



Havering

LONDON BOROUGH

REGULATORY SERVICES COMMITTEE AGENDA

7.30 pm

**Thursday
3 September 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:
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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 - 34)

5 PLANNING OBLIGATIONS/LEGAL AGREEMENTS (Pages 35 - 38)

6 PLANNING AND ENFORCEMENT APPEALS RECEIVED, PUBLIC INQUIRIES/HEARINGS AND SUMMARY OF APPEAL DECISIONS (Pages 39 - 54)

7 SCHEDULE OF ENFORCEMENT NOTICES (Pages 55 - 68)

8 PROSECUTIONS UPDATE (Pages 69 - 70)

9 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

10 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.

11 CHIEF EXECUTIVE'S REPORT CONTAINING EXEMPT INFORMATION (Pages 71 - 212)

**Andrew Beesley
Committee Administration
Manager**

Regulatory Services Committee

3 September 2015

Application No.	Ward	Address
P0576.15	Romford Town	14 Victoria Road, Romford, RM1 2JH
P0694.15	St Andrews	Havering Sixth Form College, Wingletye Lane, Hornchurch
P0920.15	Squirrels Heath	158 Balgores Lane, Gidea Park, Romford, RM2 6BS
P1763.14	Romford Town	131 South Street, Romford, RM1 1NX

OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 3rd September 2015

APPLICATION NO. P0576.15
WARD: Romford Town **Date Received:** 28th April 2015
Expiry Date: 2nd October 2015
ADDRESS: 14 Victoria Road
Romford
PROPOSAL: Seating area and fixed canopy structure to the front.
DRAWING NO(S): D01
D04
D05
D08
D02
D03
D06
D07
RECOMMENDATION It is recommended that **planning permission be REFUSED** for the reason(s) given at the end of the report

CALL-IN

The application has been called-in to committee by Councillor Joshua Chapman on the grounds that a seating area at the front of the restaurant would greatly enhance the street scene - currently, we see only cars and rubbish bags scattered along the newly refurbished Victoria Road - we need aesthetically pleasing businesses, that utilise their assets to grow, providing more growth to the local economy. My vision for Romford town sees local businesses thriving (especially in Victoria Road, the business sector) and I would like Councillors to play a leading role, at the committee, in deciding how we shape that vision.

SITE DESCRIPTION

The application relates to the site at 14 Victoria Road, Romford. This is a three-storey building fronting onto a wide pavement and parking area. At ground floor level the building comprises a commercial unit with an existing A3 restaurant use and residential accommodation in the two upper floors; these flats have windows to both the front and rear of the building. The site is located within the Retail Fringe of the Romford Major District Centre and as such the surrounding area is characterised by a mixture of commercial and residential uses.

DESCRIPTION OF PROPOSAL

The application is seeking planning permission for a front seating area and permanent fixed canopy structure to serve an existing restaurant use in the ground floor unit.

Since the application was submitted a fixed canopy structure has been erected to the front of the premises and planter boxes have been installed, albeit not in accordance with the plans that were originally submitted with the application. As a result a revised set of plans have been submitted for the unauthorised structure and seating area. Consequently the applicant is now seeking planning permission retrospectively for the canopy structure which has been erected without planning permission.

The seating area occupies an approximate 60 square metre section of the wide pavement situated to the front of the unit which was previously set aside for off-street parking. The seating area projects out 6 metres from the front elevation along the entire 10.6 metre width of the unit and is lined with permanent planter boxes filled with artificial green hedging forming a thick 1.5 metre high boundary along both sides and the pavement frontage.

A fixed permanent canopy structure has been erected to cover the full extent of the seating area measuring 6 metres in depth and 10.6 metres in width. The structure comprises a black metal frame with supporting posts, incorporating a sloping roof line at a height of 3.4 metres where it is attached to the front elevation of the building, reducing to 3.2 metres adjacent to the Victoria Road pavement. The sections of fabric roof covering installed between the fixed metal framework are retractable.

The seating area would create up to 20 new outdoor seats in addition to the existing 30 indoor seats making the premises a 50 seater restaurant offering both indoor and outdoor floorspace.

It is proposed that the covered seating area would be used between the hours of 12:00 and 23:00 on Sunday to Thursday and 12:00 to 00:00 on Friday and Saturday.

RELEVANT HISTORY

- P0151.15 - Proposed front sitting area to an existing restaurant
Withdrawn 02-04-2015
- P0175.12 - Remove a Juliette balcony from 3rd floor and create a 3rd floor terrace
Apprv with cons 05-04-2012
- P0310.11 - Ground floor rear extension and alteration to glazing at side elevation.
Apprv with cons 19-04-2011
- P0313.11 - Variation of Condition 5 of approved planning application P1056.05 to allow for 5 no. juliette balconies to the front elevation and alteration of windows and doors
Apprv with cons 21-04-2011
- P1113.10 - Proposal for a ground floor rear extension to line through with neighbouring buildings (approx 3.5m)
Withdrawn 09-08-2010
- N0069.10 - Addition of Juliette balconies to front elevation Reduction in glazing to side elevations
Refuse 27-08-2010
- N0017.10 - Minor amendment to planning application P1056.05. 3.8m extension to rear (single storey), juliette balconies to front elevation, bin store relocated, roof line adjusted.
Refuse 06-05-2010
- P0954.06 - Change of hours to open until 01:00hrs 7 days per week (variation of condition 1 of planning permission P0299.98)
Refuse 17-08-2006
- P1056.05 - Demolition of existing building a mixed use development of 2 no. commercial units and 6 flats
Apprv with cons 15-07-2005
- P2106.04 - Demolition of existing mixed use development of 2 no. commercial units and 8 flats
Withdrawn 13-01-2005
- P0418.04 - Creation of 4th and 5th floor to provide 6no. one bed and 1no. two beds flats - Outline
Apprv with cons 22-04-2004
- P0418.02 - Change of use from office to residential use at first floor level to one 1 bed and one bedsit flat

- Apprv with cons 30-04-2002
- P0299.98 - Variation of Condition No. 4 planning approval P1064.95 to extend opening hours to 12.00 midnight
- Apprv with cons 15-05-1998
- P1338.96 - Variation of condition 4 of planning approval P1064.95 to extend opening hours to 12.00 midnight
- Apprv with cons 27-01-1997
- P1064.95 - Change of use from use Class A2 to A3, for ground floor premises
- Apprv with cons 01-03-1996

CONSULTATIONS / REPRESENTATIONS

Notification letters were sent to 28 properties and 1 representation has been received from a neighbouring occupier as well as several representations which have been received from residents that do not live within Havering, but reside next door to a 'shisha lounge' premises in Belgrave Road, Ilford that is also run by the same applicant. The comments can be summarised as follows:

- The neighbouring residents at the site in Ilford have suffered for years with noise pollution from the shisha lounge and do not want residents in Romford to suffer a similar fate.
- The premises in Ilford does not comply with Smoke free legislation.
- Havering Council should be aware of the potential problems from business owners that don't have a good track record in neighbouring boroughs.
- Generally concerned for public health, safety and well being.

In response to the above comments, each planning application is judged on its individual merits and with regard to specific material considerations relating to the site and its surroundings. It is noted that an outdoor seating area can result in considerations for the residential amenity of neighbouring occupiers and these issues are discussed in detail in the 'Impact on Amenity' section of this report. With regard to the use of the seating area; the application is seeking planning permission for an outdoor seating area associated with the existing restaurant in the ground floor unit and the introduction of a specialist use, such as a shisha smoking lounge, would require planning consent in its own right and would be subject to a separate planning application and subsequent assessment.

Environmental Health - object to the scheme, unless the hours of use of the outdoor seating area are restricted to 21:00.

Local Highway Authority - no objection.

RELEVANT POLICIES

LDF

- CP2 - Sustainable Communities
- CP4 - Town Centres
- DC15 - Retail and Service Development
- DC16 - Core and Fringe Frontages in District and Local Centres
- DC23 - Food, Drink and the Evening Economy
- DC32 - The Road Network
- DC33 - Car Parking
- DC55 - Noise
- DC61 - Urban Design

DC63 - Delivering Safer Places
ROM11 - Retail Fringe
SPD12 - Shopfront Design SPD

OTHER

LONDON PLAN - 2.15 - Town Centres
LONDON PLAN - 4.8 - Supporting a successful and diverse retail sector
LONDON PLAN - 7.3 - Designing out crime
LONDON PLAN - 7.4 - Local character
NPPF - National Planning Policy Framework

MAYORAL CIL IMPLICATIONS

There are no Mayoral CIL implications relating to the proposal.

STAFF COMMENTS

The main considerations relate to the principle of the change of use within the fringe of a major district centre, the impact on amenity of neighbouring residential amenity and the implications for parking, servicing and highway safety.

PRINCIPLE OF DEVELOPMENT

The site lies within the retail fringe of the Romford Major District Centre. Both policies ROM11 & DC16 state that within the retail core of Romford town centre, planning permission for service uses such as A3 will be granted at ground floor level, subject to the proposal fulfilling criteria concerning uses that complement the retail function, have an active frontage, are open during core retailing hours and do not harm the character, function and vitality and viability of the centre.

Policy DC16 states that all shop fronts in retail core and fringe areas must be active and maintain the impression of a visual and functional continuity to aid in enhancing the vitality of the town centre.

This proposal would essentially concern the expansion of floorspace of an existing A3 restaurant use onto an area to the front currently set aside for parking. The proposal would retain the active frontage and the continuation of the restaurant use would be an appropriate for a town centre. The proposal would not give rise to a grouping of more than three non A1 uses within the parade or result in an over-dominance of non-retail uses in this section of Victoria Road. It is also considered that the proposal would serve to aid in enhancing the vitality of this section of Victoria Road.

Nevertheless, the proposed change of use must be balanced in the context of other important considerations, mainly in relation to the impact on the character and appearance of the streetscene and the impact on the residential amenity of neighbouring occupiers. Whilst in this instance the change of use may be considered acceptable in landuse terms significant weight should be given to the other considerations discussed in the following sections of the report.

DESIGN / IMPACT ON STREET / GARDEN SCENE

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.

This section of Victoria Road is located within the retail fringe of the Romford Major District Centre and as a result has a strong association with the commercial activities of the town centre. As such the road is a relatively busy route in terms of both vehicular and pedestrian traffic. The streetscene is characterised by a mixture of commercial uses at ground floor level comprising retail, office and service uses often with residential accommodation in the upper floors. The highway, pavement and public realm along this section of Victoria Road, including the application site, have recently undergone Council funded generation works as part of a strategic aim to improve the visual quality and general vitality of the area and reverse a trend of retail and commercial decline.

The application site is situated on the section of Victoria Road where the carriageway narrows to two lanes and the flanking pavement widens creating a open an spacious frontage along both sides of the road. Typically these areas are used by the local businesses for off street car parking, daytime outdoor stalls and seating areas.

