



Havering

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

REGULATORY SERVICES COMMITTEE AGENDA

7.30 pm

**Thursday
18 June 2015**

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

Members 11: Quorum 4

COUNCILLORS:

**Conservative
(5)**

Robby Misir (Chairman)
Melvin Wallace (Vice-
Chair)
Ray Best
Philippa Crowder
Steven Kelly

**Residents'
(2)**

Stephanie Nunn
Reg Whitney

**East Havering
Residents'(2)**

Alex Donald
Linda Hawthorn

**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 - 22)

5 P0572.15 - 58 HEATH DRIVE, ROMFORD (Pages 23 - 28)

6 P0382.15 - BRIAR ROAD SHOP SITE, ROMFORD (Pages 29 - 54)

- 7 **P2246.07 - ANGEL WAY RETAIL PARK** (Pages 55 - 60)
- 8 **P0592.15 - SULLENS FARM, UPMINSTER** (Pages 61 - 86)
- 9 **L0003.15 - SULLENS FARM, UPMINSTER** (Pages 87 - 96)
- 10 **PLANNING OBLIGATIONS/LEGAL AGREEMENTS** (Pages 97 - 100)
- 11 **PLANNING AND ENFORCEMENT APPEALS RECEIVED, PUBLIC INQUIRIES/HEARINGS AND SUMMARY OF APPEAL DECISIONS** (Pages 101 - 138)
- 12 **SCHEDULE OF ENFORCEMENT NOTICES** (Pages 139 - 154)
- 13 **PROSECUTIONS UPDATE** (Pages 155 - 156)
- 14 **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
- 15 **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.
- 16 **CHIEF EXECUTIVE'S REPORT CONTAINING EXEMPT INFORMATION** (Pages 157 - 304)

Andrew Beesley
Committee Administration
Manager

Regulatory Services Committee

18 June 2015

Application No.	Ward	Address
P1455.14	Pettits	110 Lower Bedfords Road
P0345.15	Havering Park	Windy Ridge, Orange Tree Hill
P0483.15	Upminster	Coopers Co and Coborn School, St Mary's Lane

OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 18th June 2015

APPLICATION NO. P1455.14

WARD: Pettits

Date Received: 27th October 2014

Expiry Date: 22nd December 2014

ADDRESS: 110 Lower Bedfords Road
Romford

PROPOSAL: Single storey side extension and front porch, installation of lantern above the main roof and above the single storey rear extension, alterations to existing front dormer.

DRAWING NO(S): GA4000
GA4001 Rev B
GA4002 Rev B
GA4007
GA4004 Rev C
GA4005 Rev B
GA4006
GA4003 Rev B

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 a rectangular shaped plot of land on the south side of Lower Bedfords Road RM1. The site has a width of 35 metres and a depth of 60 metres and is located within the Metropolitan Green Belt. The site is occupied by a detached house and is one of a row of detached and semi-detached houses along this part of Lower Bedfords Road. To the north of the site, across Lower Bedfords Road is Bedfords Country Park; to the south is a field; to the east is a service road giving access from Lower Bedfords Road to the rear of 112 Lower Bedfords Road which is a single storey detached house 18 metres to the east; to the west across a paddock is 98 Lower Bedfords Road, a single storey detached house 65 metres away.

In common with other houses in the road the property is set well back from the highway. It is accessed via two gateways set in the front garden wall - one to the east and the other to the west. To the front of the house is an area of hard-standing and to the rear a large garden. The ground slopes from north to south.

The dwelling is a detached single storey house with a hipped roof and front and rear dormer windows. There is a single storey extension to the east side of the house providing a garage and a single storey rear extension which is in use as a living room. Both of these additions were completed some time ago.

DESCRIPTION OF PROPOSAL

The proposal was originally for a part single, part two storey side extension and a first floor front extension above the front door supported by Doric columns.

After discussions with officers the proposal has been reduced in format and scale and now comprises a single storey side extension behind the existing garage and a front porch formed by infilling space around

the front door under an existing canopy which runs along the front of the house. The front elevation of the house is to be refurbished with the existing render finish removed to reveal the underlying brickwork and the double garage door replaced with windows. Alterations to the fenestration of the existing front dormer are also proposed.

The proposal also involves the installation of a lantern in the main roof and above the existing single storey rear extension.

RELEVANT HISTORY

D0081.14 - Application for a Certificate of Lawfulness for outbuilding and ancillary gym. A Certificate was issued and the proposal is being built out.

D0219.13 - Application for a Certificate of Lawfulness for 2 outbuildings (Side garage and rear storage room), within the curtilage of the dwellinghouse. A Certificate of Lawfulness was refused as it was considered that the outbuilding would not be incidental to the enjoyment of the dwellinghouse.

P0889.11 - Planning permission was refused in 2011 for the erection of a new dwelling on adjacent land.

P0608.11 - Planning permission was refused in 2011 for first floor front and rear extensions to the house to create a full first floor; two storey front bay projections and a new roof with one front and two rear dormer windows as the proposal represented an 85% increase in volume over the original property and the design of the proposals were considered to be out of keeping with the character of the area and harmful to the Green Belt.

P0996.88 - Planning permission was granted in 1988 for the rear extension and garage replacement.

2154/80 - Planning permission was granted in 1981 for a single storey side extension repositioning an existing precast garage.

236/57 - Planning permission was granted in 1957 for a room in the roof space.

CONSULTATIONS / REPRESENTATIONS

Consultation letters were sent to neighbouring properties, a site notice was displayed and an advertisement published in a local newspaper. No responses have been received.

Thames Water - No objection.

Essex and Suffolk Water - No objection subject to a metered connection being made to the company's network for revenue purposes.

London Fire Brigade Water - No objection.

London Borough of Havering Highways - No objection.

RELEVANT POLICIES

LONDON PLAN

Policy 7.6 - Architecture

Policy 7.16 - Green Belt

LDF

DC45 - Appropriate Development in the Green Belt

DC61 - Urban Design

SPD9 - Residential Extensions and Alterations SPD

MAYORAL CIL IMPLICATIONS

The proposal would involve the formation of less than 100 square metres of new floor area and is therefore not liable for Mayoral CIL.

STAFF COMMENTS

The issues arising from this application are the principle of development within the Green Belt, design and amenity considerations.

GREEN BELT IMPLICATIONS

The site is within the Green Belt and so the main issues are:

- Whether the proposal would be inappropriate development for the purposes of the National Planning Policy Framework (the Framework) and the development plan;

- The effect of the proposal on the openness of the Green Belt and the character and appearance of the surrounding area;

-If the proposal is inappropriate development, whether the harm caused by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify it.

APPROPRIATENESS

Paragraph 89 of the National Planning Policy Framework states that extension or alteration of a building are not inappropriate in the Green Belt provided that they do not result in disproportionate additions over and above the size of the original building.

The proposal would constitute extensions to an existing house. The development is therefore considered to be appropriate to the Green Belt, provided that it is judged that the replacement has no greater impact on the openness of the Green Belt. This issue is addressed below.

OPENNESS

Calculations based on the submitted plans show that the volume of the original house was 610 cubic metres. The subsequent front and rear dormer additions, garage and the rear extension added 350 cubic metres to this (an increase in volume of 45%) and the proposed side extension and porch would add a further 176 cubic metres. The addition of the side extension and porch when considered with the dormer windows, garage and the rear extension would increase the volume of the original house by 526 cubic metres - 86% which would be in excess of the limit of 50% imposed by Policy DC45 of the Local Development Framework.

This is a considerable overall increase in volume, however apart from the relatively small infill porch which has a width of 4.52 metres and a depth of 1.2 metres, the development would not be readily visible from any public place as the side extension would be obscured from view by the existing house and garage and even oblique views from Lower Bedfords Road would be prevented by existing vegetation and fencing behind that. Additionally the side extension would not project beyond the existing side or rear building lines of the existing dwelling, so would not project further into the surrounding Green Belt land than the house currently does.

On balance it is considered that the proposal would not be detrimental to the openness of the Green Belt.

DESIGN / IMPACT ON STREET / GARDEN SCENE

The application site is on a part of Lower Bedfords Road characterised by widely separated single storey residential properties. An extensive public open space and nature reserve lies on the northern side of this road and to the south is a field

As described above, the extension would not be easily visible from any public place. It is considered that the refurbishment of the front of the house which includes the removal of the existing render and the exposure of the brick beneath would give the house a more rural character more in keeping with its location. The proposed roof lantern above the rear extension would not be visible from the road and it is considered that the lantern proposed as a part of the main roof would not appear unduly dominant and would add interest to the building.

IMPACT ON AMENITY

There are no amenity issues. The proposal is set well away from the nearest property to the east and would not result in any material loss of outlook, daylight or sunlight. There are no side windows to the extension and so no issues of overlooking.

HIGHWAY / PARKING

There is a generous hardstanding to the front of the house and there are no parking issues. Highways officers have stated that they have no objection to the proposal.

KEY ISSUES / CONCLUSIONS

The proposal is contrary to Policy DC45 of the Local Development Framework because when taken with other additions to the building which have been made over the past 58 years it would contribute to an increase in volume of the original house of 86%. However as it is not considered that the development

would harm the character or openness of the Green Belt or harm the amenity of neighbouring occupiers the proposal is recommended for approval.

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. SC09 (Materials) (Pre Commencement Condition)

No works shall take place in relation to any of the development hereby approved until samples of all materials to be used in the external construction of the building(s) are submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed with the approved materials.

Reason:-

Insufficient information has been supplied with the application to judge the appropriateness of the materials to be used. Submission of samples prior to commencement will 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. SC32 (Accordance with plans)

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

Reason:-

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

4. SC46 (Standard flank window condition)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order), no window or other opening (other than those shown on the submitted and approved plan,) shall be formed in the flank wall(s) of the building(s) hereby permitted, unless specific permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

Reason:-

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

5. SC62 (Hours of construction)

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

Reason:-

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

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 following revision

Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: In accordance with para 186-187 of the National Planning Policy Framework 2012, improvements required to make the proposal acceptable were negotiated with Simon Dossery of SD Designs (UK) Ltd by telephone in March 2015. The revisions involved removal of the first floor components of the scheme. The amendments were subsequently submitted on 17 March 2015 and 27 May 2015.

OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 18th June 2015

APPLICATION NO. P0345.15
WARD: Havering Park Date Received: 10th March 2015
Expiry Date: 5th May 2015
ADDRESS: Windy Ridge
Orange Tree Hill
Havering-atte-Bower
Romford
PROPOSAL: Replacement dwelling - 7 Bedroom Dwelling to 6 Bedroom Dwelling
DRAWING NO(S): 320/001/04
320/001/05
320/001/06
320/001/07
320/001/08
320/001/09
320/001/10
320/001/11
320/001/12
320/001/13
01 Rev. E
02 Rev. E
03 Rev. E
05 Rev. C
06
L1
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 is located to the western side of Orange Tree Hill, with its entrance approximately 56m north of the junction with Pinewood Road. The site measures approximately 2.35ha and currently has a large dwelling which has been extended over the years. Towards the west, the site abuts woodland whilst the northern boundary abuts the Havering-Atte-Bower Conservation Area. Towards the east opposite Orange Tree Hill is the Orange Tree Pub and Bower Farm Cottage, a Grade II Listed Building. The remainder of the area is characterized by cottages on the eastern side of Orange Tree Hill and more modern dwellings south of the application site, on the western side of Orange Tree Hill.

The site is within the Metropolitan Green Belt and also forms part of the Havering Ridge Area of Special Character. Ground levels on the site drop significantly from east to west. The site is characterised by mature trees and dense vegetation which also screen views of the site from Orange Tree Hill. Towards the front (eastern boundary) is a low level brick wall with fencing and entry gates.

DESCRIPTION OF PROPOSAL

The Council is in receipt of a planning application seeking permission for the demolition of the existing dwelling and to construct a replacement dwelling.

The proposed dwelling would not be in the same location as the existing dwelling, being in a location slightly north-west. The proposed dwelling would have a footprint of approximately 411m² (as opposed to the existing dwelling which is 445m²).

The dwelling would have an overall width of 32.5m (existing width is 37m) and a depth of 18m (existing depth is 18m) when measuring the front elevation. The building would be finished with a low hipped ended dual pitched roof with two front gable features and would have a height of 9m to the top of the ridge of the main roof (existing dwelling is 7.2m high), as measured from the front elevation. Due to the drop in ground levels, the finished floor level would be set approximately 1.3m above ground level to the rear elevation.

The proposal also indicates a new gravel driveway and hardstanding to the front of the dwelling.

RELEVANT HISTORY

ES/ROM/287/49 - Addition at rear - Approved

ES/ROM/438/62 - Alteration to bungalow - Approved.

ES/ROM/468/62 - House - Approved.

L/HAV/1403/66 - Extension to private garage - Approved.

L/HAV/359/67 - 6 Dwellings - Refused.

L/HAV/74/69 - 2 New dwellings - Refused.

L/HAV/666/69 - Extensions - Approved.

L/HAV/2242/71 - Swimming pool and cover - Approved.

L/HAV/451/84 - 1st Floor extension - Approved.

There is extensive history dating back to 1949 when permission was originally granted for an extension towards the rear. Staff were unable to obtain drawings of this extension. It was however noted that the original building used to be a bungalow which had a footprint of approximately 125sq metres however, this is an estimation and is not the exact figure.

Evidence from the drawings of the 1962 application (Planning Ref: ES/ROM/438/62) is that an additional rear extension was granted planning permission.

The first appearance of a 1st floor addition to the dwelling was when permission was granted in 1969 (Planning Ref: L/HAV/666/69). The application involved various extensions and additions to the bungalow, including a substantial conservatory towards the rear.

The bungalow was fully converted to a 2-storey dwelling when permission was granted in 1984 (Planning Ref: L/HAV/451/84) for 1st floor extensions.

P0251.11 - Proposed Replacement Dwelling - Withdrawn

P1928.11 - Demolition of existing buildings and erection of replacement dwelling and garage with extension to access driveway and landscaping - Withdrawn

D0147.12 - Certificate of Lawfulness for garden curtilage - Withdrawn

E0008.13 - Certificate of lawfulness for existing use of land as residential curtilage - Planning permission not required

P1210.14 - Proposed 6 bedroom replacement dwelling and detached garage - Refused

CONSULTATIONS / REPRESENTATIONS

The application has been advertised on site and in the local press as development contrary to Green Belt policies. Neighbour notification letters have also been sent to 7 local addresses. At the time of drafting this report, 1 letter of representation has been received, raising objections in respect of the following:

- House has been extended over time from a two bedroom to a four bedroom house
- Adverse impact on neighbouring amenity in terms of noise pollution, loss of light and loss of privacy

Highways has raised no objection subject to a construction method statement and wheel washing conditions.

English Heritage (Archaeology) has not raised any objection to the proposal.

RELEVANT POLICIES

LDF

CP14 -	Green Belt
CP17 -	Design
DC3 -	Housing Design and Layout
DC33 -	Car Parking
DC45 -	Appropriate Development in the Green Belt
DC61 -	Urban Design
DC69 -	Other Areas of Special Townscape or Landscape Character
SPD4 -	Residential Extensions & Alterations SPD
SPD9 -	Residential Design SPD

OTHER

LONDON PLAN - 3.8 -	Housing choice
LONDON PLAN - 7.16 -	Green Belt
LONDON PLAN - 7.4 -	Local character
NPPF -	National Planning Policy Framework

MAYORAL CIL IMPLICATIONS

The proposed dwelling would not result in an increase in floor space and would therefore not be CIL liable.

STAFF COMMENTS

The issues arising from this application are whether the development is acceptable in principle and, if not, whether there are very special circumstances sufficient to justify the development; the impact on the character and openness of the Green Belt, the impact on the street scene, the Havering Ridge Area of Special Character and adjoining Conservation Area, impact on local amenity, parking and highway issues.

BACKGROUND

The current application differs from the previous refusal under P1210.14. The house now proposed is reduced in size by comparison to that refused. The principle areas where changes have been made are in a lowering and contracting of the roof and reducing the length and height of the swimming-pool enclosure. The agent has stated that the previous refusal had an internal volume of 2460 cubic metres whereas the current proposal has an internal volume of 1645 cubic metres. The existing dwelling has an internal volume of 1705 cubic metres.

PRINCIPLE OF DEVELOPMENT

The application site falls within the Metropolitan Green Belt where National and local policies refer to a presumption against inappropriate development in Green Belt areas.

Policy DC45 states that extensions, alterations and replacement of existing dwellings will be allowed provided that the cubic capacity of the resultant building is not more than 50% greater than that of the of the original dwelling.

Paragraph 89 of the National Planning Policy Framework (NPPF) states that the replacement of a building may be acceptable in the Green Belt provided that the new building is in the same use and not materially larger than the one it replaces.

The existing dwelling has an external volume of 2601 cubic metres and covers a footprint of 445m²(volume and area calculated under P0251.11) whilst the volume of the proposed dwelling would be approximately 2595 cubic metres with a footprint of 411m². The proposed dwelling would also have a height of 9m to the top of the ridge of the main roof and the existing dwelling has a maximum height of approximately 7.2m. The proposed dwelling is therefore not materially larger than the one it replaces and for this reason, Staff consider the development to be in accordance with the NPPF and acceptable in principle.

GREEN BELT IMPLICATIONS

The proposal is for the replacement of an existing dwelling, the replacement dwelling would be slightly smaller, having a volume of 2595 cubic metres compared to the volume of the existing dwelling of 2601 cubic metres (volume calculated under P0251.11). The proposal would involve the demolition of the existing dwelling which would be replaced by a new dwelling with a footprint of approximately 411m² and a height of 9m to the top of its ridge (measured from ground level at the front elevation). History records indicate that the original building was a bungalow which had a footprint of approximately 125sq metres. The bungalow was subject to various extensions and alterations which resulted in a 2-storey dwelling with a footprint of 445m² (area calculated under P0251.11) and a height (measured from ground level at the front elevation) of 7.2m. The existing dwelling also has a driveway with a graveled area towards the front for car parking and a double garage towards the side.

Where the NPPF refers to the size of replacement dwellings over and above the dwelling it replaces, the

Council's LDF Policy DC45 states that replacement of existing dwellings will be allowed provided that the cubic capacity of the resultant building is not more than 50% greater than that of the original dwelling. The original bungalow is estimated to have had a volume of approximately 488 cubic metres and the proposal would therefore be 431% more than that of the original bungalow. This is clearly in excess of what would normally be acceptable. Nonetheless, the written justification to the policy makes it clear that regard is to be had to the size of the original property and states that, in the case of small properties, it may be appropriate to permit more substantial extensions. This is, of course, subject to there being no harm to the Green Belt.

Given that the proposed dwelling would have a reduced footprint and volume to that of the existing dwelling, Staff are of the opinion that the proposal would not result in an unacceptable impact to the openness of the Green Belt over and above that which is currently present.

DESIGN / IMPACT ON STREET / GARDEN SCENE

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

The application site is on a large plot with mature trees and dense vegetation to its boundaries allowing no or very limited views from the public domain. The proposal would be set back from the edge of Orange Tree Hill by 90 metres and in conjunction with the screening formed by vegetation, would not be visible from the street scene. It is therefore not considered that the development would have any harmful impact on in terms of its visual appearance from the street scene.

Notwithstanding the proposal's negligible impact on the character of the street scene, Windy Ridge abuts the boundary of the Havering-Atte-Bower Conservation Area which is towards the north and east of the application site. Although the application site itself does not form part of the Conservation Area, it falls within the Havering Ridge Area of Special Character and would ultimately have an impact on the character and appearance of the nearby Conservation Area.

Policy DC69 of the LDF states that planning permission will only be granted in areas of special townscape or landscape character if it maintains or enhances the special character area. Havering Ridge was recognised by the former London Planning Advisory Committee as an Area of Special Character because of its skyline character and the panoramic views it affords of Central London. It has also been identified by English Heritage as an Area of Heritage Land for its combined intrinsic value for landscape, historic and nature conservation interest. Even if a development is generally acceptable in terms of Green Belt policy, the Council will ensure that any development has regard to the special character of the area.

The Havering-Atte-Bower Conservation Area retains much of the form and characteristics of an Essex village of medieval origin, focusing on the core elements of church, vicarage, large manor houses with farms, school and public houses. The survival of traditional joinery in many houses is an important bonus, which contributes to the generally good quality of the building fabric. Bower Farm Cottage, a Grade II Listed Building, is directly opposite the application site. The negative impacts recorded in the area relate to a number of very low quality alterations to the C19th and 20th century houses on the west side which are not

in the conservation area but nonetheless affecting it.

History records indicate that the original building was a single storey bungalow. The bungalow has been extended substantially over the years in most directions and is an eclectic mix of styles. Original features has not been faithfully replicated in the extensions with proportions incorrect, the roof space a mix of styles and fenestration overall a mixture that creates no theme or character that would reflect any specific style of the local vernacular. The existing building has no contribution to the special character area.

In light of the poorly designed condition of the existing building, the distance of the proposal from its site boundaries and the vegetation to the site boundaries, Staff are of the opinion that the proposed new dwelling would not adversely affect the special character of the Havering Ridge. The proposed building will not be widely visible within the vicinity of the property and from the conservation area, or within long range views. Appropriate conditions can be imposed to require the submission of material samples and the retention of the mature trees within the grounds which will ensure that the character of the ridge is maintained.

For the reasons mentioned above, it is considered that the proposed development would be acceptable in terms of its overall scale, bulk and design and would be acceptable in terms of its impact on the street scene and in particular on the Havering Ridge Area of Special Character. It is not considered that the proposal would be harmful to the Special Character Area or adjacent Conservation Area. The development is therefore considered to be consistent with the aims and objectives of Policy DC61, DC68 and DC69 of the LDF Development Control Policies Development Plan Document.

IMPACT ON AMENITY

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

The proposal would be approximately 65m from its nearest neighbouring dwelling, Esgors, towards the northeast. Whilst the proposal would introduce built form closer to the boundary with Esgors than is currently the case, there is vegetation and mature trees on the site, in particular to its boundaries and the proposed development is set some distance from neighbouring dwellings. Having regard to these factors, although the character may be altered it is not considered that the proposed new buildings would materially harm neighbouring amenity.

HIGHWAY / PARKING

Policy DC33 in respect of car parking refers to the density matrix in Policy DC2. The site has a PTAL rating of 1-2 and therefore requires 2 - 1.5 parking spaces per unit for a development of this type in Romford. The off-street parking provision would be sufficient to comply with the requirements of Policies DC2 and DC33. Access to the site will remain as per the existing arrangement.

KEY ISSUES / CONCLUSIONS

The application is considered appropriate development in the Green Belt. The proposed development is not considered to result in an unacceptable impact on the openness of the Green Belt given the reduction in footprint and volume to the current dwelling on the site. The proposal would not result in an unacceptable impact on the streetscene, surrounding area or neighbouring amenity. No highways or parking concerns

are raised. The proposed development is therefore considered to be acceptable having had regard to Policies CP14 and DC45 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. SC09 (Materials) (Pre Commencement Condition)

No works shall take place in relation to any of the development hereby approved until samples of all materials to be used in the external construction of the building(s) are submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed with the approved materials.

Reason:-

Insufficient information has been supplied with the application to judge the appropriateness of the materials to be used. Submission of samples prior to commencement will 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. SC32 (Accordance with plans)

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

Reason:-

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

4. SC11 (Landscaping) (Pre Commencement Condition)

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

Reason:-

Insufficient information has been supplied with the application to judge the appropriateness of the hard and soft landscaping proposed. Submission of a scheme prior to commencement will ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61. It will also ensure accordance with Section 197 of the Town and Country Planning Act 1990.

5. SC13B (Boundary treatment) (Pre Commencement)

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:

Insufficient information has been supplied with the application to judge the appropriateness of any boundary treatment. Submission of this detail prior to commencement will protect the visual amenities of the development, prevent undue overlooking of adjoining property and ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

6. SC19 (Restricted use) ENTER DETAILS

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 the use hereby permitted shall be single residential dwelling (class C3(A)) only and shall be used for no other purpose(s) whatsoever including any other use in Class C3 of the Order, unless otherwise agreed in writing by the Local Planning Authority.

