATIONS AND RISKS

Financial implications and risks:

None.

Legal implications and risks:

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

There is a risk that the weight accorded to the Development Plan Policy and Supplementary Planning Document on Planning Obligations may be challenged at appeal or through judicial challenge.

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 3/09/2014 and 16/02/15.

**REGULATORY
SERVICES
COMMITTEE**

REPORT

5 March 2015

Subject Heading:

**1617.14 – 67 Corbets Tey Road,
Upminster**

**Erection of 6 No 1-bed flats
(application received 08.01.15)**

Ward

Upminster

Report Author and contact details:

**Suzanne Terry (Interim Planning
Manager) 01708 432755**

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 erection of a three-storey block of six flats on vacant land located at 67 Corbets Tey Road, Upminster. The proposal is considered to be acceptable in all material respects and is recommended for approval, subject to conditions and the prior completion of a legal agreement.

RECOMMENDATIONS

That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable fee is based on an internal gross floor area of 450m² and amounts to £9,000.

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:

- The sum of £36,000 towards the costs of infrastructure associated with the development in accordance with the Planning Obligations SPD;
- An obligation that the development's future occupiers do not apply for parking permits in the local area;
- 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 Council's reasonable legal fees for completion of the agreement shall be paid prior to the completion of the agreement irrespective of whether or not it is completed;
- The Council's planning obligation monitoring fees shall be paid prior to completion of the agreement.

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

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

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

2. Accordance with plans - The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans, 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. Car parking - Before the flats hereby permitted are first occupied, the areas set aside for car parking shall be laid out and surfaced to the satisfaction of the Local Planning Authority. The parking areas shall be retained permanently thereafter for the accommodation of vehicles visiting the site and shall not be used for any other purpose.

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

4. Materials - Before any of the development hereby permitted is commenced, samples of all materials to be used in the external construction of the buildings shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed with the approved materials.

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

5. Landscaping – No development shall take place until details of all proposed hard and soft landscaping have been submitted to and approved in writing by the Local Planning Authority. All planting, seeding or turfing comprised within the scheme shall be carried out in the first planting season following completion of the development and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

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

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

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

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

8. Boundary treatment - Prior to the commencement of the development hereby approved, details of proposed boundary treatment, including details of all boundary treatment to be retained and that to be provided, shall be submitted to and agreed in writing by the Local Planning Authority. The development shall then be carried out in accordance with the agreed details and the boundary treatment retained thereafter.

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

9. Secure by Design - Prior to the commencement of the development hereby approved a full and detailed application for the Secured by Design award scheme shall be submitted to the Local Planning Authority, setting out how the principles and practices of the Secured by Design Scheme are to be incorporated. Once approved in writing by the Local Planning Authority in consultation with the Havering Crime Prevention Design Advisor the development shall be carried out in accordance with the agreed details.

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

10. External lighting - Prior to the commencement of the development a scheme for the lighting of external areas of the development including the access

road 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 approved scheme shall then be implemented in strict accordance with the agreed details prior to the first occupation of the development and retained thereafter to the satisfaction of the Local Planning Authority.

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

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

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

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

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

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

- a) parking of vehicles of site personnel and visitors;
- b) storage of plant and materials;
- c) dust management controls
- d) measures for minimising the impact of noise and, if appropriate, vibration arising from construction activities;
- e) predicted noise and, if appropriate, vibration levels for construction using methodologies and at points agreed with the local planning authority;

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

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

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

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

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

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

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

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

d) If during development works any contamination should be encountered which was not previously identified and is derived from a different source

and/or of a different type to those included in the contamination proposals then revised contamination proposals shall be submitted to the LPA ; and

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

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

Reason:

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

15. Sound attenuation - The houses hereby permitted shall be so constructed as to provide sound insulation of 45 DnT,w + Ctr dB (minimum value) against airborne noise and the flats shall be so constructed as to provide sound insulation of 45 DnT,w + Ctr dB (minimum value) 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 in accordance with the recommendations of Planning Policy Guidance Note 24 'Planning and Noise'.

INFORMATIVES

1. The applicant is advised that planning approval does not constitute approval for changes to the public highway. Highway approval will only be given after suitable details have been submitted, considered and agreed. Any proposals which involve building over the public highway as managed by the London Borough of Havering will require a licence and the applicant must contact the StreetCare Service (Traffic and Engineering section) to commence the submission/licence approval process.
2. Should this application be granted planning permission, the developer, their representatives and contractors are advised that this does not discharge the requirements under the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works) required during the construction of the development.
3. In aiming to satisfy condition 9 above, the applicant should seek the advice of the Metropolitan Police Designing Out Crime Officer. He can be contacted through either via the London Borough of Havering Planning Control Service or Romford Police Station, 19 Main Road, Romford, Essex, RM1 3BJ.

4. The applicant is reminded that the proposed location of the refuse and recycling storage may be contrary to the Building Regulations requirements. It is recommended that this matter be discussed with the Council's Building Control officers prior to the commencement of development.

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.
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 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 £9,000. CIL is payable within 60 days of commencement of development. A Liability Notice will be sent to the applicant (or anyone else who has assumed liability) shortly. Further details with regard to CIL are available from the Council's website.

REPORT DETAIL

1. Site Description

- 1.1 The site is a 306sqm area of land located off Corbets Tey Road, Upminster and comprises a vacant area of hardstanding, which was formerly part of the car park of the site's, and neighbouring land's, previous use as a conference facility. The adjoining land, which was also part of the former conference facility, benefits from planning permission for the development of nine residential units. That approved development is nearing completion. The site under consideration is also accessed from Corbets Tey Road, which runs through the centre of Upminster and is designated as a Major District Centre in the LDF.
- 1.2 The site's western boundary and southern boundary lie adjacent to land associated with retail and residential properties fronting onto Corbets Tey Road. The northern and eastern boundaries adjoin land associated with the neighbouring redevelopment.

2. Description of Proposal

- 2.1 The proposal is for the erection of a block of flats containing six one-bed units.
- 2.2 The proposed block would have a mansard style roof, with the flats being distributed over three storeys including within the roof space. The proposed building would have a maximum height of approximately 10m. The first and second floor flats would each benefit from a balcony. The ground floor flats would benefit from private gardens.
- 2.3 Three parking spaces would be provided, which would be accessed from land to be shared with the neighbouring development of nine units. The refuse storage area would be located alongside that of the neighbouring residential redevelopment. The existing vehicular access onto Corbets Tey Road would be retained.

3. Relevant History

- 3.1 There is an extensive planning history related to the former West Lodge. The previous decisions of most relevance to the proposal are as follows:

P0225.14 – Amendment to the plans approved as part of planning permission P1152.13 to amend the western boundary – Approved. Awaiting completion of a legal agreement.

P1152.13 – Demolition of existing building and erection of seven flats and two houses – Approved.

4. Consultations/Representations

- 4.1 Neighbour notification letters have been sent to 74 local addresses. No representations have been received.
- 4.2 Comments have also been received from the following:

Designing Out Crime Advisor
No objections; condition and informative recommended.

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

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

Highway Authority
No objections.

5. Relevant Policies

5.1 National Planning Policy

National Planning Policy Framework (“the NPPF”)

5.2 Regional Planning Policy

Policies 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 3.8 (housing choice), 3.9 (mixed and balanced communities), 5.13 (sustainable drainage), 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), 7.6 (architecture), 7.8 (heritage assets and archaeology), 7.14 (improving air quality), 7.15 (reducing noise and enhancing soundscapes), 7.19 (biodiversity and access to nature) and 8.2 (planning obligations) of the London Plan are relevant.

5.3 Local Planning Policy

Policies CP1, CP2, CP9, CP10, CP17, DC2, DC3, DC6, DC7, DC30, DC32, DC33, DC34, DC36, DC40, DC49, DC50, DC51, DC53, DC55, DC61, DC63, and DC72 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document (“the LDF”) are material considerations.

In addition, the Residential Design Supplementary Planning Document (“the SPD”), Designing Safer Places SPD, Landscaping SPD, Sustainable Design and Construction SPD, and Planning Obligations SPD are also material considerations in this case.

6. **Staff Comments**

6.1 The issues arising from this application are the principle of development, design and amenity considerations, environmental impact, highway and parking issues, community infrastructure, and other considerations.

6.2 **Principle of Development**

6.2.1 The site is located within a fringe area of Upminster Major District Centre where Policy CP4 of the LDF states that town centre hierarchy will be promoted and enhanced by, amongst other things, ensuring that the scale and use of new development is consistent with the role and function of the town centre so as not to harm the vitality of viability of other centres. Policy DC16 is aimed at ensuring that the primary retail function of the district centres is maintained. The application site is, however, located to the rear of the shopping parade and as such has no retail frontage. The relevant policies do not preclude residential development in such locations, indeed wider policy is aimed at promoting the introduction of housing into town centres in order to maintain their vitality. Staff are therefore satisfied that the

proposed development will have no adverse impact on the function of Uppminster town centre and the proposal is considered to be acceptable in principle.