Examples of relatively low key outdoor seating areas are evident in the immediate vicinity; namely the 'Old Mill Cafe' at No.1 Victoria Road and the 'Tasty Cafe' at No.4, although it should be noted that these examples are contained much closer to their respective shop frontages than that of the outdoor area subject to this application.

In general it is acknowledged that seating to the front of a cafe or restaurant is typical within the town centre and serves to promote the wider aims of increasing footfall and improving the vitality of Victoria Road. An outdoor seating area in the traditional cafe/ restaurant sense would usually be set at a low level and as such would not be unduly prominent or obtrusive within the streetscene. It would also have an element of semi-permanence as the tables and chairs would not be fixed and could potentially be easily removed overnight or when not in use.

The seating area to the front of 14 Victoria Road projects out 6 metres from the front elevation along the entire 10.6 metre width of the unit and is lined with permanent planter boxes filled with artificial green hedging forming a thick 1.5 metre high boundary along both sides and abutting the pavement edge - retaining a pavement width of approximately 2 metres. In contrast to the low key and subordinate outdoor areas at the neighbouring premises the external seating area would have a much greater projection out into the public realm and would be fixed and permanent. As such it is considered to be unduly excessive and prominent within the streetscene resulting pavement clutter and an obstruction to pedestrians. As a result the outdoor seating element, by reason of its depth and the fixed nature of the associated paraphernalia is judged not to be sympathetic to setting of the pavement frontage nor would it be consistent with the other cafe and restaurant frontages within this section of Victoria Road.

In addition, the large metal framework of the fixed canopy structure stands at approximately 3.4 metres in height and projects some 6 metres out from the main front elevation of the building. The fixed canopy would give the seating area an inherent sense of permanence by enclosing the frontage beneath a static building frame and would effectively result in a large front extension to the internal floorspace of the existing ground floor unit. The associated 1.5 metre high boundary planter boxes and artificial hedge plants would serve to enclose the the sides and frontage empahsising the excessive and obtrusive nature of the metal framework structure and its permanence in the streetscene.

It is considered that the undue prominence, scale, massing and physical presence of the large front addition would result in an excessive and intrusive structure with an overly dominant impact on the open and

spacious nature of this section of the streetscene at Victoria Road. Consequently, the structure fails to maintain or enhance the character and appearance of the streetscene and would set an inappropriate precedent for similar developments at neighbouring premises. Above all, the development falls short of the wider strategic regeneration aims for the Victoria Road corridor contrary to the provisions of policy DC61.

It should be noted that the existing canopy structures attached to the frontages of other premises along this section of Victoria Road are lower in height, smaller in scale, non-fixed and fully retractable; resulting in a less intrusive and minimal impact on the surrounding streetscene. In contrast the unauthorised structure comprises a large fixed and permanent metal framework with a series of supporting posts. Within this setting it is considered to be overly dominant, obtrusive and wholly inappropriate resulting in significant harm to the character and appearance of the recently regenerated Victoria Road streetscene.

IMPACT ON AMENITY

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

Given the existing commercial uses within Victoria Road and the town centre location, any residents living nearby to the commercial units in this part of Victoria Road can reasonably expect to experience an element of noise and disturbance from vehicles, passers by and customers entering and leaving the premises than those living in a purely residential area.

Nevertheless, the seating area would lie directly below the main windows and Juliet balconies of the flatted accommodation at Nos 3 to 8 in the first and second floors of the application building. The inclusion of the covered roof structure would help to contain some of the noise emanating from the seating area whilst it is in use by customers - but it is acknowledged that this effect would be very limited. On balance it is considered therefore that the proposed operating hours of between 12:00 and 23:00 on Sunday to Thursday and 12:00 to 00:00 on Friday and Saturday would be excessive and would result in undue noise and disturbance to the occupants of the above flats late into the evening. This impact would be greatly exacerbated due to the close proximity of the residential windows directly above the seating area. As mentioned previously Environmental Health colleagues have raised an objection to the proposed late opening hours due to the impact on local residential amenity. As such if Members are minded to approve the application they may wish to consider restricting the hours of use for the external seating area to no later than 21:00 as advised by Environmental Health Officers.

It is considered that the restriction on the hours of use of the outdoor seating area reflects a reasonable balance between the town centre location and the impact on residential amenity of residents living directly above the seating area.

The existing A3 restaurant use in the ground floor unit is permitted to open until 00:00, which was controlled under planning permission P0299.98 in 1998. It should be noted that a proposal to allow the restaurant to open until 01:00 was refused in 2006 on the grounds of noise, general disturbance and an increase in early morning activity, harmful to the amenity of adjacent occupiers and of the surrounding area in general.

HIGHWAY / PARKING

The Local Highway Authority has raised no objection in relation to the proposal.

The seating area would result in an expansion of floor space to the existing A3 use and would be located

within the town centre close to rail and bus transport links and town centre car parks. As a result the proposal is not expected to provide a provision of off street car parking. The removal of the parking spaces to the front of the commercial units is therefore considered to be acceptable on highway and parking grounds.

Consequently the proposed cafe use is considered to be acceptable on highway and parking grounds.

KEY ISSUES / CONCLUSIONS

The seating area and fixed canopy structure, by reason of its undue prominence, scale, height and massing, appears as an unacceptably dominant and visually intrusive feature in the streetscene harmful to the appearance of the surrounding area contrary to Policy DC61. In addition the proposed late evening operating hours would be excessive and would result in undue noise and disturbance to the occupants of the above flats late into the evening contrary to Policies DC23, DC55 and DC61.

It is therefore recommended that planning permission be refused.

RECOMMENDATION

It is recommended that **planning permission be REFUSED** for the following reason(s):

1. Reason for refusal - Streetscene

The seating area and fixed canopy structure, by reason of its undue prominence, scale, height and massing, appears 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 Development Plan Document.

2. Reason for refusal - Noise and Disturbance: A3 Use

The proposed external customer seating area would be detrimental to the amenity of neighbouring occupiers due to its close proximity to the immediately adjacent residential properties and the proposed late operating hours, resulting in an unacceptable level of noise and disturbance late into the evening, contrary to Policies DC23, DC55 and DC61 of the Development Control Policies Development Plan Document.

INFORMATIVES

1. Refusal - Amendments requested not made ENTER DETAILS

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 the applicant Mr Ayub, via telephone (23/6/15) and at a site meeting (24/6/15). The revisions involved the removal of the fixed canopy structure from the proposed scheme. The applicant declined to make the suggested revisions as an unauthorised fixed canopy structure has already been erected at the application site.

OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 3rd September 2015

APPLICATION NO.	P0694.15	
WARD:	St Andrew's	Date Received: 18th May 2015 Expiry Date: 23rd September 2015
ADDRESS:	Havering Sixth Form College Wingletye Lane Hornchurch	
PROPOSAL:	Erection of a two/three storey classroom extension adjacent to the existing Drury Falls building	
DRAWING NO(S):	Site Location Plan 259-B(10) P00 - Rev P1 Site Plan 259-A(10) P01 - Rev P1 Ground Floor Plan 259-A(20) P00 - Rev P1 First Floor Plan 259-A(20) P01 - Rev P1 Second Floor Plan 259-A(20) P02 - Rev P1 Roof Plan 259-A(20) P03 - Rev P1 Proposed Elevations 259-A(20) E00 - Rev P1 Elevations and Sections 259-A(20) S00 - Rev O1 Partial Basement Plan 13240/TM/1 Partial Ground Floor Plan 13240/TM/2 Partial First Floor Plan 13240/TM/3 Elevations & Sections 13240/TM/5	
RECOMMENDATION	It is recommended that planning permission be GRANTED subject to the condition(s) given at the end of the report	

SITE DESCRIPTION

Havering Sixth Form College is located off Wingletye Lane in Hornchurch. The College has been extended on numerous occasions, in recent years, and as such is made up of a range of different types and styles of building of varying architectural merit. See below 'Relevant History' section for snapshot of recent planning applications at this site.

The original 1930s Dury Falls building consists mainly of brick and uses large slender windows, render features and varied brick details to establish a rhythm and create a hierarchy on the elevation. The Sports and Tourism building/wing (which was permitted in 2012 - application ref: P1090.12) is considered a modern interpretation of Dury Falls and it is the design of this which this application attempts to mirror.

In terms of the locality, the College is bounded by residential development to the north and south, with a pedestrian access point to the site existing off Upminster Road. To the east, the College grounds back on to The Walk, where access to an additional staff parking area exists.

The site is not located within a conservation area, is not (curtilage) listed and is not subject to any other statutory land designation.

DESCRIPTION OF PROPOSAL

The proposal is for a two/three storey extension immediately to the west of the Dury Falls wing, south-west of the site. The extension would create approximately 1,846m² 'new' floorspace or, as intended to be used,

the provision of 9 classrooms; a staff room; office; storage area; learning resource IT centre; toilet facilities and associated plant space.

The extension would however not facilitate an increase in pupil roll, with the classrooms proposed being a replacement for the existing Newcourt building which, should planning permission be granted, would be demolished.

The proposal has evolved in response to the project development brief prepared by Havering Sixth Form College. The objectives of the brief were to:

- consolidate and provide improved accommodation for maths and science courses, currently spread throughout the College;
- replace the ageing Newcourt building;
- create an identifiable department character to support the College's desire for 'schools' or departments within the College;
- create a safe, welcoming and inclusive environment, maximising the quality of teaching and learning;
- create an adult environment to give students a feeling of responsibility; and
- provide an architectural language that fits in with the existing buildings.

RELEVANT HISTORY

- P1519.14 - The erection of two-storey classroom block to provide replacement accommodation for Maths Departments from existing Newcourt building. Consisting of 4 classrooms, IT area, seminar room, staff room, staircase and lift and toilet facility.
Proposal will include 8 condensing units located on the roof but not visible from the street.
Apprv with cons 19-12-2014
- P0824.14 - The erection of a two-storey extension adjacent to the existing Dury Falls Wing. Provision of 2 condensing units on the roof.
Apprv with cons 05-08-2014
- P1490.13 - The erection of a two-storey extension adjacent to the existing Drury Falls Wing consisting of 9 classrooms, office, staff room and toilet facility.
Apprv with cons 07-03-2014
- P0342.13 - Single storey glazed infill adjoining existing library and administration wings
Apprv with cons 15-05-2013
- N0011.13 - Minor Ammendment to P1090.12-
Removal of external stair. Render panel ommitted and replaced with fascia brickwork.
Minor adjustments to window mullions
Apprv with cons 15-05-2013
- P1090.12 - Two storey front extension
Apprv with cons 09-11-2012
- P0735.12 - Reinstatement of a Multiple Use Games Area (MUGA) close to the boundary of the Sixth Form College site with The Walk and the erection of a 3.6 metre high perimeter fence, including an extension to the hours of use to Monday-Friday 08.00 to 22.00hrs, Saturday 09;00-21.00hrs, Sunday and Bank Holidays 09.00-21.00hrs.
Apprv with cons 28-08-2012
- P1058.09 - Change of use existing college keepers residence within the college grounds to educational.
Apprv with cons 06-10-2009

- P0745.08 - Demolition of all existing buildings (except for Minster Court and the Science and Library block); erection of a new College building in two sections; associated access, car parking and landscaping works; external alterations to the Science and Library block; relocation of the Multi-Use Games Area and temporary access and car parking arrangements during construction.
 Apprv with cons 24-12-2008
- P1559.12 - Single storey infill abutting existing administration and theatre wings to provide student common area
 Apprv with cons 07-03-2013

CONSULTATIONS / REPRESENTATIONS

70 properties were directly notified of this application. Two letters of representation have been received. The letters of objection raise concern about previous projects at the College which have not been constructed in accordance with the details approved; inappropriate design; impact on privacy; impact on security; and house prices.