Reason:-

To restrict the use of the premises to one compatible with the surrounding area and to enable the Local Planning Authority to exercise control over any future use not forming part of this application, and that the development accords with the Development Control Policies Development Plan Document Policy DC61

7. SC57 (Wheel washing) (Pre Commencement)

No works shall take place in relation to any of the development hereby approved until wheel scrubbing/wash down facilities to prevent mud being deposited onto the public highway during construction works is provided on site in accordance with details previously 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 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 break-down 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:-

Insufficient information has been supplied with the application in relation to wheel washing facilities. Submission of details prior to commencement will ensure that the facilities provided 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. It will also ensure that the development accords with the Development Control Policies Development Plan Document Policies DC32 and DC61.

8. SC58 (Refuse and recycling)

No building shall be occupied or use commenced until refuse and recycling facilities are provided in accordance with details which shall previously have been submitted to and approved in writing by the Local Planning Authority. The refuse and recycling facilities shall be permanently retained thereafter.

Reason:-

Insufficient information has been supplied with the application to judge how refuse and recycling will be managed on site. Submission of this detail prior to occupation in the case of new building works or prior to the use commencing in the case of changes of use will protect the amenity of occupiers of the development and also the locality generally and ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

9. SC59 (Cycle Storage)

No building shall be occupied or use commenced until cycle storage is provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The cycle storage shall be permanently retained thereafter.

Reason:-

Insufficient information has been supplied with the application to demonstrate what facilities will be available for cycle parking. Submission of this detail prior to occupation in the case of new building works or prior to the use commencing in the case of changes of use is in the interests of providing a wide range of facilities for non-motor car residents and sustainability.

10. SC62 (Hours of construction)

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

Reason:-

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

11. SC63 (Construction Methodology) (Pre Commencement)

No works shall take place in relation to any of the development hereby approved until a Construction Method Statement to control the adverse impact of the development on the amenity of the public and nearby occupiers is submitted to and approved in writing by the Local Planning Authority. The Construction Method statement shall include details of:

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

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

Reason:-

Insufficient information has been supplied with the application in relation to the proposed construction methodology. Submission of details prior to commencement will ensure that the method of construction protects residential amenity. It will also ensure that the development accords the Development Control Policies Development Plan Document Policy DC61.

12. SC45A (Removal of permitted development rights) EDIT DETAIL

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order), other than porches

erected in accordance with the Order, no extension or enlargement (including additions to roofs) shall be made to the dwellinghouse(s) hereby permitted, or any detached building erected, without the express permission in writing of 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. Removal of existing dwelling

The existing dwelling, as depicted on Drawing No.05 Revision C hereby approved, shall be substantially demolished and removed from the application site within one month of the first residential occupation of the proposed dwelling as shown on the same drawing. Thereafter the site shall be landscaped in accordance with condition 4 of this application

Reason:-

In order to ensure that the density and characteristics of the area is maintained, and in order that the development accords with the Development Control Policies Development Plan Document Policies DC2 and DC61.

14. Gravel Parking Area

Prior to first occupation of the development hereby approved, the area indicated as "New gravel driveway" on drawing No. 05 Revision C (received 10th March 2015) shall be laid out and surfaced with materials previously submitted and agreed with in writing by the Local Planning Authority. Thereafter the area shall be permanently retained and maintained for parking of vehicles related to the residential dwelling only and shall be used for no other purposes whatsoever, including any form of open storage or business activities, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In order to prevent any additional harm to the openness of the Green Belt and in order for the development to comply with Policies DC45 and DC61 of the LDF Development Control Policies Development Plan Document.

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 dwelling house, is needed.

2. Approval - No negotiation required

Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: 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.

OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 18th June 2015

APPLICATION NO.	P0483.15	
WARD:	Upminster	Date Received: 27th April 2015 Expiry Date: 22nd June 2015
ADDRESS:	Coopers Company and Coborn School St Mary's Lane Upminster	
PROPOSAL:	Single storey extension to the existing sports hall to provide storage for trampolines/matting etc	
DRAWING NO(S):	Site Location Plan Block Plan KS1503452/02 KS1503452/01	
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 is the Coopers Company and Coborn School, which is situated on the southern side of St Mary's Lane within the Metropolitan Green Belt and Cranham Conservation Area. There have been a number of planning applications in previous years for development within the school grounds.

The application site is set well away from the highway and as such is far removed from residential properties. The site is also screened for the most part by trees.

DESCRIPTION OF PROPOSAL

Permission is sought for a single storey extension to the Sports Hall/Pool at Coopers Company and Coborn School. The extension will be erected to store trampolines/physical education equipment which currently take up space in the sports hall, preventing certain activities from taking place.

The extension is located to the eastern side of the site and measures approximately 12.5m in width adjoining both the existing sports hall and the pool, projecting 2.60m in depth overall. The proposed extension will benefit from a mono pitched roof with an overall maximum height of 4.0m and eaves level of 3.75m.

RELEVANT HISTORY

- Q0020.14 - Discharge of Conditions 2,3,8 & 9 of P0641.13
DOC Dischge Complete 24-04-2014
- P0641.13 - Provision of a new car park providing parking for 70 cars, a car drop off point, a coach drop off point and a dedicated pedestrian pupil access. A new vehicular exit onto St Mary's Lane will also be provided so that a one way system can be adopted for the new parking area. New landscaping will be provided and alteration to the school access road will be undertaken and new fencing will also be provided. No demolition is proposed.
Apprv with cons 30-09-2013

- P1358.12 - Provision of new boundary fencing to school site and fencing and access gates adjacent to school buildings
Apprv with cons 01-02-2013
- P0157.10 - Refurbishment and extension of existing 6th Form / Library Building
Apprv with cons 30-04-2010
- P0212.09 - Two storey side extension
Apprv with cons 29-05-2009
- P1755.08 - Single storey extension
Apprv with cons 04-12-2008
- P0941.06 - Single storey extension to existing Art block
Apprv with cons 18-07-2006
- P0887.03 - Amendment to approved pavilion P1718.02 erection of steel escape stairs to first floor and access ramp to rear of building
Apprv with cons 10-07-2003
- P1262.02 - Single storey extension to existing dining area
Apprv with cons 24-09-2002
- P1571.01 - New music block comprising two classrooms, performance space and practice rooms
Apprv with cons 15-02-2002
- P1294.94 - 2 storey detached building
Apprv with cons 14-07-1995
- P0225.92 - New demountable classroom (Re vised plans received 20/05/92)
Apprv with cons 02-06-1992
- P1593.78 - 2 re-locatable Classrooms
Apprv with cons 06-09-1978

CONSULTATIONS / REPRESENTATIONS

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.

Notification letters were sent to 70 neighbouring properties. No letters of representation have been received.

Environmental Health - No Objection, however recommended condition relating to hours of work.

Highway Authority - No Objection.

RELEVANT POLICIES

LDF

- CP17 - Design
- DC26 - Location of Community Facilities
- DC27 - Provision of Community Facilities
- DC28 - Dual Use of School Facilities
- DC29 - Educational Premises
- DC32 - The Road Network
- DC33 - Car Parking
- DC45 - Appropriate Development in the Green Belt
- DC48 - Flood Risk
- DC51 - Water Supply, Drainage and Quality
- DC57 - River Restoration
- DC59 - Biodiversity in New Developments

DC60 - Trees and Woodlands
DC61 - Urban Design
DC63 - Delivering Safer Places
DC68 - Conservation Areas

OTHER

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

MAYORAL CIL IMPLICATIONS

Not applicable.

STAFF COMMENTS

The issues in this case are the principle of the development, the impact on the open character of the Green Belt and on the Cranham Conservation Area, the impact of the development in the street scene, impact on the amenities of nearby residential occupiers and highways/parking.

The subject application is brought to the Regulatory Services Committee as it is for a school related development located within the Green Belt, which would represent a departure from adopted policy.

PRINCIPLE OF DEVELOPMENT

The application site lies in the Metropolitan Green Belt. Schools are not within the list of appropriate uses for the Green Belt. Nonetheless the National Planning Policy Framework (NPPF) indicates that where extensions are proposed to existing buildings/uses, providing they are not disproportionate additions, they are acceptable as an exception to national policy.

Policy DC45, in line with the previous National Guidance contained in PPG2, indicates that the extension of buildings other than dwellings or buildings that are associated with acceptable Green Belt uses, is inappropriate development. Nonetheless the NPPF adopted by Central Government in March 2012, in this respect supersedes the Council's LDF dating from 2008 as it is more up to date and is a material planning consideration. As such, and as above, the NPPF accepts extensions to any existing building in the Green Belt which are not disproportionate to the original.

Furthermore, LDF Policy DC29 states that educational premises should be of a suitable quality to meet the needs of residents. Staff are of the view that the proposed single storey extension is ancillary to the educational use of the site and will free up further space within the school for sports activity. It is therefore judged to be in accordance with Policy DC29.

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.

To this end, staff consider the addition of a single storey extension to the Sports Hall/Pool of the scale proposed would be proportionate to the host building(s) and that it would not detract from the openness of the Green Belt.

CONSERVATION AREA

The application site is located within the Cranham Conservation Area. The school is more associated with the urban edge to the north-west of the Conservation Area and there is substantial open land between the school and buildings which form the core of the Conservation Area, for example the Grade II listed All Saints Church and Cranham Hall.

The proposal seeks permission to erect a single storey extension to the existing sports hall/swimming pool of the main school building. In the context of the buildings it would adjoin staff consider the proposed extension to be marginal in scale, thus not giving rise to any significant impact on the open aspect or special character of the Conservation Area.

Consequently, by reason of its modest height and depth it is not considered to be contrary to the provisions of Policy DC68.

DESIGN / IMPACT ON STREET / GARDEN SCENE

The proposed addition is located on the north eastern elevation of the Sports Hall/Pool and would not be easily visible from the street scene by reason of its siting on the north eastern elevation of the host building, well away from the highway/neighbouring properties. Staff therefore consider that there would be no adverse impact on visual amenity.

The proposal relates suitably to the existing layout of the school and the design would integrate acceptably with both the adjacent sports hall and pool extensions due primarily to its limited scale and bulk.

IMPACT ON AMENITY

There are no implications related to neighbouring amenity due to the siting and scale of the proposal.

The proposed extension represents a relatively minor addition to the existing school and it is not considered that this would generate further traffic such that the proposal would not have a material impact in terms of noise and disturbance.

HIGHWAY / PARKING

The proposal will not result in any loss of vehicular parking or create demand for additional car parking. No objections were raised by the Highway Authority.

KEY ISSUES / CONCLUSIONS

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

Staff consider that the proposal would accord with Policy DC29 in relation to enhancing existing educational facilities and would accord with the general principles for the development in the Green Belt laid out in the NPPF, as this is a modest sized extension which would not detract from the openness of the Green Belt. Furthermore staff are satisfied that the scale and design of the proposed addition would integrate

acceptably with the host building. Subject to controls over external materials it is therefore recommended that planning permission be granted.

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. Non Standard Condition 31

All new external finishes shall be carried out in complete accordance with details specified on drawing number KS1503452/02 unless otherwise submitted to and approved in writing by the Local Planning Authority.

Reason:-

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

3. SC32 (Accordance with plans)

The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans, 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. SC62 (Hours of construction)

No construction works or deliveries into the site shall take place other than between the hours of 08:00 - 18:00 hours on Monday to Friday and 08:00 to 13:00 hours on Saturdays unless agreed in writing with the local planning authority. No construction works or deliveries shall take place on Sundays, Bank or Public Holidays unless otherwise agreed in writing by the local planning authority.

Reason:-

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

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.

**REGULATORY
SERVICES
COMMITTEE**

REPORT

18 June 2015

Subject Heading:

P0572.15 – 58 Heath Drive, Romford -
Proposed single storey outbuilding
(received 28/04/15)

Ward:

Pettits

Report Author and contact details:

Helen Oakerbee
Planning Manager
helen.oakerbee@havering.gov.uk
01708 433100

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

- Havering will be clean and its environment will be cared for
- People will be safe, in their homes and in the community
- Residents will be proud to live in Havering

SUMMARY

This matter is brought before committee for reasons of probity since it is an application submitted by a Member of the Council. The application seeks full planning permission for a single storey outbuilding. Staff conclude the proposal to be acceptable. The application is recommended for approval subject to conditions.

RECOMMENDATIONS

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

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

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

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

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

3. Materials: The development shall be constructed with the material as specified on drawing No. 02A.

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.

4. Restricted Use: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 the outbuildings hereby permitted shall be used only for purposes incidental to the enjoyment of the dwelling house and not for any trade or business nor as living accommodation.

Reason: To restrict the use of the premises to one compatible with the surrounding area and to enable the Local Planning Authority to exercise control over any future use not forming part of this application, and that the development accords with the Development Control Policies Development Plan Document Policy DC61

5. Balcony condition: The roof area of the extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the Local Planning Authority.

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

INFORMATIVES

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

REPORT DETAIL

1. Site Description

- 1.1 The site lies to the western side of Heath Drive and forms part of the Gidea Park Conservation Area. The site comprise a two storey detached property. There is hard standing to the front of the property with a garden to the rear of the property screened by a close boarded fence, mature shrubs/trees and a hedge along the southern boundary.
- 1.2 The surrounding locality is residential in nature and formed from detached properties in a variety of architectural styles..

2. Description of Proposal

- 2.1 The application seeks planning permission for the construction of a single storey outbuilding in the rear garden.
- 2.2 The outbuilding would measure 5m in depth, 4.5m in width and 2.9m to the highest part of the parapet wall surrounding a flat roof.
- 2.3 The additional space would be utilised as a sun room.

3. History

- 3.1 P2041.04 - Part single, part two storey rear extension. Rear dormer window - Refused
- 3.2 P0639.90 - Conservatory to rear - Approved

4. Consultation/Representations

- 4.1 Notification letters were sent to 6 neighbouring properties and no letters of objection were received.

5. Relevant Policies

- 5.1 Policies CP17 (Design), DC61 (Urban Design) and DC68 (Conservation Areas) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Documents and the Residential Extensions and Alterations Supplementary Planning Document Heritage Supplementary Planning Document and Gidea Park Conservation Area Character Appraisal and Management Proposals are also relevant.
- 5.2 Policies 7.4 (Local Character) and 7.8 (Heritage Assets and Archaeology) of the London Plan (2011).
- 5.3 National Planning Policy Framework (NPPF) Section 7 “Requiring Good Design” and Section 12 “Conserving and enhancing the historic environment”.

6. Staff comments

- 6.1 In accordance with the Protocol on Probity in Planning Matters contained in the Council’s Constitution, this application is brought before committee because it is an application submitted by a Member of the Council. The application file has been seen by the Assistant Chief Executive (Legal and Democratic Services). The main issues to be considered by Members in this case are the impact on the rear garden environment, Gidea Park Conservation Area and amenity implications.

6.2 Impact on Local Character and Street Scene

- 6.2.1 The application site is located within the Gidea Park Conservation Area and the 1911 Exhibition and Competition Housing Areas. The issues for consideration in this case are the impact of the proposal upon the special character and appearance of the Gidea Park Conservation Area and the 1911 Exhibition and Competition Housing Areas. The statutory duty applied to planning authorities in the exercise of their planning functions in conservation areas is set out in section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This is that "special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area". This aim is reflected in Policy DC68 of the LDF Development Control Policies Development Plan Document.

Policy DC68 states that the character of Conservation Areas will be preserved or enhanced. Planning permission for development within a Conservation Area will only be granted where:

- it does not involve the demolition of a building that makes a positive contribution to the character or appearance of the area
- it preserves or enhances the character of the Conservation Area and well designed
- it does not involve the loss of trees which contribute towards the character of the Conservation Area

- in the case of the Gidea Park Conservation Area it ensures that all subdivision of plots particularly within the 1911 Exhibition and Competition housing areas result in plot sizes similar to those of surrounding properties.

6.2.2 The Gidea Park Conservation Area contains housing and shops built around a road layout dating from 1910 based on the garden suburb principles and featuring two areas of architectural exhibition and competition housing. The character of the residential parts of the Conservation Area is one of individually designed dwellings in mature gardens.

6.2.3 The outbuilding would not be visible from Heath Drive and as such, would not be harmful to the streetscene, as it would be located in the rear garden environment.

6.2.4 Consideration has been given to the overall proportions, siting and design of the proposed outbuilding. The outbuilding would be located approximately 1.3, 1.5 and 4.5 metres from the rear, northern and southern boundaries of the site respectively. There would be a separation distance of approximately 24 metres between the front elevation of the outbuilding and the rear of the dwelling. The outbuilding is single storey and is relatively low in height. It is considered that the overall proportions and height of the outbuilding are relatively modest. It is considered that the timber fence and hedges on the rear and side boundaries of the site will help to screen the proposed outbuilding. Taking the above factors into account, it is considered that the outbuilding would not appear disproportionately large in relation to the overall size and spaciousness of the rear garden of the application site.

6.2.5 The bulk and massing are considered to be appropriate to the size and scale of the garden, and as such, would not detract from the open verdant character of the Gidea Park Conservation Area. As such, it is considered to preserve the character and appearance of the conservation area.

6.3 *Impact on Amenity*

6.3.1 It is considered that the proposed outbuilding would not result in a significant loss of amenity to neighbouring properties for the following reasons. The outbuilding would be located approximately 1.3, 1.5 and 4.5 metres from the rear, northern and southern boundaries of the site respectively. The outbuilding is single storey and is relatively low in height.

6.3.2 It is considered that the timber fence and hedges on the rear and side boundaries of the site would will help to screen the proposed outbuilding.

6.3.3 It is considered that the proposal would not create any additional overlooking or loss of privacy over and above existing conditions. A condition will be placed to ensure that outbuilding would be used ancillary to the main dwelling house.

6.4 *Highways / Parking Issues*

6.4.1 It is considered that the proposal would not create any parking or highway issues. There is space for two vehicles to the front of the dwelling.

6.5 *The Mayor's Community Infrastructure Levy*

6.5.1 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 only result in an increase in floor area of approximately 23m².

7. Conclusion

7.1 It is considered that the proposed outbuilding would not be harmful to the character and appearance of the dwelling or the Gidea Park Conservation Area in this particular case. The proposal does not raise any adverse issues in respect of neighbouring residential amenities, or on highway or parking grounds. Accordingly, it is recommended that planning permission be granted.

IMPLICATIONS AND RISKS

Financial Implications and risks:

None

Legal Implications and risks:

None

Human Resource Implications:

None

Equalities and Social Inclusion Implications:

None

BACKGROUND PAPERS

1. Application forms and plans received on 28/04/15.

**REGULATORY
SERVICES
COMMITTEE**

18 June 2015

REPORT

Subject Heading:

**P0382.15: Briar Road Shop Site,
Romford**

Demolition of existing buildings and redevelopment to provide a three-storey block comprising 36no. residential units and 2no. commercial units (198m2 in total) with use classes A1/A2; a terrace of 10no. houses; new highways and associated planting, landscaping, servicing and car parking. (Application received 23 March 2015)

Report Author and contact details:

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

Policy context:

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

Financial summary:

None

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

- Havering will be clean and its environment will be cared for [X]
- People will be safe, in their homes and in the community [X]
- Residents will be proud to live in Havering [X]

SUMMARY

The proposal is for the demolition of the existing buildings and the redevelopment of the site to create 46no. affordable residential units and 2no. commercial units, with new access roads, associated planting, landscaping, servicing and car parking.

The development will comprise of 36no. flats and 2no.commercial units in a three-storey block to the south of the site and a terrace row of 10no houses to the north.

It raises considerations in relation to the impact on the character and appearance of the streetscene, the impact on the residential amenity of the future occupants and of neighbouring residents and the suitability of the proposed parking and access arrangements.

On balance the proposal is considered to be acceptable in all material respects and it is recommended that planning permission is granted subject to conditions.

The application site is Council owned land.

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 £40,580.00 subject to indexation. This is based on the creation of 2,029 square metres of new gross internal floor space.

That planning permission be granted subject to the conditions set out below:

1. Time Limit

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

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

2. Education Contribution

The development hereby approved shall not commence until a financial contribution of £276000.00 has been paid to the Local Planning Authority, to be used for educational purposes in accordance with the requirements of Policy DC72 of the LDF and Policy 8.2 of the London Plan.

Reason: In order that the development makes the required contribution to the infrastructure costs arising from the proposed development and to accord with Policy DC72 of the LDF and Policy 8.2 of the London Plan.

3. In Accordance with Plans

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

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

4. Parking Provision

Before any of the flats hereby permitted are first occupied, the car parking provision shall be laid out to the full satisfaction of the Local Planning Authority and be made available for 86no. car parking spaces and thereafter this car parking provision shall remain permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

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

5. External Materials

No works shall take place in relation to any of the development hereby approved until samples of all materials to be used in the external construction of the building(s) are submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed with the approved materials..

Reason: Insufficient information has been supplied with the application to judge the appropriateness of the materials to be used. Submission of samples prior to commencement will 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.

6. Landscaping

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

Reason: Insufficient information has been supplied with the application to judge the appropriateness of the hard and soft landscaping proposed. Submission of a scheme prior to commencement will ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61. It will also ensure accordance with Section 197 of the Town and Country Planning Act 1990.

7. Refuse and Recycling

No building shall be occupied or use commenced until refuse and recycling facilities are provided in accordance with details which shall previously have been submitted to and approved in writing by the Local Planning Authority. The refuse and recycling facilities shall be permanently retained thereafter.

Reason: Insufficient information has been supplied with the application to judge how refuse and recycling will be managed on site. Submission of this detail prior to occupation in the case of new building works or prior to the use commencing in the case of changes of use will protect the amenity of occupiers of the development and also the locality generally and ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

8. Cycle Storage

No building shall be occupied or use commenced until cycle storage is provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The cycle storage shall be permanently retained thereafter.

Reason: Insufficient information has been supplied with the application to demonstrate what facilities will be available for cycle parking. Submission of this detail prior to occupation in the case of new building works or prior to the use commencing in the case of changes of use is in the interests of providing a wide range of facilities for non-motor car residents and sustainability.

9. Contaminated Land (1)

The development hereby permitted shall not be commenced until the developer has submitted 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 likelihood of contaminants, 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 site ground conditions. An updated Site Conceptual Model should be included showing all the potential pollutant linkages and an assessment of risk to identified receptors.

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 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: Insufficient information has been supplied with the application to judge the risk arising from contamination. Submission of an assessment prior to commencement will ensure the safety of the occupants of the development hereby permitted and the public generally. It will also ensure that the development accords

with Development Control Policies Development Plan Document Policies DC54 and DC61.

10. Contaminated Land (2)

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

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

Reason: To ensure that any previously unidentified contamination found at the site is investigated and satisfactorily addressed in order to protect those engaged in construction and occupation of the development from potential contamination. It will also ensure that the development accords with Development Control Policies Development Plan Document Policies DC54 and DC61.

11. Noise Insulation (Flats)

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 with Development Control Policies Development Plan Document Policies DC55 and DC61.

12. Noise Insulation (Houses)

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

Reason: To prevent noise nuisance to adjoining properties with Development Control Policies Development Plan Document Policies DC55 and DC61.

13. Hours of Construction

All building operations in connection with the construction of external walls, roof, and foundations; site excavation or other external site works; works involving the use of plant or machinery; the erection of scaffolding; the delivery of materials; the removal of materials and spoil from the site, and the playing of amplified music

shall only take place between the hours of 8.00am and 6.00pm Monday to Friday, and between 8.00am and 1.00pm on Saturdays and not at all on Sundays and Bank Holidays/Public Holidays.

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

14. External Lighting Scheme

No building shall be occupied or use commenced until external lighting is provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The lighting shall be provided and operated in strict accordance with the approved scheme

Reason: Insufficient information has been supplied with the application to judge the impact arising from any external lighting required in connection with the building or use. Submission of this detail prior to occupation in the case of new building works or prior to the use commencing in the case of changes of use will protect residential amenity and ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

15. Highway Stopping Up

Prior to the commencement of development an application to stop up that part of the application site which comprises adopted highway shall be submitted to the Council as Highway Authority and development shall not commence until and unless a stopping up order is confirmed by the Council as highway authority or the Secretary of State (on appeal) as appropriate.