6.3 Design Considerations

6.3.1 Policy DC2 of the LDF stipulates the appropriate residential densities in given areas of the borough. Policy DC61 states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area. The SPD contains guidance in relation to the design of residential development.

6.3.2 The site is located to the east of Corbets Tey Road, to the rear of retail premises and residential properties located in an area with a town centre character. The aforementioned residential properties comprise flats located above retail premises. To the south of the site is a rear access road associated with properties along Corbets Tey Road, along with a church located in a more residential area, comprising a range of suburban house types. Immediately to the east of the site is a nine unit residential scheme having a very similar height, form, and appearance to the proposal. Both the proposal and this neighbouring development would appear to form one development and would effectively function as such, having a shared, gated access and refuse collection facilities.

6.3.3 The application proposes a traditional form of design and construction, and is considered to be in keeping with the character and context of the surrounding area, which is characterised by a mix of house types. The scale and massing of the proposal is considered to be broadly in keeping with the character of the wider area, particularly given the adjoining flatted development located to the east, and older flatted developments to the west. It is recommended that planning conditions be imposed requiring the submission of details relating to the proposed use of materials, boundary treatment, landscaping, refuse storage, and bicycle storage.

6.3.4 Given the nature of the proposal, including its appearance, layout, scale, massing and design in relation to the surrounding area and within the proposed development itself; it is considered that the proposal would have an acceptable impact on the character of the area, and that it would therefore be in accordance with Policy DC61 of the LDF.

6.4 Layout and Amenity Considerations

6.4.1 Policy DC2 of the LDF provides guidance in relation to the dwelling mix within residential developments. Policy DC61 states that planning permission will not be granted for proposals that would significantly diminish local and residential amenity. The Residential Design SPD provides guidance in relation to the provision of adequate levels of amenity space for the future occupiers of new dwellings.

- 6.4.2 It is considered that the siting of the proposed building would not result in any significant adverse impacts on the amenities of neighbouring occupiers, particularly in terms of overlooking, loss of light, and outlook, given the separation distances between the proposal and the location of its fenestration. It is also considered that there are adequate stand-off distances between the proposed building and neighbouring sites that are likely to come forward for redevelopment in future. The proposal's western elevation would be located approximately 16m away from the flats located to the west.
- 6.4.3 The Council has adopted policy, which seeks to guide a higher density of development to those parts of the Borough having good access to public transport. In this instance the application site is ranked as being within a moderate Public Transport Accessibility Level Zone (PTAL 4). The recommended density range in such a location would be between 50 and 110 dwellings per hectare where flats and houses are proposed, and 80-150 dwellings per hectare where "mostly" flats are proposed. The density of the proposed development, when the shared access arrangements are taken into account, would be approximately 133 units per hectare. It is worth bearing in mind that, if the proposal and the adjoining nine-unit scheme are considered together, as a fifteen unit scheme, then the proposal effectively has a density of around 79 units per hectare.
- 6.4.4 Policy 3.5 of the London Plan stipulates minimum internal space standards for new dwellings. These stipulate that one bed flats, for two people, should have gross internal areas of at least 50sqm in area. All of the proposed units exceed these requirements, each being around 55sqm in area.
- 6.4.5 The Council's Residential Design Supplementary Planning Document is of relevance in relation to the setting out of new development and amenity space provision. Unlike previous guidance the SPD does not prescribe fixed standards for private amenity space or garden depths. Instead, the SPD places emphasis on new developments providing well-designed, high quality spaces that are useable. In this respect the private gardens proposed for the ground floor flats and the balconies proposed for the upper floor flats, are considered to be acceptable.

6.5 **Environmental Impact**

- 6.5.1 The Council's Environmental Health officers were consulted about the application with no objections being raised. Conditions have been recommended in relation to land contamination, sound attenuation, and limitations to construction times. It is recommended that these be employed should planning permission be granted.

6.6 **Parking and Highway Issues**

- 6.6.1 The application proposes that the development would be accessed in the same way that the adjoining nine unit scheme would be.

- 6.6.2 The Highway Authority has raised no objections to the proposal. The planning consent issued in relation to the neighbouring nine unit scheme included conditions to ensure that there would be no significant adverse impacts on highway safety and amenity. These involved the approval of details, agreed by the Highway Authority, for the installation of pedestrian safety barriers along Corbets Tey Road. As these arrangements will be made in association with the neighbouring development, which has commenced on site and with which the proposal will share an access, it is not considered necessary to make use of this condition again.
- 6.6.3 A condition was also recommended requiring the approval of details relating to cycle storage, however, it is recommended that this condition be imposed in this case to ensure that the occupiers of the six new units also have access to bicycle storage.
- 6.6.4 As part of the neighbouring scheme, the Highway Authority previously discussed the proposed location of the refuse and recycling storage with Refuse Collection Services, and they were satisfied that refuse would be stored in close enough proximity to the public highway. It had been stated that the distances between the refuse storage and some of the proposed units would be in excess of that allowed by Building Regulations. This had been explained to the neighbouring landowner and it was recommended that an informative be attached to the planning permission, advising the applicant to discuss this matter with the Council's Building Control officers. It is recommended that that informative be employed again in this case, given that the proposal's refuse and recycling storage would be located in the same position.
- 6.6.5 Policy DC2 of the LDF recommends, in this location, the provision of less than 1 parking space per unit where mostly flats are proposed. The proposal under consideration would only involve flats. Three parking spaces are proposed, which is the equivalent of 0.5 spaces per unit. Given the site's location in close proximity to public transport links and Upminster town centre, this is considered to be acceptable. The spaces would be provided in conjunction with the parking for the neighbouring development of nine units, which includes provision for visitor parking. It is, however, recommended that the landowner enters into a planning obligation preventing future occupiers from applying for parking permits.
- 6.6.6 Subject to the use of the afore mentioned condition and obligation, the proposal is considered to be acceptable in respect of parking and highway safety issues and in accordance with Policies DC32, DC33 and DC34 of the LDF.

6.7 **Community Infrastructure**

- 6.7.1 The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The chargeable floor space of the development once the demolition works are

taken into account is approximately 450sqm, which equates to a Mayoral CIL payment of £9,000.

- 6.7.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that, “If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise”. Section 70 of the Town and Country Planning Act 1990 sets out the general considerations for Local Planning Authorities in determining planning applications and Section 70(2) requires that, “in dealing with such an application the authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations”. Paragraph 2 of the National Planning Policy Framework (NPPF) reiterates this: “Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise”.
- 6.7.3 The proposal is liable to a contribution of £36,000 in accordance with adopted Policy DC72 of the Development Plan and the adopted Planning Obligations SPD. These policies are up to date and accord with Paragraph 12 of the NPPF and the proposal should therefore be determined in accordance with these policies unless material considerations indicate otherwise. Staff have had regard to the Planning Policy Guidance (PPG) relating to the application of a residential unit threshold for infrastructure tariff which advises that no contribution be sought for developments of 10 residential units or less and which is a material consideration however officers consider that greater weight should be accorded to up to date Development Plan Policy and the supporting Planning Obligations SPD. Staff consider that this guidance in the PPG does not immediately supersede current adopted policy as set out in the existing development plan and adopted supplementary planning guidance and that greater weight should be given to adopted policy within the development plan.
- 6.7.4 Policy DC6 of the LDF states that for residential developments involving ten units or more, that 50% of the dwellings should be affordable units. In this case, six units are proposed. However, officers have carefully considered the extent to which the proposal, when considered alongside the neighbouring nine-unit development, would constitute a fifteen unit scheme and therefore require the provision of affordable housing. The applicants have submitted evidence demonstrating that the site under consideration and the neighbouring plot have previously been in separate ownership. The two plots did not become part of a single ownership until after the approval and near completion of the neighbouring scheme. As such, it is considered in this case, that the proposed development would not be liable for requirements of Policy DC6.

6.8 Other Considerations

- 6.8.1 Havering's Crime Prevention Design Advisor has recommended a condition requiring the submission of details relating to the way in which "Secured by

Design" standards will be achieved, accompanied by an informative. In the interests of designing out crime, this condition and informative can be imposed should planning permission be granted.

7. Conclusion

- 7.1 The proposed residential development is acceptable in principle. The design and layout of the proposed development is considered to be in keeping with the character and amenity of the locality and would provide a suitably high quality living environment for the enjoyment of future occupiers. There is judged to be no material harm to neighbouring residential amenity arising from the proposal and the application makes acceptable provision for the retention and replacement of landscaping and for environmental protection. The proposal is considered to be acceptable in respect of parking and highways issues.
- 7.2 The proposal is considered to be acceptable having had regard to Policies CP1, CP2, CP9, CP10, CP17, DC2, DC3, DC6, DC7, DC30, DC32, DC33, DC34, DC36, DC40, DC49, DC51, DC53, DC55, DC61, DC63, and DC72 of the LDF and all other material considerations. It is recommended that planning permission be granted subject to the completion of a legal agreement and adherence to planning conditions.