Metropolitan Police Service (Designing Out Crime) - No objection although it is recommended that a condition to meet the security measures detailed in Part 12.0 of the Design Statement (other than the BS:7950 standard for window security, which has been replaced by PAS24:2012) be imposed should planning permission be granted.

RELEVANT POLICIES

London Plan policies 3.16, 3.18, 5.3, 6.3, 6.13, 7.4, 7.6 and 7.15

LDF

- CP08 - Community Facilities
- CP09 - Reducing the need to travel
- CP10 - Sustainable Transport
- CP17 - Design
- DC26 - Location of Community Facilities
- DC27 - Provision of Community Facilities
- DC29 - Educational Premises
- DC33 - Car Parking
- DC49 - Sustainable Design and Construction
- DC50 - Renewable Energy
- DC51 - Water Supply, Drainage and Quality
- DC55 - Noise
- DC56 - Light
- DC61 - Urban Design
- DC62 - Access

- NPPF - National Planning Policy Framework

MAYORAL CIL IMPLICATIONS

As this application is for development providing education floorspace, as a school or college, the development is exempt from the Mayoral CIL.

STAFF COMMENTS

It is considered that the key issues for consideration in the determination of this application are the impact of the development on the function of the College; the design of the development and the impact on the character and appearance of the locality; and the impact on nearby amenity.

PRINCIPLE OF DEVELOPMENT

The NPPF, at paragraph 6, states that the purpose of the planning system is to contribute to the achievement of sustainable development. Specifically in relation to educational facilities (paragraph 72), it is noted that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- give great weight to the need to create, expand or alter schools; and
- work with school promoters to identify and resolve key planning issues before applications are submitted.

Replicating this, policy 3.18 of the London Plan details that development proposals which enhance education and skills provision will be supported, including new build, expansion of existing or change of use to educational purposes.

The main aim of the proposal, as described by the applicant, is to consolidate and provide improved accommodation for the College; creating identifiable character; and a safe, welcoming adult environment to encourage learning. In consideration of this, and the above detailed in the NPPF, no principle objection is raised in respect of the proposal. With regards to this, given the proposal is specifically for replacement floorspace, rather than additional, it is furthermore not considered that a need argument, e.g. a projected increased pupil roll, needs to be demonstrated. Previously applications allowing the College to expand to its current size have previously been deemed acceptable and the Council has no reason to challenge this previous view/position.

Although in principle no objection exists to the development coming forward, this is nevertheless subject to the proposal meeting and satisfying all relevant policy and guidance in respect of design, highways, amenity and any specific individual site constraints. An assessment of the aforementioned can be found below.

DESIGN / IMPACT ON STREET / GARDEN SCENE

Policy CP17 of the LDF Core Strategy and Development Control Policies DPD details that the appearance, safety and accessibility of Havering will be maintained and, where possible, enhanced by requiring new development to:

- maintain or improve the character and appearance of the local area in its scale and design;
- provide a high standard of inclusive design so it is accessible to those who require access to it; and
- be safe and secure in its design and contribute to community safety.

Expanding on this policy DC61 states development must (only criteria relevant to this application have been detailed) harness the topographical and ecological character of the site, including the retention of existing trees and landscape features while providing appropriate landscaping; respond to distinctive local building form and patterns of development and respect the scale, massing and height of the surrounding physical context; complement or improve the amenity and character of the area through its appearance, materials used, layout and integration with surrounding land and buildings; provide structure by utilising and protecting existing views, vistas, panoramas and landmarks and creating new ones; be designed and oriented around the needs of pedestrians, cyclists and connectivity to the public transport network; and be

durable flexible and adaptable.

The applicant has suggested that the intention for this development was not to mimic the existing built form of the College, although several principles from the Dury Falls building were chosen to articulate the building and ensure it fits in within the local context. The building proposed would be brick, principally two storeys in height, with a glazed transitional element between the new and old building wings. A three storey element is proposed at the centre point of the scheme (adjacent to the existing College entrance) to further define this area, with the provision of a partial basement.

The two storey portion of the building is proposed to be divided into bays articulated by vertical brick reveals and a 3/2/3 window pattern. The facade is proposed to be differentiated by recessed blue brick to further define the use and create architectural interest. The three storey part of the building is proposed in the same material palette in a similar design. Both elements would have flat roofs.

As alluded to previously, it is considered that the College is of a mixed character. However, the principles established in the new Sports and Tourism wing, which are proposed to be replicated as part of this project, and considered appropriate. As a mixed character site, the rationale of picking the building with the biggest or highest significance and architectural merit and attempting to mirror some of the main articulation of that building (Dury Falls) is considered a good starting point. No principle objection is therefore raised to the design of the building and/or the material palette suggested, subject to appropriate further detail being secured by planning condition.

The scale of the proposals are furthermore considered consistent with the site overall. Whilst a three storey element is proposed, and this is larger than the existing Dury Falls building, the rationale for this, in further defining the entrance point to the College reception, is accepted. It is considered that given the College site is relatively compact and densely developed that further development proposals have the potential to result in a loss of character or complex layout structure. In the applicant acknowledging this and seeking to ensure the site functions in a logical manner, it is considered that the design rationale and the scale of the buildings, have sought to improve the existing character and layout of the College, rather than adversely impact on it.

IMPACT ON AMENITY

The nearest residential properties to the College are those located on Wingletye Lane itself, Upminster Road and Minster Way. The properties on Wingletye Lane and Upminster Road are those in closest proximity to the development, with the development, circa, being set back 6m from the rear boundary of the properties on Upminster Road and 20m from the rear of those along Wingletye Lane. Concerns within the public letters of representation received have raised concerns about loss of amenity and security fears.

Policy DC61 of the LDF Core Strategy and Development Control Policies DPD, in addition to the above, details that planning permission will not be granted where a proposal results in unacceptable overshadowing, loss of sunlight/daylight, overlooking or loss of privacy and/or unreasonable effects on the environment by reason of noise impact, hours of operation, vibration and fumes between and within developments. Policies DC55 and DC56 seek to ensure that development proposals do not give rise to undue levels of noise or vibration or unacceptable light intrusion.

Whilst the concerns raised about amenity impact are acknowledged, given that this is an existing College, it is not considered that the development would likely result in any further significant impacts on the amenity

of adjoining neighbours. Whilst it is noted that the development line would be moving closer to the boundary of the site, there still would be a considerable stand-off and in context of the size of the gardens of the properties on Upminster Road it is not considered any such impacts would likely be significant. Additional planting is proposed along the southern boundary to ensure that the development does not appear overbearing and this could be secured by condition, should planning be granted.

In relation to the construction phase of the development, conditions could also be imposed, on any planning permission granted, to ensure that impacts during this period are suitably managed and controlled. For example, restrictions on the proposed hours of construction and the requirement for a construction management plan to ensure site offices and loading/unloading areas are kept away from nearby sensitive uses could both be imposed.

HIGHWAY / PARKING

Policy DC62 of LDF Core Strategy and Development Control Policies DPD details that planning permission for public buildings or places will not be granted unless a high standard of inclusive access for employees and visiting members of the public is provided.

The primary access to the College, off Wingletye Lane, would be unaffected by this proposal as would the main car park area. The extension would however result in the existing, undefined, access path for staff and deliveries to the south of the College buildings being altered. It has nevertheless been detailed that sufficient space would remain further south of the extension to allow this access to remain. A number of existing parking spaces, in this area, would need to be relocated, to ensure sufficient space for vehicles, but these spaces would be re-allocated elsewhere so that there would be no net change in the number (220) of car parking spaces on-site.

In terms of accessibility, the proposal has been designed to allow full wheelchair access to all areas of the building. Internally, access to the first floor would be via an existing lift in the Dury Falls building, with corridors designed to sufficiently allow clear and uninterrupted access.

The College as existing has an adopted Travel Plan and it is considered that this actively seeks to minimise potential disruption to nearby infrastructure. The College site is located in an area where access to public transport is very good (Accessibility Level 3-4 as defined within the LDF Proposals Map) and in context that the proposal itself is for replacement floorspace rather than additional, and no change is proposed to the existing access and parking arrangements, no objection is raised on highway or parking grounds.

OTHER ISSUES

House Prices:

One of the public letters of representation received raised concerns about a potential decrease in property prices, as a result of the development. Property prices themselves are not a material planning consideration.

Secure by Design:

It is proposed that the College's existing access control and alarm system would be extended to cover the new building. In addition it is proposed that ground floor glazing will meet BS7950* and contain at least one pane of laminated glass of at least 6.8mm; automatic opening external entrances will be to security standard LPS 1175 SR2; all internal doors will meet the PAS 24 security standard; and all automatically opening ventilation will be designed so that they are, as best as practically possible, not vulnerable to

attack.

*Please see comment from Metropolitan Police in respect of referred Standards.

Environmental Management:

Various policies within the London Plan and LDF Core Strategy and Development Control Policies DPD seek to ensure sufficient consideration of environmental management. It has been suggested within the application details that the College is committed to minimising environmental impact with the College actively promoting the sustainable use of resources and discouraging wasteful or damaging practices. This scheme has been designed to be energy efficient, incorporating a range of energy efficient measures, to ensure the building will perform above the current standards required by Building Regulations.

Environmental Impact Assessment:

The development is not representative of a Schedule 1 project as detailed within the Town and Country Planning (EIA) Regulations 2011 (as amended). However, potentially the development does fall within Schedule 2 under Paragraph 10 (Infrastructure Projects), Class b (Urban development projects including the construction of shopping centres, car parks, sports stadiums, leisure centres and multiplex cinemas). The screening threshold for such projects is the development includes more than 1ha of urban development; or the overall area of the development exceeds 0.5ha. Although the College site as a whole would exceed this threshold, the actual development area (the red line application area for this application) for this project is only 0.15ha. It is therefore considered that the development does not need to be formally screened for EIA. In any respect, in context of the further guidance within the Planning Practice Guidance, and the above conclusions formed in the body of this report, it is considered that the development would not result in any impacts of more than local significance.