Reason: Submission of this detail prior to commencement will protect highway safety and ensure that all legislative provisions are followed and that the development accords with the Development Control Policies Development Plan Document Policies DC32, DC33, DC34, DC35, DC36 and DC61.

16. New Areas of Highway

The development hereby approved shall not commence until the detailed design of the prospective highways and alterations to the existing highway have been submitted to and agreed in writing by the Local Planning Authority in conjunction with the Highway Authority. The highway works shall then be carried in accordance with the agreed details prior to the final occupation of the development hereby approved.

Reason: Reason: Insufficient information has been supplied with the application to judge the full impact arising from the proposed development in respect of the public highway. Submission of this detail prior to occupation will protect highway safety and ensure that the development accords with the Development Control Policies

Development Plan Document Policies DC32, DC33, DC34, DC35, DC36 and DC61.

17. Wheel Washing

No works shall take place in relation to any of the development hereby approved until wheel scrubbing/wash down facilities to prevent mud being deposited onto the public highway during construction works is provided on site in accordance with details previously 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 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 break-down 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: Insufficient information has been supplied with the application in relation to wheel washing facilities. Submission of details prior to commencement will ensure that the facilities provided 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. It will also ensure that the development accords with the Development Control Policies Development Plan Document Policies DC32 and DC61.

18. Boundary Screening/ Fencing

The development hereby permitted shall be constructed in accordance with the approved measures for boundary screening and screen walling, as detailed in the submitted Landscape Plan (Drawing No. 14139_PL05 Revision B) unless otherwise agreed in writing by the Local Planning Authority, and shall be permanently retained and maintained thereafter to the satisfaction of the Local Planning Authority.

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

19. 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 Metropolitan Police Designing Out Crime Officers (DOCOs), the development shall be carried out in accordance with the agreed details.

Reason: Insufficient information has been supplied with the application to judge whether the proposals meet Secured by Design standards. Submission of a full and detailed application prior to commencement is in the interest of creating safer, sustainable communities and to reflect guidance in Policies CP17 and DC63 of the Core Strategy and Development Control Policies Development Plan Document and the NPPF.

20. 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 Authorities;
- g) siting and design of temporary buildings;

- h) scheme for security fencing/hoardings, depicting a readily visible 24-hour contact number for queries or emergencies;
- i) details of disposal of waste arising from the construction programme, including final disposal points. The burning of waste on the site at any time is specifically precluded.

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

Reason: Insufficient information has been supplied with the application in relation to the proposed construction methodology. Submission of details prior to commencement will ensure that the method of construction protects residential amenity. It will also ensure that the development accords the Development Control Policies Development Plan Document Policy DC61.

21. Hard Surfacing

The access drive, car park and vehicle turning areas shall be surfaced in accordance with the approved surfacing materials as detailed in the submitted external materials schedule, unless otherwise agreed in writing by the Local Planning Authority. Once constructed, the extended part of the access road and vehicle turning area shall be kept permanently free of any obstruction (with the exception of the car parking areas shown on the plans) to prevent their use for anything but turning and access.

Reason: To ensure that the appearance of the proposed development will harmonise with the character of the surrounding area and in the interests of highway safety.

22. Sustainable Homes

No occupation of the development shall take place until the developer has provided a copy of the Interim Code Certificate confirming that the development design achieves a minimum Code for Sustainable Homes 'Level 3' rating. The development shall be carried out in full accordance with the agreed Sustainability Statement. Also before the proposed development is occupied the Final Code Certificate of Compliance shall be provided to the Local Planning Authority in order to ensure that the required minimum rating has been achieved.

Reason: In the interests of energy efficiency and sustainability in accordance with DC49 Sustainable Design and Construction and Policies 5.1, 5.2 and 5.3 of the London Plan.

23. Renewable Energy and Low Carbon

The renewable energy / low carbon system shall be installed in strict accordance with the agreed details and shall be operational to the satisfaction of the Local Planning Authority prior to the occupation of any part of the development.

Reason: In the interests of energy efficiency and sustainability in accordance with DC50 Renewable Energy and Policies 5.1, 5.2, 5.3 and 5.7 of the London Plan.

24. Permitted Development Rights

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions, roof extensions or roof alterations shall take place and no outbuildings or other means of enclosures shall be erected within the rear garden areas of the 10no. houses 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.

INFORMATIVES

1. Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.
2. The 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 £40,580.00 (subject to indexation). CIL is payable within 60 days of commencement of development. A Liability Notice will be sent to the applicant (or anyone else who has assumed liability) shortly and you are required to notify the Council of the commencement of the development before works begin. Further details with regard to CIL are available from the Council's website.
3. **Changes to the public highway (including permanent or temporary access)**
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.

4. Highway legislation

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.

5. Temporary use of the public highway

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.

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

REPORT DETAIL

1. Site Description

- 1.1 The application relates to the Briar Road Shop site and surrounding land, located on the north side of Briar Road and to the south of Barberry Close. The site forms part of the wider Briar Road Estate and comprises several vacant residential blocks and partially vacant commercial units, the Betty Whiting Community Centre as well as associated service roads, car parking spaces and public open space.
- 1.2 The site is bounded by Briar Road which arches around the western and southern sections of the plot giving the site an extensive road frontage. The northern site boundary is shared with the rear gardens of residential properties at Barberry Close and is overlooked from the west by four-storey residential blocks at Barberry Close and Briar Road.

- 1.3 The triangular shaped site is relatively flat and covers an area of 7,900m² (0.79 ha).

2. Description of Proposal

- 2.1 The proposal is for the demolition of the existing buildings and the redevelopment of the site to create 46no. affordable residential units and 2no. commercial units, with new access roads, associated planting, landscaping, servicing and car parking.
- 2.2 The development would comprise a three-storey block consisting of 36no. residential units of which 3no. would be one-bedroom flats and 33no. would be two-bedroom flats. At ground floor level the block would also include 2no. commercial units consisting of 198m² of A1/A2 use class floorspace. The building will incorporate a contemporary flat roof design with a height of approximately 10 metres.
- 2.3 The block would be positioned in the southern part of the site and would be laid out in a snaking 'ribbon' style arrangement involving adjoining linked wings forming several focal points from views within and outside of the site. The layout would create a central courtyard area of semi-public and communal amenity space. The 2no. commercial units would be located at the southern tip of the site offering a prominent frontage onto Briar Road.
- 2.4 A two-storey terrace row consisting of 10no. houses would be constructed to the north of the site, backing onto the rear gardens of the existing terrace row at No.s 16 to 38 Barberr Close. The terrace would comprise a mix of 6no. two-bedroom houses and 4no. three-bedroom houses. The row would be staggered with projecting sections at each end and would incorporate a hipped pitched roof design with a ridge height of 9.9 metres in the central section rising to 10.8 metres for the staggered end sections. Each dwelling would have a private rear garden area of approximately 50m².
- 2.5 It is proposed that the scheme will provide 100% affordable residential accommodation with the flats for affordable rent and houses for a shared ownership scheme. All dwellings will have a dual aspect and will be designed to the London Plan minimum internal spacing standards and Lifetime Homes Standard.
- 2.6 The surrounding access and servicing roads within the site would be reconfigured accordingly with associated landscaping, planting and communal amenity space used to soften the extent of the hardstanding. The existing main vehicular access points from Briar Road would be retained and 86no. off street car parking spaces provided within the site. The car parking provision would be arranged along the new access roads as well as in a dedicated car parking area to the front of No.s 52 to 74 Barberr Close.

- 2.7 A series of externally accessed internal refuse stores would be provided within the flatted block and placed in locations close to each of the main entrances. Each of the dwellings in the terrace row would be served by an enclosed bin store adjacent to the front door. An enclosed commercial refuse store would be provided to the rear of the shop units.
- 2.8 Secure cycle storage providing space for up to 36no. cycles would be provided in an enclosed cycle store located to the rear of the proposed commercial units. A secure storage shed would be provided in the rear garden of each of the terraced houses.

3. Relevant History

- 3.1 P0060.09 - Change of use from A1 (retail) to A5 (hot food takeaway) and associated ducting – Approved

4. Consultations/Representations

- 4.1 Neighbour notification letters were sent to 165 properties and 2 letters of objection has been received. The comments can be summarised as follows:

- The proposed building works combined with other schemes in the area would further reduce the existing resident's location enjoyment and their personal space.
- The building works will cause further noise and disturbance.
- Loss of public green space.
- Without the open grass areas which give relief to the area, the space for residents to walk and sit gives more likelihood of problems such as antisocial behaviour, noise and disturbance.
- The amount of hardstanding is excessive, especially when considering the other developments in the area which have also been built on open space.
- There is an existing parking problem in the area and the new properties will only increase this difficulty.

- 4.2 The following consultation responses have been received:

- National Grid – no objection, however due to the proximity to National Grid apparatus the developer should contact the National Grid prior to any works commencing.
- Essex and Suffolk Water – no objection.
- Greater London Archaeological Advisory Service (GLAAS) – no objection.
- Regeneration & Partnerships – no comments.
- Designing Out Crime Officer – no objection, recommend a condition relating to the development achieving Secured by Design principles.

- Environmental Health – no objection, recommended conditions in relation to contaminated land and noise insulation.
- Local Highway Authority – no objection, recommended several conditions as the scheme requires large areas of existing public highway to be stopped up to facilitate the development and so it is important to ensure that the new highways are provided to adoptable standards with the aim of them being dedicated as public highway when the scheme has been complete.

5. Relevant Policies

- 5.1 Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP17 (Design), DC2 (Housing Mix and Density), DC6 (Affordable Housing), DC11 (Non-designated Sites), DC26 (Location of Community Facilities), DC27 (Provision of Community Facilities), DC33 (Car Parking), DC34 (Walking), DC35 (Cycling), DC36 (Servicing), DC53 (Contaminated Land), DC55 (Noise), DC61 (Urban Design), DC63 (Delivering Safer Places) and DC72 (Planning Obligations) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document are considered to be relevant.
- 5.2 Other relevant documents include the Residential Design SPD, Landscaping SPD, Designing Safer Places SPD, Planning Obligations SPD (technical appendices) and the Sustainable Design and Construction SPD.
- 5.3 Policies 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 3.8 (housing choice), 3.9 (mixed and balanced communities), 3.10 (definition of affordable housing), 3.11 (affordable housing targets), 3.12 (negotiating affordable housing), 3.13 (affordable housing thresholds), 5.2 (minimising carbon dioxide emissions), 5.3 (sustainable design and construction), 5.7 (renewable energy), 5.12 (flood risk management), 5.13 (sustainable drainage), 5.16 (waste self sufficiency), 5.21 (contaminated land), 6.1 (strategic transport approach), 6.3 (assessing effect on transport capacity), 6.9 (cycling), 6.10 (walking), 6.13 (parking), 7.3 (designing out crime), 7.4 (local character), 7.6 (architecture), 7.8 (heritage assets and archaeology), 7.14 (improving air quality), 7.15 (reducing noise and enhancing soundscapes), 7.19 (biodiversity and access to nature) and 8.2 (planning obligations) of the London Plan, are material considerations.
- 5.4 The National Planning Policy Framework, specifically Sections 1 (Building a strong, competitive economy), 4 (Promoting sustainable transport), 6 (Delivering a wide choice of high quality homes), 7 (Requiring good design), 8 (Promoting healthy communities) and 10 (meeting the challenge of climate change, flooding and coastal change) are relevant to these proposals.

6. Staff Comments

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

Principle of Development

- 6.2 The provision of additional housing is consistent with the NPPF and Policy CP1 as the application site is within a sustainable location in an established urban area.
- 6.3 The proposal is for the redevelopment of a mixed use residential and commercial site. The site is not designated as Green Belt land, an employment area, or within Romford town centre in the Development Plan. The redevelopment of the site would result in the loss of a community facility with the demolition of the Betty Whiting community centre. The community centre was formally decommissioned on 31 March 2015 and in accordance with policy DC27 suitable alternative provision has been made through the recent refurbishment and extension of the Betty Strathern Centre, located some 150 metres to the north of the application site.
- 6.4 The proposal is considered to be policy compliant in land use terms and its continued use for mixed residential and commercial purposes is therefore regarded as being acceptable in principle.

Density/ Layout

- 6.5 Policy DC2 of the LDF provides guidance in relation to the dwelling mix within residential developments. Policy DC61 states that planning permission will not be granted for proposals that would significantly diminish local and residential amenity.
- 6.6 The proposal would provide 46no. residential units consisting of 36no. flats and 10no. houses at a density equivalent to approximately 58 dwellings per hectare. This complies with the aims of Policy DC2 which states that a dwelling density of between 50 to 80 dwellings per hectare would be appropriate in this location.
- 6.7 Policy 3.5 of the London Plan advises that housing developments should be of the highest quality internally, externally and in relation to their context and to the wider environment. To this end Policy 3.5 requires that new residential development conforms to minimum internal space standards.
- 6.8 For one-bedroom flats for two people the spacing requirement is set at 50 square metres. For two-bedroom flats the minimum standard is set at 61 square metres for three occupants and 70 square metres for four occupants. For two-bedroom houses it is 87 square metres and for three-bedroom houses the minimum internal spacing should be 87 square metres for four persons and 96 square metres for five persons.

- 6.9 In both the flatted block and the terrace row of houses the proposal would provide residential units with varying floor space sizes all of which meet or exceed the respective minimum standards as per the proposed number of rooms and number of occupants they are intended to serve. Given this factor it is considered that the proposed development would be in accordance with Policy 3.5 of the London Plan and the flats and houses would provide an acceptable amount of space for day to day living.
- 6.10 The Residential Design SPD states that private amenity space should be provided in single, usable, enclosed blocks which benefit from both natural sunlight and shading.
- 6.11 In the flatted block external balcony areas accessed directly from the living rooms with an area ranging from between 6.5 square metres and 8 square metres would be provided for each of the flats forming the first and second floors. The ground floor flats would be provided with external terrace areas including hedging and fencing to offer an extra degree of privacy and security.
- 6.12 An area of approximately 140 square metres within the central courtyard area of the flatted block would be landscaped and set out as communal shared amenity space, offering varying levels of privacy to users depending on which part they use. With the provision of the balconies and terrace areas as well as the communal garden it is considered that occupants of the proposed flats would have access to a reasonable provision of outdoor amenity space.
- 6.13 Each of the 10no. houses in the proposed terrace row would have a private rear garden area of approximately 50m².
- 6.14 It is considered that the proposed amenity space would be of a suitable form and size and would therefore result in acceptable living conditions for future occupants of both the flats and houses. All of the proposed dwellings would have adequate access to sunlight and daylight. Therefore the general site layout is considered to be in accordance with Policy DC61 and The Residential Design SPD.
- 6.15 In terms of community safety and security the Borough Designing Out Crime Officer has been consulted and has raised no specific objections to the proposal, subject to planning conditions. The proposal is considered to respond in principle to the requirements of the NPPF, Policy 7.3 of the London Plan and LDF Policy DC63. Staff are satisfied that reasonable measures have been undertaken to make the development as safe as possible and recommend conditions relating to Secured by Design and other community safety measures.
- 6.16 The development is designed to Lifetime Homes standard and the units are designed to be adaptable to wheelchair housing standards. Accordingly the

scheme is in accordance with Policy DC7 of the LDF and the requirements of Policy 3.8 of the London Plan.

Design/Impact on Streetscene

- 6.17 Policy DC61 states that development must respond to distinctive local buildings forms and patterns of development and respect the scale, massing and height of the surrounding context.
- 6.18 The main impact in terms of the streetscene at Briar Road relates to the character and appearance of the three-storey block comprising 36no. flats and 2no. commercial units in comparison to the existing three-storey building. The application site occupies a prominent location, with an extensive frontage onto Briar Road along the western and southern boundaries.
- 6.19 As with the existing building the proposed block would cover the majority of the site frontage, but would shift the built development closer to Briar Road, albeit for a partial step-in to allow spacing for an additional parking area. The proposed block would be similar in terms of the height and massing and given the existing site circumstances and immediately adjacent buildings it is not considered that a building of the scale proposed would unduly harm views into the site from Briar Road. It is also noted that the design of the building includes elements that break down its perceived bulk, for example the stepped ridge height of the interlinking wing sections, the proposed window heights and proportions, front elevation detailing and the inclusion of partially enclosed balconies. These elements are judged to avoid the proposed building having an overly dominant appearance in this setting.
- 6.20 The existing building effectively turns it back on the prominent Briar Road frontage contributing little in terms of an active frontage or design quality. In comparison, it is considered that the proposed scheme would address this issue positively.
- 6.21 In a broader sense the proposal would replace an outdated and rundown block with a building comprising a contemporary flat roof design which would serve to revitalise the general character and appearance of the area and add a greater degree of quality to the built environment within this section of Briar Road. With regard to the more immediate context, the increased proximity of the proposed block to the boundary with Briar Road would replace a relatively poor rear servicing area and car park with an active frontage consisting of front garden areas and pedestrian access paths into the new block set to the refreshed backdrop of the modern building.
- 6.22 The proposed commercial units would be located at the southern tip of the site and would be afforded greater prominence in terms of the relationship with Briar Road. The current building is arranged so that the commercial units face into a pedestrianized courtyard. Whilst the new layout would alter

this arrangement considerably it is considered that the positioning of the commercial units would still enable any future shops or services to perform a functional and inclusive role for the surrounding residential community.

- 6.23 The proposed terrace row of 10 no two-storey houses would replace a vacant two-storey residential block located perpendicular to the western site boundary.
- 6.24 To some extent this element of the proposal would mirror the appearance of the existing adjacent terrace row at No.s 16 to 38 Barberr Close, particularly in terms of the scale, massing and positioning. As a result the relatively open aspect from the rear gardens of the Barberr Close houses would be reduced to some degree. However, the proposed terrace row building would be set well within the site boundaries and located some 19 metres from the rear of the adjacent houses. The proposed new terrace block would therefore be well spaced between the neighbouring buildings and would not unduly encroach on the setting of the rear gardens. In this respect it is considered that the siting and appearance of the terrace would be sympathetic to its immediate surroundings and would serve to maintain and enhance the character of the streetscene from Briar Road and the rear garden setting at Barberr Close.
- 6.25 On balance it is considered that the proposed development would serve to regenerate a run down and neglected site, thereby enhancing the character and appearance of the surrounding area. The scale and bulk of the proposed buildings would also sit comfortably within this setting given the height and scale of the existing residential blocks adjacent to the site.
- 6.26 As such it is considered that the proposed development would be sympathetic to both the immediate and wider setting, resulting in a positive impact on the character and appearance of the streetscene and surrounding area in accordance with policy DC61 and the Residential Design SPD.

Impact on Amenity

- 6.27 The Residential Design SPD states that new development should be sited and designed such that there is no detriment to existing residential amenity through overlooking and/or privacy loss and dominance. Policy DC61 reinforces these requirements by stating that planning permission will not be granted where the proposal results in unacceptable overlooking or loss of privacy to existing properties.
- 6.28 The main consideration in terms of residential amenity relates to the impact on the occupants of the various flats overlooking the site at No.s 37 to 119 Briar Road (located to the east of the proposed residential and commercial block), No.s 1 to 12 Veronica Close (located to south of the proposed residential and commercial block), No.s 73 to 83 Waverley Crescent (located to the west of the terraced row), No.s 16 to 38 Barberr Close

(located to the north of the terraced row) and No.s 40 to 98 Barberrry Close (located to the east of the terraced row).

- 6.29 At the closest point the eastern side elevation of the commercial unit and flatted block would be situated approximately 15 metres from overlooking windows at 49 to 59 Briar Road. Along other sections of the new building the distance would increase with the proposed block generally positioned some 20 metres from the existing flats to the east.
- 6.30 The eastern elevation of the new block would contain habitable room windows as well as the partially enclosed external balcony areas. In comparison to the existing arrangements this would bring the building considerably closer to the front elevation of the flats at Briar Road than the current relationship. As a result this element of the scheme presents some concerns in relation to overlooking and privacy. Whilst Members may wish to consider the acceptability of this relationship, Staff have taken into consideration that a road and public right of way will run between the adjacent buildings. This means that residents with an outlook onto the road would expect to experience a degree of overlooking when compared to say rear windows that overlook an area of private amenity space. On balance, the separation distances across a public road are considered to be sufficient so as not to result in a detrimental loss of privacy or overlooking to the existing or proposed flats.
- 6.31 The southernmost section of the commercial unit and flatted block would be positioned some 16.5 metres at an oblique angle from the closest point of the residential block at No.s 1 to 12 Veronica Close, located on the opposite side of Briar Road. Again, given that this relationship is across a public road the separation distances are considered to be acceptable in this instance.
- 6.31 The proposed terraced row element of the development would be positioned approximately 19 metres at the closest point from the rear of the dwellings at 16 to 38 Barberrry Close. These distances are considered to be acceptable in order to maintain outlook and privacy between the new residential block and the neighbouring residents. As such it is not considered that the proposed development will result in any undue impact on the privacy of the occupants of the dwellings at Barberrry Close.
- 6.32 The terrace row would be two storeys in height and would be set in from the boundary with the neighbouring properties at both adjacent parts of Barberrry Close and has a staggered building line, which offsets its overall bulk and massing. The eastern side elevation of the terrace row would be largely blank containing a ground floor secondary living room window and a first floor secondary bedroom window some 23 metres from the front elevation of 88 to 98 Barberrry Close.
- 6.33 Having regard to these factors, it is considered that the scale, height and bulk of the proposed building would be suitable and would not unduly impact on the rear of the properties at 16 to 38 Barberrry Close or the frontage of

dwellings at 88 to 98 Barberry Close by way of overbearing impact, overshadowing or a loss of daylight.

- 6.34 The western side elevation of the terrace row would be positioned some 28 metres from the rear of houses at No.s 73 to 83 Waverley Crescent. This distance is considered to be acceptable and would maintain a good degree of outlook for the neighbouring residents to the west of the site.
- 6.35 On balance, it is considered that the proposed development would not harm the amenities of neighbouring properties and would provide acceptable living conditions for the future occupants. The proposal is therefore in accordance with Policy DC61, the Residential Design SPD and the intentions of the NPPF.

Environmental Issues

- 6.36 Environmental Protection have raised no objections in relation to any historical contaminated land issues associated with the site, but have recommended that a precautionary standard condition in relation to contaminated land is included.
- 6.37 The site is not located within a Flood Zone and presents no issues in relation to flood risk.
- 6.38 The proposal is not considered to give rise to any significant noise issues subject to conditions required by Environmental Health.

Trees

- 6.39 There are a number of trees sited in various locations within the site, none of which are protected by Tree Preservation Orders. The accompanying Arboricultural Survey Report has identified the majority of the trees as not worthy of retention. Given the positioning of the proposed buildings and the reconfiguration of the access roads and parking areas the majority of these trees will be lost as a result of the development. The Arboricultural Survey Report recognises that a small proportion of the trees contribute to the landscape character of the site and as such a comprehensive tree planting scheme for the site will be required as part of the landscaping condition.

Parking and Highway Issues

- 6.40 Policy DC33 seeks to ensure all new developments make adequate provision for car parking. Under Policy DC2 the Public Transport Accessibility Level (PTAL) is set at 1b meaning that the site is classified as having relatively poor access to public transport. Therefore residential development in this location is required to provide a high car parking provision of 2-1.5 spaces per unit.

- 6.41 The proposal can demonstrate a total of 86 no. off-street car parking spaces (including 7 no. dedicated disabled user bays) within the site to cater for the proposed 46 no. residential units and 2 no. commercial units. The car parking provision would be arranged along the reconfigured access roads as well as in a dedicated car parking areas including one to the front of No.s 52 to 74 Barberry Close. The existing main vehicular access points into the site from Briar Road would be retained and reconfigured.
- 6.42 A series of externally accessed internal refuse stores would be provided within the flatted block and placed in locations close to each of the main entrances. Each of the dwellings in the terrace row would be served by an enclosed bin store adjacent to the front door. An enclosed commercial refuse store would be provided to the rear of the shop units.
- 6.43 Secure cycle storage providing space for up to 36no. cycles would be provided in an enclosed cycle store located to the rear of the proposed commercial units. A secure storage shed would be provided in the rear garden of each of the terraced houses.
- 6.44 The Local Highway Authority has raised no objection in relation to the proposed amount of car parking provision and the access and servicing arrangements from Briar Road.
- 6.45 It is therefore considered that the proposed car parking and access arrangements are acceptable and would not result in highway safety or parking/ servicing issues.

