



Havering

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

REGULATORY SERVICES COMMITTEE AGENDA

7.30 pm

**Thursday
30 June 2016**

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

Members 11: Quorum 4

COUNCILLORS:

**Conservative
(5)**

Robby Misir (Chairman)
Melvin Wallace
Ray Best
Steven Kelly
Michael White

**Residents'
(2)**

Stephanie Nunn
Reg Whitney

**East Havering
Residents'(2)**

Alex Donald (Vice-Chair)
Linda Hawthorn

**UKIP
(1)**

Phil Martin

**Independent Residents
(1)**

Graham Williamson

**For information about the meeting please contact:
Richard Cursons 01708 432430
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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 INTERESTS

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

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

4 MINUTES (Pages 1 - 16)

To approve as a correct record the minutes of the meetings of the Committee held on 12 May and 2 June 2016 and to authorise the Chairman to sign them.

5 PLANNING APPLICATIONS - SEE INDEX AND REPORTS (Pages 17 - 84)

- 6 **P0086.16 - 72 RAINSFORD WAY, HORNCHURCH** (Pages 85 - 94)
- 7 **P0191.16 - DENVER INDUSTRIAL ESTATE, RAINHAM** (Pages 95 - 122)
- 8 **P0494.16 - HILLDENE SCHOOL, GRANGE ROAD, ROMFORD** (Pages 123 - 130)
- 9 **P0692.16 - PARSONAGE FARM INFANT SCHOOL, FARM ROAD, RAINHAM**
(Pages 131 - 144)
- 10 **P1536.15 - LAND BOUNDED BY NEW ZEALAND WAY, QUEENSTOWN
GARDENS AND GISBORNE GARDENS, SOUTH HORNCHURCH** (Pages 145 - 164)
- 11 **APPLICATION FOR THE STOPPING UP OF HIGHWAY LAND - BARLEYCORN
WAY** (Pages 165 - 170)
- 12 **APPLICATION FOR THE STOPPING UP OF HIGHWAY LAND - ONGAR WAY**
(Pages 171 - 176)
- 13 **APPLICATION FOR THE STOPPING UP OF HIGHWAY LAND - CURTIS ROAD**
(Pages 177 - 182)
- 14 **PLANNING OBLIGATIONS/LEGAL AGREEMENTS** (Pages 183 - 186)
- 15 **PLANNING AND ENFORCEMENT APPEALS RECEIVED, PUBLIC
INQUIRIES/HEARINGS AND SUMMARY OF APPEAL DECISIONS** (Pages 187 - 226)
- 16 **SCHEDULE OF ENFORCEMENT NOTICES** (Pages 227 - 240)
- 17 **PROSECUTIONS UPDATE** (Pages 241 - 242)
- 18 **SCHEDULE OF COMPLAINTS** (Pages 243 - 244)
- 19 **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

**Andrew Beesley
Committee Administration
Manager**

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**MINUTES OF A MEETING OF THE
REGULATORY SERVICES COMMITTEE
Havering Town Hall, Main Road, Romford
12 May 2016 (7.30 - 8.45 pm)**

Present:

COUNCILLORS: 11

Conservative Group Melvin Wallace (Chairman), Ray Best, Steven Kelly,
+Linda Trew and +Michael White

Residents' Group Stephanie Nunn and Reg Whitney

**East Havering
Residents' Group** Alex Donald and Linda Hawthorn

UKIP Group Phil Martin

**Independent Residents
Group** Graham Williamson

Apologies were received for the absence of Councillors Philippa Crowder and Robby Misir.

+Substitute members: Councillor Michael White (for Philippa Crowder) and Councillor Linda Trew (for Robby Misir).

Councillor Frederick Thompson was also present for part of the meeting.

35 members of the public were present.

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

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

452 P1791.15 - 70 CENTRAL DRIVE (LAND ADJACENT TO), HORNCHURCH

The application before Members sought permission for a new 2-storey detached dwelling with private amenity space and off street parking.

During the debate Members discussed the current use of the land which was a grassed area that was not in use and would be an ideal site for a residential dwelling.

Members also discussed the merits of keeping the land in its current form as occasional green areas helped soften the streetscene.

Members agreed that the proposal was a judgement call with pros and cons of leaving the site as was or developing it.

Members noted that the proposal qualified for a Mayoral CIL contribution of £1,800.

The report recommended that planning permission be refused however following a motion to approve the granting of planning permission which was carried by 6 votes to 5 it was **RESOLVED** that subject to a Section 106 Agreement for £6,000 education contribution and suitable conditions agreed by the Head of Regulatory Services that planning permission be agreed.

The vote for the resolution to grant planning permission was carried by 6 votes to 5.

Councillors Wallace, Kelly, White, Best, Trew and Donald voted for the resolution to grant planning permission.

Councillors Hawthorn, Nunn, Whitney, Martin and Williamson voted against the resolution to grant planning permission.

453 **P1801.15 - 16 HEARN ROAD, ROMFORD**

The application before Members sought planning permission for the erection of a detached three-storey residential block containing 6 one-bedroom flats.

The application was deferred at the Committee meeting on 10 March 2016 in order to allow Staff to negotiate a revised scheme which provided six (1 for 1) on-site parking spaces.

A revised car parking layout plan had been submitted by the applicant which would provide six off street car parking spaces requested by Members. A grid of four parking spaces would be set out to the north of the proposed block, with two of the spaces accessed directly via a new dropped crossing from Alexandra Road.

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

The objector commented that the proposal was a cramped development not in keeping with the streetscene which would overlook neighbouring properties. The objector also commented that the proposal would impact on local facilities and services.

In response the applicant's agent commented that the new plans improved the area and added the parking that the Committee previously sought.

Members noted that the application had been called-in by Councillor Frederick Thompson on the grounds that he considered the proposed development had merit and should be looked on favourably.

With its agreement Councillor Frederick Thompson addressed the Committee.

Councillor Thompson commented that the proposal would be an improvement to the area and help solve possible problems of anti-social behaviour.

During a brief debate Members discussed the possible improvement to the area and welcomed the applicant's inclusion of the proposed parking spaces.

Members noted that if approved the proposal would qualify for a Mayoral CIL contribution of £5164.00

The report recommended that planning permission be refused however following a motion to approve the granting of planning permission which was carried by 10 votes to 1 it was **RESOLVED** that it be delegated to the Head of Regulatory Services to grant planning permission subject to a Section 106 agreement to secure an education contribution of £30,000 and a restriction on the ability of residents to obtain parking permits and subject to the addition of suitable conditions.

The vote for the resolution to grant planning permission was carried by 10 votes to 1.

Councillor Whitney voted against the resolution to grant planning permission.

454 **P1630.15 - 79-81 CHRISTCHURCH ROAD, SOUTH HORNCHURCH**

The application before Members was for outline permission for 2 two bedroom, three person, single storey dwellings including the associated amenity space and car parking with all matters reserved. Appearance, siting, landscaping, scale and layout were the reserved matters.

The application was brought before committee as the application site was Council owned.

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

The objector commented that the plans on show were slightly inaccurate showing the refuse collection area in the wrong position. The objector also commented that the site had been maintained for nearly twenty years and gates had previously been erected, at his own expense, to prevent fly

tipping. The objector concluded by commenting that there had been no consultation between the Council and residents.

In response the applicant's agent commented that the design of the site had been what had been requested by the Council and that there was some flexibility regarding the future layout of the site.

During the debate Members discussed the refuse collection arrangements for the site, sought and received clarification of the height of the fencing surrounding the site and whether boundary treatment would be afforded to the site.

Members also discussed the current condition of the site which was in a state of disrepair and the legal ownership of the site which would remain in the Council's ownership.

Members noted that the dwellings were liable for Mayoral CIL and the extent of liability would be determined at the reserved matters stage.