KEY ISSUES / CONCLUSIONS

It is considered that there is clear policy support within the NPPF, London Plan and Havering LDF for improved or new education facilities. This is a project which would significantly improve the quality of teaching accommodation and furthermore improve the learning environment at the College.

The College is well established in this area and although, as with most educational establishments, the use does cause some conflict with nearby development, it is considered the proposals have been designed in a way to limit adverse impacts and attempt to address existing problems rather than cause additional conflict. It is considered the extension relates well to the existing College buildings and with adequate conditions attached to any planning permission granted, it is not considered the development would give rise to any significant amenity impacts. In consideration of this, and the clear benefits that would be realised from the development within the social and economic dimensions of planning, as defined by the NPPF, it is considered that the proposal represents sustainable development and accordingly it is 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. SC32 (Accordance with plans)

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

Reason:-

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

3. SC09 (Materials) (Pre Commencement Condition)

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.

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. SC82 (External lighting) (Pre Commencement)

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.

6. 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.

7. 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.

8. Non Standard Condition 31

Prior to beneficial occupation of the development hereby permitted, a timetable for the demolition and removal of the Newcourt building, together with a landscape and restoration scheme for this area, shall be submitted to the local planning authority for approval in writing. The Newcourt building shall be decommissioned and demolished and the land restored in accordance with the scheme hereby approved.

Reason:-

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

INFORMATIVES

1. Fee Informative

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

2. Approval - No negotiation required

Statement Required by Article 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

OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 3rd September 2015

APPLICATION NO. P0920.15
WARD: Squirrels Heath Date Received: 2nd July 2015
Expiry Date: 8th September 2015

ADDRESS: 158 Balgores Lane
Gidea Park
Romford

PROPOSAL: Change of use of shop from letting agency (Use Class A2) to chiropractic clinic (Use Class D1).

DRAWING NO(S): 13134_10 Rev E

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 shop unit in a two storey east facing building with a parade of shops on the ground floor and further accommodation on the first floor. The shop unit is the northernmost in the parade and there is a flat to the rear of the shop and two on the first floor. The front doors of the flats are all independent of the shop with a single door to the side of the shop unit providing access to the first floor accommodation and access to the flat to the rear gained from a rear access road.

The shop is a few metres south of, and opposite to the junction of Balgores Lane with Station Road. Gidea Park Railway Station is 60 metres to the east.

The site lies within the Balgores Lane Major Local Centre and the Gidea Park Special Character Area.

DESCRIPTION OF PROPOSAL

The proposal is for the change of use of the shop (which is currently empty) from an letting agency (Use Class A2 - Financial and Professional Services) to a chiropractic clinic (Use Class D1 - Non-residential institution). No modifications are proposed to the exterior of the property apart from signage for the salon. The practice is proposed to be open 0900 to 1730 Monday to Saturday.

RELEVANT HISTORY

No relevant planning history.

CONSULTATIONS / REPRESENTATIONS

Occupiers of 27 neighbouring properties were notified of the application. No responses have been received as a result of this consultation.

RELEVANT POLICIES

London Plan

2.15 - Town Centres

4.7 - Retail and town centre development

6.13 - Parking

Local Development Framework

DC16 - Core and Fringe Frontages in District and Local Centres

DC23 - Food, Drink and the Evening Economy

DC33 - Car Parking

DC36 - Servicing

MAYORAL CIL IMPLICATIONS

None.

STAFF COMMENTS

The main issues are the principle of development, the impact upon residential amenity and the highways/parking/servicing arrangements.

PRINCIPLE OF DEVELOPMENT

The retail shop unit is situated within the Core Area of the Balgores Lane, Gidea Park Major Local Centre.

Policy DC16 states that planning permission for services uses (A2, A3, A4, A5) in major local centres will only be granted throughout the retail core where:

- the use provides a service appropriate to a shopping area;
- the proposal will not result in the grouping of 3 or more adjoining A2-A5 uses;
- within the retail core the proposal will not result in the proportion of non-retail uses within the relevant frontage exceeding 33% of its total length.

The justification for the policy is that it is important that a 'critical mass' of retailing uses are maintained within the core areas of the borough's town centres and requires that the frontage be measured in metres along continuous built development between significant breaks such as a road or footpath.

The proposal is for a change of use from an existing A2 service use to a chiropractic clinic which is a D1(a) medical/health use.

The reasoned justification for Policy DC16 set out in the Core Strategy and Development Control Policies Development Plan Document states that community uses such as health centres will be considered as A2 uses provided, amongst other matters, they would not significantly harm the function and viability of the centre. While the proposed use is not a community use per se, it is a similar use which it is considered would be appropriate to the shopping area. As the shop unit is already in A2 use the proposed change of use would not result in a grouping of 3 or more non-retail uses or alter the proportion of non-retail uses within the frontage

In conclusion, while the proposal is technically contrary to Policy DC16 (Core and Fringe Frontages in

District and Local Centres) of the Core Strategy and Development Control Policies Development Plan Document, it is considered that in practice the proposal is appropriate to the shopping area and would not have a detrimental impact on the viability of the Local Centre as a whole.

DESIGN / IMPACT ON STREET / GARDEN SCENE

There are no external alterations to the front elevation of the building and the existing shop front. Therefore, the proposal would not have an adverse impact upon the row of retail/commercial properties in the street scene.

IMPACT ON AMENITY

It is not considered that the proposal would not have a material detrimental impact on neighbouring amenity.

The proposed opening hours are until 5.30pm Mondays to Saturdays. A condition has been imposed, allowing opening from 9am until 6pm, to accord with the terms of the application and so that any future change in the opening hours can be assessed at the appropriate time.

HIGHWAY / PARKING

The Highway Authority has no objection to the proposed change of use of the ground floor premises. It is judged there is no materially greater impact on demand for parking compared to the existing use.

It is not considered that there are any implications for refuse storage or servicing.

KEY ISSUES / CONCLUSIONS

The proposal is for the change of use of an existing A2 shop unit to a chiropractic clinic (Use Class D1). It is considered that the proposed use is appropriate to the shopping area and would not have a detrimental impact on the viability of the Local Centre. As a result it is recommended that planning permission is 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. SC19 (Restricted use) ENTER DETAILS

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) the use hereby permitted shall be as a chiropractors only and shall be used for no other purpose(s) whatsoever including any other use in Class D1 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

3. SC27A (Hours of use) ENTER DETAILS

The premises shall not be used for the purposes hereby permitted other than between the hours of 09:00 and 18:00 hours on Mondays to Saturdays and not at all on Sundays, Bank or Public holidays without the prior consent in writing of the Local Planning Authority.

Reason:-

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

INFORMATIVES

1. 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 - 30th July 2015

APPLICATION NO. P1763.14
WARD: Romford Town **Date Received:** 28th January 2015
Expiry Date: 7th August 2015

ADDRESS: 131 South Street
Romford

PROPOSAL: Conversion and extension of 131 South Street, Romford from a vacant nightclub to an aparthotel (C1 use), including extension of the existing mezzanine floor and a roof extension to create a total of 42 bedrooms.

DRAWING NO(S): 131SS_04_00 Rev C Existing and proposed South Street Elevationsd
131SS_09_03 Typical rooms Rev C
131SS_01-01 Block Plan
131SS_01-00 Rev A Location Plan
131SS_02-00 Rev H Existing and proposed ground floor
131SS_02-01 Rev G Existing and proposed mezzanine floor plan
131SS_02-02 Rev G Existing and proposed first floor plan
131SS_02-03 Rev B Proposed second floor
131SS_02_04 Rev D Proposed mansard floor plan
131SS_02_05 Rev C Existing and proposed roof plan
131SS_02-99 Rev B Existing and proposed basement floor plan
131SS_024_00 Rev B Existing and proposed South Street Elevations
131SS_04-01 Rev C Existing and proposed south elevation
131SS_04-02 Rev D Existing and proposed Eastern Road Elevation
131SS_04-03 Rev C Existing and proposed chandlers Way elevation
131SS_025_00 Rev A Existing and proposed Section AA
Design and Access Statement

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

CALL-IN

The application was originally called-in for consideration by the Committee by Councillor Frederick Thompson due to his concerns about the impact of the increased building height on the design of the building and its historic interest. There was also concern that the proposals were deficient in terms of the collection of waste and laundry facilities.

Following revisions to the application that have addressed his original concerns Councillor Thompson has not made a further objection.

BACKGROUND

The committee deferred consideration of the application at its meeting on 31st July 2015 to allow staff to invite the applicant to:

a) Revise the scheme to reduce the bulk and impact of the extensions, their effect on the setting and appearance of the building thereby its contribution to the town centre, including its prominence as a heritage asset.

b) To seek more information (only) on the nature of the proposed "aparthotel" use.

In response to this the applicant has revised the proposals to reduce the bulk of the extensions and to provide internal refuse storage space. The additional storey is no longer proposed and the rooms would now be spread across four floors - ground floor, extended mezzanine, first floor and roof conversion. The roof would be extended on the northern side to provide the additional rooms as previously proposed, but this would not be readily visible from the highway and would not materially affect the overall character and appearance of the building. The number of rooms would be reduced from 54 to 42 and the overall floorspace reduced by 486 square metres. The reduction would reduce the Mayoral CIL requirement to £11,120

The Romford Civic Society has responded to the revisions by welcoming the significant changes that had been made. However, it considers that the quality of materials used, including fitting and fixtures will be vital to ensuring an attractive welcoming environment to the town centre. Details of materials should be agreed in advance.

There would be significant alterations to the interior of the building to provide these bedrooms and details of these would largely be a matter for the developer, however, external details, including the entrance, other doors and windows would require approval. This would normally be done by condition.

Following the revisions, when viewed from the street the building would now appear largely unchanged, thereby retaining its contribution to the streetscene and its prominence as a heritage asset within the town centre. Staff consider that these changes would address members' concerns and the proposal is again recommended for approval. A copy of the previous report is set out below, with modified conditions to address the changes made. The report below describes the proposal as it was originally considered by Members, rather than the revisions currently under consideration.

The deferral was also to enable staff to seek more information on the nature of the proposed 'apart-hotel' use. Apart-hotel is not currently defined in planning legislation but an earlier circular places it in C1 use class (hotels) which also includes boarding and guest houses, but excludes hostels. The London Plan defines apart-hotels as 'self contained hotel accommodation for short-term occupancy at a nightly rate' It will normally include concierge and room service, and there will also be formal procedures for checking in and out. The London Plan also suggests that the length of stay may need to be limited by condition. In this case conditions are recommended to ensure that the length of stay is limited to 90 days and that details of occupation are recorded. These conditions are based on some used in appeal decisions.