Affordable Housing

- 6.46 It is proposed that the scheme will provide 100% affordable residential accommodation with the 36no. flats for affordable rent and 10no. houses for a shared ownership scheme.

Mayoral Community Infrastructure Levy

- 6.47 The proposed development will create 46.no new residential units and 2no. commercial units with 2,029 square metres of new gross internal floorspace. Therefore the proposal is liable for Mayoral CIL and will incur a charge of £40,580.00 subject to indexation based on the calculation of £20.00 per square metre.

Infrastructure Impact of Development

- 6.48 Regulation 122 of the Community Infrastructure Levy Regulations 2010 (CIL Regs) states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:

- (a) necessary to make the development acceptable in planning terms;
 - (b) directly related to the development; and
 - (c) fairly and reasonably related in scale and kind to the development.
- 6.49 Policy DC72 of the Council's LDF states that in order to comply with the principles as set out in several of the Policies in the Plan, contributions may be sought and secured through a Planning Obligation. Policy 8.2 of the Further Alterations to the London Plan states that development proposals should address strategic as well as local priorities in planning obligations.
- 6.50 In 2013, the Council adopted its Planning Obligations Supplementary Planning Document which sought to apply a tariff style contribution to all development that resulted in additional residential dwellings, with the contributions being pooled for use on identified infrastructure.
- 6.51 There has been a recent change to the effect of the CIL Regs in that from 6th April 2015, Regulation 123 of the CIL Regs states that no more than 5 obligations can be used to fund particular infrastructure projects or infrastructure types. As such, the SPD, in terms of pooling contributions, is now out of date, although the underlying evidence base is still relevant and up to date for the purposes of calculating the revised S106 contributions.
- 6.52 The evidence background to the SPD, contained in the technical appendices is still considered relevant. The evidence clearly show the impact of new residential development upon infrastructure – at 2013, this was that each additional dwelling in the Borough has a need for at least £20,444 of infrastructure. Therefore, it is considered that the impact on infrastructure as a result of the proposed development would be significant and without suitable mitigation would be contrary to Policy DC72 of the LDF and Policy 8.2 of the London Plan.
- 6.53 Furthermore, evidence clearly shows a shortage of school places in most parts of the Borough – (London Borough of Havering Draft Commissioning Plan for Education Provision 2015/16-2019/20). The Commissioning report shows need for secondary places and post-16 places which due to their nature would serve all parts of the Borough. The Commissioning report identifies that there is no spare capacity to accommodate demand for primary and early years school places generated by new development. The cost of mitigating new development in respect to all education provision is £8,672 (2013 figure from Technical Appendix to SPD). On that basis, it is necessary to continue to require contributions to mitigate the impact of additional dwellings in the Borough, unless the development is within an area of the Borough where there is a surplus of school places. Previously, in accordance with the SPD, a contribution of £6000 per dwelling was sought. It is considered that this is reasonable when compared to the need arising as a result of the development.
- 6.54 It would therefore be necessary to require a contribution to be used for educational purposes. Separate monitoring of contributions would take place to ensure that no more than 5 contributions are pooled for individual

projects. It is considered that a contribution equating to £6000 per dwelling for educational purposes would be appropriate.

- 6.55 The proposed new dwellings would result in an additional local infrastructure demand such that a financial contribution is needed in accordance with policy DC72. There would be a net addition of 46 units and a charge of £276000.00 is considered necessary to make the development acceptable in accordance with the policy which would need to be secured by way of condition owing to the applicant owning the land.

7. Conclusion

- 7.1 Having regard to all relevant factors and material planning considerations Staff are of the view that this proposal would be acceptable.
- 7.2 Staff consider that the proposed development raises considerations in relation to the impact on the character and appearance of the streetscene and the impact on the amenity of the neighbouring residents. On balance the proposal is considered to be acceptable in all material respects.
- 7.3 Staff are of the view that the siting, scale and location of the proposal would not be disproportionate or have a harmful impact on the character of the streetscene or result in a loss of amenity to neighbouring occupiers. The proposal is considered to be acceptable in all other respects and it is therefore recommended that planning permission be granted subject to conditions.

IMPLICATIONS AND RISKS

Financial implications and risks:

Financial contributions will be sought through the condition.

Legal implications and risks:

None.

Human Resources implications and risks:

None.

Equalities implications and risks:

The Council's planning policies are implemented with regard to equality and diversity. The development includes a mix of unit types, including units that

provide for wheelchair adaptable housing, and units which are designed to Lifetime Homes standards. The residential development is exclusively for affordable housing, thus contributing to the provision of mixed and balanced communities.

BACKGROUND PAPERS

Application form, drawings and supporting statements received on 23 March 2015.

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REGULATORY SERVICES COMMITTEE

REPORT

18 June 2015

Subject Heading:

Proposed variation of Section 106 Legal Agreement in connection with P2246.07: Angel Way Retail Park, Angel Way, Romford

Application under Section 106BA of the 1990 Town and Country Planning Act (as amended by the Growth and Infrastructure Act) : Review of the provision of affordable housing.

Report Author and contact details:

Simon Thelwell (Projects and Regulation Manager) 01708 432685

Policy context

Local Development Framework
London Plan
National Planning Policy Framework

Financial summary

None

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

Havering will be clean and its environment will be cared for	[x]
People will be safe, in their homes and in the community	[x]
Residents will be proud to live in Havering	[x]

SUMMARY

This report relates to the development of land at Angel Way, Romford. The site has the benefit of planning permission (under planning reference P2246.07) for a mixed use development comprising 350 residential units, a 63 bedroom hotel, ground floor mixed retail, basement car parking and a new public square which was granted on appeal in December 2009 following a public inquiry. A Unilateral Undertaking dated 19 November 2009 was attached to the permission which included, amongst other things, a requirement for the provision of 25% affordable housing.

The Council has received an application under Section 106BA of the Town and Country Planning Act (as amended by the Growth and Infrastructure Act) seeking a revised affordable housing obligation reducing the level of provision to nil affordable housing. The Economic Viability Appraisal Report submitted with the application has been assessed by independent consultants instructed by staff and as a consequence the applicants now accept that an element of affordable housing can be justified amounting to 8.86% of the total number of units and 10% of the habitable rooms.

It is concluded that the revised offer should be accepted and that the S106 agreement should be varied to reflect this.

RECOMMENDATIONS

It is recommended that the Head of Regulatory Services be authorised to negotiate and agree a Deed of Variation under section 106BA of the Town and Country Planning Act 1990 (as amended by the Growth and Infrastructure Act), to vary the legal agreement completed on 19 November 2009 in respect of planning permission P2246.07, to change the provision of affordable housing within the scheme and authority be given for the Council to enter into the agreed Deed of Variation.

The variation of the affordable housing provision shall be as follows:

- 8.86% affordable housing amounting to 31 units and 86 habitable rooms comprising 16 no. Shared Ownership units (1 No. studio, 3 No. one bedroom and 12 No. 2 bedroom) and 15 No. Affordable Rented units (3 No. one bedroom, 11 No. two bedroom and 1 No. three bedroom) to be provided within the first phase of the development.

The Developer and/or Owner to bear the Council legal costs in respect of the preparation of the Deed of Variation irrespective of whether the matter is completed.

Save for the variation to the level of provision of Affordable Housing set out above and any necessary consequential amendments to the legal agreement dated 19 November 2009 all recital, terms, covenants and obligations in the said agreement shall remain unchanged.

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 reasonable related in scale and kind to the development.

REPORT DETAIL

1. The site to which this proposal refers is the former Decathlon Site, Angel Way, Romford. The site has planning permission for a mixed use development of 350 residential units, a 63 bedroom hotel, ground floor mixed retails, basement parking and a new public square. Permission for the development was granted on appeal on 14 December 2009 and was subject to a Unilateral Undertaking made pursuant to the Section 106 of the Town and Country Planning Act 1990 which provides for;
 - 25% affordable housing of which at least 52% is to be social rented housing and a maximum of 48% is to be intermediate housing;
 - Education contributions of £1,310,181.42;
 - Highway contribution up to a maximum off £150,000;
 - Contributions to Romford Ring Road up to a maximum of £300,000;
 - Town centre environmental improvements of £170,000;
 - Non-monetary elements including public art, provision of a police office at a peppercorn rent and a training and development scheme for local people.

2. Section 106BA of the Town and Country Planning Act (as amended by the Growth and Infrastructure Act) introduced an application procedure for the review of planning obligations on planning permissions which relate to the provision of affordable housing. The introduction of this provision reflects the guidance contained within the NPPF which states at Paragraph 173: “*To ensure viability, the costs of any requirements likely to be applied to development such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking*

account of the normal cost of development and mitigation, provide competitive returns to a willing landowner and willing developer to enable the development to be deliverable”.

3. The Council has received an application under Section 106BA from the current owners of the site seeking a revised affordable housing obligation reducing the level of provision to nil affordable housing. As required by the DCLG guidance which accompanied the introduction of Section 106BA, the application is based upon prevailing viability and supported by relevant viability evidence in the form of an Economic Viability Appraisal Report (EVAR) prepared on behalf of the owner.
4. The EVAR as submitted demonstrates by reference to known values of new private residential units in the locality, lettings, revenue and yield values together with costings for the development, that the project could not viably sustain any affordable housing contribution.
5. As a development that was originally referable to the Mayor for London, the Mayor was consulted on this application as required by guidance. The response raises questions about whether the permission to which the application relates remains extant given that its five year time limit expired on 14 December 2014. The consultation response concludes that the GLA would expect the maximum reasonable amount of affordable housing to be secured at the site having regard to ‘current market conditions’ and that the Council should undertake an independent assessment of the EVAR given that the applicant was seeking full exemption from the provision of affordable housing.
6. For members guidance the application does remain extant as all pre-commencement conditions have been discharged to the extent required and a substantive start has been made to the development by the commencement of piling for the proposal.
7. An independent assessment of the EVAR has been carried out on behalf of the Council which raised a number of issues about the values and costs upon which its conclusions were based. As a result of discussions and negotiations between the Council’s and the applicant’s consultants the applicant agreed to amend various elements of the EVAR. As a consequence of these alterations the applicants now accept that an element of affordable housing can be justified and it is proposed to provide this within the first phase of the development on the following basis:
 - 16 Shared Ownership units (1 x studio, 3 x 1 bedroom and 12 x 2 bedroom)
 - 15 Affordable Rented units (3 x 1 bedroom, 11x 2 bedroom and 1 x 3 bedroom)
8. The revised offer amounts to 31 affordable units, comprising 8.86% of the total number of units and 10% of the development in terms of habitable rooms. Whilst this is some way short of the original amount staff recognise that there has been a marked shift in market conditions since the original

grant of planning permission. Accordingly, staff are satisfied that the revised offer represents a significant improvement over the original application and that the proposed mix of units to be provided is broadly in line with known demand and policy.

9. **Conclusion**

- 9.1 Staff consider that the amended offer of affordable housing the subject of this S106BA application is acceptable. It is therefore recommended that the consequential variation of the legal agreement is approved

IMPLICATIONS AND RISKS

Financial implications and risks:

None arising.

Legal implications and risks:

Legal resources will be required for the variation of the legal agreement

Human Resources implications and risks:

There are no human resources and risks directly related to this report.

Equalities implications and risks:

The Council's planning policies are implemented with regard to Equalities and Diversity. The proposal will continue to meet the infrastructure requirements arising from the development, including education provision which is in the wider interest of the community.

BACKGROUND PAPERS

1. The S106BA application letter and supporting documents as submitted or subsequently revised..

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REGULATORY SERVICES COMMITTEE

18 June 2015

REPORT

Subject Heading:

P0592.15 Sullens Farm, Sunnings Lane,
Upminster

Conversion of existing brick barns to
create 3 no. new apartments, demolition
of modern barns, to allow construction of
5 no. new houses, removal of external
caravan storage use and hard surfaced
yard and replacement with landscaping.
(Received 29-04-2015)

Ward:

Upminster

Report Author and contact details:

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

Policy context:

Local Development Framework
Development Control Policies
Development Plan Document

National Planning Policy Framework
National Planning Practice Guidance

London Plan

Financial summary:

Not applicable

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

Havering will be clean and its environment will be cared for	[x]
People will be safe, in their homes and in the community	[x]
Residents will be proud to live in Havering	[x]

SUMMARY

This application together with the associated application for listed building consent has been called-in by Councillor Ron Ower on the grounds of the planning history of the site and Green Belt issues.

The application site lies in the Green Belt and includes a Grade II listed building and associated outbuildings. This application follows the refusal of similar proposals on the grounds of the adverse impacts on the Green Belt, on the amenities of adjoining residential occupiers and on the setting of the listed building. The application concerns the conversion of listed outbuildings to provide three apartments; the demolition of other more recent outbuildings and the erection of a new terrace of three dwellings and two detached dwellings. The proposals have been further reduced in scale by removing one and increasing the buffer with adjoining properties. This reduces the scale of the development and its associated impacts.

As a result of these changes Staff consider that, on balance the development would be acceptable and subject to the prior completion of a S106 planning obligation to secure an education contribution, the grant of planning permission is recommended. However, should members judge that the changes do not overcome the adverse impacts of the development identified in the reasons for refusal of the earlier applications, then these could remain as material objections to the development. The works to convert the listed outbuildings are subject to a separate application for listed building consent.

RECOMMENDATIONS

1. That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable fee would be £15,150 subject to indexation. This is based on the creation of a net increase of 1,016.5 square metres of new internal floor space.
2. That the proposal is unacceptable as it stands but would be acceptable subject to the applicant entering into a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended), to secure the following:
 - No new dwelling shall be occupied prior to the removal of all caravans from the site and the landscaping of the land in accordance with details to be approved;

- No new dwelling shall be occupied prior to the removal of all hardcore from the remaining part of the area covered by lawful development certificate E0018.12 that lies outside of the application site and the landscaping of that land in accordance with details to be approved.
- A financial contribution of £48,000 to be paid prior to the commencement of the development, to be to be used for educational purposes.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the Legal Agreement prior to the completion of the agreement irrespective of whether the agreement is completed.
- The Developer/Owner to pay the appropriate planning obligations monitoring fee prior to the completion of the agreement.
- That the Head of Regulatory Services be authorised to enter into the planning obligation to secure the above and upon completion of that agreement, grant planning permission subject to the conditions set out below.

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

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

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

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

3. *Car parking* - No dwelling unit shall be occupied until the car/vehicle parking area shown on approved drawing 2865 SK01 has been completed, and thereafter, the area shall be kept free of obstruction and permanently made available for the parking of vehicles associated with the development and shall not be used for any other purpose.

Reason: To ensure that car parking accommodation is made permanently available to the standards adopted by the Local Planning Authority in the

interest of highway safety and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC33.

4. *Materials* - The development hereby permitted shall not be commenced until samples of all materials to be used in the external construction of the buildings has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed with the approved materials.

Reason: Insufficient information has been supplied with the application to judge the appropriateness of the materials to be used. Submission of samples prior to commencement will ensure that the appearance of the proposed development will harmonise with the character of the surrounding area and comply with Policy DC61 of the Development Control Policies Development Plan Document.

5. *Landscaping* - No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping, which shall include indications of all existing trees and shrubs on the site, and details of any to be retained, together with measures for the protection in the course of development. All planting, seeding or 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: Insufficient information has been supplied with the application to judge the appropriateness of the hard and soft landscaping proposed. Submission of a scheme prior to commencement will ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61. It will also ensure accordance with Section 197 of the Town and Country Planning Act 1990.

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

Reason: Insufficient information has been supplied with the application to judge how refuse and recycling will be managed on site. Submission of this detail prior to occupation in the case of new building works or prior to the use commencing in the case of changes of use will protect the amenity of occupiers of the development and also the locality generally and ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

7. *Cycle storage* - Prior to 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: Insufficient information has been supplied with the application to demonstrate what facilities will be available for cycle parking. Submission of this detail prior to occupation in the case of new building works or prior to the use commencing in the case of changes of use is in the interests of providing a wide range of facilities for non-motor car residents and sustainability in accordance with Policy DC36 of the LDF Development Control Policies Development Plan Document.

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

Reason: Insufficient information has been supplied with the application to judge the appropriateness of any boundary treatment. Submission of this detail prior to commencement will protect the visual amenities of the development, prevent undue overlooking of adjoining property and ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

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

Reason: Insufficient information has been supplied with the application to judge whether the proposals meet Secured by Design standards. Submission of a full and detailed application prior to commencement is in the interest of creating safer, sustainable communities and to reflect guidance in Policies CP17 and DC63 of the Core Strategy and Development Control Policies Development Plan Document and the NPPF.

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

Reason: Insufficient information has been supplied with the application to judge the impact arising from any external lighting required in connection with the

building or use. Submission of this detail prior to occupation in the case of new building works or prior to the use commencing in the case of changes of use will protect residential amenity and ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

11. *Hours of construction* - All building operations in connection with the construction of external walls, roof, and foundations; site excavation or other external site works, including any works of demolition; 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. *Vehicle Cleansing* – No works shall take place in relation to any of the development hereby approved until wheel scrubbing/wash down facilities to prevent mud being deposited onto the public highway during construction works is provided on site in accordance with details previously 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 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 break-down 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: Insufficient information has been supplied with the application in relation to wheel washing facilities. Submission of details prior to commencement will ensure that the facilities provided 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. It will also ensure that the development accords with the Development Control Policies Development Plan Document Policies DC32 and DC61

13. *Construction methodology* - The development hereby permitted shall not be commenced until a scheme has been submitted to and approved in writing by the local planning authority making provision for a Construction Method Statement to control the adverse impact of the development on that phase on the amenity of the public and nearby occupiers. The Construction Method statement shall include details of:

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

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

Reason: Insufficient information has been supplied with the application in relation to the proposed construction methodology. Submission of details prior to commencement will ensure that the method of construction protects residential amenity. It will also ensure that the development accords the Development Control Policies Development Plan Document Policy DC61.

14. *Land contamination* - The development hereby permitted shall not be commenced until the developer has submitted 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 likelihood of contaminants, 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 site ground conditions. An updated Site Conceptual Model should be included showing all the potential pollutant linkages and an assessment of risk to identified receptors.

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 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: Insufficient information has been supplied with the application to judge the risk arising from contamination. Submission of an assessment prior to commencement will ensure the safety of the occupants of the development hereby permitted and the public generally. It will also ensure that the development accords with Development Control Policies Development Plan Document Policies DC54 and DC61.

15. *Removal of permitted development rights* - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 Article 3, Schedule 2, Part 1, as amended by the Town and Country Planning

(General Permitted development) (Amendment)(no. 2)(England) Order 2008 (or any order revoking and re-enacting that Order with or without modification), no development shall take place under Classes A, B, C or E, unless permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

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

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

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

17. *New footway* – None of the dwellings hereby permitted shall be occupied until the new footway proposed along the Sunnings Lane frontage of the site has been constructed in accordance with details previously submitted to an agreed in writing by the local planning authority. The footway shall be permanently retained thereafter.

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

18. *Pedestrian visibility splays* – Pedestrian visibility splays shall be provided on either side of the access points onto the public highway of 2.1 by 2.1 metre back to the boundary of the public footway. Thereafter the visibility splay shall be permanently retained and kept free from obstruction or object higher than 0.6 metres within the visibility splay.

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

19. *Vehicle access* – All necessary agreements, notices or licences to enable the proposed alterations to the Public Highway as part of the required by the development shall be entered and completed into prior to the commencement of development.

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

20. *Lifetime Homes* - The development hereby permitted shall not commence until a Lifetime Homes methodology statement for the six properties comprising the new build development has been submitted to and approved in writing by the Local Planning Authority. The statement shall demonstrate how the development will achieve Lifetime Home standards. The development shall be carried out in accordance with the approved details and thereafter maintained as such.

Reason: Insufficient information has been supplied with the application to demonstrate how lifetime homes standards would be achieved. The submission of details prior to commencement of buildings works will ensure that the amenities of future residents and visitors are protected and that the residential development meets the needs of all potential occupiers in accordance with policy DC7 of the Havering LDF Core Strategy and Development Control Policies Development Plan Document and policy 3.8 of the London Plan.

21. *Archaeology* - a) No development shall take place until the applicant has secured the implementation of a programme of archaeological evaluation in accordance with a written scheme which has been submitted to and approved in writing by the Local Planning Authority and a report on that evaluation has been submitted to the local planning authority.

b) If heritage assets of archaeological interest are identified by the evaluation under part a), then before development commences the applicant shall secure the implementation of a programme archaeological investigation in accordance with a written scheme of investigation which has been submitted to and approved by the local planning authority.

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

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

Reason: Heritage assets of archaeological interest survive on the site. Insufficient information has been supplied with the application in relation to these matters. The planning authority wishes to secure the provision of archaeological investigation and the subsequent recording of the remains prior to development (including historic buildings recording), in accordance with Policy DC70 of the Development Control Policies Development Plan Document and the NPPF.

Informatives

1. Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.
2. *Secured by Design* - In promoting the delivery of safer, stronger, sustainable places the Local Planning Authority fully supports the adoption of the principles and practices of the Secured by Design Award Scheme and Designing against Crime. Your attention is drawn to the free professional service provided by the Metropolitan Police Designing Out Crime Officers for North East London, whose can be contacted via DOCOMailbox.NE@met.police.uk or 0208 217 3813 . They are able to provide qualified advice on incorporating crime prevention measures into new developments.
3. *Changes to the public highway* - The Highway Authority require the Planning Authority to advise the applicant that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted considered and agreed. If a new or amended access is required (whether temporary or permanent), there may be a requirement for the diversion or protection of third party utility plant and it is recommended that early involvement with the relevant statutory undertaker takes place. Any proposals which involve building over the public highway as managed by the London Borough of Havering, will require a licence and the applicant must contact StreetCare, Traffic & Engineering on 01708 433750 to commence the relevant approval process. Unauthorised work on the highway is an offence.
4. *Highway legislation* - The granting of planning permission does not discharge the requirements of the New Roads and Street Works Act 1991 or the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works of any nature) required during the construction of the development.
5. *Temporary use of the highway* - If any construction materials are proposed to be kept on the highway during construction works then they will need to apply for a license from the Council. If the developer requires scaffolding, hoarding or mobile cranes to be used on the highway, a licence is required and Streetcare should be contacted on 01708 434343 to make the necessary arrangements.
6. *New footway* - The provision of the footway will involve the relocation of a telegraph pole and lighting column and approval of the Highway Authority will be required for these works. In addition there is a drainage ditch between Sunnings Lane and building C-Q which is likely to be affected by the footway works. Additional drainage works are likely to be required by the Highway Authority.

7. *Planning Obligations* - The planning obligations required 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. *Mayoral CIL* - The proposal is liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be £15,150 (subject to indexation). CIL is payable within 60 days of commencement of development. A Liability Notice will be sent to the applicant (or anyone else who has assumed liability) shortly and you are required to notify the Council of the commencement of the development before works begin. Further details with regard to CIL are available from the Council's website.

REPORT DETAIL

1. Site Description

- 1.1 The application site lies within the Green Belt to the south of Corbets Tey. The area around the site is generally open and mainly in agricultural use. To the northwest is the Corbets Tey Conservation Area which in the vicinity of the site comprises mainly open land. The application site comprises a number of former agricultural buildings now in commercial use, a listed grade II farmhouse and an area used for the storage/parking of commercial vehicles. The application site area amounts to 0.57 hectares. Access to the site is from Sunnings Lane.
- 1.2 The wider area around the buildings also includes an area used for caravan storage. The buildings became redundant when the agricultural activities ceased on adjoining land. To the north of the site is a terrace of five dwellings that face onto Sunnings Lane, the nearest of which adjoins the application site boundary. There is an area of grass between the outbuildings and the nearest dwelling. To the north east on the opposite side of Sunnings Lane is a terrace of three cottages.
- 1.3 The buildings that are subject to this application comprise:
- Building A which is a large ex-WW2 hanger/Nissen building which is constructed partly of block and corrugated steel sheeting over a metal frame. The building has a semi-cylindrical shape. Roller shutter doors have been fitted to the front of the building which has been divided internally into 12 separate commercial units. These uses are unauthorised and an application for a lawful development certificate has been refused. To the rear is an office building. The building was originally acquired for agricultural use.