It was **RESOLVED** that the proposal was unacceptable as it stood but would be acceptable subject to the applicant entering into a Section 106 Legal Agreement under the Town and Country Planning Act 1990 (as amended), to secure the following:

- A financial contribution of £12,000 to be paid prior to the commencement of the development, to be used for educational purposes in accordance with the Policy DC72 of the LDF Core Strategy and Development Control Policies Development Plan Document.
- All contribution sums should include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the planning obligation prior to its completion irrespective of whether the obligation was completed.
- The payment of the appropriate planning obligations monitoring fee prior to the completion of the obligation.

That the Head of Regulatory Services be authorised to enter into a legal agreement to secure the above and upon completion of that agreement, grant outline planning permission subject to the conditions as set out in the report and to include an additional condition requiring a visibility mirror at the access point and an amendment to condition 9 making it explicit that refuse storage/collection details should demonstrate that refuse will not obstruct access or overspill onto highway.

The vote for the resolution to grant planning permission was carried by 10 votes to 0 with 1 abstention.

Councillor Williamson abstained from voting.

455 **P0293.16 - 5 OCKENDON ROAD, NORTH OCKENDON, UPMINSTER-SINGLE/TWO STOREY REAR EXTENSION**

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

456 **P1809.15 - HARLOW GARDENS (LAND REAR OF), ROMFORD**

The application was originally approved by the Regulatory Services Committee at its meeting of 17 July 2014 for the erection of 5 two-bedroom chalet style bungalows. The current proposal related to the variation of condition 2 of P1053.13 in order to allow an increase to the size of the rear dormers of the row of terraces.

The committee noted that the proposal qualified for a Mayoral CIL contribution of £8,964 and without debate **RESOLVED** that the proposal was unacceptable as it stood but would be acceptable subject to the applicant entering into a Deed of Variation under Section 106A of the Town and Country Planning Act 1990 (as amended) to vary the legal agreement completed on 13 October 2014 in respect of planning permission P1053.13 by varying the definition of Planning Permission which should mean either planning permission P1053.13 as originally granted or planning permission P1809.15.

Save for the variation set out above and necessary consequential amendments the Section 106 agreement dated 13 October 2014, all recitals, terms, covenants and obligations in the said Section 106 agreement dated 13 October 2014 would remain unchanged.

The applicant would also be required to pay the Council's reasonable legal costs in association with the preparation of a Deed of Variation, prior to completion of the deed, irrespective of whether the deed was completed.

That the Head of Regulatory Services be authorised that upon the completion of the Deed of Variation that planning permission be granted subject to the conditions as set out in the report.

457 **P1628.15 - 58-62 NEW ZEALAND WAY (LAND BETWEEN), SOUTH HORNCHURCH**

With the Committee's agreement consideration of the item was deferred at officer's request due to a late representation raising new issues and to allow the revised report to include an assessment of the noise impact to new residents from the adjacent industrial unit.

458 **P1210.15 - 1 KILMARTIN WAY, ELM PARK, HORNCHURCH**

The proposal before Members was for the erection of eighteen dwellings comprising of 10 two-bedroom houses and 8 three-bedroom houses.

The application was brought before committee as the application site was Council owned.

The application was deferred from the 31 March 2016 meeting for staff to clarify a number of points in relation to car parking, access and visibility, road adoption and maintenance.

During a brief debate Members discussed the increased number of parking spaces that had been promised by the Council during negotiations.

Members also sought and received clarification of the access and egress arrangements for the site.

Members noted that the proposal qualified for a Mayoral CIL contribution £35,872.

It was **RESOLVED** that the proposal was unacceptable as it stood but would be acceptable subject to the completion of a unilateral undertaking under Section 106 of the Town and Country Planning Act 1990 (as amended), to secure the following:

- A financial contribution of £108,000 to be used for educational purposes.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the Legal Agreement prior to the completion of the agreement irrespective of whether the agreement was completed.
- The provision on site of a minimum of 50% of the units as affordable housing.

- Payment of the appropriate planning obligations monitoring fee prior to the completion of the agreement.

That the Head of Regulatory Services be authorised to enter into a legal agreement to secure the above and upon completion of that agreement, grant planning permission subject to the conditions as set out in the report and to include an additional condition requiring details of phasing to ensure parking proposed for Kilmartin Way was provided prior to the existing parking being removed and also a change to condition 13 to make it explicit that no contractors' vehicles should park in Kilmartin Way or existing parking areas.

459 **P1652.15 - 2 BROOKLANDS ROAD, ROMFORD**

With the Committee's agreement consideration of the item was deferred at officer's request in order for the enforcement background of the site to be explored further.

460 **P1714.15 - 62 GREAT GARDENS ROAD, HORNCHURCH - DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF TWO 3 BEDROOM DWELLINGS WITH PRIVATE AMENITY SPACE AND OFF STREET CAR PARKING**

Members considered the report noting that the proposal qualified for a Mayoral CIL contribution £1,900 and without debate **RESOLVED** that the proposal was unacceptable as it stood but would be acceptable subject to the completion of a unilateral undertaking under Section 106 of the Town and Country Planning Act 1990 (as amended), to secure the following:

- A financial contribution of £6,000 to be used for educational purposes.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the Legal Agreement prior to the completion of the agreement irrespective of whether the agreement is completed.
- Payment of the appropriate planning obligations monitoring fee prior to the completion of the agreement.

That the Head of Regulatory Services be authorised to enter into a legal agreement to secure the above and upon completion of that agreement, grant planning permission subject to the conditions as set out in the report.

Chairman

**MINUTES OF A MEETING OF THE
REGULATORY SERVICES COMMITTEE
Havering Town Hall, Main Road, Romford
2 June 2016 (7.30 - 9.45 pm)**

Present:

COUNCILLORS: 10

Conservative Group Robby Misir (in the Chair) Ray Best, Steven Kelly,
+Carol Smith and +Roger Westwood

Residents' Group Stephanie Nunn and Reg Whitney

**East Havering
Residents' Group** Alex Donald (Vice-Chair) and Linda Hawthorn

UKIP Group

**Independent Residents
Group** Graham Williamson

Apologies were received for the absence of Councillors Melvin Wallace and Michael White

+Substitute members: Councillor Carol Smith (for Melvin Wallace) and Councillor Roger Westwood (for Michael White).

Councillors Jason Frost, Dilip Patel, David Durant and Jeffrey Tucker were also present for parts of the meeting.

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

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

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

1 MINUTES

The minutes of the meeting held on 28 April 2016 were agreed as a correct record and signed by the Chairman.

**2 M0007.16 - ST GEORGE'S HOSPITAL (OPEN SPACE TO THE SOUTH)
ADJACENT TO SUTTONS LANE, HORNCHURCH**

Consideration of the report was deferred at officer's request to allow for checks of neighbour notifications.

3 P0136.16 - LAND OFF HARLOW GARDENS, ROMFORD

Consideration of the report was deferred at officer's request to allow staff to review the accuracy of the plans.

4 P1553.15 - 231 CROSS ROAD, MAWNEYS, ROMFORD

The application before Members was for the retrospective planning permission for a loft conversion and dormer window.

Members noted that the application had been called in by Councillor Dillip Patel on the grounds of potential invasion of privacy of neighbouring residents.

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

The objector commented that the neighbouring properties felt that the dormer was a violation of their privacy. The objector also commented that he believed that the loss of privacy was of detriment to his property's value.

In response the applicant's agent commented that the applicant had complied with all conditions that were asked of by the Council. The agents also commented that the dormer was only for light to be received in the hallway of the applicant's property.

With its agreement Councillor Dillip Patel addressed the Committee.

Councillor Patel commented that the current building did not match the planning permission that had previously been applied for. Councillor Patel urged Members of the Committee to look very carefully at the application.

During the debate Members discussed the possible overlooking of neighbouring properties, height of the roof and the bulk and mass of the proposal.