IMPLICATIONS AND RISKS

Financial implications and risks:

None.

Legal implications and risks:

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

There is a risk that the weight accorded to the Development Plan Policy and Supplementary Planning Document on Planning Obligations may be challenged at appeal or through judicial challenge.

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

Planning application P1617.14, all submitted information and plans.

**REGULATORY
SERVICES
COMMITTEE**

5 March 2015

REPORT

Subject Heading:

P1715.14: Harold Wood Junior Mixed & Infants School, Recreation Avenue

Extension and Alterations to existing Kitchen (Application received 6th January 2015).

Ward

Emerson Park

Report Author and contact details:

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

Policy context:

Local Development Framework
The London Plan
National Planning Policy Framework

Financial summary:

None

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

Clean, safe and green borough	<input 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 Local Authority is in receipt of an application that seeks permission for a single storey addition to a previously approved kitchen extension at Harold Wood Junior Mixed and Infants School. The single storey extension is sought in order to provide additional catering facilities to provide for an increase in pupils (the extensions to accommodate this increase were the subject of application P0222.13). The proposed extension would contain staff toilets/changing area and an enlargement of the existing kitchen facilities.

The development proposed, is considered to be acceptable in all material aspects and it is recommended that planning permission is granted subject to conditions.

RECOMMENDATIONS

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

1. Time Limit

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

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

2. Materials

All new external finishes shall be carried out in materials to match those of the existing building, namely brickwork, plain roof tiles and aluminium double glazed windows and doors, to the satisfaction of the Local Planning Authority.

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

3. Accordance with Plans

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

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

4. Hours of Construction

Construction and associated activities at the development, audible beyond the boundary of the site should not be carried out other than between the hours of 0800 - 1800hrs Monday to Fridays and 0800 - 1300hrs on Saturdays and at no other times including Sundays and Public/Bank Holidays, unless otherwise agreed with the Environmental Health Officer.

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

INFORMATIVES

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

REPORT DETAIL

1. Site Description

- 1.1 The application relates to Harold Wood Junior Mixed and Infants School, sited on land to the south of Recreation Avenue, within the Metropolitan Green Belt. The school has already been the subject of a larger scale application for extensions and alterations under ref. P0222.13 which was approved with conditions in May 2013.
- 1.2 The application site is set well away from the highway by means of a gated entrance and driveway and as such is far removed from residential properties. The site is also screened for the most part by trees.
- 1.3 The site is relatively flat and covers an area of approximately 29,166.52m²

2. Description of Proposal

- 2.1.1 Permission is sought for a single storey addition to a previously approved kitchen extension at Harold Wood Junior Mixed and Infants School. The single storey extension is sought in order to provide additional catering facilities to provide for an increase in pupils (the subject of application P0222.13). The proposal would contain staff toilets/changing area and an enlargement of the existing kitchen facilities.
- 2.1.2 The proposal measures 7.08m in depth, 7.58m wide with a flat roof which measures 4.17m. It is noted however following a site visit that ground varies.

3. History

- 3.1 P1431.05 - Installation of internal platform lift, construction of external access ramp and conversion of two store rooms into a disabled WC facility – Approved with conditions

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 with conditions

Q0121.14 - Discharge of conditions 1, 2, 3, 4, 5 & 6 from P0222.13 – All conditions partially discharged.

4. Consultation/Representations

- 4.1 Neighbour notification letters were sent to 14 properties. No letters of objection have been received.
- 4.2 Highways – No objections.
- 4.3 Environmental Health – One comment was registered which recommended a condition relating to hours of construction if minded to grant planning permission.

5. Relevant Policy

- 5.1 Policies DC27, DC28, DC29, DC33, DC45 and DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document are relevant
- 5.2 Also relevant are London Plan Policies 3.18, 6.13, 7.3, 7.4, 7.6 and 7.30 of the London Plan and the National Planning Policy Framework (NPPF)

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.

7. Principle of Development

7.1 The application site lies in the Metropolitan Green Belt. The National Planning Policy Framework (NPPF) states that the construction of new buildings is inappropriate in the Green Belt, unless for one of the specified exceptions. One of these stated exceptions is for limited infilling of previously developed sites, 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. The site has a long standing use as a school and staff consider that the extension, which is surrounded on three sides by built development and has an area of around 50 square metres would qualify as limited infilling and does not have a greater impact on the openness of the Green Belt. The proposal is therefore judged to be acceptable in principle within the Green Belt under the terms of the NPPF.

7.2 Policy DC45, in line with the previous National Guidance contained in PPG2, indicates that extension of buildings other than dwellings or sites designated as Major Development Sites, is inappropriate development. Nonetheless the NPPF adopted by Central Government in March 2012, in this respect supersedes the Council's LDF dating from 2008 and is a material planning consideration. Given that the NPPF is more up to date in this respect Staff consider that the provisions of the NPPF should take precedence in this instance.

7.3 Policy DC29 of the LDF states that educational premises should be of a suitable quality to meet the needs of residents. The development contained herein represents an increase in floor space to accommodate an increase in the number of pupils at the School, which was the subject of application P0222.13. The proposal is considered to be a necessary expansion in order for the school to continue to cater acceptably to the needs of students and thereby the wider community. The proposal is therefore acceptable in principle.

8. Green Belt Implications

8.1 The NPPF states that a local planning authority should regard the construction of new buildings as inappropriate development in the Green Belt. As stated above, limited infilling of previously developed sites is not judged inappropriate where no greater harm occurs to the openness of the Green Belt. The proposal is considered to meet this criteria.

8.2 The application site has already been the subject of an application to extend and alter the form of the original building - by means of connecting and enlarging what was existing. This in itself resulted in an increase of approximately 597m² which represented an increase of 29.6%.

8.3 The subject of this application would result in an additional 54.43m² which is an increase of 2.7% of the existing footprint.

9. **Design/Impact on Street/Garden Scene**

9.1 The proposed infill extension is located centrally and would not be readily visible from the street scene/or adjoining park by virtue of siting. As such staff consider that there would be no adverse impact on visual amenity.

9.2 The proposal relates suitably to the existing layout of the School and the design integrates acceptably with the host building and existing additions/alterations.

10. **Impact on Amenity**

10.1 The nearest residential properties are located on the eastern side of Ravensbourne Crescent and at the access point to the school, the end of Coombe Road/Recreation Avenue and in the cul-de-sac end of Prospect Road.

10.2 The proposed infill extension will pose no harm to neighbouring amenity due to its siting, well away from the boundaries of the site. The proposal is an infill of modest height situated within a recess created when the two original buildings were connected which would not be visible by neighbouring occupiers. The extension is to accommodate an existing increase in pupil numbers and so will not create any material impact in this respect.

11. **Highway/Parking**

11.1 The proposal will not result in any loss of vehicular parking. The proposal does not create an increase in pupil or staff numbers at the school so is not judged to have any material impact in respect of parking demand or traffic.

11.2 The Council Highways Department have raised no objections to the proposed development.

12. **Conclusion**

12.1 Having regard to all relevant factors and material planning considerations staff are of the view that this proposal for a single storey infill extension would be acceptable.

12.2 Staff judge that the proposal would accord with Policy DC29 in relation to providing a quality school environment and would be in accordance with the provisions of the NPPF. Staff consider that the proposal would, subject to the attachment of suitable conditions, be acceptable in all other respects and Staff therefore recommend that planning permission is granted.

IMPLICATIONS AND RISKS

Financial Implications and risks:

None.

Legal Implications and risks:

None

Human Resource Implications:

None.

Equalities and Social Inclusion Implications:

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

BACKGROUND PAPERS

Application form and drawings received 6th January 2015.

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**REGULATORY
SERVICES
COMMITTEE**

REPORT

5 March 2015

Subject Heading:

P1745.14 – 6 Cottons Approach, Romford – Variation of conditions 2 and 3 of planning application L/HAV/1021/80 in order to extend the opening hours and amount of children accommodated at any time in order to utilise the premises as a day nursery during the week and children's parties over weekends (received 08/01/15)

Ward

Brooklands

Report Author and contact details:

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

Policy context:

Local Development Framework
The London Plan
National Planning Policy Framework

Financial summary:

None

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

- | | |
|--|-------------------------------------|
| Clean, safe and green borough | <input checked="" type="checkbox"/> |
| Excellence in education and learning | <input 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 building. The planning application is for permission for the variation of conditions 2 and 3 of planning application L/HAV/1021/80 in order to extend the opening hours and amount of children accommodated at any time in order to utilise the premises as a day nursery during the week and children's parties over weekends. 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. Opening hours: The premises shall not be used for the purposes hereby permitted other than between the hours of 07:00 and 19:00 Monday to Friday and from 9:00 to 17:00 on Saturday and Sunday, 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.