An apart-hotel is described generally in the hospitality industry as a serviced apartment available for short or long terms stays. They offer accommodation as a cheaper alternative to a standard hotel. Rooms provide some cooking facilities and are intended for business and leisure use, especially where extended occupation is required. Rooms generally offer more space than standard hotel rooms and will be fully equipped for business users. In this case a breakfast area is proposed in the foyer as an option for guests.

The industry body for serviced apartment providers asap has members with over 14,000 properties across the UK and Ireland. The main concentrations are in London and other major city centres.

SITE DESCRIPTION

The application property comprises an existing two-storey building on the corner of South Street and

Eastern Road, Romford. It lies at the southern end of the designated town centre. To the east along Eastern Road is the designated office quarter. The nearby units in South Street are mainly A3 or A4 uses, although the former Odeon Cinema building opposite is currently vacant. The property is bounded on three sides by public highway, including Chandlers Way to the east at the rear of the building and a McDonalds restaurant to the north. There is no other land within the application site outside of the building's footprint.

The building was constructed in 1937 as offices with a ground floor showroom. More recently the building has been converted for use as a series of social venues and nightclubs. The premises comprise a small basement, ground floor, partial mezzanine level and first floor. The building has a gross internal floor area of about 940 sqm. The building is an undesignated heritage asset that is included in the Council's list of buildings of heritage interest. The building is constructed in brick under a plain tiled hipped roof and with sash windows. There are three balconettes and larger windows on the corner section of the building. There is brick quoin detailing and rendered detailing around the main entrance and other doorways.

DESCRIPTION OF PROPOSAL

It is proposed to extend the existing building through the construction of an additional floor and change the use of the building to an aparthotel. The proposed works include the extension of the existing mezzanine floor to nearly a full floorplate, adding a new level and reshaping the rear part of the roof. The building would accommodate 54 rooms over all five levels, including the roof space. Each room would include wc, bathroom and kitchenette. There would be a lobby/reception area and breakfast bar near to the main entrance onto South Street. There would be service and storage rooms throughout the building. The Proposed gross internal floor area would be 1980 sqm. There would be lifts and stairs to the various floors from the reception area. All rooms would have window looking out onto Eastern Road, apart from the roof rooms which would have rooflights to the north.

The proposed roof would be hipped similar to the existing and the additional floor would have windows of the same design and location to the existing first floor windows. The mezzanine level rooms would gain light from the existing ground floor windows. Door openings that have been infilled, would be replaced with new windows, although the form of the opening would be retained. The extension, including new roof would be in similar or reclaimed materials. Rooms would be mainly in the order of 20sqm each, although there would be larger family rooms at the end of the buildings.

The proposed aparthotel would be for tourists and business travellers, including families. Laundry services would also be provided within the building. Three of the proposed rooms would be specifically wheel chair accessible with others capable of adaption.

RELEVANT HISTORY

- P1302.12 - Extend the permitted opening hours to 2.30am the following morning Monday to Saturday and 2.00am the following morning on Sunday (Variation of Condition 2 of planning consent P0673.01 and Condition 1 of P1986.05)
Apprv with cons 20-12-2012
- P1383.09 - Extend the permitted opening hours to 2.00am the following morning on Friday and Saturday (inclusive of drinking up time) variation of condition 1 of planning permission P0069.09
Apprv with cons 27-11-2009
- P0857.07 - Formation of external terrace adjacent shop front on Eastern Road for use by One Three One customers

- Refuse 16-07-2007
- P0382.07 - Relocation of existing shop front to allow formation of new external terrace
Apprv with cons 30-04-2007
- P1986.05 - Application for an extension of opening hours on Thursdays, Fridays, Saturdays and Sundays, from 08.00 to 01.30 (on the following morning), inclusive of permitted drinking up time on Thursdays, Fridays and Saturdays and from 08.00 to 00.00 (midnight), inclusive of permitted drinking up time on Sundays
Apprv with cons 23-12-2005
- P1191.05 - New canopy over front windows on 'South Street' windows to be replaced with sliding/ folding windows- plus 'Juilette' balcony.
Apprv with cons 18-08-2005
- P0366.01 - New shopfront and plant area to 'Life Bar' and restaurant
Apprv with cons 08-05-2001
- A0008.01 - Rectangular banner sign displayed on lamp column
Apprv with cons 25-04-2001
- A0007.99 - Projecting illuminated signs & wall mounted illuminated signs
Apprv with cons 23-02-1999
- P1334.98 - Variation of Condition 3 on Planning Permission P1448.96 re: hours of operation
Apprv with cons 18-01-1999
- P1448.96 - Change of Use from A2 (Financial & Professional) Use and B1 (Business) Use to A3 (Food & Drink) Use
Apprv with cons 25-04-1997
- P1394.96 - Change of Use from A2 Financial & Professional Use to A3 Food & Drink use
Apprv with cons 25-04-1997

CONSULTATIONS / REPRESENTATIONS

The application has been advertised in the local press and on site. In addition 140 neighbour letters have been sent out. In response there has been an objection from the Romford Civic Society.

The following issues are raised:

- * The building is locally listed and the proposals negatively affect the setting of two nearby locally listed buildings. The three buildings are closely linked in terms of design;
- * Concern that poor quality of materials could be used and that the foundations could not support the addition loading;
- * An additional floor would adversely affect the proportions and character of the building and adversely impact on the streetscene;
- * The proposal would be contrary to policies CP18, DC67 and DC61 of the LDF by failing to protect the character of the building.

Environment Agency - no objections

Streetcare (Highways) - no objections

London Fire Brigade - no additional hydrants required

Thames Water - no objections with regard to sewerage capacity

London Fire and Emergency Planning Authority - concerns about access due to scale of plans

Designing out crime officer, Metropolitan Police - no material concerns

Essex and Suffolk Water - metered water connection will be required

Streetcare (waste collection) - no provision for waste storage proposed

Public Protection (Noise) - no objections subject to conditions

English Heritage (now Historic England) - no need for archaeological condition

Public Protection (Food)- no objections

RELEVANT POLICIES

LDF

CP04 -	Town Centres
CP09 -	Reducing the need to travel
CP17 -	Design
CP18 -	Heritage
DC14 -	Hotels
DC23 -	Food, Drink and the Evening Economy
DC33 -	Car Parking
DC34 -	Walking
DC35 -	Cycling
DC61 -	Urban Design
DC63 -	Delivering Safer Places
DC67 -	Buildings of Heritage Interest
DC69 -	Other Areas of Special Townscape or Landscape Character
DC70 -	Archaeology and Ancient Monuments
ROM06 -	Respecting the Historic Environment
ROM20 -	Urban Design
SPD02 -	Heritage SPD

OTHER

LONDON PLAN - 2.15 -	Town Centres
LONDON PLAN - 4.7 -	Retail and town centre development
LONDON PLAN - 6.5 -	Funding Crossrail and other strategically important transport
LONDON PLAN - 7.3 -	Designing out crime
LONDON PLAN - 7.4 -	Local character
LONDON PLAN - 7.8 -	Heritage assets and archaeology
NPPF -	National Planning Policy Framework

MAYORAL CIL IMPLICATIONS

The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. In assessing the liability account is taken of existing usable floorspace that has been lawfully used for at least six months within the last three years. The building has been in use as a night club within the last three years and the existing floorspace of 940 square metres can, therefore, be

taken into account. The applicable fee is charged at £20 per square metre based on a proposed internal gross floor area of 1,982 square metres less the current floorspace. With this allowance the CIL contribution would be £20,840 subject to indexation.

The site also lies with an area where contributions to help fund the Crossrail development would normally be sought, however, hotels are specifically exempt from any charge in this part of London.

STAFF COMMENTS

PRINCIPLE OF DEVELOPMENT

The site lies within the designated Romford town centre. The NPPF includes hotels as a main town centre use and LDF Policy DC14 identifies Romford as the preferred location for large scale hotel development. LDF Policy DC4 seeks to direct service development, including hotels to town centres, ensuring that the scale of the development is appropriate to the town centre concerned. The policy seeks to promote Romford as a leading metropolitan centre. Hotels are considered to strengthen the wider role of town centres and provide a range of employment opportunities. London Plan Policy 4.5 sets out targets for additional hotel accommodation within the capital, including the need for aparthotels.

The London Plan defines aparthotels as 'self-contained hotel accommodation (C1 use class) that provides for short-term occupancy purchased at a nightly rate'. The current application refers to the proposal being for an aparthotel, which provides accommodation for extended stays with cooking facilities provided within each of the rooms. However, there is no separate definition or use class for aparthotels within planning legislation. Staff consider that the use falls within class C1 (hotels) and the proposals need to be considered accordingly. However, the London Plan indicates that boroughs may also need to consider take particular account of their potential impacts on housing capacity and where permitted consider conditions to limit the length of stay of occupiers. Notwithstanding this, the development is considered to be for a form of hotel accommodation which is considered acceptable in principle in Romford town centre.

Heritage Considerations

The existing building forms part of a wave of Art Deco-style construction on South Street during the 1920s-30s, which, for example, included the neighbouring buildings at no.95, the Quadrant Arcade and the Odeon Cinema. The building uses high quality materials and design indicative of its era, and has a substantial presence in the streetscene on exiting the station onto South Street. In terms of group value, 131 South Street is also similar in design to other undesignated 1930s buildings at the northern end of South Street, namely the Co-op, the Prudential Building and Lloyds Bank.

While the building is of local heritage interest it has no statutory protection or status. The building is not listed and does not lie within a conservation area, however, both LDF and NPPF policies give some support for the protection of undesignated heritage assets. The effect of development on the desirability of conserving the asset and its setting is a material consideration for planning decisions. The effect of the development on the significance of the asset is the main consideration in this case.

The guidance in the NPPF is that heritage assets should be conserved in a manner appropriate to their significance such that their contribution can be enjoyed by future generations. Local planning authorities should recognise that heritage assets are an irreplaceable resource. Whether the current proposals maintain the heritage significance of the building will be a matter of judgement for members. The guidance

in the NPPF is that in determining applications affecting non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. In this case staff judge that the impact on the significance of the asset would be acceptable.

DENSITY / SITE LAYOUT

Access to the upper floors would be taken from a dedicated entrance door to the front (South Street) elevation and access to all floor would be by lift or stairs. Internally each floor would consist of a corridor along the northern side with rooms to the south. All rooms would benefit from an outlook over the street with the exception of the rooms in the roofspace. There are no set sizes for hotel rooms in the LDF or London Plan, but all would be in excess of 20 square metres, which is larger than those approved at Quadrant Arcade (15 sqm) which were designed to meet Travelodge requirements. Three of the rooms would be designated for wheelchair, with other capable of adaption. The London Plan requires 10% of rooms to be wheelchair accessible so two additional rooms would need to be redesigned to meet this requirement. Staff consider that the proposed layout and standard of accommodation would be acceptable.