- Building B is constructed partly of block and partly steel framed. The external cladding is part corrugated sheeting and part timber boarding. The roof is of corrugated steel, pitched with gable ends. There are three lawful commercial uses (B1 and B8) within the building.
- Building S comprises a detached brick/block single storey building white rendered and with corrugated metal roof. The building is in use as an office. A LDC has been issued for B1 use.
- Building C-Q is of brick construction with part timber cladding under a corrugated metal roof. It is subdivided into a number of smaller units. The building is in a number of sections forming an open courtyard. The building is in unauthorised commercial use and an application for a lawful development certificate has recently been refused. The building is considered to be listed as being within the curtilage of the listed building and associated with it.

2. Description of Proposal

- 2.1 This is a full application for a total of eight new dwellings following the demolition of buildings A, B and S and the conversion of buildings C-Q. The proposed development would comprise:
- A terrace of three new 3-bed two-storey dwellings in an 'L-shaped' configuration on the site of the existing Nissen building (building A);
 - Two detached new 3-bed two storey dwellings in an 'L-shaped' configuration on the site of buildings B and S, and,
 - The conversion of the range C-Q to form one 3-bed ground floor apartment; one 2-bed duplex apartment and one 5-bed duplex apartment.
- 2.2 All of the dwellings would have rear amenity areas and private car parking which would be provided in three separate areas. There would be 6 spaces to the front of the converted outbuildings; 6 spaces in front of the terrace and 7 spaces to the south of the detached dwellings. The yard and lorry parking area would be cleared and landscaped. The area used for caravan storage would be cleared and returned to open land; however, this is outside of the application site.
- 2.3 Parts of building C-Q would be demolished and the remainder converted into three apartments; one single storey and the other two with rooms within the roof space. The metal roof would be replaced with slates and conservation roof lights. The new buildings would use materials to match those of the existing brick barn (C-Q). The replacement for building B would be located close to the retained building to create two open courtyards. These dwellings would have rear gardens to the north of the units. There would be a landscaped buffer strip and acoustic fence between the rear boundary and the nearest properties in Sunning's Lane. The buffer strip would increase in depth to a maximum depth of about 14 metres to the rear of the nearest property.

2.4 The new buildings would be two-storey constructed in brick, timber and render under hipped tiled roofs. The area to the west of Building B where there is lawful use for vehicle parking would be cleared and landscaped. The access roads would be improved and open areas landscaped. The remaining part of the lawful commercial vehicle parking area and the area currently used for caravan storage, both of which are outside of the application area would also be cleared and landscaped.

3. Relevant History

3.1 P1655.14 - Conversion of existing brick barns to create three new apartments, demolition of modern barns to allow construction of six new houses, removal of external caravan storage use and hard surfaced yard and replacement with landscaped parking - refused.

3.2 P0881.14 - Conversion of existing brick barns to create new apartments, demolition of modern barns to allow construction of new houses, Removal of external caravan storage use and hard surfaced yard and replacement with landscaped parking - refused.

3.3 L0009.14 - Listed Buildings Consent for conversion of existing brick barns to create new apartments, demolition of modern barns to allow construction of new houses within curtilage of listed building – pending;

3.4 L0016.14 - Listed Buildings Consent for conversion of existing brick barns to create new apartments, demolition of modern barns to allow construction of new houses within curtilage of listed building – refused;

3.5 E0015.12 - Certificate of Lawfulness for the existing use of Building A as a car maintenance workshop with associated office and storage units – refused;

3.6 E0016.12 - Certificate of Lawfulness for the existing use of Buildings B and S for B1 & B8 use – approved;

3.7 E0017.12 - Certificate of Lawfulness for the existing use of Blocks C and Q for B1 & B8 use – refused;

3.8 E0018.12 - Certificate of Lawfulness for the existing use of parking and overnight storage of commercial vehicles – approved.

4. Consultations and Representations

Representations

4.1 The application has been advertised on site and in the local press as not in accordance with the development plan and as affecting the setting of a listed building. In addition neighbour notification letters sent to 45 local addresses. Six representations have been received raising the following issues:

- Green Belt development;
- Run-down buildings part of the site's character and should be retained;
- Increase in traffic;
- Inadequate services;
- Set a precedent for further Green Belt development;
- Loss of commercial premises;
- Affect rural character of the area;
- Noise and other environmental impacts;
- Impact on Corbets Tey Conservation Area;
- Loss of privacy
- Impact from construction;

Consultations:

- 4.2 Thames Water - no objections with regards to sewerage infrastructure. The developer is responsible to make proper provision for surface water drainage.
- 4.3 Environment Agency - no response.
- 4.4 Public Protection - contaminated land and gas protection conditions requested as land is potentially contaminated and landfill sites nearby; construction hours condition; no burning on site during site clearance and construction and demolition statements.
- 4.5 London Fire and Emergency Planning Authority - access is required to comply with relevant part of the Building Regulations.
- 4.6 Essex and Suffolk Water - no objections. New dwellings would require metered water connection.
- 4.7 Streetcare (Highways) – has no objections and is happy to adopt proposed footway which would involve relocation of telegraph pole and lighting column. Drainage work would also be required. Conditions requested to cover pedestrian visibility splays; highway agreements and vehicle cleansing.
- 4.8 Metropolitan Police Designing Out Crime Officer - raises concerns relating to layout issues, including the location of the car parking area which should be relocated to provide natural surveillance. Secured by Design condition recommended.
- 4.9 London Fire Brigade Water Team - no additional fire hydrants required.
- 4.10 Historic England (Archaeology) - no comments received.
- 4.11 Historic England (historic buildings) - application should be determined on the basis of the Council's own specialist conservation advice.

5. Relevant Policies

- 5.1 Policies CP1 (Housing Supply); CP2 (Sustainable Communities); CP10 (Sustainable Transport); CP15 (Environmental management); CP17 (Design); CP18 (Heritage); DC2 (Housing Mix and Density); DC3 (Housing Design and Layout); DC7 (Lifetime Homes and Mobility Housing); DC32 (The Road Network); DC33 (Car Parking); DC34 (Walking); DC35 (Cycling); DC45 (Appropriate development in the Green Belt); DC49 (Sustainable design and construction); DC53 (Contaminated Land); DC55 (Noise); DC58 (Biodiversity and geodiversity); DC61 (Urban Design); DC62 (Access); DC63 (Delivering Safer Places); DC72 (Planning obligations) of the Local Development Framework (LDF) Core Strategy and Development Control Policies Development Plan Document (DPD).
- 5.2 In addition, the Residential Design Supplementary Planning Document (SPD), Designing Safer Places SPD, Protecting and Enhancing the Borough's Biodiversity SPD, Heritage Supplementary Planning Document, Planning Obligations SPD (Technical Report 1 – Assessment of Infrastructure Costs) and Sustainable Design and Construction SPD are also relevant.
- 5.3 Policies 3.3 (increasing housing supply), 3.4 (optimising housing potential); 3.5 (quality and design of housing developments), 5.3 (sustainable design and construction), 5.21 (contaminated land), 6.13 (Parking), 7.3 (designing out crime), 7.4 (local character), 7.6 (architecture), 7.14 (improving air quality), 7.15 (reducing noise and enhancing soundscapes), 7.19 (biodiversity and access to nature) and 8.3 (community infrastructure levy) of the London Plan and the provisions of the National Planning Policy Framework and the National Planning Practice Guidance.

6. Staff comments

Call-in

- 6.1 This application and the associated listed building application have been called-in for determination by Councillor Ron Ower on the grounds of on the grounds of the planning history of the site and Green Belt issues.

Background

- 6.2 The outbuildings within the curtilage of Sullens Farm were originally used for agricultural purposes in association with the agricultural use of the adjoining land. Following the cessation of farming the buildings have been put to use for commercial purposes. An area to the west of the Nissen building has been used for the storage of caravans for many years. The applicant has sought to establish that the uses of the buildings have become lawful through their use in excess of 10 years. Evidence has been submitted in support of applications for lawful development certificates that seek to demonstrate the use over this period. For buildings B and S certificates have been issued, however, for buildings A and C-Q they have been refused. In addition a certificate has been issued for the parking and overnight storage of commercial vehicles on land to the west of building B. No application has been submitted in respect of the

caravan storage; however, aerial photographic evidence shows this to have existed for well in excess of 10 years. The use is, therefore, likely to be lawful.

- 6.3 Two previous applications for similar development have been refused on the grounds of impact on the openness of the Green Belt, impact on the setting of the listed building and the impact on neighbouring residents. This application seeks to reduce these impacts to an acceptable level.

Principle of the development

- 6.4 The main considerations in this case are the principle of the development in the Green Belt and on the setting of the listed building. In addition there is the potential for an adverse impact on adjoining residential occupiers. This issue was of particular concern to members when the most recent application was considered. The planning history is also relevant in terms of the lawful use of the outbuildings and open areas of the site.
- 6.5 The site lies within the Green Belt where there is a presumption against inappropriate development. Inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. The construction of new buildings, including dwellings is normally inappropriate in the Green Belt. However, paragraphs 89 and 90 of the NPPF set out circumstances where new buildings or the re-use of existing buildings would not be inappropriate development. Of particular relevance to this case are: i) 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; ii) limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development, and iii) the re-use of existing buildings provided they are of permanent and substantial construction.
- 6.6 LDF Policy DC45 is based on the earlier advice in PPG2 (Green Belts), but is broadly consistent with the updated guidance in the NPPF. DC45 seeks to restrict inappropriate development in line with national guidance. The redevelopment of authorised commercial/industrial sites would be acceptable under the policy where there is a substantial reduction in the amount of building on site and there are improvements to the local Green Belt environment. However, only parts of the site are in lawful commercial use.
- 6.7 Paragraph 55 of the NPPF also refers to new dwellings in the countryside generally. Isolated new dwellings should be avoided unless there are special circumstances. The paragraph provides examples of such special circumstances. This includes where the development would re-use redundant or disused buildings and lead to an enhancement of the immediate setting. This is general guidance which does not relate specifically to Green Belt sites.
- 6.8 The proposed development would lie within the curtilage of a Grade II listed building. Given the proximity of the listed building there is the potential for any

new built development to have an adverse impact on its setting. The guidance in the NPPF at paragraph 132 is that great weight should be given to the significance of a designated heritage asset. Any harm needs to be clearly justified. In determining applications it is desirable that new development in proximity of a listed building makes a positive contribution to local character and distinctiveness. LDF Policy DC67 and London Plan Policy 7.8 also seek to protect the setting of listed buildings. In this case the demolition of two existing buildings and the construction of new buildings could have the potential to adversely affect the setting of Sullens Farm, even though they would have a reduced volume. Harm to the significance of the asset could amount to a material objection to the application.

- 6.9 Some of the former agricultural buildings within the curtilage of the listed farmhouse are considered to be covered by the listing as they were erected prior to the relevant date (01-07-1948). The range C-Q is considered to be covered by the listing as it relates to the farmhouse and was erected prior to 1948. The Nissen style building is also within the curtilage and was erected post WWII for agricultural use but the date of erection is unclear. However, the aerial photographic evidence is that it was probably erected before 1948 and should be regarded as curtilage listed. The List Entry Details do not include reference to any groupings of buildings within the curtilage; however, it was not the practice to refer to curtilage buildings when Sullens Farm was listed in 1979.

Green Belt issues

- 6.10 In terms of Green Belt policy the conversion of the range of buildings C-Q is considered acceptable as it involves the re-use of existing buildings mainly within the existing footprint. There would also be no alterations to the height of the buildings. The conversion is considered to be appropriate development in accordance with the Green Belt policy of the NPPF and LDF Policy DC45.
- 6.11 In terms of the demolition of building B this would improve the openness of the Green Belt. The building was originally part of the farm, but is now lawfully used for commercial purposes. The definition of previously developed land excludes land occupied by agricultural buildings, however, as the building has a new lawful use this is no longer considered to apply. Therefore, the land occupied by the building can be considered a previously developed site where some infilling could be acceptable in accordance with the NPPF. Since the first application (P0881.14) the scale and number of new dwellings proposed on this part of the site has been reduced. Only two dwellings are now proposed and whilst detached would have a smaller footprint and a lower eaves height. Two detached dwellings are proposed which are located further from the rear garden of no. 118 Sunnings Lane than the previous proposal. The rear gardens have also been relocated so that they are further away from no. 118. On this basis Staff consider that the proposed buildings would not have a greater impact on openness than the existing ones and accord with the relevant Green Belt policies.

- 6.12 The demolition of building A (Nissen building) would also improve openness. However, in this case an application for a lawful development certificate for commercial uses has been refused. The evidence submitted does indicate that the building has probably not been used for agriculture for at least 15 years and the last lawful use of the building may well have been for agriculture. Whilst the lawful use may be unclear the building is substantial in volume and its demolition would materially improve the openness of the site. The proposal to replace building A with three new dwellings of significantly less volume and footprint needs to be considered in this context. The single 'L-shaped' terrace now proposed has been reduced in size from the original application. As a result of the reduced bulk and footprint the proposed replacement is judged to have less impact on openness. The style of the buildings would be similar to the other replacement dwellings. On this basis Staff remain of the view that the replacement would be acceptable in Green Belt terms.
- 6.13 The conversion and new build to the north of the site would also result in some encroachment into an additional part of the Green Belt which is currently open and unused. The formation of garden areas and the introduction of domestic paraphernalia could have an adverse impact on the character and appearance of this part of the Green Belt and on the countryside generally due to its urbanising effect. The proposed garden areas to the south would have less impact as they would be in the place of the large Nissen building.
- 6.14 In assessing the impact of the development in terms of impact on openness it is necessary to apply judgement in relation to the development as a whole. Account also needs to be taken to the other improvements that would arise through the removal of the caravan storage and the area of commercial vehicle storage/parking with the associated hardsurfacing. These would help to improve the overall openness of the site and reduce the overall developed area. There would also be material visual improvements through the removal of the commercial buildings. These are material considerations. Whilst it has not been formally determined that the open storage of caravans is lawful the aerial photographic evidence is that the land has been used for this purpose since at least 1994.
- 6.15 Taking all these matters into account staff consider that the overall development proposed would not have a greater impact on the openness of the Green Belt or on the purpose of including land within it than the existing development. Therefore, the proposed development can be considered appropriate in the Green Belt.

Heritage Issues

- 6.16 Sullens Farmhouse is Grade II listed and the buildings subject to the application fall within its curtilage. Of the buildings the range C-Q and building A are considered to be covered by the listing as curtilage buildings. A separate listed building consent application has been made for works to C-Q and the demolition of buildings A and B. The new development has the potential to adversely impact on the setting of the listed building. These buildings are now proposed to be more modest in scale such that they would not compete with

the listed farmhouse. Staff consider, therefore, that the proposed development would not lead to substantial harm to or loss of the significance of the listed building or to its setting.

- 6.17 The Nissen building (Building A) appears as one of the group of former agricultural buildings around the main farmhouse and does have some value within the overall setting of the listed building. As a result there would be some limited harm to the setting through the demolition of the building. In accordance with the NPPF this harm should be weighed against the public benefits of the proposal. Staff consider that, on balance, the overall benefits through the reduction in scale of the later buildings within the curtilage, including the greater separation between the farmhouse and buildings to the south, the removal of open commercial uses and improved landscaping, and improvements in Green Belt terms, that the proposals would accord with the guidance in the NPPF and the NPPG, LDF Policy DC67 and London Plan Policy 7.8. However, should on the other hand members consider that the harm to the heritage assets is not outweighed by the benefits identified in this report then this could amount to a material objection to the proposals.
- 6.18 The Corbets Tey Conservation Area lies to the north west of the site and the nearest parts are open land associated with High House Farm. The conservation area abuts the edge of the wider Sullens Farm site; however, Staff consider that the proposals would not affect its character or appearance.

Design/Impact on the streetscene

- 6.19 The existing arrangement of buildings does not have any particularly adverse impact on the wider streetscene. Although no longer in agricultural use, the buildings appear as part of a farm complex and do not detract from the wider rural scene. However, the commercial use of the site does have some negative visual impact. The proposed new dwellings would change the character of the area as the buildings would no longer appear as part of a group of agricultural buildings. However, given the overall reduction in the scale of built development Staff consider that they would not be harmful to the character and appearance of this Green Belt locality. There are a number of isolated dwellings in the locality and the design of the new buildings is judged to be in character with local architecture and materials. In these circumstances the proposals are considered to be in accordance with LDF Policy DC61 and the guidance in the NPPF.

Impact on residential amenity

- 6.20 The proposed conversion of the building range C-Q and the erection of new dwellings on the site of building B could have a materially adverse impact on existing residential occupiers, in particular no. 118 Sunnings Lane adjoining to the north. Since the most recent refusal the layout of the proposed gardens areas has been changed and the number of new dwellings reduced to lessen any impact. The potential impact on the nearest neighbour was of particular concern to members in refusing the previous application. To address this the area proposed for new gardens to the north of the site has been reduced and

the landscaped buffer increased. The buffer would range from 6.5 metres to 14 metres compared with the previous five metres. A 2.1 metre acoustic fence would also be erected on the south side of the buffer. There would now be only three gardens in the currently unused grassed area to the north of buildings C-Q. The replacement buildings for Building B would be further from the northern boundary allowing the reconfiguration of the garden areas to provide an acceptable level of amenity space for the new dwellings. Staff consider that this provides an acceptable balance and would adequately protect the amenities of the nearest occupiers. In addition conditions are proposed that would restrict any future development in the rear gardens. All the first floor accommodation would be within the roof space and this would be lit through rooflights so there would be no direct overlooking of rear garden areas.

- 6.21 There are currently commercial activities at the site which are lawful, including the use of Building B and the parking area to the west which have the potential to adversely affect the amenities of the occupiers of the nearest residential properties. The proposed new residential uses would have much less impact and Staff judge that the proposals would have an overall positive impact on residential amenity.

Parking and highways Issues

- 6.22 The development would utilise an existing access and the change to a residential use is unlikely to significantly increase the amount of traffic using Sunnings Lane. The nature of the traffic would be predominantly cars which would replace the existing and past commercial traffic. Adequate parking is proposed in accordance with adopted standards.

Archaeology

- 6.23 The site lies within an Archaeological Priority Zone. Under LDF Policy DC50 the archaeological significance of a site needs to be taken into account when making decisions and permission should only be granted where satisfactory provision is made for recording and preserving archaeological remains. APZs are wider areas than Archaeological Priority Areas where the archaeological landscape would have the potential to yield specific areas of interest. There is the potential that the site could contain some archaeological interest. Historic England has not commented on the current application but previously the former English Heritage has advised that further studies should be undertaken to help inform the planning decision. However, the proposed development relates mainly to either the conversion of existing buildings or new buildings on the footprint of buildings to be demolished. The works to the former barns (buildings C-Q) and the demolition of building A are also covered by a Listed Building Consent application that would address recording during conversion. In these circumstances it is considered that an appropriately worded condition would provide protection for any archaeological assets in the areas affected by the development.

Secured by design

6.24 LDF Policy DC 63 seeks to ensure that new developments are designed to discourage crime and adopt the principles and practices of the 'Secured by Design' award scheme. The Borough Designing Out Crime Officer has raised issues relating to the visibility of proposed car parking areas in terms of surveillance from the new dwellings. Since the previous refusal the parking areas have been revised and there is better surveillance. The number of spaces has been reduced and whilst closer to the farmhouse are considered to strike the right balance between visibility and impact on the setting of the listed building. In these circumstances this matter would not amount to a material objection.

Other issues

6.25 The application details include proposals in relation to land outside of the application site, but with the area enclosed by the blue line. These relate to the removal of the caravan storage and the remainder of the commercial vehicle storage/parking area. These areas would be landscaped. These improvements to the Green Belt are a material consideration. In the event that planning permission is granted Staff consider that these should be addressed through a legal agreement, rather than a negatively worded condition, that prevents occupancy of the new dwellings until the land has been cleared and landscaped.

Infrastructure Impact of Development

6.26 Regulation 122 of the Community Infrastructure Levy Regulations 2010 (CIL Regulations) states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

6.27 Policy DC72 of the Council's LDF states that in order to comply with the principles as set out in several of the policies in the Plan, contributions may be sought and secured through a Planning Obligation. Policy 8.2 of the Further Alterations to the London Plan states that development proposals should address strategic as well as local priorities in planning obligations.

6.28 In 2013, the Council adopted its Planning Obligations Supplementary Planning Document which sought to apply a tariff style contribution to all development that resulted in additional residential dwellings, with the contributions being pooled for use on identified infrastructure.

6.29 There has been a recent change to the effect of the CIL Regulations in that from 6th April 2015, Regulation 123 of the CIL Regulations states that no more than 5 obligations can be used to fund particular infrastructure projects or infrastructure types. As such, the SPD, in terms of pooling contributions, is now out of date, although the underlying evidence base is still relevant and up to date for the purposes of calculating the revised S106 contributions.

- 6.30 The evidence background to the SPD, contained in the technical appendices is still considered relevant. The evidence clearly show the impact of new residential development upon infrastructure – at 2013, this was that each additional dwelling in the Borough has a need for at least £20,444 of infrastructure. Therefore, it is considered that the impact on infrastructure as a result of the proposed development would be significant and without suitable mitigation would be contrary to Policy DC72 of the LDF and Policy 8.2 of the London Plan.
- 6.31 Furthermore, evidence clearly shows a shortage of school places in most parts of the Borough – (London Borough of Havering Draft Commissioning Plan for Education Provision 2015/16-2019/20). The Commissioning report shows need for secondary places and post-16 places which due to their nature would serve all parts of the Borough. The Commissioning report identifies that there is no spare capacity to accommodate demand for primary and early year’s school places generated by new development. The cost of mitigating new development in respect to all education provision is £8,672 (2013 figure from Technical Appendix to SPD). On that basis, it is necessary to continue to require contributions to mitigate the impact of additional dwellings in the Borough, unless the development is within an area of the Borough where there is a surplus of school places. Previously, in accordance with the SPD, a contribution of £6000 per dwelling was sought. It is considered that this is reasonable when compared to the need arising as a result of the development.
- 6.32 It would therefore be necessary to require a contribution to be used for educational purposes. Separate monitoring of contributions would take place to ensure that no more than 5 contributions are pooled for individual projects. It is considered that a contribution equating to £6000 per dwelling for educational purposes would be appropriate.
- 6.33 The proposed new dwellings would result in additional local infrastructure demand such that a financial contribution is needed in accordance with Policy DC72. There would be a net addition of eight units and a charge of £48,000 is considered necessary to make the development acceptable in accordance with the policy and which would need to be secured through a S106 Planning Obligation.
7. 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. The applicable fee is charged at £20 per square metre based upon the net increase in internal floor area; however, in assessing the liability account can only be taken of existing usable floorspace that has been lawfully used for at least six months within the last three years. The relevant existing floorspace amounts to 1,340sqm, however, only buildings B and S are being lawfully used, which have a combined floor area of 259sqm. The proposed new floorspace is 1,016.5 square metres. This gives a net increase of 757.5 square metres for CIL purposes. At £20 per square metre the CIL liability would be £15,150.