3. The number of children accommodated within the premises hereby approved shall not exceed 65 at any one time, including the applicants own children without the prior consent in writing of the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain control and to avoid disturbance to adjoining residents, and that the development accords with Development Control Policies Development Plan Document Policy DC61

INFORMATIVES

1. Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: No significant problems were identified during the consideration of the application, and therefore it has

been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.

REPORT DETAIL

1. Site Description

- 1.1 The application site comprises a two storey building situated close to the eastern boundary of Cottons Park close to the corner of Cottons Approach and Pettley Gardens. The site is bordered to the west and south by Cottons Park and to the north and east by residential development. The site is Council owned land.

2. Description of Proposal

- 2.1 A previous application under L/HAV/1021/80 was approved on 20/08/1980 for a morning playgroup. This application seeks planning permission for a variation of Condition 2 and 3 of planning permission L/HAV/1021/80 which reads as follows:

Condition 2: The premises shall not be used for the purposes hereby permitted other than between the hours of 9am and 12 noon on Mondays to Fridays and not at all on Saturdays and Sundays.

Condition 3: The number of children accommodated at any one time shall not exceed 25 including the applicants own children

- 2.3 The applicant would like to vary the condition in order to open from 7am to 7pm, Mondays to Fridays and 9am to 5pm, Saturdays and Sundays. The applicant would also like to increase the number of children accommodated at any given time from 25 to 65.
- 2.4 The premises would be utilised from Monday to Friday as a day nursery and out of school provision for children from birth to 11 years old. The premises would be used on Saturdays and Sundays for children's parties from 9am to 5pm for children from 1 year to 11 years old.
- 2.5 The nursery would utilise a small part of the ground floor for a kitchen, store room and lobby and the whole of the first floor for a play area, toilets and store rooms.

3. History

- 3.1 L/HAV/1021/80 – Morning playgroup - Approved

4. Consultation/Representations

4.1 Notification letters were sent to 67 neighbouring properties, 3 letters of representation were received raising the following concerns:

- potential noise as a result of children's parties over weekends

4.2 Highways has raised no objection to the proposal.

5. Relevant Policies

5.1 Policies CP8 (Community facilities), DC55 (Noise) and DC61 (Urban Design) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Documents are material planning considerations. In addition, Policies 3.17 (Health and social care facilities), 6.10 (Walking) and 6.13 (Parking) of the London Plan and Chapter 8 (Promoting healthy communities) of the National Planning Policy Framework is relevant.

6. Staff comments

6.1 *Impact on Local Character and Street Scene*

6.1.1 There would be no impact on the local character and streetscene as there are no external changes proposed.

6.2 *Impact on Amenity*

6.2.1 Policy DC26 supports community uses which do not have a significant adverse impact on residential character and amenity.

6.2.2 Policy DC61 of the LDF Core Strategy and Development Control Policies Development Plan (DP) seeks to ensure, amongst other matters, that development would not result in unacceptable loss of residential amenity.

6.2.3 The subject premises is situated to the eastern side of Cottons Park with the nearest residential properties situated approximately 17.5m to the east along Knightsbridge Gardens.

6.2.4 Although there would be some noise and disturbance associated with the development Staff do not consider it to be unacceptable given the close proximity of the premises to a playground to the south and various sports field located in Cottons Park. The playground and park can be used during all hours of the day every day of the week and would generate a certain amount of noise and disturbance. The proposed opening hours are considered reasonable and would not be unacceptable given existing noise levels in the surrounding area.

6.6 *Highways / Parking Issues*

6.6.1 The application would not raise highways or parking concerns as there is a Council pay and display car park in front of the subject building with 26 parking spaces.

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. Staff are of the view that the proposal would not have an impact on the streetscene and surrounding area 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.

IMPLICATIONS AND RISKS

Financial Implications and risks:

None.

Legal Implications and risks:

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

Human Resource Implications:

None

Equalities and Social Inclusion Implications:

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

BACKGROUND PAPERS

1. Application forms and plans received 8/01/15

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REGULATORY SERVICES COMMITTEE

REPORT

5 March 2015

Subject Heading:

Planning obligations and agreements

Report Author and contact details:

Simon Thelwell
Projects and Regulations Manager
01708 432685

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

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

SUMMARY

Details of S106 agreements can be found as a download from our web page at www.havering.gov.uk/planning. This report updates the position on legal agreements and planning obligations agreed by this Committee during the period 2000-2015

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 2015.

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

5 March 2015

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 8 November 2014 and 13 February 2015

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 December 2014, 39 new appeals have been started. Decisions on 25 appeals have been received during the same period 15 have been dismissed 10 allowed.

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

PLANNING APPEALS

Hearing

Ref	Address	Brief Description
P0987.14	Ivy Lodge Equine Veterinary Clinic Nags Head Lane Upminster	Erection of a detached dwelling for occupation by veterinary surgeon
P0773.13	Tyas Stud Farm r/o Latchford Farm St. Marys Lane Upminster	Change of Use of land to caravan site for 2 pitches for occupation by two gypsy-travellers families with associated hard standing, utility block and septic tank (Retrospective)
P0675.14	14 Beverley Gardens and land r/o 12, 16 and Beverley Gardens Hornchurch	The demolition of number 14 Beverley Gardens, the formation of a new access road, and footpath, and the erection of 2 dwellings consisting of 2 x 3 bedroom bungalows, one with detached double garage and one with integral double garage.
P0700.14	14 Beverley Gardens & land r/o 6-12 Beverley Gardens and 36 and 38 Curtis Road Hornchurch	Demolition of No.14 Beverley Gardens, the formation of a new access road and footpath and the erection of a detached three bedroom bungalow with car port for the parking of two cars and two additional car parking spaces

Written Reps

Ref	Address	Brief Description
P1102.14	54 Marlborough Gardens Upminster	Loft conversion with roof alterations and dormers
P0823.14	28 Tudor Gardens Romford	Erect two storey side and rear extension and alter elevations.
P0746.14	Land r/o 92 Harrow Drive Hornchurch	Erection of 1no. three-bedroom bungalow with off street parking
P0990.14	2 Maylands Avenue Hornchurch	Erection of 2 bedroom dwelling house with associated car parking and private garden space on land adjoining No.2 Maylands Avenue.
P0979.14	27 Burwood Gardens Rainham	Erection of 1 no. two-storey detached house
P1265.13	Waste Management Site Denver Industrial Estate Ferry Lane Rainham	Retention of boundary fencing and enclosed structure
P0677.14	165 St Andrews Avenue Elm Park	Proposed conversion of an existing 2 storey extension of No.165 St Andrews Avenue into a 2 storey dwellinghouse.
P1096.13	110 Balgores Lane (Abbeyfield House) Gidea Park Romford	Change of use from C2 (nursing home) to a House in Multiple Occupation (in a class on its own/Sui Generis)

Written Reps

Ref	Address	Brief Description
P0837.14	117 Briscoe Road Rainham	Erection of 2No. 3-bedroom dwellings
P0907.14	Cranham Golf Course St. Marys Lane Upminster	Proposed Solar Park
P1537.14	Grass Verge adj to Hacton Lane Hornchurch	PLEASE NOTE ALL COMMENT MADE RELATING TO M0010.14 HAVE BEEN TRANSFERRED TO THIS APPLICATION Retention of the existing temporary telecommunications base station for Telefonica UK Limited on the grass verge adjacent to Hacton Lane, Hornchurch, Essex (NGR: 554710E, 186370N) for a further 12 months to allow a permanent replacement base station to be established in the area.
P0809.14	13 Burntwood Avenue Hornchurch	Demolition of the existing care home and the erection of 4 dwellings and an access road (outline application).
P1115.14	26a Carlton Road Romford	Demolition of existing garage and car port and erection of a 2 storey family dwellinghouse.
P1163.14	48,50 & 52 Gubbins Lane Romford	Erection of two-storey detached residential block containing 2No flats
P0867.14	11 Spinney Close Rainham	First floor side extension over existing garage.
P0399.14	12 Collier Row Road Collier Row Romford	Change of Use from A1 to A3
P0868.14	1 Gaynes Road Upminster	Proposed outbuilding.
P0811.14	230 St. Marys Lane Upminster	Demolition of existing mixed use building with re-development of site to create nine new dwellings comprising 1 one-bedroom and 8 two-bedroom units with basement parking.
P0994.14	Lavender House Pages Lane	Proposed outbuilding for use as gymnasium/garden store.
P1193.14	5 Barleycorn Way Hornchurch	Two storey front and side/rear extensions
P1315.14	30 Hood Road Rainham	New front wall and railings
P1347.14	Eastern Avenue West Former petrol service station Romford	Second floor extension to existing mixed use commercial/residential building to provide one additional one bedroom flat.
P1363.14	30 Elms Close Hornchurch	Retention of outbuilding