DESIGN / IMPACT ON STREET / GARDEN SCENE

The proposed building is currently two-storey in scale with a large hipped-roof. The office buildings to the east and south are of a significantly larger scale. Staff consider that raising the height of the building while retaining the main architectural features of the building would not have an adverse impact on the character and appearance of the area which is characterised by taller buildings. The office buildings to the south are four-storey with roof accommodation and the buildings to the west are also four-storey. Therefore, in terms of scale staff consider that the proposals would not adversely impact on the character of the streetscene.

However, consideration also needs to be given to the heritage impacts of the proposed buildings works. The guidance in the NPPF and in LDF policies CP18 and DC67 is that account also needs to be had to the contribution that non-designated heritage assets make to the character of the area.

The issue in this case is whether the changes proposed to the building would have an unacceptable impact on its heritage significance and on the overall historic character of this part of South Street. This application is similar in nature to the proposals for an hotel at Quadrant Arcade, considered by the committee in 2012. The building concerned was also in Art Deco style dating from the same period as 131 South Street. The building frontage was also in the Romford Conservation Area. In that case the increase in height of the building was, on balance, considered acceptable in heritage terms.

In this case the proposals seek to retain the main architectural elements of the building and help restore some that have been altered by other developments. Staff consider that the increase in height would retain the essential character of the building by replicating existing architectural elements and features. When viewed at ground floor level the building would appear essentially the same as it does at present. During pre-application discussions the heritage officer advised that increasing the height, including replicating the main design elements would be a better solution than significantly altering the roofspace to include dormer windows facing Eastern Road.

The submitted scheme seeks to provide a viable use for the building and has combined an additional floor with roof accommodation, although without dormer windows. The new roof would be wider than the existing, but would have the same shape when viewed from South Street and Eastern Road. Whether this combination would be acceptable is a matter of judgement for members, but staff consider that, on balance, the development would be acceptable in visual terms. It respects the scale of other development in Eastern

Road and provides a viable town centre use for the site. In this case given the relative significance of the asset there needs to be a balance between maintaining the importance of the building and providing for an acceptable town centre use. In this case staff consider to the the impact on the heritage asset, which is limited by the retention of much of the existing building fabric, would be acceptable. The significance of the asset would be largely retained. However, should members considered that the raising of the levels would have an unacceptably harmful impact then this could amount to a material objection to the proposals.

IMPACT ON AMENITY

The proposed development lies within Romford town centre and there are no residential properties in the immediate vicinity of the site. Consequently there would be no adverse impact on residential amenity. Given that the use is appropriate in a town centre there would be no adverse impacts on other town centre users.

HIGHWAY / PARKING

There is no land associated with the building so there would be no parking provision for visitors or staff. However, the site lies within the Romford PTAL zone (6a) and in accordance with the guidance in the NPPF, the London Plan and LDF Policy DC2 staff consider that it would be acceptable for there to be no parking provision. The site lies within a few minutes walk from the station and local bus services and is also close to town centre facilities.

No objections have been raised by the highway authority. The London Plan does not set any maximum standards for hotels. For PTAL zones 4-6 provision should be restricted to operational needs and parking for the disabled , taxis and coaches and deliveries/servicing. In this case there is no space on the site for parking or deliveries, but there is a servicing bay opposite the site entrance in South Street. There is also town centre parking nearby. Cycle parking would be 2-3 spaces and this could be provided within the building.

Refuse and recycling facilities would need to be provided within the building as there is no space to the rear in Chandlers Way. An appropriate condition is recommended.

FLOOD RISK

Parts of the lies on the edge of Flood Zones 2/3a and there is the potential for flooding from Black's Brook, a tributary of the River Rom, although mainly in culvert near to the application building. A flood risk assessment has been submitted with the application that demonstrates that hotel development would be acceptable in this location. No objections have been received from the Environment Agency. The development is considered acceptable in terms of the technical guidance on flooding that forms part of the NPPF.

KEY ISSUES / CONCLUSIONS

The proposal is for hotel development in Romford town centre which would be acceptable in principle. The building is a non-designated heritage asset and consideration needs to be given to protecting the significance of the building. The building is not listed but forms part of a group of buildings that make up the historic character of Romford and help mark a period in its development. However, given the relative importance of the building staff consider, that the increase in height would not materially alter the overall character of the building and would maintain the essential elements of its significance. Given the scale of the harm in relation to the importance of the building staff consider that, on balance, the development would

be acceptable and the grant of planning permission is recommended accordingly. In reaching this view account has been taken of the acceptability of the hotel use in the town centre and that the change of use would secure the future of the building. Should members give different weight to these factors and judge that there would be unacceptable harm to heritage interest then this could amount to a material objection to the proposals.

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. SC19 (Restricted use) ENTER DETAILS

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended, or any order revoking and re-enacting that Order with or without modification) the use hereby permitted shall be for purposes falling within Class C1 (Hotels) of the Order and shall comprise a maximum of 42 units. The accommodation shall not be used as the sole or main residence of any of the occupiers and no person shall occupy the aparthotel for a continuous period of more than 90 days.

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. SC44 (Noise Insulation) (Pre Commencement)

No works shall take place in relation to any of the development hereby approved until a scheme for protecting future occupants of the hotel from noise from road traffic in Eastern Road/South Street and

nearby commercial activities is submitted to and approved by the Local Planning Authority. Any works which form part of the scheme shall be completed before the first occupation of the building.

Reason:-

Insufficient information has been supplied with the application to judge the appropriateness of the noise insulation measures to be employed. Submission of the information prior to commencement will prevent noise nuisance to future occupiers of the development from road traffic in Eastern Road/South Street and the night time economy in accordance with Development Control Policies Development Plan Document Policies DC55 and DC61.

6. Noise insulation

The building hereby permitted shall be so constructed as to provided sound insulation of 43 DnT,w+Ctr dB (minimum values) against airborne noise and 64 L'nT,wdB (maximum value) against impact noise.

Reason:

To prevent noise nuisance to adjoining occupiers in accordance with policies DC55 and DC61 of the LDF Core Strategy and Development Control Policies DPD.

7. 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.

8. 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 the amenities of adjoining occupiers and other town centre users, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

9. 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.

10. SC58 (Refuse and recycling)

The building shall not be occupied or the 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.

11. Non Standard Condition 33

No building shall be occupied or use commenced until four of the rooms of the proposed aparthotel have been fitted out to be wheelchair accessible. The rooms shall be retain as wheelchair accessible throughout the life of the development.

Reason:-

Insufficient information has been submitted to demonstrate how the requirement for 10% wheelchair accessible accommodation would be achieved. Approval and implementation of details prior to use/occupation is required to ensure that the requirements Policy DC7 of the Development Control Policies Development Plan Document and Policy 4.5 of the London Plan.

12. Register of occupiers

Prior to the first occupation of the aparthotel, a register shall be established and maintained at all times when the building is occupied. The register shall contain information regarding the names of occupiers of the units within the aparthotel and duration of their stay. The register shall be made available to the Council in response to all reasonable requests for information about occupancy of the aparthotel.

Reason:-

To enable the use of the premises as as aparthotel to be monitored to ensure that the use remains 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 Policies DC14 and DC61 and London Plan Policy 4.5.

13. Renewable energy (Pre Commencement Condition)

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

Reason:

Insufficient information has been supplied with the application in relation to renewable energy to meet the requirements of Policy 5.2 of the London Plan. The submission of details prior to commencement is necessary to ensure that the proposals would meet the terms of this policy and in the interests of energy efficiency and sustainability in accordance with Policy DC50 of the LDF Development Control Policies Development Plan Document.

INFORMATIVES

1. Approval following revision ENTER DETAILS

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 Eva Plamadeala on behalf of the applicant following deferral of a decision on the application at the Regulatory Services Committee meeting on 30th July. Revised drawings that reduced the scale of the development by the removal of the additional floor and a revised design and access statement were submitted on 10th August 2015. Additional revisions to include a refuse store were submitted on 13th August 2015.

2. Approval and CIL (enter amount)

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 £11,120 (this figure may go up or down, 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.



**REGULATORY
SERVICES
COMMITTEE**

REPORT

3 SEPTEMBER 2015

Subject Heading:

Planning obligations and agreements

Report Author and contact details:

Simon Thelwell
Projects and Regulations Manager
01708 432685

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

- 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

3 SEPTEMBER 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 30 May 2015 and 31 July 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 June 29 new appeals have been started. Decisions on 13 appeals have been received during the same period 3 have been dismissed, 8 allowed, 1 part allowed/part dismissed and 1 was 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 30-MAY-15 AND 31-JUL-15

APPEAL DECISIONS - PLANNING					
Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p>P0675.14 14 Beverley Gardens and land r/o 12, 16 and Beverley Gardens Hornchurch <i>The demolition of number 14 Beverley Gardens, the formation of a new access road, and footpath, and the erection of 2 dwellings consisting of 2 x 3 bedroom bungalows, one with detached double garage and one with integral double garage.</i></p>	Hearing		NON DETERMINATION		<p>Allowed with Conditions</p> <p>The main issue in this case was whether the proposal makes adequate provision for infrastructure, services and facilities arising from the development.</p> <p>On 28 November 2014 the Written Ministerial Statement (WMS) was issued setting out national policy on Section 106. Certain new or amended paragraphs concerning planning obligations within the Government's Planning Practice Guidance (PPG) also came into force on 27 February 2015. Moreover, the transitional period under the Community Infrastructure Levy Regulation 123(3) (CIL), after which S106 planning obligations designed to collect pooled contributions ('tariffs') which may not lawfully be used to fund infrastructure which could be funded from CIL, ended nationally on 6 April 2015.</p> <p>In summary the WMS provides more up to date national policy than Havering's Local Development Framework which is no longer consistent with national policy. The PPG reaffirms this, confirming that affordable housing and tariff style planning obligations should not be sought for small scale development such as the appeal scheme. It also makes it clear that these are changes to national policy and should be read alongside the NPPF. The Inspector considered that a planning obligation securing a contribution towards infrastructure was not necessary to make the development acceptable.</p>

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LIST OF APPEAL DECISIONS MADE BETWEEN 30-MAY-15 AND 31-JUL-15

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p>P0700.14 14 Beverley Gardens & land r/o 6-12 Beverley Gardens and 36 and 38 Curtis Road Hornchurch <i>Demolition of No. 14 Beverley Gardens, the formation of a new access road and footpath and the erection of a detached three bedroom bungalow with car port for the parking of two cars and two additional car parking spaces</i></p>	Hearing	Refuse	Delegated	<p>The proposed development would result in an unacceptable encroachment into this undeveloped land, which would appear out of keeping in the context of the neighbouring rear gardens in Curtis Road, harmful to the open and spacious character and appearance of the surrounding area, contrary to Policies DC61 and DC69 of the Local Development Framework Development Plan Document, the Residential Design SPD and the Emerson Park Policy Area 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>Allowed with Conditions</p> <p>Two issues in this appeal; firstly, the effect that the development would have on the character and appearance of the surrounding area , and secondly whether the proposal makes adequate provision for infrastructure, services and facilities arising from the development</p> <p>On the first issue, the appeal development would only add one further dwelling in this area and even in combination with the extant permission would therefore be little different to the larger existing developments immediately to the north and west.</p> <p>The resultant building to plot ratio would therefore be broadly comparable, and in some cases larger than those of nearby dwellings in surrounding roads. The front garden area would be generously sized and would add to the open, landscaped appearance of the plot. The hipped roof design of the proposed dwelling combined with its modest height would reduce any potential sense of enclosure or loss of openness given the location of the built form relatively close to the side boundaries of the site. In summary the Inspector found that the proposed plot would appear deceptively spacious and not be unduly cramped or out of keeping with the prevailing pattern of development in this sector of Emerson Park</p> <p>As way of background to the second issue, on 28 November 2014 the Written Ministerial</p>