8 Conclusions

- 8.1 This application seeks to address the reasons for refusal of two previous applications. Staff consider, as a matter of judgement that as a result of the reduction in the scale of the replacement buildings, the reconfiguration of garden areas and the removal of other open uses of the site that overall the development would bring about significant improvement to the appearance and openness of the Green Belt. The replacement of existing buildings with new development would reduce the overall impact on openness. The re-use of the former barns would not be inappropriate development as the buildings are of permanent and substantial construction. Therefore the development is considered acceptable in Green Belt terms and would accord with the guidance in paragraphs 89 and 90 of the NPPF and development plan policies.
- 8.2 The scale of the proposed new build development means that it would not have a material adverse impact on the setting of the listed farmhouse by reason of its scale, design and location. The demolition of buildings within its curtilage would lead to less than substantial harm to the significance of the listed building. Staff consider that, on balance, the overall benefits through the reduction in scale of the later buildings within the curtilage, including the greater separation between the farmhouse and buildings to the south, the removal of open commercial uses and improved landscaping, and improvements in Green Belt terms, that the proposals would accord with the guidance in paragraph 134 of the NPPF and the NPPPG, LDF Policy DC67 and London Plan Policy 7.8
- 8.3 Given the close proximity of proposed garden areas to existing residential properties there is the potential of an adverse impact on the amenities of existing occupiers due to the combined impact of their use by future residents. Staff consider that the reconfiguration of the garden areas and the reduction in the scale of new development in proximity to no. 118 Sunnings Lane would mean that the impacts would be acceptable and adequately address the previous reason for refusal. In this regard weight also needs to be given to the reduction in impact from the removal of commercial uses from the site.
- 8.4 There would also be a contribution to meet the education costs associated with the development in accordance LDF Policy DC72. There would also be a need to secure the proposed restoration of land outside of the application site, but within the same ownership. Both these matters would be secured through a S106 legal agreement. The proposal is therefore judged to be acceptable, subject to the obligation and conditions, and it is recommended that planning permission is granted accordingly.

IMPLICATIONS AND RISKS

Financial implications and risks:

None

Legal implications and risks: Legal resources will be required to prepare and complete the Section 106 legal agreement.

The S106 contribution is lawfully required to mitigate the harm of the development, and comply with the Council's planning policies. Officers are satisfied that the contribution required is compliant with the statutory tests set out in the CIL Regulations relations to planning obligations.

Human Resources implications and risks:

None

Equalities implications and risks:

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

BACKGROUND PAPERS

1. Planning application form and plans received 29-04-2015

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REGULATORY SERVICES COMMITTEE

REPORT

18 June 2015

Subject Heading:

L0003.15 Sullens Farm, Sunnings Lane,
Upminster

Listed Buildings Consent for conversion of
existing brick barns to create new
apartments, demolition of modern barns to
allow construction of new houses within
curtilage of listed building (Received 29-
04-2015)

Ward:

Upminster

Report Author and contact details:

[Helen Oakerbee](#)
[Planning Manager](#)
helen.oakerbee@havering.gov.uk
[01708 432800](tel:01708432800)

Policy context:

Local Development Framework
Development Control Policies
Development Plan Document

National Planning Policy Framework
National Planning Practice Guidance

London Plan

Financial summary:

Not applicable

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

Havering will be clean and its environment will be cared for	[x]
People will be safe, in their homes and in the community	[x]
Residents will be proud to live in Havering	[x]

SUMMARY

This application together with the associated planning application has been called-in by Councillor Ron Ower on the grounds of the planning history of the site and Green Belt issues.

The application site lies within the Green Belt to the south of Corbets Tey and comprises a Grade II listed building and associated outbuildings within its curtilage. The application concerns the conversion of a range of outbuildings to provide three apartments; the demolition of other more recent outbuildings and the erection of a new terrace of three dwellings and two detached dwellings. The proposed conversation would provide a viable use for the former barns and would enhance the overall setting of the listed building and help sustain its significance. The demolition of two of the curtilage buildings would result in some limited harm to the setting of the listed building, however, this needs to be balanced against the overall benefits. Overall staff consider that, on balance, the significance of the listed building would be enhanced by the development and that the proposals would the guidance in the NPPF and the NPPPG, LDF Policy DC67 and London Plan Policy 7.8.

RECOMMENDATIONS

Grant listed building consent subject to the following conditions:

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

Reason: To comply with the requirements of Section 18(1) of the Planning (Listed Building and Conservation Areas) Act 1990 (as amended by Section 51 of the Planning Compulsory Purchase Act 2004).

2. Written notification of the intended start of works on site shall be sent to the Local Planning Authority, at least seven days before the works hereby approved are commenced.

Reason: In order that Historic England and the Local Planning Authority may be given the opportunity of monitoring the progress of works on site to ensure the preservation of the special interest of the building affected by the works

hereby approved, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC67.

3. The conversion of the building range C-Q hereby consented 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 conversion of the listed building is carried out in accordance with 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 DC67.

Reason: To preserve the character and appearance of the Listed Building and its setting, and in order that the development accords with Development Control Policies Development Plan Document Policy DC67.

4. All new work and works of making good to the retained fabric whether internal or external shall be finished to match the existing original work with regard to the methods used and to material, colour, texture and profile and in the case of brickwork facebond and pointing.

Reason: To preserve the character and appearance of the Listed Building and its setting, and in order that the development accords with Development Control Policies Development Plan Document Policy DC67.

5. Before any work is undertaken in pursuance of this consent to demolish or to alter by way of partial demolition any part of the building range C-Q, structural engineers drawings and/or method statement, indicating the proposed method of ensuring the safety and stability of the building fabric to be retained throughout the period of demolition and any reconstruction work shall be submitted to and approved by the local planning authority. The relevant work shall be carried out in accordance with such structural engineer's drawings and/or method statement thus approved.

Reason: Insufficient information has been submitted in relation to these matters which are necessary in order to secure the preservation of the listed buildings in accordance with Development Control Policies Development Plan Document Policy DC67 and the guidance in the National Planning Policy Framework.

6. Full details of doors and windows and samples of all materials including rainwater goods to be used in the conversion of the building range C-Q hereby permitted and the replacement goods to the retained building shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the work.

Reason: Insufficient information has been submitted in relation to these matters which are necessary in order to safeguard the appearance of the building and

the character of the immediate area, and in order that the development accords with the Development Control Policies Development Plan Document Policies DC61 and DC67 and the guidance in the National Planning Policy Framework.

7. No works relating to the conversion of the building range C-Q under this consent shall take place until details are submitted to, and approved in writing by the local planning authority of the following:

- a) proposals for the insulation of the converted building;
- b) alterations to the roof and the insertion of the proposed glazed roof panels;
- c) works required or alterations to the fabric of the listed building to achieve fire protection measures necessary to meet the Building regulations.

Reason: Insufficient information has been submitted in relation to these matters which are necessary in order to preserve the character and appearance of the Listed Building and its setting, and in order that the development accords with Development Control Policies Development Plan Document Policy DC67 and the guidance in the National Planning Policy Framework..

8. All new external finishes shall be carried out in materials to match those of the existing building(s) and samples of the materials to be used shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of any of the works hereby permitted.

Reason: To safeguard the appearance of the premises and the character of the immediate area, and that the development accords with the Development Control Policies Development Plan Document Policies DC61 and DC67.

9. a) No development, including any works of demolition shall take place until the applicant has secured the implementation of a programme of historical assessment, recording and evaluation of the buildings to be demolished in accordance with a written scheme which has been submitted to and approved in writing by the Local Planning Authority and a report on that evaluation has been submitted to the local planning authority.

- b) No development or demolition shall take place other than in accordance with the written scheme approved under Part b).

Reason: Heritage assets of historical interest survive on the site. Insufficient information has been supplied with the application in relation to these matters. The planning authority wishes to secure the provision of archaeological investigation and the subsequent recording of the remains prior to development (including historic buildings recording), in accordance with Policy DC70 of the Development Control Policies Development Plan Document and the guidance in the National Planning Policy Framework.

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 number of former agricultural buildings now in commercial use, a listed grade II farmhouse and an area used for the storage/parking of commercial vehicles. Sullens Farm is a 16th Century timber framed house with early 19th Century additions. The list entry does not make any reference to curtilage buildings. There have also been a number of more recent additions.
- 1.2 The wider area around the buildings also includes an area used for caravan storage. The buildings became redundant when the agricultural activities ceased on adjoining land. To the north of the site is a terrace of five dwellings that face onto Sunnings Lane, the nearest of which adjoins the application site boundary.
- 1.3 The following are curtilage buildings:
 - Building A which is a large ex-WW2 hanger/Nissen building which is constructed partly of block and corrugated steel sheeting over a metal frame. The building has a semi-cylindrical shape. Roller shutter doors have been fitted to the front of the building which has been divided internally into 12 separate commercial units. The building was originally acquired for agricultural use.
 - Building B is constructed partly of block and partly steel framed. The external cladding is part corrugated sheeting and part timber boarding. The roof is of corrugated steel, pitched with gable ends. The building is in commercial use.
 - Building C-Q is of brick construction with part timber cladding under a corrugated metal roof. It is subdivided into a number of smaller units. The building is in a number of sections forming an open courtyard. The building is in commercial use.
 - Building S comprises a detached brick/block single storey building white rendered and with corrugated metal roof. The building is in use as an office

2. Description of Proposal

2.1 The application is for listed building consent for the conversion of building range C-Q to form three new apartments and the demolition of the remaining curtilage buildings to facilitate the construction of five new dwellings; two detached dwellings and a terrace of three dwellings. Consent is required for the demolition of curtilage buildings where they were erected prior to 1st July 1948 and are in the same ownership at the time of listing.

3. Relevant History

3.1 P0592.15 - Conversion of existing brick barns to create 3 no. new apartments, demolition of modern barns, to allow construction of 5 no. new houses, removal of external caravan storage use and hard surfaced yard and replacement with landscaped parking – pending.

3.2 P0881.14 - Conversion of existing brick barns to create new apartments, demolition of modern barns to allow construction of new houses, Removal of external caravan storage use and hard surfaced yard and replacement with landscaped parking - refused.

3.3 L0009.14 - Listed Buildings Consent for conversion of existing brick barns to create new apartments, demolition of modern barns to allow construction of new houses within curtilage of listed building – refused.

3.4 P1655.14 - Conversion of existing brick barns to create 3 no. new apartments, demolition of modern barns, to allow construction of 6 no. new houses, removal of external caravan storage use and hard surfaced yard and replacement with landscaped parking – refused.

4. Consultations and Representations

Representations:

4.1 The application was advertised as affecting the setting of a listed building. Eight letters of objection have been received raising the following issues

- Green Belt development;
- Run-down buildings part of the site's character and should be retained;
- Increase in traffic;
- Inadequate services;
- Set a precedent for further Green Belt development;
- Loss of commercial premises;
- Affect rural character of the area;
- Noise and other environmental impacts;
- Impact on Corbets Tey Conservation Area;
- Loss of privacy;

4.2 These objections were made in conjunction with objections to P0592.15 and raise issues that do not directly relate to the listed building application. Whilst

these matters are not material to this application they are addressed in the report on P0592.15.

Consultations:

- 4.3 Historic England - (historic buildings) - application should be determined on the basis of the Council's own specialist conservation advice and in accordance with national and local planning policy guidance. In relation to the previously application the former English Heritage advised that it could not confirm whether the buildings involved are curtilage structures. In order to be curtilage structures the buildings would need to have been erected prior to 1 July 1948 and in the same ownership at the time of listing (1979). It will be a matter for the Council to determine whether the buildings are covered by the listing. If they are deemed to be curtilage buildings then any harm caused by demolition would need to be off-set by public benefits in accordance with the guidance in the NPPF.

5. Relevant Policies

- 5.1 Policies CP18 (Heritage); DC67 (Buildings of Heritage Interest) and DC68 (Conservation Areas) of the LDF Core Strategy and Development Control Policies Development Plan, Heritage Supplementary Planning Document, Policies 7.4 (Local Character) and 7.8 (Heritage Assets and Archaeology) of the London Plan and the guidance in Chapter 7 of the National Planning Policy Framework and the National Planning Practice Guidance.

6. Staff Comments

- 6.1 This application together with the associated planning application has been called-in by Councillor Ron Ower on the grounds of the planning history of the site and Green Belt issues.
- 6.2 The main issue in this is whether either the conversion or the demolition of the curtilage buildings would cause substantial or other harm to the listed building. The previous listed building consent application was refused for reasons of prematurity in the absence of an acceptable planning scheme. No concerns were raised in relation to the impact on the listed building.
- 6.3 Sullens Farmhouse is Grade II listed and the buildings subject to the application fall within its curtilage. Of the buildings the range C-Q and building A are considered to be covered by the listing as curtilage buildings. However, from the details submitted regarding buildings B and S it is unclear whether they are covered by the listing, although there is some evidence of buildings on that part of the site pre-1948. In these circumstances the application is considered to cover the demolition of all the curtilage buildings. This will ensure that recording of historic details of the buildings in addressed through the demolition process.
- 6.4 The demolition of existing buildings has the potential to adversely impact on the significance of the listed building. Significance is defined as the value of the

heritage asset to this and future generations because its heritage interest. This derives from the physical appearance of the asset and its setting. Curtilage buildings can form an important part of the setting and hence the significance of the listed building.

- 6.5 Whether a proposal causes substantial harm will be a matter of judgement and the guidance in the National Planning Practice Guidance is that it is a high test and that substantial harm should be exceptional. Where substantial harm is recognised, to overcome such harm or loss substantial public benefits that outweigh that harm should be demonstrated. In this case Staff judge that the proposed development would not lead to substantial harm to or loss of the significance of the listed building or to its setting through the loss of the curtilage buildings or their conversion. It is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting.
- 6.6 The curtilage buildings appear as a group of former agricultural buildings around the main farmhouse and do have some value within the overall setting of the listed building. As a result there would be some limited harm to the setting through the demolition of the buildings. Where there is less than substantial harm, as in this case here, the NPPF paragraph 134 advises that this should be weighed against the public benefits of the proposal. Public benefits may include sustaining or enhancing the significance of the asset. The buildings to be demolished have no particular historical significance in themselves and their removal, along with other open uses on the site would enhance the setting of the farmhouse.
- 6.6 The conversion of the former barns, C-Q would put the building to a viable use and enhance its significance as part of the former farm complex. Whilst there are no details of its age it is significantly older than the other curtilage buildings. Part of the range has the appearance of a traditional Essex barn.
- 6.7 In this case Staff consider that the special character of the listed building as set out in the listing would not be materially affected by the demolition and conversion. The grant of listed building consent is recommended accordingly.

IMPLICATIONS AND RISKS

Financial implications and risks: Not applicable

Legal implications and risks: None

Human Resources implications and risks: Not applicable

Equalities implications and risks: Not applicable

BACKGROUND PAPERS

1. Listed building application and plans received 29-04-2015

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REGULATORY SERVICES COMMITTEE

18 JUNE 2015

REPORT

Subject Heading:

Planning obligations and agreements

Report Author and contact details:

Simon Thelwell
Projects and Regulations Manager
01708 432685

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

Havering will be clean and its environment will be cared for [X]
People will be safe, in their homes and in the community [X]
Residents will be proud to live in Havering [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

18 JUNE 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

Havering will be clean and its environment will be cared for [X]

People will be safe, in their homes and in the community [X]

Residents will be proud to live in Havering [X]

SUMMARY

This report accompanies a schedule of appeals received and started by the Planning Inspectorate and a schedule of appeal decisions between 14 February 2015 and 29 May 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 March 46 new appeals have been started. Decisions on 47 appeals have been received during the same period 25 have been dismissed 15 allowed 2 part allowed/part dismissed 3 withdrawn and 2 were made invalid

IMPLICATIONS AND RISKS

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

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

Human Resources implications and risks: No implications identified

Equalities implications and risks: No implications identified

LIST OF APPEAL DECISIONS MADE BETWEEN 14-FEB-15 AND 29-MAY-15

APPEAL DECISIONS - PLANNING					
Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p>P1013.13 7B Salamons Way Rainham <i>Variation of condition 1 re U0011.09 (Permanent Use)</i></p>	Written Reps	Refuse	Delegated	<p>The proposal would bring forward new waste-related capacity that is not required to meet East London's waste apportionment. The proposal is therefore considered to be contrary to Policy W2 of the Waste DPD. In the absence of a Flood Risk Assessment and given that the proposal constitutes a more vulnerable use in flood zone 3 and does not pass the Exceptions Test, the proposal is considered to be contrary to the guidance contained in Policy W5 of the Waste DPD and the guidance contained in the NPPF.</p>	<p>Allowed with Conditions</p> <p>The Inspector in applying the relevant policy criteria regarding contamination, greenhouse gases produced, drainage and the risk of flooding, the visual impact and the adverse effects on neighbouring amenity. On the evidence provided, it was concluded that the proposed development would not result in material harm that would significantly adversely affect people, land, infrastructure and/or resources</p>
<p>P0742.13 The Ockendon Kennels Ockendon Road Upminster <i>Replacement of the existing kennels and dog track with 30 new houses and associated amenities / facilities. The remainder of the site to be developed by the Ockendon Wildlife Trust to provide a natural habitat for biodiversity.</i></p>	Written Reps	Refuse	Delegated	<p>Owing to the heights of the proposed buildings, the intensity of the proposal's layout, and the extent of development compared to the existing built development, it is considered that the proposal would have a significant adverse impact on the openness of the Green Belt and be contrary to the purposes of including land within it. The proposal is considered to constitute inappropriate development in the Green Belt, and would also be harmful to the visual amenities of the Green Belt and the surrounding area. Very special circumstances that overcome the harm to the Green Belt, by reason of inappropriateness and visual impact, have not been demonstrated in this case. The proposal is therefore considered to be contrary to the guidance contained in the National</p>	<p>Dismissed</p> <p>The Inspector considered the site was brownfield land. However in assessing the relevant NPPF criteria, the proposal needed to demonstrate that it would not have a greater impact on openness and the purpose of including land in the Green Belt than the existing development on site.</p> <p>It was accepted that the site would be screened and there would be limited visibility of it from the public highway. Due to the footprint and volume of the 30 dwellings, it was judged that the scheme would have a significantly greater bulk, mass and height compared to the existing buildings. Furthermore there would be areas of hardstanding for parking and turning, car ports, and garden areas with close boarded fencing or similar boundaries. These would all further erode the openness of the Green</p>

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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 104</p>				<p>Planning Policy Framework and Policy 3.17 of the London Plan. The submitted Flood Risk Assessment is insufficient to enable the proposal's flood risk implications to be properly assessed. The proposal is therefore considered to be contrary to Policy DC48 of the LDF Core Strategy and Development Control Policies DPD and the guidance contained in the National Planning Policy Framework. In the absence of a mechanism to secure a planning obligation towards the infrastructure costs of new development and the provision of affordable housing, the proposal is contrary to the provisions of the Havering Planning Obligations Supplementary Planning Document and Policies DC6 and DC72 of the LDF Core Strategy and Development Control Policies DPD.</p>	<p>Belt. Therefore, the proposal would materially reduce the openness of the Green Belt and would have a greater impact on the openness of the Green Belt than the existing development.</p> <p>On the issue of flooding, based on the information (or lack of) submitted; the Inspector was unable to consider whether this would suitably address the concerns raised by the EA.</p> <p>The absence of a formal mechanism to ensure the provision of affordable housing in line with local planning policy requirements would result in modest harm that weighed against the proposal. In terms of character and appearance, it was concluded that the proposed scheme would detract from the character of the area. Finally on the issue of a wildlife trust being set up to manage about 50% of the site as a natural habitat for biodiversity. It was recognised that this may provide limited benefits to local biodiversity, there was no legal agreement or management plan that would secure this provision and therefore this factor was afforded minimal weight.</p>
	<p>P0166.14 4 Ward Gardens Harold Wood Romford <i>Two-storey side extension and loft conversion</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed two storey side extension would, by reason of its excessive width, bulk and mass unbalance this pair of semi-detached properties and would appear cramped on the site and unacceptably dominant and visually intrusive in the streetscene. The</p>

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				proposals are thus harmful to the character and appearance of the surrounding area and contrary to the Residential Extensions and Alterations SPD Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.	impact when viewed in the street scene. In spite of its position close to the boundary these factors would serve to give setting and relief to the extension and lessen its impact. It was concluded that the extension would not harm a harmful effect on the character and appearance of the area.
P0371.14 6 Deyncourt Gardens Upminster <i>Single storey rear extension</i>	Written Reps	Refuse	Delegated	The proposed rear extension would, by reason of its excessive depth, bulk, scale and massing, be an visually dominant and excessive addition to the property, harming the visual amenities of the garden scene and the character of Hall Lane Policy Area. The development is therefore contrary to the Residential Extension and Alteration Supplementary Planning Document and Policy DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.	<p style="text-align: center;">Allowed with Conditions</p> The extension would project by about 6.3m from the main part of the rear elevation and extend across the whole of the width of the rear elevation. However, its extent and bulk would be mitigated by its form. The principal view of the extension would be from the rear garden. Notwithstanding the depth of the extension a lengthy rear garden would remain, so that the setting of the house in a large garden with extensive tree and shrub planting would be retained. Seen from there it would not appear as an unduly dominant element of the rear elevation. The Inspector concluded that the development would not result in material harm to the character and appearance of the house or the surrounding area.
P0280.14 64 Penrith Road Harold Hill <i>Detached workshop/gym in rear garden</i>	Written Reps	Refuse	Delegated	The development, by reason of the combined bulk, scale and mass of the outbuilding, together with its residential character and appearance, would introduce a feature that is alien to the character of the existing rear garden environment, which would result in visual harm to the appearance of the surrounding area and would be intrusive and unneighbourly thereby detrimental	<p style="text-align: center;">Allowed with Conditions</p> The Inspector found that the proposed building is of domestic scale and proportions. Its general form with pitched roof and materials has the appearance of an ancillary outbuilding and is of a reasonable size and scale given the adjoining properties and other structures in the area. It would not appear particularly isolated or inappropriate in terms of its siting or size. The residential character

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				to neighbouring amenity, contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.	of the building assists in integrating it into the area.
<p>P0512.14 184 North Street Romford <i>Demolish existing garage, erection of gym/storage (single storey flat roof) within curtilage of 184 North Street, Romford for purposes ancillary to enjoyment of no 184 North Street</i></p>	Written Reps	Refuse	Delegated	The proposed development would, by reason of its height, bulk and mass, appear as an unacceptably dominant and visually intrusive feature in the streetscene harmful to the appearance of the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.	<p style="text-align: center;">Dismissed</p> The Inspector noted that the prevailing and positive aspect of the surrounding area's character and appearance is one of pitched roofs, generally tiled. In that context and having regard to the scale, siting and form of the building proposed, there would be material harm to the character and appearance of the area.
<p>P0578.14 195 Main Road Romford <i>Demolition of existing car addition and garage at front with construction of new single storey rear extension and two storey side extension.</i></p>	Written Reps	Refuse	Delegated	The proposed two storey side extension by reason of its scale, bulk, roof form and lack of set back at first floor level would be harmful to the Gidea Park Special Character Area and to the street scene. For this reason the extension is considered to be contrary to the aims and objectives of the Residential Extensions and Alterations Supplementary Planning Document, Policy DC61 and DC69 of the LDF Core Strategy and Development Control Policies Development Plan Document. The proposed two storey side extension would, by reason of its height and position close to the boundary of the site, be an intrusive, unneighbourly and oppressive wall of development as well as having an adverse effect on the amenities of the Neighbour at No. 193	<p style="text-align: center;">Dismissed</p> The side extension would not read from the street as subordinate to the remainder of the house, and it would significantly unbalance the appearance of the pair of houses. Moreover, the crown roof over the side extension would be untypical of houses in the vicinity, and it would appear awkward and relate poorly to the existing roof form. The proposal would have an unacceptably harmful effect on the living conditions of adjoining residents due to a loss of light to a neighbour's window and it would have an oppressive and enclosing effect on outlook from it.