Written Reps

Ref	Address	Brief Description
J0013.14	Hillside Farm North Road, Havering-atte-Bower	Prior approval application for a proposed change of use of agricultural building to a dwellinghouse.
P0669.13	Land Adj. 330 Abbs Cross Lane Hornchurch	One two storey block of flats providing 6 dwellings 4x1 bed and 2x2 bed. Landscaping of site to form new vehicle access parking and amenity space.
P1282.14	67 Butts Green Road Hornchurch	Demolition of existing dormant office building and replacement with six new build self contained two bed flats with off street parking and boundary treatment.
P1369.14	96 Dorking Road Harold Hill	Two storey side extension
P1583.13	Land Adj 32 Hamilton Avenue Romford	New 3 bedroom dwelling
P1257.14	14 Hall Terrace Romford	New hardstanding and crossover
P1341.14	25 Warrington Gardens Hornchurch	Double storey side and front extension. Single storey rear extension plus Loft conversion with rear dormers and internal alterations
P0869.14	64 Lowshoe Lane Romford	Proposed two storey side extension.
P0665.14	87 The Drive Collier Row Romford	Conversion of House into 2 separate dwellings together with new front porch, minor alterations and new vehicular access
P1161.14	230 Collier Row Lane Romford	Change of use from residential dwelling (C3) to day nursery school (D1), including a garage conversion and erection of a conservatory
P1333.14	7 Wainfleet Avenue Romford	Single storey out building to be erected at the further most extents of rear garden. To serve as a summer house for entertaining/ accommodating guests. Proposal to include: open plan kitchen and dining area, living room, bathroom and bedroom. Also to include the removal of a single temporary timber frame shed to accommodate outbuilding and the removal 3 no. small trees.
Y0208.14	95 Stanley Avenue Romford	Single storey rear extension with an overall depth of 6m from the original rear wall of the dwellinghouse, a maximum height of 2.4m and an eaves height 3.75m

ENFORCEMENT APPEALS

Local Inquiry

Ref	Address	Brief Description
ENF/431/09/RW	Land at Aveley Marshes Rainham	
ENF/515/14/	Land at Aveley Marshes (r/o 9-15 Juliette Way) South Ockendon	

Written Reps

Ref	Address	Brief Description
ENF/335/11/HY	30 Elms Close Hornchurch	
ENF/332/13/BL	Detection House Brooklands Approach Romford	

Summary Info:

PLANNING APPEALS

ENFORCEMENT APPEALS

Total Appeals Started =	<input type="text" value="39"/>	<input type="text" value="4"/>
Number of Hearings =	<input type="text" value="4"/>	<input type="text" value="0"/>
Number of Local Inquiry's =	<input type="text" value="0"/>	<input type="text" value="2"/>
Number of Written Reps =	<input type="text" value="35"/>	<input type="text" value="2"/>
Number of Not Yet Known's =	<input type="text" value="0"/>	<input type="text" value="0"/>
Number of Pre Inqs or Inqs =	<input type="text" value="0"/>	<input type="text" value="0"/>

LIST OF APPEAL DECISIONS MADE BETWEEN 08-NOV-14 AND 13-FEB-15

APPEAL DECISIONS - PLANNING					
Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p>P0585.13 St Mary & St Peters Church Wennington Road Rainham <i>Demolition of existing church hall and store. Construction of new hall with alterations to access road and new external landscaping and parking</i></p>	Written Reps	Approve With Conditions	Committee	<p>The proposed development would result in material harm to the amenities of occupiers of nearby residential properties by reason of the noise and general disturbance that would arise from social functions and other activities held at the new, larger church hall. In particular harm would be caused by external activities including the intensification of vehicular use of the site access and car parking areas and the use of the rear terrace area which would materially affect the reasonable use and enjoyment of rear gardens by residents. These impacts would be contrary to Policies DC26 and DC61 of the Core Strategy and Development Control Polices Development Plan Document and the guidance in the National Planning Policy Framework.</p> <p>The proposed development would result in an increase in the capacity of the church hall and notwithstanding the increased car parking capacity there would still be a shortfall in relation to the adopted car parking standards. This shortfall in on-site car parking for the proposed larger building would be likely to cause overspill car parking in Wennington Road to the further detriment of the amenities of local residents contrary to Policies DC33 and DC61 of the Core Strategy and Development Control Polices Development Plan Document and the guidance in the National Planning Policy Framework.</p>	<p>Allowed with Conditions</p> <p>The appeal site is located in the Green Belt. The NPPF allows for replacement of a building provided the new building would be in the same use and not materially larger than the one it replaces. The Inspector did not consider the proposed development to be materially larger than the existing form and concluded that it would not be inappropriate development and that in terms of impact on openness it would have a similar effect to the existing buildings.</p> <p>As a replacement for an existing facility rather than a new community facility, the proposal would not have a significant adverse effect on either the residential character of the area or the living conditions of the occupants of neighbouring dwellings. On the issue of the protected lime tree, the initial harm resulting from its loss would be outweighed in due course by the presence of its replacement in a more appropriate and sustainable location.</p> <p>Finally, the Inspector considered that the proposal would provide the opportunity for improving the junction between the access driveway and Wennington Road. Subject to the imposition of suitable conditions to achieve improved visibility splays and position of entry gates, the proposed development would not be detrimental to highway safety.</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 08-NOV-14 AND 13-FEB-15

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 102</p>				<p>The proposed development would, by reason of its prominent position, height, bulk and mass, appear as an unacceptably incongruous and visually intrusive feature harmful to the openness of the Green Belt and the character and appearance of the area contrary to Policies DC45 and DC61 of the Core Strategy and Development Control Policies DPD and the guidance in the National Planning Policy Framework.</p> <p>The proposed removal of a preserved tree would have a material impact on public amenity and the character of the area contrary to Policies DC60 and DC61 of the Core Strategy and Development Control Policies DPD.</p> <p>The proposed upgraded access to serve the development would present an increased danger to pedestrians using the footway outside of the site due to the inadequate pedestrian visibility splays that would be provided contrary to Policy DC26 of the Core Strategy and Development Control Policies DPD and the guidance in the National planning policy Framework.</p>	
	<p>P0291.14 24 Avenue Road Romford <i>Proposed single/two storey front & rear extensions</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed first floor front extension would, by reason of its excessive width, bulk and mass, fail to relate acceptably to the subject dwelling and would appear as an unacceptably dominant and visually intrusive feature in the streetscene, and the appearance of the surrounding area, contrary to Policy</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 08-NOV-14 AND 13-FEB-15

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				DC61 of the LDF Core Strategy and Development Control Policies DPD.	character of the locality, given the domestic scale and architectural style of the front extension.
<p>P0813.14 Land rear of Tesco Express Romford Oaklands Avenue Romford <i>Erection of 9 no. 2 bedroom flats with associated amenity space, car park, landscaping, cycle parking and refuse storage</i></p>	Written Repls	Approve With Conditions	Committee	<p>The proposed development would, by reason of its height, bulk and mass, appear as an unacceptably dominant and visually intrusive feature in the streetscene harmful to the appearance of the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD and the Residential Design Supplementary Planning Document.</p> <p>The proposed development, in particular the flatted section closest to 1 Oaklands Avenue, would be out of keeping with and harmful to the predominant single residential dwelling character of this part of Oaklands Avenue, contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD and the Residential Design Supplementary Planning 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>Allowed with Conditions</p> <p>The Inspector considered that the site lies at a transition point between Oakland Avenue and Main Road, where a building of larger bulk and mass might be acceptable. The proposal included a building of traditional design, where the bulk is reduced by the frontage being divided into two distinct elements linked by a glazed staircase. The maximum height of the building would be only slightly higher than the adjacent dwelling. Resultantly the proposal would not appear as dominant and visually intrusive and would be in keeping with the character and appearance of this section of Oaklands Avenue.</p>
<p>P0072.14 Land Adj 1 Tempest Way Rainham <i>Demolition of existing</i></p>	Written Repls	Refuse	Delegated	The proposed development would, by reason of its projection beyond the building line of the properties in Mungo Park Road, appear as an unacceptably	<p>Dismissed</p> <p>The Inspector found that there was no clearly defined prevailing pattern of development in</p>