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LIST OF APPEAL DECISIONS MADE BETWEEN 30-MAY-15 AND 31-JUL-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 43</p>					<p>Statement (WMS) was issued setting out national policy on Section 106. Certain new or amended paragraphs concerning planning obligations within the Government's Planning Practice Guidance (PPG) also came into force on 27 February 2015. Moreover, the transitional period under the Community Infrastructure Levy Regulation 123(3) (CIL), after which S106 planning obligations designed to collect pooled contributions ('tariffs') which may not lawfully be used to fund infrastructure which could be funded from CIL, ended nationally on 6 April 2015.</p> <p>The WMS provides more up to date national policy than Havering's Local Development Framework which is no longer consistent with national policy. The PPG reaffirms this, confirming that affordable housing and tariff style planning obligations should not be sought for small scale development such as the appeal scheme. It also makes it clear that these are changes to national policy and should be read alongside the NPPF. The Inspector considered that a planning obligation securing a contribution towards infrastructure was not necessary to make the development acceptable.</p>
	<p>D0149.14 30 Epping Close Romford <i>Certificate of lawfulness for proposed single storey rear extension & loft extension - dormer to</i></p>	<p>Written Reps</p>		<p>Delegated</p>	<p>The development is not permitted by Class B as the face and sides of a dormer window are not finished using materials that give a similar visual appearance to existing house. The materials used for facing a dormer should appear to be of similar colour</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 30-MAY-15 AND 31-JUL-15

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p><i>rear</i></p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 44</p>				<p>and design to the materials used in the main roof of the house when viewed from ground level.</p> <p>The provision of the air conditioning unit on top of the flat roof of the rear dormer window would fail to meet permitted development guidelines as it would result in the highest part of the alteration in this instance the air conditioning unit being higher than the highest part of the original roof.</p>	<p>have been used to clad the sides of the dormer. In this case, the air conditioning unit on the roof of the dormer takes the height above that of the original ridge level and planning permission for it will be required.</p> <p>The sides and front of the dormer have been clad in plain machine-made tiles which are different in shape and colour to the profiled tiles that cover the main roof. The Council has concluded that this means that the development fails to comply with the legislation. The colour of the tiles is different to that of the main roof, but the contrast between the colours is not great, the tiles are of a similar texture and those on the dormer would not appear out of place in this context. The Inspector found whilst the tiles that have been used on the dormer sides are not an exact match are similar enough in appearance to those on the roof to meet the terms of the GPDO</p> <p>The Inspector concluded that the appeal should succeed and granted a certificate of lawful use or development in respect of the proposed single storey rear extension and loft extension and dormer to rear.</p>
<p>P0811.14 230 St. Marys Lane Upminster <i>Demolition of existing mixed use building with re-development of site to create nine new</i></p>	<p>Written Reps</p>	<p>Approve With Conditions</p>	<p>Committee</p>	<p>The site is in a sensitive location close to a listed building. Having regard to the predominantly traditional architectural form and appearance of the prevailing streetscene, the contemporary design of the proposal and its combined bulk, together with its eastern neighbouring</p>	<p>Allowed with Conditions</p> <p>The Inspector observed that the proposed development is a contemporary design incorporating a more rectangular appearance than the typical hipped roofed form of the adjacent semi-detached property. The main bulk of the proposed building, would be about</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 30-MAY-15 AND 31-JUL-15

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p><i> dwellings comprising 1 one-bedroom and 8 two-bedroom units with basement parking.</i></p>				<p>block, would overpower the streetscene and detract from the character and appearance of the area, contrary to policies DC61 and DC67 of the LDF Core Strategy and Development Control Policies DPD and the guidance in the National Planning Policy Framework. In the absence of a mechanism to secure a planning obligation towards the infrastructure costs of new development the proposal is contrary to the provisions of the Havering Planning Obligations Supplementary Planning Document and Policy DC72 of the LDF Core Strategy and Development Control Policies DPD.</p>	<p>the same height as the adjacent development to the east and slightly lower than the hipped roofed building to the west. The structures on the roof would be set back from the front of the building and consequently would not be visually dominant when viewed from the road. The proposal would remove the existing flat roofed buildings. These fail to reflect either the scale or style of development in the nearby area and considerably detract from the appearance of the area.</p> <p>In summary, the proposal, differs in style, design and form from the more domestic semi-detached style properties. However in respect of its form, bulk and scale, it would not appear overpowering or detract from the street scene. In coming to this view, the Inspector paid regard to the cumulative effect arising from the appeal proposal and the existing development immediately adjacent to the site. The site is also close to the Clockhouse, which is a Grade II Listed Building however given the removal of the existing buildings and re-siting of the buildings on the site; the setting of the Clockhouse and associated Gardens would be preserved.</p> <p>As way of background to the second issue, on 28 November 2014 the Written Ministerial Statement (WMS) was issued setting out national policy on Section 106. Certain new or amended paragraphs concerning planning obligations within the Government's Planning Practice Guidance (PPG) also came into</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 30-MAY-15 AND 31-JUL-15

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p>Page 46</p>					<p>force on 27 February 2015. Moreover, the transitional period under the Community Infrastructure Levy Regulation 123(3) (CIL), after which S106 planning obligations designed to collect pooled contributions ('tariffs') which may not lawfully be used to fund infrastructure which could be funded from CIL, ended nationally on 6 April 2015.</p> <p>The WMS provides more up to date national policy than Havering's Local Development Framework which is no longer consistent with national policy. The PPG reaffirms this, confirming that affordable housing and tariff style planning obligations should not be sought for small scale development such as the appeal scheme. It also makes it clear that these are changes to national policy and should be read alongside the NPPF. The Inspector recognised the development would have an impact on the infrastructure of the Borough but the proposed development falls below the thresholds set out in the PPG. Furthermore In light of the WMS, the scale of the development proposed it was concluded that infrastructure contributions should not be sought in respect of this proposal.</p>
<p>P1050.14 3 Campbell Close Romford <i>Garage conversion</i></p>	<p>Written Reps</p>	<p>Approve With Conditions</p>	<p>Delegated</p>	<p>The development to which this permission relates must be commenced not later than three years from the date of this permission.</p> <p>Reason:-</p> <p>To comply with the requirements of</p>	<p style="text-align: center;">Allowed with Conditions</p> <p>The appeal was against the condition requiring that 2 parking spaces be provided. The Inspector was satisfied that, even if the occupiers' parking demands cannot at all times be accommodated on-site any additional parking could take place on-street without being prejudicial to highway safety.</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 30-MAY-15 AND 31-JUL-15

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				<p>Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004). Before the development hereby permitted is first occupied, provision shall be made within the site for two car parking spaces dimensioned 4.8m long by 2.4m wide and thereafter this provision shall be made permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason:-</p> <p>To ensure that adequate car parking provision is made off street in the interests of highway safety. 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).</p> <p>Reason:-</p> <p>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</p>	<p>This would also allow for the front lawn garden area to be retained In conclusion the condition was neither reasonable nor necessary in the interests of highway safety.</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 30-MAY-15 AND 31-JUL-15

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				submitted. Also, in order that the development accords with Development Control Policies Development Plan Document Policy DC61.	
<p>P1337.14 108 Heath Park Road Romford <i>Alterations to convert a 3 bed maisonette to the rear and above a shop into 2No 1 bed flats including a new external staircase to the rear to give access to the proposed 1st floor flat</i></p>	Written Reps	Refuse	Delegated	The proposed external staircase would, by reason of its height, position and proximity to neighbouring properties cause overlooking and loss of privacy which would have a significant adverse effect on the living conditions of neighbouring occupiers, contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD. The proposed external staircase would, by reason of its scale, height and position appear as an overly dominant and visually intrusive addition, creating an incongruous feature within the rear yard setting harmful to the character of the surrounding rear area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD. In the absence of a mechanism to secure a planning obligation towards the infrastructure costs of new development the proposal is contrary to the provisions of the Havering Planning Obligations Supplementary Planning Document and Policy DC72 of the LDF Core Strategy and Development Control Policies DPD.	<p style="text-align: center;">Allowed with Conditions</p> The Inspector considered that the proposed external staircase would not be an overly dominant or intrusive addition given the simple design and black-painted finish. The staircase would allow some overlooking of any neighbouring occupiers sitting out in their gardens or using their outdoor amenity spaces. However these views would be momentary and fleeting given the small size and functional design of the platform at the top of the staircase which renders it unsuitable for use as an amenity space. Finally the lack of a mechanism to secure a financial contribution did not weigh against granting planning permission.
<p>P1376.14 22 Woodlands Avenue Hornchurch <i>Enclosing the existing porch, alterations to front elevation fenestration,</i></p>	Written Reps	Approve With Conditions	Committee	The proposed development would, by reason of its excessive bulk and position along the boundary, would result in an overly dominant feature harmful to the outlook and rear garden character of 22 Woodlands Avenue contrary to Policies	<p style="text-align: center;">Allowed with Conditions</p> The main issue was the two storey extension above and to the side of the garage building. The Inspector found that the size and scale of the extensions would not be excessive for the size of the appeal dwelling. The