Members also discussed the issue of permitted development rights and how they affected the retrospective application.

The report recommended that planning permission be granted however following a motion to refuse the granting of planning permission which was carried by 10 votes to 0.

It was **RESOLVED** that planning permission be refused on the grounds of the harm caused by the dormer's bulk, size and invasion of privacy.

5 **P0459.16/P0323.15 - ST GEORGE'S HOSPITAL, SUTTONS LANE, HORNCHURCH**

The report considered two outline planning applications that had been received for the re-development of St. George's Hospital, Suttons Lane, Hornchurch. The site had been vacant since 2012 and was now surplus to requirements. Both applications were submitted with all matters reserved except for access although the proposals set development parameters and a scale threshold for development. An illustrative master-plan for the overall development of the site had also been submitted.

P0459.16 was a re-submitted and revised application for the partial demolition and re-development of 10.11 hectares of the St George's Hospital site to provide up to 279 dwellings including the retention and conversion of some of the existing buildings, new build residential housing and apartments, together with the creation and retention of areas of open space, a linear park and swale gardens and play space areas.

P0323.15 was for the re-development of 1.64 ha of the St. Georges Hospital site located to the north west of the site for the purposes of providing up to 3,000 sq m of new healthcare development together with a new vehicular access, plus car parking, infrastructure and landscaping.

During the debate Members discussed the proposed density of the site and the parking provision that was proposed.

Several Members commented that the new re-submitted application improved the original proposal.

Members also discussed the possibility of introducing restricted parking on the site of the medical centre to deter commuter parking.

P0459.15 – Residential Re-development

The Committee noted that as an outline planning application the development proposed would be liable for the Mayor's Community Infrastructure Levy (CIL) which would be calculated and levied at Reserved Matters stage and **RESOLVED** that the proposal was unacceptable as it stood but would be acceptable subject to

- A: No direction to the contrary from the Mayor for London (under the Town and Country Planning (Mayor of London) Order 2008); and
- B: The Head of Regulatory Services being authorised to negotiate and agree a planning obligation under S106 of the Town and Country Planning Act 1990 (as amended), to secure the following:

- The provision on site of 15% of the units within the development as affordable housing (with a tenure split of 50% social rent to 50% intermediate housing) or alternatively 15% affordable provision on site (with a tenure split of 50% social rent to 50% intermediate housing) or greater than 15% overall affordable provision by providing suitable commuted sum for off-site provision of social rented housing. Alternatively affordable housing provision to be determined should it be concluded that Vacant Building Credit was applicable.
- Payment of £1,504,000 to the Council to be used for educational purposes
- Payment of £150,000 to the Council for improvements to Hornchurch Country Park
- Payment of £20,000 to Transport for London for improvements to cycle storage facilities at Hornchurch Station.
- To provide training and recruitment scheme for the local workforce during construction period.
- Landscaping and management of all public open space within the development in perpetuity in accordance with an agreed management scheme and the final delivery of public open space with unfettered access to the public prior to first occupation of no more than 250 dwellings.
- All contribution sums should include interest to the due date of expenditure and all contribution sums should be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council
- The Developer/Owner shall pay the Council's reasonable legal costs in association with the preparation of the legal agreement, prior to the completion of the agreement, irrespective of whether the legal agreement was completed.
- The Developer/Owner shall pay the appropriate planning obligations monitoring fee prior to completion of the agreement.

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

- (a) Necessary to make the development acceptable in planning terms;
- (b) Directly related to the development; and

- (c) Fairly and reasonably related in scale and kind to the development.

Subject to recommendations A) and B) above that planning permission be granted subject to the conditions as set out in the report.

P0323.15 – Healthcare Facility

That the proposal was unacceptable as it stood but would be acceptable subject to

- A: No direction to the contrary from the Mayor for London (under the Town and Country Planning (Mayor of London) Order 2008); and that the proposal be approved subject to the following conditions.

Subject to recommendation A) above that planning permission be granted subject to the conditions as set out in the report.

6 P1734.15 - 30 UPMINSTER ROAD SOUTH, RAINHAM

The proposal before Members was for the demolition of a former social club and re-development of the site to provide six one-bedroom flats and one retail unit with ancillary car parking.

The application was originally presented to the Regulatory Services Committee meeting of 31 March 2016 with a recommendation for approval. It was deferred in order to clarify the following:

- The extent of notification and verification that it had been undertaken correctly.
- The extent of statutory consultation in relation to requirements.
- To seek the views of Economic Development & Housing and in the case of the latter whether they may have been currently reviewing local parking conditions behind the application site.
- To ascertain further details on why the loss of the community asset was judged not to contravene planning conditions.

A full response to the request for clarity was covered later in the report under the 'Background' section.

With its agreement Councillor Jeffrey Tucker addressed the Committee.

Councillor Tucker commented that he wished to see the front elevation of the proposal to remain in keeping with other properties in the Rainham Conservation Area. Councillor Tucker also commented that there was an industrial use at the rear of the proposed site and that the current building shielded that use from neighbouring properties.

During a brief debate Members discussed the parking provision included in the proposal and the lack of current parking provision in the area.

Members also sought and received clarification of the exact layout of the residential, retail units and the parking allocated to each use.

The Committee noted that the proposal qualified for a Mayoral CIL contribution of £8,600 and **RESOLVED** that the proposal was unacceptable as it stood but would be acceptable subject to the applicant entering into a Section 106 Legal Agreement under the Town and Country Planning Act 1990 (as amended), to secure the following:

- A financial contribution of £36,000 to be paid prior to commencement of development and to be used towards infrastructure costs.
- All contribution sums should include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- To pay the Council's reasonable legal costs in association with the preparation of a legal agreement, prior to completion of the agreement, irrespective of whether the legal agreement was completed.
- Payment of the appropriate planning obligation/s monitoring fee prior to completion of the agreement.

That the Head of Regulatory Services be authorised to enter into a legal agreement to secure the above and upon completion of that agreement, grant planning permission subject to the conditions as set out in the report.

7 P1601.15/P1605.15 - AHERN COMPOUND, GERPINS LANE, UPMINSTER/PINCH SITE, GERPINS LANE, UPMINSTER

The report before Members detailed two planning applications which were intrinsically linked and as such had been jointly assessed. The first of these applications was the proposed temporary use of the existing Ahern Compound area, off Gerpins Lane, to treat suitable inert materials for use within the restoration of the adjoining Pinch site (application ref: P1601.15).

The second application was the proposed restoration of the Pinch site to a managed woodland and grassland area, with recreational and amenity after use, achieved through the importation and spreading of suitable inert materials (application ref: P1605.15).

With its agreement Councillor David Durant addressed the Committee.

Councillor Durant commented that the proposal would involve a processing plant and therefore should be refused on the grounds of its impact on the Green Belt. Councillor Durant also commented that the lorry routing proposed was using already congested and damaged roadways.

During a brief debate Members discussed the issues of removing the forestry in the area and sought and received clarification of the boundary shared with the Gerpins Lane Civic Amenity Site.

Members also questioned the possible ownership of the site and how lorry routing would impact on the A1306.

It was **RESOLVED** that consideration of both applications be deferred to allow officers to clarify the following:

- To what extent was the ownership of this and adjacent land holdings material to consideration of waste related operations and their impact on the locality.
- Would the financial contribution for highways be in general or for smaller local roads rather than say the A1306?
- Update on which other operators were, or due to be, using A1306 for such lorry based activities.
- Concerns that the routing involved two way lorry passing, eroding rural verges/ hedgerows and creating potholes, detrimental to highway safety and local character.