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Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p><i>garage and construction of a 2 bedroom end of terrace dwelling with private amenity and off street car parking</i></p>				<p>dominant and visually intrusive feature in the streetscene harmful to the appearance of the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD. In the absence of a mechanism to secure a planning obligation towards the infrastructure costs of new development the proposal is contrary to the provisions of the Havering Planning Obligations Supplementary Planning Document.</p>	<p>the locality. Furthermore the proposed development would not appear as unacceptably dominant or visually intrusive within the street scene. On the issue of the financial contribution sought to address the impact of the development on local services and infrastructure; the Inspector considered that it was directly, fairly and reasonably related in scale and kind to the development proposed, satisfies the tests set out within the legislation, and is therefore, necessary. The absence of a unilateral undertaking meant that the proposal is contrary to policy and this outweighed the findings on the first issue</p>
<p>0592.14 30 Lake Avenue Bainham Change of use. Conversion of existing outbuilding to a Granny Annex.</p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The development would, by reason of its ability to be privately and independently occupied, have to potential to be in constant use with no dependency upon the main dwelling, giving rise to increased levels of noise and disturbance, uncharacteristic of this part of the rear garden environment and harmful to neighbouring amenity, contrary to Policy DC61 of the LDF Development Control Policies DPD.</p>	<p>Allowed with Conditions The annexe would be physically independent of the main house with its own sleeping, living, cooking and bathroom areas. Future occupiers could live in it without the need to enter the main house. It would however be dependent on the main house for power and other utilities, for amenity space and for parking and access. The only access to the annexe other than through the main house would be via a narrow path on the south side of the house. The Inspector considered that the appeal proposal would be unlikely to be occupied by anyone other than people closely associated with the occupants of the main house. The issue of occupancy could be satisfactorily controlled by condition as with any ancillary annexe. Finally the use of the outbuilding as a residential annexe would not give rise to</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 08-NOV-14 AND 13-FEB-15

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
					significant adverse impacts on health and quality of life or unreasonable adverse effects on the environment by reason of noise.
<p>P0855.14 Libertie Cottage 12 Orange Tree Hill Havering-Atte-Bower <i>First floor rear extension and part side first floor rear extension to form habitable accommodation</i></p>	Written Reps	Refuse	Delegated	The site is within the area identified in the Core Strategy and Development Control Submission Development Plan Document Policy Plan as Metropolitan Green Belt. The Core Strategy and Development Control Submission Development Plan Document Policy and Government Guidance as set out in NPPF states that in order to achieve the purposes of the Metropolitan Green Belt it is essential to retain and protect the existing rural character of the area so allocated and that new building will only be permitted outside the existing built up areas in the most exceptional circumstances. Insufficient 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 Development Control Policies Development Plan Document Policy. The proposal, by reason of the disproportionate additions to the property and their bulk, design and visual impact, would relate poorly to the design of the original property and unacceptably detract from the appearance of the Havering Ridge Area of Special Character, contrary to Policy DC61 and DC69 of the Development Control Policies Development Plan	<p style="text-align: center;">Dismissed</p> The appeal property is in the Green Belt (GB) and has been extended at the rear and side and also has a large dormer addition. The proposal would constitute inappropriate development in the GB because it would result in disproportionate additions over and above the size of the original building. It would be an incongruous addition to the dwelling and the increase in the volume, bulk and amount of development would reduce and cause harm to, the openness of the GB.

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Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				Document Policy and the Residential Extensions and Alterations SPD.	
A0029.14 129-133 Abbs Cross Lane Hornchurch <i>Retention of illuminated signage on shop frontage</i>	Written Reps	Refuse	Delegated	The 2 no box signs, by reason of their height, design, appearance, colour scheme and size give rise to a cluttered and excessively strident appearance, which is visually intrusive and out of character with the existng building, harmful to the streetscene and the character and appearance of the surrounding area. The proposal will therefore detract from visual amenity and is contrary to Policies DC61, and DC65 of the LDF Core Strategy and Development Control Policies Development Plan Document and the Shopfront Design SPD.	<p style="text-align: center;">Dismissed</p> The Inspector found that the signage would appear overly large and bulky for the size of the shop, appearing box-like and projecting outwards from the building. Due to the size and strident colours, the signage appears dominating, overly cluttered and fussy, detracting from the building's appearance, and thereby harming the character and appearance of the area.
P0660.14 112 Squirrels Heath Road Harold Wood <i>Two storey side extension and single storey rear extension</i>	Written Reps	Refuse	Delegated	The proposed development would, by reason of its design which relates poorly to the original house, appear as an unacceptably dominant, discordant and visually intrusive feature in the streetscene, which would be harmful to the appearance of the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD and the Residential Extensions and Alterations SPD.	<p style="text-align: center;">Allowed with Conditions</p> The Inspector found that the proposal would be subordinate to the host dwelling and of a sufficiently high standard of design so as not to appear as unduly bulky or overbearing to cause a detrimental effect to its character and appearance.
P0744.13 58-60 Station Road Upminster <i>The demolition of existing building and</i>	Written Reps	Refuse	Committee	The proposed development would, by reason of its height and scale would appear as an unacceptably dominant and visually intrusive feature in the streetscene harmful to the character and appearance of the surrounding area	<p style="text-align: center;">Dismissed</p> The proposal is to replace the existing building with a new one comprising two elements, a main building and a rear wing.

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<p><i>construction of new mixed use building with retail use on the ground floor with a cycle store and two bin stores and 7 residential flats on the upper floors.</i></p>				<p>contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD. In the absence of a mechanism to secure a planning obligation towards the infrastructure costs of new development the proposal is contrary to the provisions of the Havering Planning Obligations Supplementary Planning Document and Policy DC72 of the LDF Core Strategy and Development Control Policies DPD.</p>	<p>The proposed main building to Station Road would have a scale, appearance, and presence within the street scene appropriate for its location.</p> <p>The rear wing element in Howard Road would however appear as an unconnected substantial intrusion between the proposed main building and the adjacent dwellings in Howard Road. A four-storey element of the rear wing would appear as an incongruous and ungainly projection above the roofline that would be harmful to the coherence and appearance of the streetscape along Howard Road. Furthermore, the proposal would be harmful to the living conditions of occupants of a building to the north of the site in terms of daylight and sunlight</p> <p>Recently introduced guidance in the Governments Planning Practice Guidance identified circumstances where infrastructure contributions through planning contributions should not be sought. The Inspector concluded that the appellants' not having submitted a planning obligation was not a reason for dismissing the appeal</p>
<p>P0708.14 17 Tudor Avenue Romford <i>Demolition of existing rear conservatory and erection of new ground and first floor rear</i></p>	Written Reps	Refuse	Delegated	The proposed first floor rear extension would, by reason of its excessive depth, scale, bulk and mass, appear as an unacceptably dominant and visually intrusive feature in the rear garden scene. The development is therefore harmful to the character and	<p>Allowed with Conditions</p> <p>The Inspector considered that the scale and design of the proposed extension would be sympathetic to and not cause material harm to the character and appearance to the surrounding area. The proposal would not create an unacceptable loss of outlook for</p>

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Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<i>extensions.</i>				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 reason of its excessive depth 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.	occupiers the neighbouring dwelling in their rear rooms or their rear garden nor, would there be a material loss of either sunlight or daylight to these rooms
<p>P0741.14 54 Marlborough Gardens Wimborne Roof alterations and addition of flat roof dormer to courtyard area</p>	Written Repts	Refuse	Delegated	The proposed roof alteration/extension would, by reason of its excessive scale, bulk, mass and design, appear as an unacceptably dominant and visually intrusive feature to the property, harmful to the character and appearance of the rear garden scene and a detriment to the surrounding area, 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;">Dismissed</p> <p>The proposal was to raise the height of the roof of a single storey link that connects the two one-and-a-half storey elements of the dwelling. The increase in scale, bulk and mass would result in it being less subservient. It would appear as a dominant and visually intrusive feature, harmful to the character and appearance of the surrounding area. Moreover the dormer would not relate well to the windows of the original dwelling in terms of proportion, design and position.</p>
<p>P0259.14 119 Marlborough Road Romford Change of Use from A2 to residential, demolition of disused commercial</p>	Written Repts	Refuse	Delegated	The proposal, by reason of its bulk, mass, depth and prominent side gabled feature, appear as a visually intrusive and overbearing form of development within the streetscene and the neighbouring rear garden environment,	<p style="text-align: center;">Allowed with Conditions</p> <p>The proposed elevation to Marlborough Road would be simple in design and form and of similar height to other buildings nearby. Although wider at the front than the existing building, the proposal would not appear</p>

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Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p><i>premises and erection of 2 No 1 bedroom flats and 2 No 2 bedroom flats with associated amenity space, car parking, access, landscaping and refuse storage</i></p>				<p>resulting in material harm to local character and amenity, contrary to Policies DC3 and DC61 of the Local Development Framework and Supplementary Planning Document on Residential Design.</p> <p>The proposal would, by reason of its height, bulk, mass and design, particularly the location of balconies to the site frontage and the main entrance to the flank of the building, appear out of scale and character with neighbouring development and out of keeping with the prevailing pattern of development in the streetscene, thereby adversely impacting on the character of the locality contrary to Policy DC61 of the Local Development Framework and</p>	<p>excessively wide or out of keeping in the street scene. It would maintain the prevailing pattern and rhythm of the street, creating a corner building with 2 public elevations of design interest, reflecting local design characteristics. The signed and dated unilateral undertaking submitted by the appellant passed the relevant statutory tests.</p>