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				Main Road contrary to Residential Extensions and Alterations Supplementary Planning Document and Policies DC61 & DC69 - LDF Core Strategy and Development Control Policies Development Plan Document. The proposed first floor flank windows would, by reason of their position and proximity to neighbouring property at No.193 Main Road cause inter-looking and loss of privacy which would have a serious and adverse effect on the living conditions of adjacent occupiers, contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.	
<p>P0286.14 168 Suttons Avenue Hornchurch Essex <i>Front lower ground extension to extend living area and porch. Revised Plans received 22.05.14</i></p>	Written Repls	Refuse	Delegated	The proposed single storey front extension would, by reason of its external finish, design and general proportions, fail to relate acceptably to the existing dwelling and would visually conflict with the prevailing character and appearance of the surrounding area. The development is considered to be harmful to the appearance of the subject dwelling and the surrounding area and is therefore contrary to Residential Extensions Alteration SPD and Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.	<p>Allowed with Conditions</p> <p>The extension was not considered to be excessive in scale. However it would extend across almost the whole of the frontage of no.168 and would be prominent in public views from the street. It was noted that there are other houses nearby which have front or side extensions. While a range of materials are used in the area, subject to a condition allowing control of materials the effect would not result in material harm to the character and appearance of the property or the area.</p>
<p>P0347.14 30 Clyde Way Romford <i>Proposed detached Granny Annexe</i></p>	Written Repls	Refuse	Delegated	The proposal, by reason of the combined bulk, scale and mass of the proposed structure, together with its residential character and appearance, would introduce a development that is out of character with the existing rear	<p>Dismissed</p> <p>The Inspector found that the scale and design of the proposal would be at odds with its rear garden context and resultantly harmful to the character and appearance of the surrounding area.</p>

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				garden environment and give rise to the creation of an entirely self-contained unit not considered incidental to the main house, which would result in material harm to neighbouring residential amenity contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.	
<p>P0399.14 12 Collier Row Road Collier Row Romford <i>Change of Use from A1 to A3</i></p>	Written Reps	Refuse	Delegated	The proposed development would give rise to a concentration of non-retail uses which is inappropriate within the retail core of Collier Row Town Centre, undermining its vitality and viability. The proposal is therefore contrary to Policy DC16 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document and the National Planning Policy Framework. The use as a restaurant, due to its days and late hours of operation and proximity to adjoining residential accommodation, would be likely to give rise to unacceptable levels of noise and disturbance, adversely impacting on local residential amenity contrary to the National Planning Policy Framework, the Designing Safer Places SPD and Policies DC16, DC55, DC61 and DC63 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document.	<p style="text-align: center;">Dismissed</p> <p>The retail function of the District Centre would be materially harmed by the appeal proposal. It would conflict with Policy DC16 insofar as it limits the proportion of non-A1 uses within the centre to no more than 33% of the measured frontage. The proposal would result in 40% of the frontage in non-A1 use. The policy can exceptionally permits changes of use to Class A2-A5 where the applicant can demonstrate the premises have proved difficult to dispose of for that use but in this instance there was an absence of sufficient marketing evidence in relation to the appeal property, Finally two recent appeal decisions cited by the Council for similar proposal in the same parade were relevant and the decision taken was consistent with the approach these cited appeals.</p>
<p>P0743.14 75 Ambleside Avenue Hornchurch <i>Retention of Summer</i></p>	Written Reps	Refuse	Delegated	The retention of the summer house and its continued use in connection with the applicant's childminding business amounts to an unacceptable	<p style="text-align: center;">Allowed</p> <p>It was judged that the building has a satisfactory appearance and that the structure does not impact on neighbouring</p>

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<p><i>house in the rear of garden for use in connection with the applicant's child minding business</i></p>				<p>intensification of activities within the rear garden area of this property and results in noise and disturbance seriously prejudicial to the amenities of neighbouring occupiers, contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD. The proposed development would, by reason of its lack of satisfactory parking facilities and generally more intensive use, particularly during early morning and early evening, will result in unacceptable overspill of vehicles associated with the use onto the adjoining roads and significant noise and general disturbance. The proposal is therefore detrimental to highway safety and residential amenity, contrary to Policy DC33 and DC61 of the LDF Development Control Policies DPD.</p>	<p>properties. It is a structure that would be expected within a garden and it has very little wider impact on the character or appearance of the area. Its height and position ensures that it has no significant impact on the living conditions of the neighbouring residents.</p>
<p>0880.14 14 Station Road Upminster <i>Change of Use of ground floor of 14 Station Road to A2 use and the amalgamation with 16 Station Road to create a single unit together with internal reconfiguration at ground and first floor and proposed new access to Station Road.</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed A2 use would give rise to a concentration of non-retail uses within the relevant frontage in the retail core, thereby undermining the vitality and viability of the Major District Centre of Upminster. The proposal is therefore contrary to Policy DC16 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document.</p>	<p>Dismissed The Inspector acknowledged that the proposal was intended to allow the expansion of an existing business in the parade. It was found that the change of use would add to an already high proportion of non-retail uses and would create a length of non-retail uses in the parade which would undermine its retail function. The appellant referred to difficulties in attracting a retail user to the property however no details of marketing, rent levels or offers have been submitted to support this assertion. In summary, the proposal would have a prejudicial effect on the retail function of the area which would harm its vitality and viability.</p>

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<p>P0746.14 Land r/o 92 Harrow Drive Hornchurch <i>Erection of 1no. three-bedroom bungalow with off street parking</i></p>	<p>Written Reps</p>	<p>Approved with Agreement</p>	<p>Committee</p>	<p>The proposal will result in a cramped overdevelopment of a constrained backland site with a poor access arrangement harmful to the character and amenity of the surrounding area contrary to the provisions of Policy DC61 of the LDF Core Strategy and Development Control Policies DPD. The proposal will rely on a long and narrow private access road which is insufficient in size for the safe and convenient movement of service and emergency vehicles and will interfere with the turning and manoeuvring of other vehicles using this road to the detriment of the amenity of neighbouring residents including those using the adjacent garage court and Hurstlands Close. The proposal is therefore contrary to the provisions of Policies DC33, DC36 and 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>Allowed with Conditions</p> <p>The proposed dwelling would front onto the existing parking court and would relate most strongly, and be seen most clearly in the context of that cul-de-sac. It would be a single storey bungalow on a plot of not dissimilar size to that single storey dwelling to its north. In respect of its scale, height, plot size and general appearance it would therefore not appear out of place in that context. The development would therefore not represent an inappropriate development of residential garden land.</p> <p>Adequate parking provision would be provided on the site to minimise the need for potentially obstructive on street parking and the proposed development would not pose a risk to the safe and convenient movement of service and emergency vehicles.</p>
<p>P1096.13 110 Balgores Lane (Abbeyfield House) Gidea Park Romford <i>Change of use from C2</i></p>	<p>Written Reps</p>	<p>Approve With Conditions</p>	<p>Committee</p>	<p>1. The proposed change of use to a house in multiple occupation (HMO) for up to 12 persons would result in an excessive intensification in the occupation of the building compared</p>	<p>Allowed with Conditions</p> <p>It was acknowledged that the impact of the proposed use is likely to be greater than that of its previous use as a care home. However that is likely to be the case for any</p>

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<p><i>(nursing home) to a House in Multiple Occupation (in a class on its own/Sui Generis)</i></p>				<p>with the former care home use. This intensification in use would be likely to result in material harm being caused to the living conditions of adjoining residents by reason of the additional noise and general disturbance that would result. This noise and disturbance would be exacerbated by the likelihood of extensive collective amplified sound experienced by neighbours through open windows and through the assembly of residents in collective areas, including kitchen, lounge and garden areas. The proposed management arrangements are not considered to be sufficient to adequately control these impacts. Consequently the proposed change of use would be contrary to Policies DC4, DC5 and DC61 of the Core Strategy and Development Control Policies Development Plan Document and the guidance in the National Planning Policy Framework.</p> <p>2. The proposed change of use would be likely to give rise to a significant number of vehicular movements in and out of and in the vicinity of the site that would be likely to cause material harm to the amenities of nearby residential occupiers by reason of the additional noise and general disturbance that would be caused contrary to Policies DC4, DC5 and DC61 of the Core Strategy and Development Control Policies Development Plan Document and the guidance in the National</p>	<p>alternative use of the premises which is significantly larger than adjoining properties. A conversion to self-contained flats for example, or a redevelopment of the site altogether, as was the case for the adjoining properties to the north, would result in more activity and greater potential for disturbance than the previous use. The Inspector concluded that the proposal would be consistent with the environmental role of sustainable development and would not have an adverse impact upon health and quality of life, both aims and objective as set out in the NPPF</p> <p>The additional 3 spaces would not significantly add to traffic generation or potential nuisance over and above the previous use. One of the 2 existing access points would reduce the level of existing hard surfacing and offer scope for additional landscaping. Consequently there would be some gain in that respect which would both preserve and enhance the character or appearance of the Conservation Area</p> <p>A legal agreement was submitted including tenancy for minimum periods of 6 months and clauses that tenants should not cause nuisance or inconvenience to nearby residents as well as requiring the property to be managed by a managing agent or on site resident manager. The Inspector found that this met the relevant legislative tests and was necessary to provide some protection to local residents that the premises will be managed and occupied in an acceptable manner.</p>

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				Planning Policy Framework.	
<p>P1257.14 14 Hall Terrace Romford</p> <p><i>New hardstanding and crossover</i></p>	Written Reps	Refuse	Delegated	<p>The proposed development would by reason of its close proximity to a bus stop and associated lay-by result in conditions seriously prejudicial to highway safety generally and the safe operation of the bus stop. The proposals are therefore contrary to the aims and objectives of the Residential Extensions and Alterations Supplementary Planning Document and Policy DC32 of the LDF Development Control Policies Development Plan Document.</p>	<p style="text-align: center;">Dismissed</p> <p>It was acknowledged that some houses in the street scene had vehicle crossovers but these were clearly historic. The Inspector observed the positions of parked vehicles in the dwellings with spaces and crossovers to their front. It was noted that that drivers appeared likely to have to reverse into a bus layby or onto the main A12 This would give rise to significant potential for conflict with road users, the bus service and users of the cycle track and footpath. The personal circumstances of the appellant and her child were noted and the Inspector was not be satisfied that the benefits to the appellant and her son would be sufficient to outweigh the concerns with regard to the safety of road users and cyclists.</p>
<p>P0837.14 117 Briscoe Road Rainham</p> <p><i>Erection of 2No. 3-bedroom dwellings</i></p>	Written Reps	Refuse	Delegated	<p>The proposed development would, by reason of its prominent location, height, bulk and mass, appear as an incongruous and 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. The proposal would, by reason of its layout, result in an unsatisfactory relationship between the proposed dwellings, the site boundary and their</p>	<p style="text-align: center;">Dismissed</p> <p>The appeal site is located on a corner plot. Whilst the overall footprint would not be dissimilar to the existing building on the site, the change in the size, shape and orientation of the roof form would result in a building that would be a visually discordant and incongruous addition to the corner plot and overall street scene.</p> <p>The proposal would fail to reflect the prevailing pattern of development in the locality in terms of layouts and plot sizes. The potential small size of the external amenity</p>

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<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 113</p>				<p>setting within the site leading to a cramped over-development of the site to the detriment of future occupiers and the character of the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.</p> <p>The proposed development would, by reason of the inadequate provision of private amenity space for each dwelling, result in a cramped over-development of the site to the detriment of future occupiers and the character of the surrounding area contrary to Policy DC61 of the Local Development Framework Development Plan Document and the Residential Design SPD.</p> <p>In the absence of a mechanism to secure a planning obligation towards the infrastructure costs of new development the proposal is contrary to the provisions of the Havering Planning Obligations Supplementary Planning Document and Policy DC72 of the LDF Core Strategy and Development Control Policies DPD.</p>	<p>area, when shared between the two plots, together with intensified use proposed was indicative of the overall cramped nature of the proposal</p> <p>On the issue of whether the requirement for such a contribution would meet the relevant tests set out in Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010. The Inspector found limited evidence which demonstrated that the contribution sought would not be directly related to the development.</p>
	<p>P1115.14 26a Carlton Road Romford <i>Demolition of existing garage and car port and erection of a 2 storey family dwellinghouse.</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed development would by reason of its design and the width of the dwelling plot, and the inadequate internal size of the unit, give rise to an unacceptably cramped development being visually obtrusive, incongruous and harmful to the character and appearance of the street scene, contrary to the aims and objectives of Policy DC61 of the Development Control</p>

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				<p>Policies Development Plan Document. The proposed development would, by reason of its position and proximity to neighbouring properties cause a loss of outlook which would have a serious and adverse effect on the living conditions of the adjacent occupier at No.9 Harcourt Mews, 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>emphasised by the narrowness of the plot which would be visibly narrower than those surrounding and out of keeping with the character of the well proportioned family accommodation in the area.</p>
<p>PA 537.14 Grass Verge adj to Hacton Lane Hornchurch</p> <p><i>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.</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The telecommunications mast and equipment cabinets would, by reason of their siting, height and appearance adjacent to existing street furniture, appear as a dominant and visually intrusive feature in the street scene, harmful to the visual amenities of the area contrary to Policies DC61 and DC64 of the LDF Core Strategy.</p>	<p>Dismissed</p> <p>The proposed installation is located in a prominent position in the highway verge visible from the road and from neighbouring dwellings. The Inspector found that the column and equipment are highly visible and prominent within the street scene. The upper parts contain substantial antennae that add to the bulk and prominence of the installation. In particular approaching from the north and from several points on both Clement Way and Bevan Way and this is compounded by the ground level installations. In particular the siting of the generator and cabinets toward the front of an open gap in the verge is unduly prominent. Temporary fencing enclosing the equipment adds to the utilitarian appearance of the installation.</p>

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<p>P1347.14 Eastern Avenue West Former petrol service station Romford <i>Second floor extension to existing mixed use commercial/residential building to provide one additional one bedroom flat.</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed second floor extension would unbalance the characteristic stepped appearance and weaken the symmetry of the existing building, result a cramped appearance at roof level and appear as an unacceptably dominant and visually intrusive feature in the street scene, representing a cramped form of overdevelopment of the site, harmful to the appearance of the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD. The cumulative impact of the second floor extension, combined with the height, scale and bulk of the existing building, would be an unneighbourly development and appear dominant, overbearing and visually intrusive in the rear garden environment of No.44 Hainault Road harmful to residential amenity contrary to the aims and objectives of Policy DC61 of the LDF 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 and Policy DC72 of the LDF Core Strategy and Development Control Policies DPD.</p>	<p style="text-align: center;">Dismissed</p> <p>The enlarged building would retain a stepping of heights however; the proposal would unduly weaken the significance of the strongest step down in height. This would undermine a particularly important balancing feature of the existing structure. The consequent roof profile and pattern of openings would result in the loss of the strong symmetrical appearance of this vertical component, detracting from this distinctive attribute. In conclusion the proposal would significantly unbalance and detract from the cohesion of the host building, detrimentally affecting its character and appearance and unacceptably diminishing the positive contribution it makes to the locality.</p>

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Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p>P1224.14 246 Lodge Lane Romford <i>Single storey side/rear extension</i></p>	Written Reps	Refuse	Delegated	<p>The proposed single storey rear/side extension would, by reason of its excessive height, bulk and position close to the boundary with No.248 Lodge Lane, be an unneighbourly development which will overbear and overshadow this property and result in unacceptable loss of daylight/sunlight. The development is therefore contrary to the Residential Extension and Alteration Supplementary Planning Document and Policy DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.</p>	<p>Allowed with Conditions The proposed extension would have a pitched roof and the highest section of this would be close to the rear elevation of the property. The Inspector judged that the effect on the loss of daylight and sunlight and any overshadowing would not be significant. The proposal would have an effect on the outlook from the neighbouring dwelling as it would project above the existing fence. However, the Inspector concluded that it would not appear to be a particularly noticeable or overbearing feature when viewed from the kitchen window of the neighbouring dwelling.</p>
<p>P1369.14 15 Dorking Road Harold Hill <i>Two storey side extension</i></p>	Written Reps	Refuse	Delegated	<p>The proposed development would, by reason of its width, 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>Dismissed The proposed extension would project well beyond the building line of other properties along Dorking Road and would be almost as deep as the main body of the house itself. It would appear as a dominant feature of the house and would be significantly out of character with the surrounding area.</p>
<p>J0013.14 Hillside Farm North Road, Havering-atte-Bower <i>Prior approval application for a proposed change of use of agricultural building to a dwellinghouse.</i></p>	Written Reps	Refuse Prior Approval	Delegated	<p>Prior Approval is refused in relation to whether the location or siting of the application building(s) would make it impractical or undesirable for the change from agricultural use to dwellinghouse to occur.</p> <p>It is the opinion of the local planning authority that in the absence of proposed amenity and servicing spaces, the siting of the building(s) would make the proposal undesirable and impractical in relation to the amenities of the proposed dwelling's future</p>	<p>Allowed with Conditions The Inspector considered that the policies of the Core Strategy did not count against the proposal for the purposes of the assessment of the proposal. On the reason for refusal, it was concluded that the absence of any proposed amenity or servicing spaces was not a matter which makes the proposal impractical or undesirable. Moreover there were no other matters identified that would make the proposal impractical or undesirable for the purposes of prior approval legislation.</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 14-FEB-15 AND 29-MAY-15

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				<p>occupiers. Moreover, the absence of details concerning the provision of servicing and amenity spaces, which are likely to be required by future occupiers, mean that the desirability of the proposal's location within, and therefore impact upon, the Green Belt and a Special Character Area cannot be properly determined. The Local Planning accordingly refuses to give prior approval.</p>	<p>An application for a full award of costs against the Council was allowed</p>
<p>P1282.14 67 Butts Green Road Hornchurch <i>Demolition of existing toormant office building and replacement with six new build self contained two bed flats with off street parking and boundary treatment.</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed building would, by reason of its flat roof, design, height, excessive depth, scale, bulk, mass and prominent siting, appear incongruous, dominant and visually intrusive in the streetscene harmful to the character and appearance of the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.</p> <p>The layout, proportions and size of the communal and private amenity space for the flats would result in an unacceptably cramped layout and poor quality of amenity space provision which is materially harmful to the amenity of future occupiers contrary to Policy DC61 of the LDF Development Control Policies DPD and the Residential Design SPD.</p> <p>The proposed development would, by reason of the inadequate on site car parking provision, result in unacceptable overspill onto the adjoining roads to the detriment of highway safety and</p>	<p style="text-align: center;">Dismissed</p> <p>The Inspector found that the bulk of the replacement building at second storey level and its greater depth would increase the perception of a building that is too large this relatively small & constrained site. The proposal would have a shortfall in parking provision that would increase parking demand in the locality and this would be likely to exacerbate the parking stress on local roads.</p> <p>The Inspector considered that the main problem in respect of both the amenity areas proposed and the noise and disturbance arising from the proximity to roads, car parking areas and access routes is the fact that the site is too small for the amount of development proposed. This would result in unsatisfactory living conditions for future occupiers of the flats.</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 14-FEB-15 AND 29-MAY-15

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				<p>residential amenity and contrary to Policies DC2 and DC33 of the LDF Core Strategy and Development Control Policies DPD.</p> <p>The proposed layout of the development would be inadequate resulting in substandard accommodation for future residents through lack of privacy, noise, disturbance and headlight glare. As a result, the development represents an overdevelopment of the site contrary to Policies DC2, DC3, DC4 and DC61 of the LDF Core Strategy and Development Control Policies DPD and London Plan Policy 3.5.</p> <p>The boundary treatment would, by reason of its position and close proximity to the northern boundary of the site, fail to provide the required pedestrian visibility splays of 2.1m by 2.1m on either side of the access, which would be to the detriment of pedestrian and highway safety and Policy DC32 of the LDF Core Strategy and Development Control Policies Plan Document.</p> <p>In the absence of a mechanism to secure a planning obligation towards the infrastructure costs of new development the proposal is contrary to the provisions of the Havering Planning Obligations Supplementary Planning Document and Policy DC72 of the LDF Core Strategy and Development Control Policies DPD.</p>	

LIST OF APPEAL DECISIONS MADE BETWEEN 14-FEB-15 AND 29-MAY-15

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p>P0669.13 Land Adj. 330 Abbs Cross Lane Hornchurch <i>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.</i></p>	<p>Written Reps</p>	<p>Approve With Conditions</p>	<p>Committee</p>	<p>The proposed development by reason of its access arrangement, proximity to the road bridge and the nature of local traffic conditions, would adversely affect highway safety, both vehicular and for pedestrians using the highway in the vicinity of the site entrance contrary to the provisions of Policy DC32 of the LDF Core Strategy and Development Control Policies DPD.</p> <p>The proposed development by reason of insufficient on-site parking to meet the needs of future residents and their visitors would be contrary to the provisions of Policy DC33 of the LDF Core Strategy and Development Control Policies DPD.</p> <p>The proposed development represents an over-development of the site as evidenced by insufficient amenity space and it's inconvenient disposition within the development, the building's contrived setting towards the margins of the site, and the relationship with No.330 Abbs Cross Lane towards which the new building would be overbearing and intrusive, contrary to the provisions of 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</p>	<p style="text-align: center;">Dismissed</p> <p>From the information provided the Inspector was not persuaded that the proposed development would provide satisfactory visibility splays to ensure the safety of persons using the highway and leaving the appeal site nor would the suggested traffic calming measures.</p> <p>The Inspector agreed that the proposal would represent overdevelopment of the site and result in a contrived and cramped development which would result in an unsatisfactory provision of amenity space and result in noise and disturbance to the occupants of No 330. The issue of whether the requirement for such a contribution would meet the relevant tests set out in Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 was not assessed in the light of the findings on the other issues.</p> <p>An application for a full award of costs against the Council was refused.</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 14-FEB-15 AND 29-MAY-15

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				and Development Control Policies DPD.	
<p>P1583.13 Land Adj 32 Hamilton Avenue Romford <i>New 3 bedroom dwelling</i></p>	Written Reps	Approve With Conditions	Committee	<p>The proposed development would, by reason of its height, bulk and mass and close proximity to the neighbouring occupier, appear as an unacceptably dominant and visually intrusive feature in the streetscene harmful to the appearance of the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.</p> <p>The proposed development would, by reason of the inadequate provision of amenity space, result in a cramped over-development of the site to the detriment of future occupiers and the character of the surrounding area contrary to 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 Inspector considered the proposed dwelling would appear as infill or 'add on', which would not ensure the building's successful integration into the character or rhythm of the street scene. Instead its excessive height and mass would be detrimental to the character and appearance of the surrounding area.</p> <p>It was found the proposal would provide for an adequate standard of living conditions for proposed and existing dwelling in terms of amenity space</p> <p>On the issue of a S106 planning obligation, this issue was noted but, as the appeal was dismissed on other substantive grounds, the Inspector did not explore this particular issue further</p>
<p>P0665.14 87 The Drive Collier Row Romford <i>Conversion of House into 2 separate dwellings</i></p>	Written Reps	Refuse	Delegated	The layout and depth of the amenity space for the new dwelling would result in an unacceptably cramped layout and poor quality of amenity space provision, which is materially harmful to the	<p style="text-align: center;">Allowed with Conditions</p> <p>The Inspector noted the limited size and awkward shape of the back garden for the additional dwelling. Whilst the present environment was considered unsuitable, it</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 14-FEB-15 AND 29-MAY-15

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p><i>together with new front porch, minor alterations and new vehicular access</i></p>				<p>amenity of future occupiers, contrary to Policy DC61 of the LDF Development Control Policies DPD and the Residential Design SPD. 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 Policy DC72 of the LDF Core Strategy and Development Control Policies DPD and the Draft Planning Obligations SPD.</p>	<p>was stated that with the introduction of planting and climbing plants the area could be transformed into a pleasant visual and recreational amenity area which could be achieved through a good quality landscaping scheme. Substantial weight was attached to the consideration of the provision of an additional dwelling to meet the urgent need for additional housing to extent it that it outweighed the disadvantages of the amenity area.</p> <p>It was concluded that the requirement for S106 planning obligation is now precluded for housing schemes of 10 dwellings or less by the amendments to the PPG in November 2014 and February & March 2015.</p>
<p>1341.14 Warrington Gardens Ornchurch <i>Double storey side and front extension. Single storey rear extension plus Loft conversion with rear dormers and internal alterations</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed two storey side extension would, by reason of its height, width 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 Residential Extension and Alteration SPD and Policy DC61 of the LDF Core Strategy and Development Control Policies DPD. The proposed two storey front extension would, by reason of its excessive and design would upset the balance of group of terraced properties and appear as an unacceptably dominant and visually intrusive feature in the streetscene harmful to the appearance of the surrounding area contrary to Residential</p>	<p>Allowed with Conditions</p> <p>The Inspector was satisfied that the dwelling would continue to sit comfortably at the end of this terrace. The changes with regard to the garage and the side addition would bring benefits to the appearance of the street. Overall, it would maintain the existing character of the area. The dormer windows proposed to the rear roof slope would be relatively small structures that would not dominate the roof slope. Given their position, they would not result in any harm to the character or appearance of the area.</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 14-FEB-15 AND 29-MAY-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 122</p>				<p>Extension and Alteration SPD and Policy DC61 of the LDF Core Strategy and Development Control Policies DPD. The proposed two storey side extension and single storey rear extension would, by reason of their depth, height and position close to the boundaries of the site, be an intrusive and unneighbourly development as well as having an adverse effect on the amenities of adjacent occupiers contrary to Residential Extension and Alteration SPD and Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.</p> <p>The proposed rear dormer windows by reason of their design, proportion and alignment with the existing dwelling would appear out of character and materially harmful to the visual amenity of the surrounding area contrary to Residential Extension and Alteration SPD and Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.</p>	
	<p>P1222.14 122A Bruce Avenue Hornchurch <i>Proposed single storey rear extension.</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed single storey rear extension would, by reason of its depth, excessive height, and position close to the boundary with No.120 Bruce Avenue, result in an overbearing development that would cause a significant loss of outlook to neighbouring occupiers. The development is therefore contrary to the Residential Extensions and Alterations Supplementary Planning Document and</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 14-FEB-15 AND 29-MAY-15