8 P1768.15 - HEXAGON HOUSE, ROMFORD - ERECTION OF TEN FLATS ON TOP OF THE EXISTING HEXAGON HOUSE BUILDING

The Committee noted that the proposed development qualified for a Mayoral CIL contribution of £17,900 and without debate **RESOLVED** that the proposal was unacceptable as it stood but would be acceptable subject to the applicant entering into a Section 106 Legal Agreement under the Town and Country Planning Act 1990 (as amended), to secure the following:

- A financial contribution of £60,000 to be used for educational purposes
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- The Developer/Owner pay the Council's reasonable legal costs in association with the preparation of a legal agreement, prior to completion of the agreement, irrespective of whether the legal agreement was completed.

- The Developer/Owner to pay the appropriate planning obligation/s monitoring fee prior to completion of the agreement.

That the Head of Regulatory Services be authorised to enter into a legal agreement to secure the above and upon completion of that agreement, grant planning permission subject to the conditions as set out in the report.

9 **P0342.16 - WILLOW MEAD, BROXHILL ROAD, HAVERING-ATTE-BOWER, ROMFORD- ERECTION OF A CONSERVATORY TO THE SIDE OF THE DWELLING**

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

The vote for the resolution to grant planning permission was carried by 9 votes to 1.

Councillor Nunn voted against the resolution to grant planning permission.

10 **P0438.16 - HARWOOD HALL ,HARWOOD HALL LANE, UPMINSTER - DEMOLITION OF EXISTING CLASSROOM BUILDINGS AND STORES AND ERECTION OF A NEW CLASSROOM BLOCK**

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

Chairman

Regulatory Services Committee

30 June 2016

Application No.	Ward	Address
P1316.15	Elm Park	24 Mungo Park Road, Rainham
P1654.15	Upminster	43 Corbets Tey Road, Upminster
M0007.16	Hacton	St Georges Hospital (open space to south), Adj to Suttons Lane, Hornchurch
P0014.16	Havering Park	Clockhouse Primary School, Clockhouse Lane, Romford
P0104.16	Emerson Park	Greenways Court, Butts Green Road, Hornchurch
P0157.16	Mawneys	Land at Aldi Stores, Marlborough Road, Romford
P0325.16	St Andrew's	31 High Street (Former Mecca Bingo), Hornchurch
P0350.16	Squirrels Heath	Squirrels Heath Horticultural Society, Station Road, Gidea Park
P0413.16	Gooshays	Dycorts School, Settle Road, Harold Hill

APPLICATION NO. P1316.15
WARD: Elm Park Date Received: 16th September 2015
Expiry Date: 11th November 2015
ADDRESS: 24 Mungo Park Road
Rainham
PROPOSAL: Single storey rear extension
DRAWING NO(S): Proposed Side Elevation Plan
Existing Rear Elevation Plan
Existing Ground Floor Plan

RECOMMENDATION It is recommended that Members determine whether or not the appeal should be contested in accordance with either Recommendation (A) or (B) set out at the end of the report

STAFF COMMENTS

The application has been brought before the Committee on two previous occasions. The first occasion was on 3 December 2015, when Members resolved to defer the application to explore the parking implications further, including to negotiate a minimum of two parking spaces within the site, and to demonstrate the impact on existing on-street parking spaces.

The application was reported back to Committee on 28 January 2016. Members resolved to defer the application for a second time for further information about the relationship of the extension to the occupation of the building, the adequacy of car parking and the impact on neighbour's amenity. The applicants have subsequently decided to appeal against non-determination and Members are therefore asked to give a determination as to the Council's case at appeal. In relation to those matters that Members were seeking clarification on, Staff comments are as follows:

In reporting the application previously, Staff have focussed on the development applied for i.e. a single storey rear extension, as the issue of whether the property is lawfully in C4 use as an HMO is subject to a separate, on-going enforcement investigation. Members have asked for more information about the relationship of the extension to the use of the building. The issue of whether the use of the property for present purposes requires planning permission is not clear cut and Staff have been waiting on the outcome of other similar appeals to provide clarity on this issue before reporting the application back to committee. At the time of writing this report, those appeal decisions have not been received. Nevertheless, as the appeal has been lodged, Members must give a determination as to whether or not to contest the appeal.

Planning permission is not required for the change of use of a dwelling (Class C3) to a HMO (Class C4) A C4 use is defined as small shared house occupied by between three and six unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen or bathroom. The premises, as extended, has provision for 6 individual units. There is a communal kitchen area provided, however, it is also evident that the each of the six units also have

kitchen-type facilities, such as wall and base units, sink and fridge, that would potentially enable their use on a self-contained basis. All of the units have access to an individual bathroom facility, situated within each unit. It is therefore arguable whether the premises should be considered as an HMO within Class C4 of the Use Classes Order, or that a material change of use to self-contained units has occurred. Members are invited to exercise their judgement in this respect.

It should be noted that the Council has also received an application for a Certificate of Lawfulness in respect of the use of the dwelling, contending that it is a lawful C4 use. This application is, at present, undetermined but the decision reached by Members may have a bearing on the judgement taken in respect of the Certificate application, if no subsequent material change in circumstances occurs or new case law comes to light.

Members may conclude that, given the communal facilities provided, the premises operates in a manner that is akin to a C4 use and does not require planning permission for the use. On this basis, Staff conclude that the extension, which is the subject of this application, should be assessed in the same way as an extension to a C3 dwellinghouse and it is judged there are no grounds to refuse the application on the basis of harm to neighbouring amenity.

If Members take the view that the premises (and the extension) is occupied in a manner more akin to self-contained units, it falls to consider the nature of the use of the extension. In the event that Members take this view, the relevant planning policies are considered to be CP1 (Places to Live), CP9 (Transport), CP17 (Design), DC2 (Housing Mix and Density), DC4 (Conversions to Residential and Subdivision of Residential Uses), DC33 (Parking) and DC61 (Urban Design), as well as Policies 3.3 (Increasing Housing Supply), 3.5 (Quality and Design of House Developments) and 6.13 (Parking) of the London Plan and the NPPF.

It is however still not judged, even if used as a self-contained unit, that the extension itself would create conditions materially harmful to neighbouring amenity- the main habitable part of the extension does not immediately abut adjoining property and the additional unit under consideration would not create undue issues of noise and disturbance. It does however raise issues regarding the suitability of the resultant living accommodation and Staff consider that Members could reasonably refuse the application on this basis, given the cramped nature of the accommodation.

The unit within the extension has an internal floorspace of around 17 square metres, substantially below the smallest room size set out in the London Plan (37 square metres for a 1 bed, 1 person flat).

Issues relating to parking have been addressed in the previous report and it has been explained that there is no scope to provide additional off street parking without detriment to existing on street parking provision. The depth of the front garden will not accommodate vehicles fully without overhang and, by providing access to the frontage, this would restrict on street parking that would otherwise obstruct the frontage of the dwelling. Staff do not consider that the proposal, which effectively adds one additional bedroom, results in such harm to the highway as to constitute grounds for refusal but it is acknowledged that this is a matter for Member judgement.

Given that there is a degree of judgement required in terms of the nature of the use of the premises and whether this is considered to be an HMO in lawful C4 use or whether the use of the premises (and thereby the use of the extension) requires planning permission in its own right, the recommendation presents two options to Members for consideration. Members are reminded that their consideration relates solely to the extension that is the subject of this application. Separate action will need to be taken in respect of the remainder of the building if it is judged that the present use is unlawful.

In the event that Members judge the property to be operating as a C4 use, it is recommended that Members resolve not to contest the appeal, subject to a planning condition to prevent the subsequent use of the extension as a self-contained unit.

However, if Members take the view that a material change of use of the property has occurred, then it is reasonable to consider the use of and quality of the additional residential unit created within the extension and Staff consider that its cramped nature would give rise to a poor quality living environment and grounds for refusal.

The report previously presented to Committee on 28 January is appended as Appendix A. As the applicant has now submitted an appeal against non-determination, Members are now invited to resolve what decision they would have made if the Council still had the ability to determine the application.