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Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				<p>Supplementary Planning Document on Residential Design.</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>P0628.14 Emerson Park Court Billet Lane Hornchurch <i>Outline permission for the construction of a crown roof to accommodate three additional flats and associated parking.</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed development would, by reason of its height, bulk and mass, appear as an unacceptably dominant and visually intrusive feature in the streetscene harmful to the character and appearance of the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.</p> <p>In the absence of a mechanism to secure a planning obligation towards the infrastructure costs of new development the proposal is contrary to the provisions of 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;">Dismissed</p> <p>The appeal related to an outline application with all matters reserved however the Inspector found the submitted plans provided a useful indication of the most likely way in which the site might be developed. The additional storey would result in a further storey to what is already a tall building when viewed in the context of the wider street scene that typically comprises two storey buildings. The visual prominence of a further storey would be an incongruous and unacceptable addition to the host building when viewed in the context of the wider street scene in terms of its height, bulk and mass.</p> <p>The Inspector concluded that the absence of a planning obligation meant that the proposal would fail to make provision for local infrastructure necessary to allow the development to proceed in conflict with Policy DC72 was an additional reason to dismiss the appeal.</p>

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Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p>P0823.14 28 Tudor Gardens Romford <i>Erect two storey side and rear extension and alter elevations.</i></p>	<p>Written Repls</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed roof and depth of the first floor rear extension would relate unacceptably to the existing dwelling and appear as a dominant and visually intrusive feature in the street scene and rear garden environment. The development is therefore harmful to the appearance of the surrounding area and contrary to the Residential Extensions and Alterations Supplementary Planning Document and Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.</p> <p>The proposed first floor rear extension would, by reason of its excessive depth and extensive roof area, be an intrusive and unneighbourly development, which would be most oppressive and give rise to an undue sense of enclosure in the rear garden environment to the detriment of residential amenity contrary to the Residential Extensions and Alterations Supplementary Planning Document and Policy DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.</p> <p>The proposed "juliette" balconies would, by reason of its position and proximity to neighbouring property at No.26 Tudor Gardens, result in a perceived and actual loss of privacy due to overlooking which would have a serious and adverse effect on the living conditions of adjacent occupiers, contrary to the London Borough of Havering Supplementary Planning Document for Residential Extensions and Alterations</p>	<p>Dismissed</p> <p>The proposed 2-storey extension at the side would result in significant additional massing at the side of the dwelling visible from the street. This side extension would appear as a bulky and awkward addition, significantly altering the symmetry and unbalancing the pair of dwellings materially harming the character and appearance of the street scene. In respect of outlook and privacy, the proposal would not harm to nearby residents' living conditions.</p>

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Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				and DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.	
P0765.14 129-133 Abbs Cross Lane Hornchurch <i>Retention of shop front shutters & light boxes</i>	Written Reps	Refuse	Delegated	The retention of the shopfront as proposed of which the roller shutters and roller shutter box forms an integral part; would by reason of their prominence and siting, be harmful to the general appearance of this parade of shops and visually intrusive in the streetscene. The proposals are therefore contrary to Policies DC61 of the LDF Core Strategy and Development Control Policies DPD and the provisions of the Shopfront SPD and the NPPF.	<p style="text-align: center;">Dismissed</p> The roller shutter boxes are positioned below the fascia signs, projecting outwards from the face of the shop fronts. They have a bulky appearance appearing disproportionate in scale to the shop front and in combination with the fascia signs, the proposal materially harms the character and appearance of the host building.
P1105.14 150 North Street Romford <i>Demolition of garages and erection of a new build 1 bedroom bungalow.</i>	Written Reps	Refuse	Delegated	The proposed development would, by reason of its bulk and mass, forward of no. 1 The Avenue appear as an unacceptably dominant and visually intrusive feature in the street scene harmful to the appearance of the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document. The proposed development would, by reason of the restricted plot size and positioning of the building close to the boundaries, as well as the limited provision of amenity space, result in a cramped over-development of the site to the detriment of the amenity of future occupiers and the character of the surrounding area contrary to Policy	<p style="text-align: center;">Dismissed</p> The proposed bungalow would sit considerably forward of the front building line of properties in The Avenue and would have a significantly greater mass than the existing garages. In views along The Avenue the dwelling would intrude in the streetscape and appear at odds with the established built form. The density of development on the plot would be high and appear cramped to the detriment of the established character of the area. On the issue of the quality of space and the outlook from the property, the Inspector did not think that this would significantly harm the living conditions of future occupiers of the bungalow.

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				DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document. 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.	
P1193.14 5 Barleycorn Way Hornchurch <i>Two storey front and side/rear extensions</i>	Written Reps	Refuse	Delegated	The proposed development would, by reason of its proximity to the northern boundary of the site, unacceptably reduce the characteristic gap between the subject dwelling and its neighbouring property, giving rise to a terracing effect, which would be harmful to the appearance of the surrounding area, contrary to Policies DC61 and DC69 of the LDF Core Strategy and Development Control Policies DPD.	<p style="text-align: center;">Allowed with Conditions</p> The Council's concerns related to the demolition of the garage and the erection in its place of a two-storey side extension which would lead to the possible terracing effect. However, the Inspector considered that a gap and an appropriate level of separation would remain at first floor level if this proposal was implemented. The Inspector concluded that the proposed development would sit acceptably in its visual context without causing harm.
P0620.14 1 Miller Close Collier Row Romford <i>Single storey dwelling with associated works</i>	Written Reps	Refuse	Delegated	The proposed bungalow would, by reason of its height, bulk and mass, appear as an unacceptably dominant and visually intrusive feature in the streetscene harmful to the appearance of the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD. 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	<p style="text-align: center;">Allowed with Conditions</p> The development would be both larger in footprint and in height than the existing garage. However, it would be modestly sized, sit comfortably within its plot and landscaping could effectively screen it. On the issue of infrastructure contributions, the Inspector found that it would be necessary and directly related to the development. However given the recent changes to guidance that states that contributions should not be sought from developments of 10-units or less, the request for a developer contribution would not relate

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				and Development Control Policies DPD.	in scale and kind to the development.
<p>P1199.13 45 Lower Mardyke Avenue Rainham <i>Proposed two storey side and rear extension including loft conversion. Proposed alteration and pitched roof to existing rear outbuilding.</i></p>	Written Reps	Refuse	Delegated	<p>The proposed single storey front extension when viewed in conjunction with the existing porch would relate unacceptably to the existing dwelling by reason of its excessive depth, scale, bulk and mass and appear as an unacceptably dominant and visually intrusive feature in the streetscene harmful to the appearance of the surrounding area contrary to the Residential Extensions and Alterations Supplementary Planning Document and Policy DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.</p> <p>The two storey side extension would, by reason of its design,height, bulk, mass and roof form, appear as an unacceptably dominant and visually intrusive feature both in the street scene and rear garden environment. As a result, the development is considered to be harmful to the appearance of the surrounding area and damaging to its character, contrary to the Residential Extensions and Alterations Supplementary Planning Document and Policy DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.</p> <p>The two storey side and rear extension would, by reason of its scale, bulk and</p>	<p>Allowed with Conditions</p> <p>The proposed single storey front and two storey side extensions would bring the built form of the host property closer to a neighbouring bungalow. However they would be of an appropriate scale and mass that would provide a degree of subordination to the host property and would not appear unacceptably dominant or visually intrusive within the street scene.</p>

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<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 115</p>				<p>mass, be an intrusive and unneighbourly development, which would be most oppressive and give rise to an undue sense of enclosure to the detriment of residential amenity contrary to the Residential Extensions and Alterations Supplementary Planning Document and Policy DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.</p> <p>The proposed roof of the outbuilding would, by reason of its excessive height and position close to the boundaries of the site, be an unneighbourly development which creates a dominant and visually intrusive feature in the rear garden environment that is harmful to the amenity of adjacent occupiers, contrary to the Residential Extensions and Alterations Supplementary Planning Document and Policy DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.</p>	
	<p>P0990.14 2 Maylands Avenue Hornchurch <i>Erection of 2 bedroom dwelling house with associated car parking and private garden space on land adjoining No.2 Maylands Avenue.</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposal by reason of its scale and siting in relation to the building line in South End Road would be a cramped overdevelopment of this site, visually intrusive and out of character in the streetscene harmful to the character and appearance of the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.</p> <p>In the absence of a mechanism to secure a planning obligation towards the infrastructure costs of new development</p>