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				Policy DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.	that bedroom window and patio of that property.
<p>P1333.14 7 Wainfleet Avenue Romford <i>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:</i> 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.</p>	Written Reps	Refuse	Delegated	The proposed development would, by reason of its prominent rear garden location, bulk and mass, appear as a cramped, incongruous and unacceptably dominant and visually intrusive feature in the rear garden setting and the streetscene at Prospect Place resulting in harm to the appearance of the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD and the Residential Extensions SPD.	<p style="text-align: center;">Dismissed</p> The proposal would be seen in the context of the long and relatively narrow rear gardens. Although there are a number of outbuildings at the rear of those gardens they are fairly restrained in size and not visually dominant. The proposal would be larger in size and bulk than most of them. It would extend right up to either side boundary and combined with its depth and height would dominate the narrow rear garden setting. It would be particularly prominent in views from adjacent properties appearing cramped and resulting in visual harm to the character of the immediate area.
<p>P1161.14 230 Collier Row Lane Romford <i>Change of use from residential dwelling (C3) to day nursery school (D1), including a garage conversion and erection of a conservatory</i></p>	Written Reps	Refuse	Delegated	The development has an absence of dedicated drop off points for parents, which would result in unacceptable overspill of parking onto the adjoining roads to the detriment of highway safety and residential amenity, thereby increasing congestion in the area and harming road safety contrary to Policy DC26, DC32 and DC33 of the LDF Core Strategy and Development Control Policies DPD.	<p style="text-align: center;">Dismissed</p> The Inspector found that the proposal failed to provide an appropriate level of parking and a dropping off area. It was concluded that level of on-street parking likely to be generated could not be accommodated without detriment to pedestrian and highway safety. The existing on street spaces on the carriageway would not be adequate,

LIST OF APPEAL DECISIONS MADE BETWEEN 14-FEB-15 AND 29-MAY-15

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
					<p>particularly in the morning peak, leading to parking in bays on the opposite carriageway, which would be unacceptably hazardous for parents with children, or outside the available footway parking bays. Furthermore the use of the on street bays adjacent to the site would to some extent be hazardous and likely to detrimentally affect the flow of traffic. An application for an award of costs against LBH was refused.</p>
<p>Y0208.14 95 Stanley Avenue Romford <i>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</i></p>	<p>Written Reps</p>	<p>Refuse Prior Approval</p>	<p>Delegated</p>	<p>The Council consider that the impact of the proposed development on the amenity of the adjoining premises at no.97 Stanley Avenue and the neighbouring property to the north, no.93 Stanley Avenue, would be unacceptable by reason of loss of light, overshadowing and intrusive appearance.</p> <p>This written notice indicates that the proposed development would not comply with condition A.4 of Schedule 2 Part 1 Class A of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by SI 2008 No. 2362 and SI 2013 No. 1101). It is important to note that this written notice does not indicate whether or not the proposed development would comply with any of the other limitations of conditions of Schedule 2 Part 1 Class A.</p> <p>The applicant has the right to an appeal against this notice to the Planning</p>	<p style="text-align: center;">Dismissed</p> <p>The scale of the proposed extension in terms of its length and height, in close proximity to boundary would result in a dominant form of development, which would lead to a material loss of amenity for the occupiers of neighbour property by way of being visually intrusive and overbearing.</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 14-FEB-15 AND 29-MAY-15

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				Inspectorate, see details below.	
<p>P1553.14 139 Bruce Avenue Hornchurch <i>Demolition of existing garage and front porch. Proposed two storey side/rear extension with canopy roof and piers to front.</i></p>	Written Reps	Refuse	Delegated	The proposed two storey extension would be located on the boundary with a neighbouring property, and given its height, bulk, and massing, it is considered that it would result in a significant adverse impact on the outlook from the upper floor of this neighbouring property, and an overbearing effect when viewed from the neighbouring garden. As such, it is considered that the proposal would be significantly harmful to the amenities of neighbouring occupiers, contrary to Policy DC61 of the Development Control Policies DPD.	<p style="text-align: center;">Allowed with Conditions</p> The main issue is the effect of the development on the living conditions of neighbouring occupiers. Although the proposal would project beyond the neighbouring property, the Inspector found that there would not be material harm to the outlook from the windows of that dwelling nor would it appear unacceptably overbearing when viewed from the rear garden of that property
<p>P1500.14 24 Mildmay Road Romford <i>Replacement wall, railings and gates to the front and flank boundaries of the property</i></p>	Written Reps	Refuse	Delegated	The proposed development would, by reason of its excessive height, scale and design, appear as an overly prominent 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 and the Residential Extensions and Alterations SPD. The proposed development would, by reason of its height, obstruct the pedestrian visibility splay at the access points, to the detriment of pedestrian and highway safety, contrary to the provisions of Policies DC32 and DC34	<p style="text-align: center;">Allowed with Conditions</p> The piers and the walls / railings and gates would be just under a third of a metre lower than a previous scheme dismissed at appeal. It was noted that apart from the piers, which together make up only a modest amount of the boundary, it is only the more open topping of spikes on the gates and railings that would take its height in excess of 1m. The Inspector considered that the reductions were enough to avoid material harm to the character and appearance of Mildmay Road

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LIST OF APPEAL DECISIONS MADE BETWEEN 14-FEB-15 AND 29-MAY-15

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				of the LDF Core Strategy and Development Control Policies DPD	
<p>P1246.14 2 Parkland Avenue Upminster <i>Single storey front & rear extensions & first floor roof extension with dormers</i></p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 126</p>	Written Reps	Refuse	Delegated	The proposed development would, by reason of its excessive scale, bulk, mass and design appear as an unacceptably dominant and visually intrusive feature in the streetscene and rear garden environment, harmful to the character and appearance of 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;">Allowed with Conditions</p> <p>On the front extension, whilst the altered appearance of the building would be substantial, it would read as another individually designed dwelling in a road where the variety from one property to another is part and parcel of its character and appearance. On the rear extensions, the three rear dormers would be perceived as sitting on top of the flat roof rear extension however the roof extensions would be read as a single entity rather than as one of a number of roofs. Moreover this would not be visible from the public realm, with views of it largely confined to the rear gardens. The Inspector concluded that the proposed extensions would not have an unacceptably adverse effect on the character and appearance</p>
<p>P0869.14 64 Lowshoe Lane Romford <i>Proposed two storey side extension.</i></p>	Written Reps	Refuse	Delegated	The proposed development lacks subservience and would, by reason of its height, bulk and mass, relate poorly to the subject dwelling and seriously unbalance the appearance of this semi-detached pair of properties. As a result, the proposal will appear unacceptably dominant and visually intrusive 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 style="text-align: center;">Dismissed</p> <p>The proposal would detract from the simple design of the property and would result in the dwelling having an incongruous appearance. The juxtaposition of the new elements, the bulky and over dominant roof form and the unsatisfactory proportions overall, would represent poor design entirely out of keeping within the street scene.</p>

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Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p>P1473.14 16 Patricia Drive Hornchurch <i>Two storey front extension. Single storey rear and first floor rear extensions. New roof. New front porch and changes to front boundary treatment to include metal railings on new brick wall with piers and sliding metal gate</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 and close proximity to the boundaries, appear as an unacceptably dominant and visually intrusive feature in the streetscene, harmful to the appearance of the surrounding area, contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD. The proposed development would, by reason of its excessive scale and position close to the boundaries of the site, be an intrusive and unneighbourly development as well as having an adverse effect on the amenities of adjacent occupiers contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.</p>	<p>Allowed with Conditions The Inspector considered that the proposed alterations would result in an overall design which would be more in keeping with the prevailing character and appearance of 2 storey houses in the street scene. Furthermore the proposed development would not result significant harm to the living conditions of neighbouring occupiers in respect of loss of light, overshadowing, outlook, and privacy.</p>
<p>P1389.14 Rockingham Avenue Hornchurch <i>Extension to dormer in garage roof</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed development would, by reason of its height, bulk, mass and position, appear out of scale and character with the garage and as an unacceptably dominant and visually intrusive feature in the streetscene, harmful to the appearance of the surrounding area and the visual amenity of neighbouring occupiers, contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.</p>	<p>Dismissed The Inspector concluded that proposed extension which would occupy the length of the garage roof would appear as a large prominent rectangular feature that would dominate the garage appear as a highly visible feature and detracting significantly from the local street scene. The proposal would not however be significantly to living conditions of neighbouring occupiers.</p>
<p>P1456.14 5 Macdonald Avenue Hornchurch <i>Front porch, conversion of garage to habitable accommodation, first floor side extension,</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed side extension would, by reason of its position on the boundary with the public highway, bulk and mass, appear as an unacceptably dominant and visually intrusive feature, harmful to the appearance of the surrounding area, contrary to Policy DC61 of the LDF Core</p>	<p>Dismissed The Inspector noted that the materials and detailing of the proposed extension would match the host building. However by virtue of its position, height and bulk, the extension would appear as a dominant feature in the street scene. Moreover it would also close</p>

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LIST OF APPEAL DECISIONS MADE BETWEEN 14-FEB-15 AND 29-MAY-15

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<i>single/two storey rear extensions</i>				Strategy and Development Control Policies DPD. The proposed first floor rear extension would, by reason of its width and highly visible position close to the boundary with the public highway, appear as an unacceptably dominant and visually intrusive feature, harmful to the appearance of the surrounding area, contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.	down the space at the junction of MacDonald Avenue and MacDonald Way.

TOTAL PLANNING = 38

LIST OF APPEAL DECISIONS MADE BETWEEN 14-FEB-15 AND 29-MAY-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

LIST OF APPEAL DECISIONS MADE BETWEEN 14-FEB-15 AND 29-MAY-15

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p>ENF/125/12/CM Upminster Court Hall Lane Upminster</p>	<p>Written Reps</p>				<p style="text-align: center;">Part Allowed/Part refused</p> <p>The appeal succeeds in part and permission for that part is granted, but otherwise the appeal fails, and the enforcement notice is upheld.</p> <p>The Inspector agreed with the Council's conclusion that the lighting scheme is inappropriate development as it did fall within the categories of development which are acceptable in the Green Belt. The fixtures and street furniture that provide the lighting have little by way of a physical presence. The effect on openness comes rather from the illumination that signals and draws attention to the mixed commercial use at Upminster Court. The Inspector found however that the lighting scheme has elements that may, with modifications, conserve the significance of the heritage assets.</p> <p>The scheme the subject of the appeal as implemented was judged to have had an unreasonable impact on the enjoyment of neighbouring homes. Other considerations, even when taken collectively, did not clearly outweigh the very substantial harm. Therefore very special circumstances do not exist and the original lighting scheme.</p> <p>Since the enforcement notice was served measures were taken with a view to improving neighbour amenity. Therefore there was the potential for the harm to residential amenity to be addressed by planning conditions</p>

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Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p>ENF/125/12/CM Upminster Court Hall Lane Upminster</p>	<p>Written Reps</p>				<p>Part Allowed/Part refused</p> <p>On the modified scheme, post service of the notice, the harm from the inappropriate development and to openness continued to have substantial weight but the harm to residential amenity would be addressed. A reduced lighting scheme, including modification to the illumination, would enhance the setting of the heritage assets, to the benefit of the occupiers and the wider community. The positive effect on the significance of the heritage assets weighed in favour of the development. The provision of safe and secure access routes for users of the building also had considerable weight. These considerations together outweighed the totality of the harm and amounted to very special circumstances.</p> <p>On the ground f appeal the requirements were not excessive and were confined to remedying the breach of planning control.</p>

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Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p>ENF/397/12/ST 3 Austral Drive Hornchurch</p>	<p>Written Reps</p>				<p style="text-align: center;">Dismissed</p> <p>The appeals are dismissed and the enforcement notice is upheld</p> <p>The proposal concerned a timber-decked area provided to the rear of the new extension. The main issue in the ground (a) appeal is the effect of this decking upon the living conditions of the neighbouring residents. The Inspector judged that the elevated and intrusive views towards the rear windows of the neighbouring property and also allows views over its adjacent garden and patio. It was recognised that some mutual overlooking may have traditionally existed between the properties within this locality. However, the decking allows more immediate and intrusive views of the immediate neighbours and erodes their privacy to an unacceptable degree.</p>

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LIST OF APPEAL DECISIONS MADE BETWEEN 14-FEB-15 AND 29-MAY-15

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p>ENF/209/07/SX 14 Rainham Road Rainham Alleged unauthorised car wash.</p>	<p>Written Reps</p>				<p style="text-align: center;">Part Allowed/Part refused</p> <p>Notice B - concerned the unauthorised stationing of a container and the construction of an outbuilding and a canopy & supporting structure</p> <p>The Inspector was not clear on why the appellant has pursued an appeal on ground (b) as it appeared to relate to different ground of appeal. The ground (c) appeal relates to the canopy and the container. However, as noted in relation to the ground (d) appeal below, the Council conceded the container was immune from enforcement action. The Council demonstrated that the canopy had sufficient permanence for its erection to amount to operational development. Whilst it had been removed by the time that the Notice was actually issued, the breach of planning control had occurred and the Council were entitled to take enforcement action. The ground (c) appeal failed.</p> <p>The appeal on ground (d) relates to the blue container and, as stated above, the Council, having reviewed the evidence and accepted that, on the balance of probability, it had been on site in the north-eastern corner, for a period in excess of four years at the time that the Notice was issued.</p> <p>The appeal on ground (f) relates to the outbuilding and it was argued that the terms of the requirements should be varied to allow the building to remain. In the absence of an appeal on ground (a), it was considered</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 14-FEB-15 AND 29-MAY-15

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p>ENF/209/07/SX 14 Rainham Road Rainham Alleged unauthorised car wash.</p>	<p>Written Repls</p>				<p>Part Allowed/Part refused inappropriate to consider lesser steps which would then result in the grant of a planning permission. The appeal on this ground (f) fails.</p> <p>An application for costs was made by the appellant against the Council in the event of the appeal succeeding on ground (e). However, as the ground (e) appeal was dismissed, the application for costs fell away.</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 14-FEB-15 AND 29-MAY-15

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p>ENF/209/07/SX 14 Rainham Road Rainham Alleged unauthorised car wash.</p>	<p>Written Reps</p>				<p style="text-align: center;">Dismissed</p> <p>Notice A essentially required the cessation of washing and cleaning of vehicles except in the wash bay and former garage</p> <p>The appellant failed to prove that, on the balance of probability, the enforcement notices were not served, as required. Therefore the ground e appeal failed.</p> <p>On the appeal on ground B, photographs taken by the Council when undertaking site visits and submitted with their Statement, together with representations from the local residents indicated that, on the balance of probability, such breaches have occurred. In the absence of an agreed scheme relating to the use of the equipment, this element of the appeal on ground (b) must also fail. The appellant also failed to prove that, on the balance of probability, the matters alleged by the Notice did not constitute a breach of planning control and appeal on ground (c) failed.</p> <p>On the issue of lesser steps overcoming the harm caused, the Inspector considered that the requirements of the notice should be matched to the allegation, and anything extraneous or obviously excessive deleted. In relation to each of the requirements of the notice, they reflected the conditions imposed by the Inspector on previous appeal decision and the plans submitted with it. The Inspector was did not find that the requirements are excessive. On the ground g appeal, a six</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 14-FEB-15 AND 29-MAY-15

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p>ENF/209/07/SX 14 Rainham Road Rainham Alleged unauthorised car wash.</p>	<p>Written Reps</p>				<p style="text-align: center;">Dismissed</p> <p>month period for compliance the Inspector found that this would be appropriate in respect of one of the requirement and the appeal on ground (g) therefore succeeded.</p> <p>An application for costs was made by the appellant against the Council in the event of the appeal succeeding on ground (e). However, as the ground (e) appeal was dismissed, the application for costs fell away.</p>

TOTAL ENF = 4

LIST OF APPEAL DECISIONS MADE BETWEEN 14-FEB-15 AND 29-MAY-15

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<u>Summary Info:</u>					
Total Planning =		38			
Total Enf =		4			
Appeals Decided =		47			
Appeals Withdrawn or Invalid =		5			
Total =		42			
		Dismissed		Allowed	
Hearings	0	0.00%	0	0.00%	
Inquiries	0	0.00%	0	0.00%	
Written Reps	24	57.14%	18	42.86%	

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REGULATORY SERVICES COMMITTEE

REPORT

18 JUNE 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

- Havering will be clean and its environment will be cared for [X]
- People will be safe, in their homes and in the community [X]
- Residents will be proud to live in Havering [X]

SUMMARY

Attached are schedules detailing information regarding Enforcement Notices updated since the meeting held on 7 March 2015

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
Hogbar Farm (East & West) Lower Bedford Road Romford ENF/36/14/	Planning permission expired	Delegated	13-02-14	13-03-14
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
Part of 195-197 New Road Romford 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
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
Yard 3 Clockhouse Lane Chilier Row Romford ENF/10/14/	Without planning permission the unauthorised change of use of the land for the purposes as a scrap yard, vehicle storage and repair facility.	Delegated	15-01-15	16-02-15
Connect Waste Management UK Limited Denver Industrial Estate Ferry Lane Rainham ENF/432/10/RW	Without planning permission, the material change of use of the Land to a waste recycling and processing facility ("the Use")	Delegated	02-03-15	17-04-15
203 Upper Rainham Road Hornchurch ENF/236/14/	Without planning permission , the unauthorised use of an outbuilding in the rear garden of the property as independent, self-contained residential accommodation ("the Use").	Committee 28-01-15	23-02-15	30-03-15

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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
160 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 Part allowed/part dismissed 26/03/15
Damyns Hall Aveley Road Upminster	Unauthorised construction of a Hanger and various breach (9 Notices served)	Committee 18.09.08	23.12.08 24-04-09	23.12.08 24-04-09	02-02-09 26-05-09	Various decisions (9 Notices)	Pursuing compliance
Lakeview Caravan Park Cummings Hall Lane Noak Hill Romford	Unauthorised developments and changes of use (5 Notices served)	Committee 20-11-08	16-02-09	17-02-09	11-04-09	Various decisions (5 Notices)	Pursuing compliance
57 Nags Head Lane Brentwood	Development (5 Notices)	Committee 15-01-09	06-03-09	06-03-09	15-04-09	Appeal part allowed/part dismissed	Pursuing compliance
64 Berwick Road Rainham	Unauthorised fence	Delegated 27-08-09	27-08-2009	02-10-09	12-03-10	Appeal dismissed	Pursuing compliance
118 Mashiters Walk Romford	Development	Delegated 20-08-09	23-12-09	24-12-09	11-08-09	Appeal dismissed	Pursuing compliance
222 Havering Road Romford	Development	Committee 29-10-09	18-01-10	18-01-10	25-02-10	Appeal dismissed	Pursuing compliance
179-181 Cherry Tree Lane Rainham	Use	Delegated 03-08-10	28-01-10	29-01-10			Pursuing compliance
Folkes Farm Folkes Lane Upminster	Use x 2	Committee 11-03-10	07-10-10	07-10-10	01-11-10	Appeal dismissed	Pursuing compliance

ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	DATE OF COMMITTEE AUTHORITY	NOTICE ISSUED	NOTICE SERVED	APPEAL LODGED	APPEAL DECISION	COMMENTS
The Former Brook Street Service Station Colchester Road Harold Wood	Use & Development	Delegated 01-07-10	22-07-10	23-07-10	26-08-10	Temporary Permission given	Monitoring
29 Lessington Avenue Romford	Development	Committee 20-04-10	37-07-10	28-07-10	01-09-10	Appeal dismissed	Notice complied with
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	Notice complied with
14A Lower Mardyke Avenue Romford	Development	Delegated	28-08-12	28-08-12			Pursuing compliance
29 Upminster Road South Romford	Development	Committee 14-09-12	14-09-12	20-09-12			Pursuing compliance
Welstead Place Benskins Lane Noak Hill Romford	Development/Use	Delegated	23-05-13	23-05-13	04-07-13	Appeal allowed	Pursuing compliance
Land rear of 19-25 Ferndale Road Collier Row Romford	Breach of condition	Committee 27-06-13	31-07-13	01-08-13	14-08-12	Appeal Dismissed	Pursuing compliance
76 Lower Bedford Road Romford	Development	Committee 06-06-13	12-08-13	12-08-13	19-08-13	Appeal dismissed	Pursuing compliance
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

ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	DATE OF COMMITTEE AUTHORITY	NOTICE ISSUED	NOTICE SERVED	APPEAL LODGED	APPEAL DECISION	COMMENTS
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	Appeal part allowed/part dismissed	Pursuing compliance
Hogbar Farm Lower Bedfords Road Romford	Development/Use	Delegated	12-02-14	13-02-14	13-03-14		See Schedule A
Viggar 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	Appeal part allowed/part dismissed	Pursuing compliance
3 Austral Drive Hornchurch	Development	Committee 03-10-13	23-12-13	23-12-13	30-01-14	Appeal dismissed	Pursuing compliance
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			Notice complied with
Prime Biomass Unit 8 Dover's Corner New Road Rainham	Use	Delegated	11-03-14	11-03-14			Pursing compliance
Folkes Farm Folkes Lane Upminster	Use Notice A	Delegated	24-04-14	24-04-14			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 B	Delegated	24-04-14	24-04-14			Pursuing compliance
Folkes Farm Folkes Lane Upminster	Use Notice C	Delegated	24-04-14	24-04-14			Pursuing compliance
Folkes Farm Folkes Lane Upminster	Use Notice D	Delegated	24-04-14	24-04-14			Pursuing compliance
356 Rush Green Road Romford	Use	Committee 24-04-14	04-08-14	05-08-14			Pursuing compliance
30 Kimberley Avenue Romford	Development	Committee 13-03-14	04-08-14	05-08-14			Notice complied with
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 Romford	Use	Delegated	21-10-14	21-10-14	20-11-14		See Schedule A
30 Elms Close Hornchurch	Development	Committee 21-08-14	21-10-14	21-10-14	13-11-14		See Schedule A

ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	DATE OF COMMITTEE AUTHORITY	NOTICE ISSUED	NOTICE SERVED	APPEAL LODGED	APPEAL DECISION	COMMENTS
Land at Aveley Marshes Rainham	Use	Committee 30-01-14	22-09-14	22-09-14	27-10-14		Notices withdrawn 14/04/15/ Seeking further Legal advice
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 Cotter Row Romford	Use/Development	Delegated	14-01-15	15-01-15	16-02-15		See schedule A
203 Upper Rainham Road Hornchurch	Use/Development	Committee 28-01-15	23-02-15	23-02-15	30-03-15		See Schedule A

REGULATORY SERVICES COMMITTEE

18 JUNE 2015

REPORT

Subject Heading:

Prosecutions update

Report Author and contact details:

Simon Thelwell
Projects and Regulations Manager
01708 432685

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

Havering will be clean and its environment will be cared for [X]

People will be safe, in their homes and in the community [X]

Residents will be proud to live in Havering [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 no prosecution this quarter.

IMPLICATIONS AND RISKS

Financial implications and risks: Financial resources are required to undertake Prosecutions

Legal implications and risks: Prosecutions requires use of legal resources.

Human Resources implications and risks: None identified.

Equalities implications and risks: The Councils planning powers are implemented with regard for equalities and diversity

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