RECOMMENDATION

Mindful that the applicant has lodged an appeal to the Secretary of State against non-determination within the statutory period, it is recommended :-

A: If the Committee judge the property to be operating as a C4 use:

That the Council does not object to the proposal and the appeal not be contested, subject to the use of the condition set out below:

The extension hereby approved shall only be used as an integral part of the main dwelling at 24 Mungo Park Road and shall not be used as a self-contained living accommodation.

Reason:

To ensure that the development provides a suitable standard of living accommodation.

Or,

B: If the Committee judge that a material change of use of the property has occurred:

That the Council object to the proposal and contest the appeal, on the grounds that the proposal gives rise to a cramped, poor quality living environment that is detrimental to the amenities of residential occupiers, contrary to the provisions of Policy 3.5 of the London Plan and Policies DC4 and DC61 of the Core Strategy and Development Control Policies Development Plan Document

OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 28th January 2016

APPLICATION NO. P1316.15
WARD: Elm Park **Date Received:** 16th September 2015
Expiry Date: 11th November 2015

ADDRESS: 24 Mungo Park Road
Rainham

PROPOSAL: Single storey rear extension

DRAWING NO(S): Proposed Side Elevation Plan
Existing Rear Elevation Plan
Existing Ground Floor Plan

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 has been called in by Councillor Julie Wilkes. The reasons for the call-in of this application are:

- a lack of car parking spaces
- insufficient space for additional cars in the cul-de-sac
- loss of privacy and light

BACKGROUND

The application was considered by the Regulatory Services Committee on 3 December 2015. It was resolved that consideration of the report be deferred to allow staff to negotiate with the applicant to demonstrate how a minimum of two parking spaces both with proper access could be accommodated on the site, including what impact this had on existing on-street parking spaces.

Further evidence has been provided by the applicant showing the car parking at the site. There is currently provision for two vehicles to park on the site frontage, albeit a brick boundary wall currently runs along part of the front boundary. There is a dropped kerb enabling vehicular access. Whilst there is space for two vehicles on the frontage, these parking spaces do not meet the minimum standards for parking spaces as set out in the LDF and creates potential for cars overhanging the pedestrian footway. There is a turning area in front of the site where it appears that vehicle parking also takes place.

It should be noted that the car parking situation on the site will not be altered by the proposal. Havering's highways team have not objected to the proposal as the car parking will remain unchanged from the present situation. Car parking standards are based on the location of a residential property and not on the number of bedrooms. Given that the proposal is for an additional bedroom it is considered unreasonable to require that the applicant modify the area of driveway to accommodate car parking.

Although it is possible to improve the accessibility of the frontage by the removal of the front boundary wall, this will not overcome the fact that there is insufficient depth of frontage to provide

parking spaces that comply with the LDF size requirements. By opening up the frontage, this would also be likely to reduce the availability of on-street parking at the end of the cul-de-sac, so the access would need to remain unobstructed. Consequently it is likely that no net increase in the levels of parking available locally would result.

The remainder of the report below is as previously considered by Members on 3 December.

SITE DESCRIPTION

The subject site is located on the eastern side of Mungo Park Road, a small cul-de-sac off the main Mungo Park Road. The subject building is an end of terrace dwelling in a terrace of six. The subject dwelling is a two-level brick and tile dwelling located near the front of the site. The site is relatively flat and quadrilateral-shaped.

The surrounding environment is an established residential suburb comprising terrace development. The subject site also adjoins St Alban's Catholic School, located on the northern boundary.

DESCRIPTION OF PROPOSAL

The application seeks retrospective approval for a single storey rear extension with a depth of 2.87m (in line with the existing rear extension, a width of 6.25m and a height of 3.35m. This will create a single storey rear extension spanning the width of the building. Planning permission is required for the extension owing to its width, which is beyond that for which permitted development rights apply.

This application is solely in respect of the single storey rear extension and the proposal should be assessed solely in respect of this. The proposal does not relate to the use of the main dwelling itself, which is outside the scope of this application.

RELEVANT HISTORY

N/A

CONSULTATIONS / REPRESENTATIONS

A total of 18 parties were consulted as part of the planning application. Two letters of representation have been received, objecting to the proposal on the following grounds:

- the extension affects daylight
- house is in multi-occupation and this will increase demand for it
- noise and anti-social behaviour impacts
- harm to residential character
- impact on parking in the cul-de-sac
- impact on drainage and problems of damp

Councillor Julie Wilkes has objected to the proposal for the reasons set out already in this report.

RELEVANT POLICIES

LDF

CP17 - Design

DC61 - Urban Design
SPD04 - Residential Extensions & Alterations SPD

OTHER

LONDON PLAN - 7.4 - Local character
LONDON PLAN - 7.6 - Architecture
NPPF - National Planning Policy Framework

MAYORAL CIL IMPLICATIONS

The proposal is not CIL liable.

STAFF COMMENTS

In the assessment of the proposal Staff considered the following matters:

- the impact of the proposal on the street scene and surrounding neighbourhood
- the impact of the proposal on adjoining sites

It should be noted that planning permission is not required for the use of a dwelling as a house of multi-occupation providing criteria limiting the number of occupants are met. Any allegation that the use of the dwelling exceeds these limits would need to be investigated separately. The application under consideration is in respect of the single storey rear extension and may be considered separately from the use of the dwelling as a whole.

Consequently, issues relating to the use of the property for multi-occupation and any associated issues relating to noise, disturbance or parking demand are not relevant to consideration of this application.

DESIGN / IMPACT ON STREET / GARDEN SCENE

As the extension will be wholly contained within the rear of the site it will not be visible from the road. There will not be any adverse effects on the streetscene.

The extension is 2.87m in depth and of a scale and proportions that are acceptable within a rear garden environment.

The proposed extension will be wholly screened from the adjoining site at No. 22 Mungo Park Road by the existing rear extension and as such will not be visible from this site.

The proposed extension will be located approximately 17m from the rear wall of the rear site at No. 12 Mungo Park Road. The building separation is considered to mitigate any adverse effects on this site. Extensive screening is also provided along the common boundary.

The proposed extension will be located 5m from the boundary of the adjacent school with extensive screening provided along the common boundary.

IMPACT ON AMENITY

The application property already benefitted from a single storey rear extension adjacent to the boundary with No. 22 Mungo Park Road. The extension, subject of this application, is located to

the northern side of the existing extension so does not materially affect no.22, which lies to the south.

The extension is set well away from the rear boundary of the site with No. 12 Mungo Park Road. Adequate screening is provided along the common boundary to ensure that the proposed extension will not be visible.

The northern boundary of the site adjoins a school. Given the non-residential nature of the adjoining site, the extension will not give rise to any material harm to the adjacent school. There are no flank windows within the extension and no direct adverse impact on the school.

Overall it is considered that the proposed development will not cause detriment to the residential amenities of neighbouring sites.

HIGHWAY / PARKING

The application has been assessed by Council's Traffic Engineers who raise no objections to the proposal. The proposal increases the total number of bedrooms within the building by 1No. to 6No. bedrooms. This increase is considered to be marginal and will not generate any significant impact beyond that of the existing premises on the functioning of the road network. It is acknowledged however that this is a matter for judgement for Members.

KEY ISSUES / CONCLUSIONS

The proposal is considered to be appropriately designed and not to adversely impact the character of the streetscene. Staff have considered the relationship of the extension to neighbouring properties and consider that no material harm to neighbouring residential amenity will result. It is therefore recommended that planning permission is granted.

RECOMMENDATION

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

1. Non Standard Condition 31

The extension hereby approved shall only be used as an integral part of the main dwelling at 24 Mungo Park Road and shall not be used as a self-contained living accommodation.

Reason:

To ensure that the development provides a suitable standard of living accommodation.

INFORMATIVES

1. Non Standard Informative 1

The scope of assessment in this application is the appropriateness of the rear extension. This planning permission does not assess or authorise the use of the building overall or any of the other individual rooms in the property, nor the layout of the dwelling as shown in the drawings submitted with the application.