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Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				the proposal is contrary to the provisions of the Havering Planning Obligations Supplementary Planning Document and Policy DC72 of the LDF Core Strategy and Development Control Policies DPD.	infrastructure costs of the proposal reinforced the objection to the scheme.
P0867.14 11 Spinney Close Rainham <i>First floor side extension over existing garage.</i>	Written Reps	Refuse	Delegated	The proposed first floor extension located above an existing garage would, by reason of its particular relationship with the adjoining neighbour, No.9 Spinney Close and its bulk, depth, and height dominate and overbear this neighbour and result in general loss of amenity and light. The development is therefore considered to be an intrusive and unneighbourly form of development and is therefore contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.	<p style="text-align: center;">Dismissed</p> The proximity of the proposed extension and its orientation towards the neighbouring property would lead to very close and direct overlooking into their garden and conservatory and would lead to a serious loss of privacy to the neighbouring occupants. Furthermore, given its proximity and its height, it would lead to a likely reduction in levels of daylight and sunlight to the rooms of the neighbour that face to the rear.
P0868.14 Gaynes Road Upminster <i>Proposed outbuilding.</i>	Written Reps	Refuse	Delegated	The proposal makes insufficient provision within the site for sight visibility plays. As a consequence the movement of vehicles in and out of the building would create conditions highly detrimental to pedestrian and highway safety, contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.	<p style="text-align: center;">Dismissed</p> The proposed garage would be constructed close to the boundaries of the site, and its walls would significantly restrict visibility, with any vehicle needing to emerge onto the footway in advance of clear views of the path. Visibility would be even more restricted if vehicles were to reverse from the garage. The footpath in front of the appeal site was well used and would create unacceptable highway hazards to pedestrians.
P0979.14 27 Burwood Gardens Rainham <i>Erection of 1 no. two-storey detached house</i>	Written Reps	Refuse	Delegated	The proposed development would, by reason of its prominent side garden location, siting, design and position close to the boundaries of the site, form an incongruous and awkward feature within the streetscene, to the detriment	<p style="text-align: center;">Dismissed</p> The proposed house would be located very close to the boundary with the highway at its south western corner. The nearness of a two storey house at this position would be out of character with the pattern of development

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Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				<p>of the character of the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.</p> <p>In the absence of a mechanism to secure a planning obligation towards the infrastructure costs of new development the proposal is contrary to the provisions of the Havering Planning Obligations Supplementary Planning Document and Policy DC72 of the LDF Core Strategy and Development Control Policies DPD.</p>	<p>seen in the locality and appear unduly imposing and obtrusive in views along the street.</p> <p>The Council's request for a planning obligation was considered necessary, directly related to the development and fairly and reasonably related in scale and kind. However, no completed obligation was submitted and this was contrary to Policy DC72 and the SPD</p>
<p>P1315.14 30 Hood Road Rainham <i>New front wall and railings</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed boundary treatment would, by reason of its height, bulk and mass, appear as an unacceptably dominant and visually intrusive feature in the streetscene harmful to the appearance of the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.</p>	<p style="text-align: center;">Dismissed</p> <p>The Inspector considered that the proposed front and right wall and railings, would be prominent when approaching along Hood Road from the north-east, where they would significantly diminish the open and spacious character in this part of the street scene. Whilst fear of crime was a material consideration, it did not outweigh the significant harm that the scheme would cause to the character and appearance of the area.</p>

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TOTAL PLANNING = 24

LIST OF APPEAL DECISIONS MADE BETWEEN 08-NOV-14 AND 13-FEB-15

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
APPEAL DECISIONS - ENFORCEMENT					
Description and Address	Appeal Procedure			Reason for Refusal	Inspector's Decision and Comments
ENF/419/14/ Watermans 53/57 Junction Road Romford	Written Reps				Dismissed Both trees have been pruned , but this does not distract from their appearance and they make a significant , positive contribution to the local amenity.

TOTAL ENF =

LIST OF APPEAL DECISIONS MADE BETWEEN 08-NOV-14 AND 13-FEB-15

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
Summary Info:					
Total Planning =		24			
Total Enf =		1			
Appeals Decided =		25			
Appeals Withdrawn or Invalid =		0			
Total =		25			
	Dismissed		Allowed		
Hearings	0	0.00%	0	0.00%	
Inquiries	0	0.00%	0	0.00%	
Written Reps	15	60.00%	10	40.00%	

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REGULATORY SERVICES COMMITTEE

REPORT

5 March 2015

Subject Heading:

Schedule of Enforcement Notice

Report Author and contact details:

Simon Thelwell
Projects and Regulations Manager
01708 432685

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

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

SUMMARY

Attached are schedules detailing information regarding Enforcement Notices updated since the meeting held on 4 December 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 Royston ENF/36/14/	Planning permission expired	Delegated	13-02-14	13-03-14
14 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
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

ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	DATE OF COMMITTEE AUTHORITY	ENFORCEMENT NOTICE SERVED	APPEAL LODGED
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
Unit 4 Detection House Brooklands Approach Romford ENF/332/13/BL	Alleged unauthorised Change of Use to a Church	Delegated	21-10-13	20-11-14

ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	DATE OF COMMITTEE AUTHORITY	ENFORCEMENT NOTICE SERVED	APPEAL LODGED
Tyas Stud Farm r/o Latchford Farm St. Marys Lane Upminster ENF/177/13/UP	Change of Use of land to caravan site for 2 pitches for occupation by two gypsy-travellers families with associated hard standing, utility block and septic tank (Retrospective)	Delegated	05-12-14	15-01-15
30 Elms Close Hornchurch ENF/335/11/HY	Without planning permission, the unauthorised construction of a single storey outbuilding in the rear garden of the main dwelling in the area hatched black on the attached plan ("the Outbuilding")	Committee 21-08-14	21-10-14	13-11-14
Austral Drive Hornchurch ENF/397/12/ST	Alleged unauthorised patio/decking	Committee 03-10-13	23-12-13	30-01-14

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SCHEDULE B

ENFORCEMENT NOTICES – LIVE CASES.

ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	DATE OF COMMITTEE AUTHORITY	NOTICE ISSUED	NOTICE SERVED	APPEAL LODGED	APPEAL DECISION	COMMENTS
South side of Lower Bedford's Road, (Hogbar Farm) west of junction with Straight Road, Romford	(1) Siting of mobile home and touring caravan. (2) Earth works and ground works including laying of hardcore.	28.6.01 Delegated	6.9.01 31-05-02	10.9.01 31-05-02	6.11.01 Grounds (a) and (g)	Allowed 14.2.03 Notice quashed temporary planning permission granted Dismissed and extended the compliance to 15 months	Temporary planning permission granted for one -year period – expired Feb 2004. Monitoring. In abeyance pending adoption of new Planning Guidance. 2 February Regulatory Services Committee agreed to hold enforcement decisions in abeyance pending above. Traveller site policy incorporated within LDF.
Land junction of Lower Bedford's Road (Vinegar 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, Launder's 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	Further appeal lodged 13-02-14 See schedule A
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
60 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	On- going prosecution , 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	Prosecuted –pursuing compliance
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	Notices complied with
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
Wegar 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

ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	DATE OF COMMITTEE AUTHORITY	NOTICE ISSUED	NOTICE SERVED	APPEAL LODGED	APPEAL DECISION	COMMENTS
Folkes Farm Folkes Lane Upminster	Use Notice A	Delegated	24-04-14	24-04-14			Pursing compliance
Folkes Farm Folkes Lane Upminster	Use Notice B	Delegated	24-04-14	24-04-14			Pursing compliance
Folkes Farm Folkes Lane Upminster	Use Notice C	Delegated	24-04-14	24-04-14			Pursuing compliance
Folkes Farm Folkes Lane Upminster	Use Notice D	Delegated	24-04-14	24-04-14			Pursuing compliance
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
1 Spinney Close Rainham	Development	Committee 17-07-14	26-08-14	26-08-14			Pursuing compliance
Leprechauns Gerpins Lane Upminster	Development	Delegated	26-08-14	26-08-14	29-08-14		See Schedule A
Unit 4 Detection House Brooklands Approach	Use	Delegated	21-10-14	21-10-14	20-11-14		See Schedule A

ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	DATE OF COMMITTEE AUTHORITY	NOTICE ISSUED	NOTICE SERVED	APPEAL LODGED	APPEAL DECISION	COMMENTS
Romford							
30 Elms Close Hornchurch	Development	Committee 21-08-14	21-10-14	21-10-14	13-11-14		See Schedule A
Land at Aveyley Marshes Rainham	Use	Committee 30-01-14	22-09-14	22-09-14	27-10-14		See Schedule A
Tyas Stud Farm r/o Latchford Farm St Marys Lane Upminster	Use/Development	Delegated	05-12-14	05-12-14	15-01-15		See Schedule A
Land at Yard 3 Clockhouse Lane Collier Row Romford	Use/Development	Delegated	14-01-15	15-01-15	16-02-15		Pursing compliance

REGULATORY SERVICES COMMITTEE

REPORT

5 March 2015

Subject Heading:

Prosecutions update

Report Author and contact details:

Simon Thelwell
Projects and Regulations Manager
01708 432685

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

Clean, safe and green borough	[x]
Excellence in education and learning	[]
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 has been one prosecution this quarter where in conjunction proceedings were taken under the Proceeds of Crime Act 2002.

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

Appendix 1

Address	Summary of Breach	Legal Action	Outcome
72 Crow Lane Romford	Alleged unauthorised use of outbuilding as residential accommodation	23-01-2015 Snaresbrook Crown Court	Found Guilty Fined £1,500 Cost awarded to LBH £17,840.35 Plus Proceeds of Crime £6,103.04

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