LIST OF APPEAL DECISIONS MADE BETWEEN 30-MAY-15 AND 31-JUL-15

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p><i>ground floor rear extensions and first floor rear extension</i></p>				<p>DC61 and DC69 of the LDF. The proposal would adversely affect a preserved tree which would materially harm its contribution to the amenity of the garden setting and character of Emerson Park, contrary to Policies DC60 and DC69 of the LDF.</p>	<p>extensions combined would be proportionate to the host dwelling and respond to key design features in the use of glazing, gables and hipped roofing so as to be in keeping</p> <p>On the issue of the TPO trees, any pruning in connection with the construction is likely to be minor without affecting the amenity value of the trees and the Inspector found that the trees are unlikely to impact on light to the extension. In terms of amenity, although there would be built form alongside a significant part of this shared boundary, this would not give rise to an overbearing or enclosing form of development. The separation distances between the extension and the adjacent property would suffice to avoid an adverse impact on daylight to its rooms</p>
<p>1545.14 1 Martinstown Close Emerson Park Hornchurch <i>New dwelling house</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed dwelling would have a significant visual impact on the perception of openness in the rear garden setting, which is a key characteristic of the Emerson Park Policy Area, and contrary to Policy CP17, DC61, DC69, and DC72 of the Council's Core Strategy and Development Control Policies DPD 2008, and the Emerson Park Policy Area SPD, and Policy 7.4 of The London Plan 2011. The proposed development would, by reason of its position and proximity to neighbouring properties cause overlooking, loss of privacy and loss of</p>	<p>Dismissed</p> <p>The Inspector found that whilst the design of the proposed dwelling would be acceptable, its overall form, size and siting would result in a loss of openness in this rear garden scene. It was noted that some dwellings have had large additions or bungalows have been redeveloped to become houses, none of the examples viewed included the subdivision of a plot to build a new dwelling with the consequent effect on spaciousness. The proposed development would therefore have an adverse effect on the character and appearance of the surrounding area, having regard to its designation as the Emerson Park Policy Area.</p>

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LIST OF APPEAL DECISIONS MADE BETWEEN 30-MAY-15 AND 31-JUL-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 50</p>				<p>outlook 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. 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>In regard to the effect on outlook, the Inspector considered that the proposed dwelling would have an adverse effect on the open outlook currently enjoyed by the occupiers of two properties to the rear of the proposed dwelling, This is because the proposed size and siting of the dwelling would result in built form more or less across the full width of the plot and the open aspect of the rear garden areas would herefore be unacceptably reduced.</p> <p>The Inspector noted the recent revision to government policy as set out the Written Ministerial Statement dated 28 November 2014 and relevant changes have also been made to the Planning Practice Guidance. These made clear that contributions should not be sought in relation to proposals for ten residential units or less. The relevant LDF Policy and Supplementary Planning Document are no longer consistent with national policy. It was found that the Council's desire to fund additional educational facilities from small-scale schemes, is no longer realistic in the current policy framework.</p>
	<p>P1764.14 107 Laburnum Walk Hornchurch <i>Two storey front extension</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed development would, by reason of its excessive depth, height, bulk and mass, unbalance the appearance of this semi-detached pair of properties and appear as an unacceptably dominant and visually intrusive feature in the streetscene, harmful to the appearance of the surrounding area, contrary to Policy</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 30-MAY-15 AND 31-JUL-15

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				DC61 of the LDF Core Strategy and Development Control Policies DPD. The proposed two storey front extension would, by reason of its excessive depth, height and position close to the boundaries of the site, be an intrusive and unneighbourly development as well as having an adverse effect on the amenities of adjacent occupiers, contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.	eye in the street scene, being visible from a number of public viewpoints.
P0037.15 7 Freeman Way Hornchurch Two storey side extension	Written Reps	Refuse	Delegated	The proposed development would, by reason of its bulk, mass, excessive width and lack of articulation appear disproportionately wide and out of scale with its surroundings. In addition, the development will appear cramped within its plot and an unacceptably dominant and visually intrusive in the streetscene causing harm to the character and appearance of the surrounding area. The development is thus contrary to the Supplementary Residential Extensions and Alterations Planning Document and Policies DC61 and DC69 of the LDF Development Control Policies Development Plan Document and the Emerson Park Policy Area Supplementary Planning Document.	<p style="text-align: center;">Allowed with Conditions</p> The Inspector considered that the proposal would sit acceptably in its visual and spatial context without causing harm. It would be well designed, appropriately reflecting the appearance of the host property; it would have an acceptable level of space between it and the common boundary, and the completed development would be perceived as complementing the character and appearance of development in the surrounding area.

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TOTAL PLANNING = 10

LIST OF APPEAL DECISIONS MADE BETWEEN 30-MAY-15 AND 31-JUL-15

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
APPEAL DECISIONS - ENFORCEMENT					
Description and Address	Appeal Procedure			Reason for Refusal	Inspector's Decision and Comments
ENF/36/14/ Hogbar Farm Lower Bedfords Road Romford	Hearing				Dismissed The appeal was in relation to the east part of the site where planning permission had only recently expired. Despite changes to the Land Registry details that led to the Council including this site in the enforcement notice, it is clear that this is a separate site. The Inspector therefore amended the plan attached to the notice and in effect had no other option but to dismiss the appeal in other respects.
ENF/36/14/ Hogbar Farm Lower Bedfords Road Romford	Hearing				Part Allowed/Part refused The Inspector acknowledged that the main reason for the Council serving notice was that the site would have become lawful and immune from any further enforcement action. The proposal is inappropriate development in the Green Belt, however a temporary permission would give the family living on the plot a short term degree of permanency and enable the Council to finalise and adopt their Gypsy policy. A three year temporary consent was granted.

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TOTAL ENF = 2

LIST OF APPEAL DECISIONS MADE BETWEEN 30-MAY-15 AND 31-JUL-15

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
Summary Info:					
Total Planning =		10			
Total Enf =		2			
Appeals Decided =		13			
Appeals Withdrawn or Invalid =		1			
Total =		12			
	Dismissed		Allowed		
Hearings	1	8.33%	3	25.00%	
Inquiries	0	0.00%	0	0.00%	
Written Reps	2	16.67%	6	50.00%	

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REGULATORY SERVICES COMMITTEE

REPORT

3 SEPTEMBER 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 18 June 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.

SCHEDULE A

CASES AWAITING APPEAL DETERMINATION

ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	DATE OF COMMITTEE AUTHORITY	ENFORCEMENT NOTICE SERVED	APPEAL LODGED
Leprechaun New Holding Gerpins Lane Upminster ENF/481/09/UP	Without planning permission the erection of an outbuilding located outside of the residential curtilage	Delegated	26-08-14	29-09-14
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
Yard 3 Clockhouse Lane Collier 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

ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	DATE OF COMMITTEE AUTHORITY	ENFORCEMENT NOTICE SERVED	APPEAL LODGED
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

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, Lauanders Lane, Upminster	Unauthorised landfill development x 2	Committee 24.4.04		29.7.04	Appeal lodged.	Appeal dismissed	Enforcement Notices upheld. Pursuing compliance.

ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	DATE OF COMMITTEE AUTHORITY	NOTICE ISSUED	NOTICE SERVED	APPEAL LODGED	APPEAL DECISION	COMMENTS
21 Brights Avenue, Rainham	Unauthorised development.	Committee 22.10.04	14.12.04	20.12.04			Enforcement Notice served. Second prosecution 30-09-10. Costs £350.00. Pursuing compliance
Adj 1 Bramble Cottage, Bramble Lane Upminster	Compound and storage	Committee 27.5.04	13.02.06	13.02.06			Pursuing compliance
179-181 Cherry Tree Lane, Rainham	1. Development 2. Use	Committee 30.8.06	27.10.06	30.10.06			Third prosecution fined (A) £5,000 (B) £5,000 Cost £2500 Pursuing compliance
Land at Church Road, Noak Hill Romford	1. Development 2. Use	Delegated	17.7.07	17.7.07		Appeal dismissed	1. Development. Appeal Dismissed Enforcement Notice varied 2. Use. Appeal Dismissed Pursuing compliance
Woodways & Rosewell, Benskins Lane, Noak Hill Romford	Change of Use	Delegated	21.6.07	27.6.07	20.7.07	Appeal dismissed	Pursuing compliance
Sylvan Glade Benskins Lane Noak Hill Romford	Change of Use and Development	Delegated	18.9.07	18.9.07	24.10.07	Appeal dismissed	Pursuing compliance
The White House Benskins Lane Romford 2 Notices	1. Alleged construction of hardstanding. 2. Alleged Change of Use for storage	Committee 06-12-07	29-07-08	29-07-08			Pursuing compliance

ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	DATE OF COMMITTEE AUTHORITY	NOTICE ISSUED	NOTICE SERVED	APPEAL LODGED	APPEAL DECISION	COMMENTS
14 Rainham Road Rainham	Alleged operation of car wash without full compliance with planning conditions and unauthorised building (2 Notices)	Committee 26-06-08	07-11-08	13-11-08	12-01-09 15-12-08	Appeal dismissed	Further appeal lodged 13-02-14 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
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	Notice complied with
5 Writtle Walk Rainham	Use	Delegated 14-01-11	18-04-11	18-04-11	19-05-11	Appeal Dismissed	Prosecuted, pursuing compliance
1 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			Notice complied with
14A Lower Mardyke Avenue Rainham	Development	Delegated	28-08-12	28-08-12			Pursuing compliance
2-3 Upminster Road South Rainham	Development	Committee 14-09-12	14-09-12	20-09-12			Pursuing compliance
Weststead 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	Notice complied with
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
34 Lake Rise Romford	Development	Delegated	23-10-13	23-10-13	27-11-13	Appeal dismissed	Pursuing compliance

ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	DATE OF COMMITTEE AUTHORITY	NOTICE ISSUED	NOTICE SERVED	APPEAL LODGED	APPEAL DECISION	COMMENTS
5 Playfield Avenue Collier Row Romford	Development	Delegated	22-11-13	25-09-13		Appeal invalid	Not expedient to prosecute
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 West Lower Bedfords Road Romford	Development/Use	Delegated	12-02-14	13-02-14	13-03-14	Notice quashed	Temporary planning permission granted for 3 years expiring 28-07-18
Hogbar Farm East Lower Bedfords Road Romford	Development/Use	Delegated	12-02-14	13-02-14	13-03-14	Appeal dismissed	Notice to be complied with by 28-07-17
10 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			Pursuing compliance
Prime Biomass Unit 8 Dover's Corner New Road Rainham	Use	Delegated	11-03-14	11-03-14			Pursuing compliance
Folkes Farm Folkes Lane Upminster	Use Notice A	Delegated	24-04-14	24-04-14			Pursuing 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
197 New Road Rainham	Development/Use	Delegated	26-08-14	26-08-14	06-10-14	Withdrawn	Pursuing compliance
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	Appeal dismissed	Pursuing compliance
30 Elms Close Hornchurch	Development	Committee 21-08-14	21-10-14	21-10-14	13-11-14	Appeal allowed	No further action

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 Collier Row Romford	Use/Development	Delegated	14-01-15	15-01-15	16-02-15		See schedule A
Gidea Close Gidea Park Romford	Development	Delegated	18-02-15	18-02-15			Pursuing compliance
15 South Street Romford	Development	Delegated	18-02-15	18-02-15			Pursuing compliance
Connect Waste Denver Industrial Estate Ferry Lane Rainham	Use	Delegated	02-03-15	02-03-15	17-04-15		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
11 Northumberland Avenue Gidea Park Romford	Development	Delegated	13-07-15	14-07-15			Pursuing compliance

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REGULATORY SERVICES COMMITTEE

3 SEPTEMBER 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

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A of the Local Government Act 1972.

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