2. Approval - No negotiation required

Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.

OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 30th June 2016

APPLICATION NO. P1654.15
WARD: Upminster **Date Received:** 5th November 2015
Expiry Date: 31st December 2015
ADDRESS: 43 Corbets Tey Road
Upminster
PROPOSAL: Change of use from charity shop to nail bar - retrospective.
DRAWING NO(S): Design & access
Site block plan
Elevation, front photo and floor
Ground floor and proposed, existing elevation and existing front image
RECOMMENDATION It is recommended that **planning permission be GRANTED** subject to the condition(s) given at the end of the report

SITE DESCRIPTION

The application site is a ground floor commercial premises, within a three storey terrace. It is currently in use as a nail bar, previously in A1 use as a charity shop. The surrounding area comprises of a commercial row of shops with residential accommodation above. The site is located within the retail core of Upminster town centre.

DESCRIPTION OF PROPOSAL

The application is for a retrospective change of use from A1 to a nail bar. The use commenced on 13th August 2015.

Opening hours are 9.30 to 19:00 Monday to Saturday, 10:30 to 17:00 on Sundays and closed on Bank Holidays. There is one full time member of staff.

RELEVANT HISTORY

No relevant planning history.

CONSULTATIONS / REPRESENTATIONS

The application has been advertised in a local newspaper and by way of a site notice, as the application does not accord with the provisions of the development plan. Neighbour notification letters were sent to 17 local addresses. No letters of representation were received.

Highway Authority - No objection.

RELEVANT POLICIES

Policies DC16 (Core and fringe frontages in district and local centres), DC33 (Car Parking) and DC61 (Urban Design) of the LDF Core Strategy and Development Control Policies Development Plan Document are considered material.

Chapters 1 (Building a strong competitive economy), 2 (Ensuring the vitality of town centres) and 7 (Requiring good design) of the National Planning Policy Framework are relevant.

MAYORAL CIL IMPLICATIONS

The application is not liable for Mayoral CIL.

STAFF COMMENTS

The issues arising from this application are the principle of the development, including the impact of the change of use on the retail vitality and viability of the Retail Core, impact on residential amenities and highways/parking.

The application is brought before Committee as the proposal is considered to not be in accordance with the provisions of the development plan.

PRINCIPLE OF DEVELOPMENT

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

- The use provides a service appropriate to a shopping area;
- The proposal will not result in a group of three or more adjoining A2-A5 uses;
- Not more than 20% of the length of the relevant frontage will be in non-retail use following implementation of the proposal.

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

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

The use as a nail bar is considered to be a sui generis use, which is not within the range of uses identified in Policy DC16. Staff have considered whether the proposal is therefore judged to be harmful to the viability and vitality of the town centre, and have used the criteria for non-retail uses set out in Policy DC16 to assess this.

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

In determining the relevant frontage for the purposes of applying Policy DC16, it is considered that the frontage runs between Nos. 33 (Crumpled Horn Public House) and 63 (Papa John's pizza) Corbets Tey Road. This frontage has a total length of 90 metres.

For the purposes of this report, No. 61 Corbets Tey Road, which has a mixed A1 (retail) and Sui Generis (beauty treatments) use, has been divided equally for the following calculations.

There are 12 units within this parade. The seven non-retail uses comprise No. 33-37 - The Crumpled Horn public house, No. 39 - Avtepe Turkish and Mediterranean restaurant, the application site at No. 43 - a nail bar, No. 45 - Flawless beauty (beauty salon), No. 53 - Prezzo restaurant, No. 61 - Aesthetics of London (mixed A1/Sui Generis use) and No. 63 - Papa John's Pizza takeaway. (It is noted that the use of No. 45 Corbets Tey Road as a beauty salon does not appear to have benefitted from planning permission).

These seven non-retail uses including the proposed change of use at No. 43 Corbets Tey Road with a combined frontage measuring 48.1 metres, would result in 53% of the total length of the parade in non-retail use, exceeding the 20% given in policy.

However, the use of the premises as a nail bar is judged to provide a service that is appropriate to the retail core of Upminster town centre and therefore contributes to the vibrancy and vitality of the locality. Staff are of the view that the proposal maintains an active shop front and contributes to pedestrian flows. The premises are open seven days a week during normal shopping hours.

Although the change of use is contrary to Policy DC16, as a matter of judgement, Staff consider that the use displays the characteristics expected to be found in a town centre and that it contributes positively to the vitality of the retail core of Upminster town centre.

DESIGN / IMPACT ON STREET / GARDEN SCENE

The proposal does not involve any external alterations to the building.

IMPACT ON AMENITY

The application premises are located within a parade of shops with residential accommodation above. Accordingly, consideration must be given to the impact upon the amenity of the occupiers of these residential properties with regard to noise and disturbance.

When considering the merits of this application, the following factors were taken into account. The site is located within the retail core of Upminster town centre and therefore the amenities of residents living nearby to such premises are not normally expected to be as high as for residents living in purely residential locations. The application site is surrounded on either side by commercial properties with a variety of shops, restaurants and other similar uses. All of these premises have living accommodation above.

Staff consider that opening hours of 9.30 to 19:00 Monday to Saturday and 10:30 to 17:00 on Sundays is acceptable in view of the mixed commercial/residential nature of this parade and that the use itself is not judged likely to generate high levels of noise and disturbance. If minded to grant planning permission, conditions will be placed for the following aspects: opening hours and trading days.

HIGHWAY / PARKING

The application site is located in PTAL zone 4. There is one car parking space to the rear of the site. There are pay and display parking bays in Corbets Tey Road between 9.30am - 6.30pm Monday to Saturday. There are numerous car parks in Upminster town centre and the site is accessible by a variety of transport modes including public transport, walking, cycling and the car. For these reasons it is considered that the change of use does not result in any adverse highway or parking issues. The Highways Authority has no objection to the proposal.

KEY ISSUES / CONCLUSIONS

Although the change of use is contrary to Policy DC16, it is considered that on balance, the nail bar provides services appropriate to the retail core of Upminster town centre and therefore contributes to the vibrancy and vitality of the locality. It is considered that the opening hours are acceptable and the use is not detrimental to neighbouring amenity. There are no adverse parking or highway issues as a result of the change of use. It is recommended that planning permission is granted.

RECOMMENDATION

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

1. SC32 (Accordance with plans)

The development hereby permitted shall not be carried out otherwise than in complete accord 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.

2. SC27 (Hours of use) ENTER DETAILS

The premises shall not be used for the purposes hereby permitted other than between the hours of 9.30 and 19:00 on Mondays to Saturdays and 10.30 and 17:00 on Sundays and not at all on 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 June 2016

APPLICATION NO. M0007.16
WARD: Hacton **Date Received:** 23rd March 2016
Expiry Date: 14th July 2016
ADDRESS: St Georges Hospital(open space to the south)
Adjacent to Suttons Lane
Hornchurch
PROPOSAL: Proposed installation of a 14m high monopole, accommodating 6No antennas and 2No transmission dishes; 4No equipment cabinets and 1No meter cabinet and ancillary development within a compound surrounded by a 1.8m high palisade fence
DRAWING NO(S): 100 Issue D
200 Issue H
300 Issue D

CALL-IN

This application was called before the Regulatory Service Committee by Councillor Ray Morgon.

BACKGROUND

The application was on the Regulatory Service Committee agenda for 2 June 2016 but deferred from consideration at Staff's request for the extent and accuracy of neighbour notification to be reviewed. A re-notification exercise has since been undertaken which expires on 24 June 2016.

The report presented below has been updated to reflect any additional comments received as a result of this notification. Any subsequent additional representations received will be reported to Committee on the evening.

SITE DESCRIPTION

The application site is located within an area of open space to the south of St. Georges Hospital, approximately 45m east of the bus lay-by on Suttons Lane. The subject is located in the Metropolitan Green Belt and within a Site of Nature Conservation Importance.

DESCRIPTION OF PROPOSAL

This is an application made under Part 16 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015. The Town and Country Planning (General Permitted Development) (England) Order 2015, requires applicants for communication proposals, which represent permitted development, to seek the prior approval of the local planning authority with regard to the proposed siting and appearance of any such development. The local planning authority's scope of consideration, with such an application, is limited. However, the application duly allows the local planning authority to exercise such control over siting and appearance.

The proposal to which this application relates is for the installation of a 14m bespoke streetpole on a 4m x 4m concrete base; three radio equipment cabinets; and one slim line meter cabinet.

The streetpole and cabinets would be located within a compound which would be enclosed by a 1.8m high green palisade fence. The streetpole would be of steel construction in grey or green

with the cabinets proposed in green.

The applicant, as justification for the proposals has stated that the choice of design has been influenced by the new base station's siting and appearance and the need to provide long term replacement mobile coverage to O2 and Vodafone customers in the surrounding area, following the removal of the telecommunication equipment from St. Georges Hospital.

The proposed application would provide high quality 2G, 3G and 4G coverage and Capacity to O2 and Vodafone customers in the Hornchurch area. It has been detailed, as part of the supporting information submitted, that the above could not, in this instance, be achieved by upgrading existing base stations; using existing telecommunication structures belonging to another operator; co-locating near existing telecommunications development; and/or installing the equipment on an existing building or tall structure.

RELEVANT HISTORY

None

CONSULTATIONS / REPRESENTATIONS

16 letters of representation have been received. The concern raised in representations relate to: visual impact; devaluation of property prices; close to schools; situated in the Green Belt; excessive size and scale; health and safety concerns; noise increase and that the proposal would be too close to residential properties.

Highway Authority - No objection, however request a condition to be added for vehicle access in the event of an approval.

London Borough of Havering Environmental Health - No objection.

RELEVANT POLICIES

LDF

- CP17 - Design
- DC45 - Appropriate Development in the Green Belt
- DC58 - Biodiversity and Geodiversity
- DC61 - Urban Design
- DC64 - Telecommunications
- DC66 - Tall Buildings and Structures

OTHER

- LONDON PLAN - 7.4 - Local character
- NPPF - National Planning Policy Framework

MAYORAL CIL IMPLICATIONS

Given the proposed type of development, this application is exempt from CIL contributions.

PRINCIPLE OF DEVELOPMENT

The NPPF details that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to sustainable development: economic, social and environmental and these are all mutually dependant. At paragraph 42 it is detailed that advanced, high quality communications infrastructure is essential for sustainable economic growth. Paragraph 43 of the NPPF goes on stating that the number of radio and telecommunications masts and the sites for such installations should be kept to a minimum. Existing masts, buildings and other structures should be used, unless the need for a new site has been justified. Where new sites are required, equipment should be sympathetically designed and camouflaged where appropriate.

At paragraph 45 it is detailed that applications for telecommunications development (including for prior approval under the General Permitted Development Order) should be supported by the necessary evidence to justify the proposed development. This should include:

- the outcome of consultations with organisations with an interest in the proposed development, in particular with the relevant body where a mast is to be installed near a school or college or within a statutory safeguarding zone surrounding an aerodrome or technical site; and
- for an addition to an existing mast or base station, a statement that self certifies that the cumulative exposure, when operational, will not exceed International Commission on non-ionising radiation protection guidelines; or
- for a new mast or base station, evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure and a statement that self-certifies that, when operational, International Commission guidelines will be met.

It is noted at paragraph 46 of the NPPF that local planning authorities must determine applications solely on planning grounds. Planning authorities should not seek to prevent competition between different operators, question the need for telecommunications system, or determine health safeguards if the proposal meets International Commission guidelines for public exposure.

The proposed mast installation will be located within the Metropolitan Green Belt. The NPPF states a presumption against inappropriate development within the Metropolitan Green Belt. This is reiterated in Policy DC45 of the LDF.

The proposed development does not constitute one of the specific forms of development referred to in the NPPF or Policy DC45 as appropriate. Consequently, it must be considered as inappropriate development in principle within the Green Belt. It is for the applicant to demonstrate that very special circumstances exist to outweigh this in principle harm, as well as any other harm arising from the proposed development.

The proposal is also located within a Site of Nature Conservation Importance and Policy DC58 states that planning permission for development that adversely effect any of these sites will not be granted unless the economic or social benefits of the proposals clearly outweigh the nature conservation importance of the site and only then if adequate mitigation can be provided and no alternative site is available.

Officers do not consider the applicant to have sufficiently demonstrated that no other site is

available. As part of pre-application discussions, officers have advised that a site in close proximity to the bus lay-by would be the preferred position as any impact would be partially mitigated by closer proximity to the built environment, existing streetlights, as well as two directional floodlights on either side of the lay-by. No evidence was provided by the applicant to suggest that a site close to the lay-by would not be a viable option.

GREEN BELT IMPLICATIONS

Policy DC64 of the Core Strategy and Development Control Policies Development Plan Document states that planning permission for telecommunications development will only be granted where it does not have an unacceptable effect on the character and appearance of the surrounding area or in other respects unacceptably harm the amenity of occupiers of neighbouring sites. The policy goes on detailing that proposals should be sufficiently screened, should not have an undue effect on the skyline and not cause an adverse effect on local conservation value. The applicant should furthermore demonstrate the significance of, and the need for the proposal as part of the national network; demonstrate that the proposal is the least environmentally intrusive option of all technically feasible alternatives; and compliant with the ICNIRP guidelines for public exposure. Expanding on the above, in respect of design, policy CP17 aims to ensure that new development maintains or improves the character and appearance of the local area.

This application is for a streetpole with a height of 14m combined with 6 no. antennas on a phase 4.5 head-load. The proposed mast would be significantly wider and with the addition of the external antennas would represent a substantially larger development than that of the commonly used Elara streetpoles.

It is considered that an installation of this height and size would represent a significant visual intrusion within this part of the Metropolitan Green Belt. Whilst there are existing trees close to the southern boundary of the St. Georges Hospital site, (approximately 18m from the subject site) they are of a lesser height than the proposed mast and deciduous. This means that the tower has a prominent and exposed position against the skyline, particularly during the winter months, to an extent which is considered to result in a visually intrusive form of development, which harms the predominantly open character of the surrounding Green Belt.

It is therefore considered that the applicant must demonstrate very special circumstances exist to overcome the harm to the Green Belt arising from the proposed installation.

The proposal includes cabinets and a 1.8m high palisade compound fence. This has a lesser impact on the Green Belt due to its reduced height and the greater benefit of tree screening at ground level.

IMPACT ON AMENITY

The proposed location of the mast does not lie adjacent or encroach upon any residential property. Officers do not consider the mast to have an unacceptable impact on neighbouring amenity as the nearest residential dwelling is situated approximately 70m away.

It should also be noted that there was a recent Regulatory Services Committee resolution to grant planning permission for a residential scheme on the St Georges Hospital site. Although the drawings for this development are indicative they do give an indication of where the residential

development would be situated in relation to the proposed mast.

Officers do not consider the proposed mast to have an unacceptable impact on the amenity of future occupiers of the St Georges site as the separation distance between the proposed mast and the nearest residential property shown on the indicative drawing is approximately 50m.

With regard to the actual operation of the development, and potential noise impacts, the Council's Environmental Health department have been consulted and have raised no objection to the proposal. Such issues nevertheless fall outside the direct scope of consideration of this application. The Council is only permitted, with such an application, to determine if the siting and appearance of the development is satisfactory or not. It is noted that devaluation of property has also been raised in representations. This is not a material planning consideration and cannot be taken account in determining this prior approval application.

Other issues:

In respect of health issues a Certificate has been submitted with the application which confirms that the proposal complies with ICNIRP guidelines. Government advice within the NPPF states that local planning authorities must determine applications on planning grounds. They should not seek to prevent competition between different operators, question the need for the telecommunications system, or determine health safeguards if the proposal meets International Commission guidelines for public exposure.

In this case, an ICNIRP Certificate has been submitted. It is not therefore considered that there are any justifiable grounds to refuse the proposals on health grounds.

OTHER ISSUES

It falls to be considered whether there are any very special circumstances which would justify the harm caused by the proposed development to the Metropolitan Green Belt.

The applicant has indicated that there is a requirement for the proposed development to meet an identified need in the locality. The applicants states that this proposal would replace the coverage from the previous mast which was located within the grounds of St Georges Hospital. The St. Georges Hospital site is due for re-development and the operators were therefore served with a Notice to Quit. Supporting information indicates that a number of alternative sites were considered locally but were unsuitable for the proposal.

Staff have considered whether this amounts to the very special circumstances necessary to justify the development and have had regard to the guidance set out in NPPF.

However, in this case it is considered that the extent of harm to the character and appearance of the Green Belt would outweigh the very special circumstances case. Moreover, officers are not convinced that a site closer to the bus lay-be would not be a viable option as discussed earlier in this report.

KEY ISSUES / CONCLUSIONS

The proposed development is considered to be unacceptable in terms of siting and appearance

and, in respect of this, it is recommended that the prior approval of the local planning authority, pursuant to Part 16 of Schedule 2 of the Town & Country Planning (General Permitted Development) Order 2015, be refused.

RECOMMENDATION

That prior approval of the Local Planning Authority is required for the siting and appearance of the development under Part 24 of Schedule 2 of the Town & Country Planning (General Permitted Development) Order 1995 and that Prior Approval is refused for the reason(s) given in this report.

1. Reason for refusal - Metropolitan Green Belt

The site is within the area identified in the LDF Core Strategy and Development Control Policies Development Plan Document as Metropolitan Green Belt. The LDF and Government Guidance as set out in the NPPF is that in order to achieve the purposes of the Metropolitan Green Belt it is essential to retain and protect the existing rural character of the area so allocated and that the new development will only be permitted outside the existing built up areas in the most exceptional circumstances. No special circumstances have been submitted in this case and the proposal is therefore contrary to Policy DC45 of the LDF Core Strategy and Development Control Policies Development Plan Document and the provisions of the NPPF.

2. REFUSAL - Non Standard

The proposal, by reason of its height and size and prominent location, would appear as an unacceptably dominant and visually intrusive feature, harmful to the rural character of the Green Belt, contrary to Policies DC45, DC61 and DC64 of the LDF Core Strategy and Development Control Policies Development Plan Document and the provisions of NPPF.

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 Ms Ginny Hall on 11/01/16. The revisions involved proposed a site closer to the bus lay-by. The applicant declined to make the suggested revisions.

OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 30th June 2016

APPLICATION NO. P0014.16
WARD: Havering Park **Date Received:** 7th January 2016
Expiry Date: 8th July 2016

ADDRESS: Clockhouse Primary School
Clockhouse Lane
Romford

PROPOSAL: Construction of a Multi Use Games Area (MUGA)

DRAWING NO(S): Proposed Site Layout - Drawing Number: CL.hse.-MUGA revised position

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

SITE DESCRIPTION

Clockhouse Primary School is located on the eastern side of Clockhouse Lane in Collier Row. The School buildings are located to the south of the site, primarily running along the rear gardens of the properties located on Lynwood Drive, with the School playing fields located to the north. The School buildings are a mix of design and styles but are predominately single storey in nature.

The School is accessed via a single lane road off Clockhouse Lane and in the majority is surrounded by residential development. The School site is not however located within a conservation area and the School is not listed.

DESCRIPTION OF PROPOSAL

This is an application for a Multi Use Games Area (MUGA) providing an enclosed pitch measuring 33m by 18m. The MUGA is proposed to the eastern side of the School playing fields, running parallel 9.5m from the rear boundary of Collier Row Methodist Church. The MUGA would be enclosed by a 3m high twin wire mesh fence with recessed goals but would have no floodlights. The MUGA would be marked out for 5 a-side football, netball and basketball and would be for sole use by the School during term time and by holiday clubs run by or in association with the School outside of term time. The MUGA would not be available for private hire.

RELEVANT HISTORY

- P0393.16 - Single storey flat roof extension
Apprv with cons 09-05-2016
- P2350.06 - Single storey classroom block and associated building works to replace previously demolished building in playground
Apprv with cons 23-03-2007
- P0217.01 - Single storey extension to north elevation
Apprv with cons 06-04-2001
- P0192.98 - Alter and extend existing classroom annex to create new dining hall and nursery, add three new classrooms to existing junior school, new car park and external play surfaces

CONSULTATIONS / REPRESENTATIONS

Highway Authority - No objection.

London Borough of Havering Environmental Health - No objection.

London Borough of Havering Lead Local Flood Authority - No comments received.

Sport England - No objection subject to a condition requiring that the MUGA is constructed substantially in accordance with Sport England's Design Guidance Notes: 'Artificial Surfaces for Outdoor Sport'.

Public consultation: 66 properties were directly notified of this application. 15 letters of public representation were received in relation to the originally submitted proposals (which were subsequently revised), in addition to one letter of representation signed by 23 individuals - although it is noted that many of those who signed this letter also made individual representation on the application. The letters all raised objection to the development on the following grounds: the height, size and proximity to residential properties resulting in visual impacts; loss of privacy; increased noise levels; concerns about drainage and increased flood risk; concerns about the future installation of floodlights; and the lack of detail provided over the use and if private use would be permitted which would have parking implications for the locality.

Revised plans were submitted during the course of determination of this application, with the revised plans seeking to relocate the MUGA within the School playing fields from the west to the east. A full re-consultation on these plans was undertaken and two representations were received. The first of these stated that the individual was pleased to see the new proposed site for the MUGA but still sought to outline concerns with regard to drainage and flooding. The second letter received, whilst not specifically raising an objection, sought confirmation as to if floodlights were proposed and if the facility would be available for public hire.

Staff comment: Whilst the majority of the above letters were received in respect of the first proposed location for the MUGA, as confirmation was not received from all individuals that their concerns about the MUGA had been overcome through its re-positioning, a full assessment of the comments received can be found in the below 'Staff Comments' section of this report.

RELEVANT POLICIES

LDF

CP08 - Community Facilities

CP10 - Sustainable Transport

CP15 - Environmental Management

CP17 - Design

DC26 - Location of Community Facilities

DC27 - Provision of Community Facilities

DC29 - Educational Premises

DC32 - The Road Network
DC33 - Car Parking
DC48 - Flood Risk
DC49 - Sustainable Design and Construction
DC51 - Water Supply, Drainage and Quality
DC55 - Noise
DC56 - Light
DC61 - Urban Design
DC62 - Access
Designing Safer Places SPD
Landscaping SPD
Sustainable Design and Construction SPD
Planning Obligation SPD

LONDON PLAN

3.16 - Protection and enhancement of social infrastructure
3.18 - Education facilities
3.19 - Sports facilities
5.3 - Sustainable design and construction
5.12 - Flood risk management
5.13 - Sustainable drainage
6.1 - Strategic approach
6.3 - Assessing effects of development on transport capacity
6.11 - Smoothing traffic flow and tackling congestion
6.12 - Road network capacity
6.13 - Parking
7.4 - Local character
7.6 - Architecture
7.15 - Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes
8.3 - Community Infrastructure Levy

National Planning Policy Framework
National Planning Practice Guidance

MAYORAL CIL IMPLICATIONS

Not applicable.

STAFF COMMENTS

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. Policy 3.19 goes on detailing that development proposals that increase or enhance the provision of sports and recreation facilities will also be supported.

The applicant has suggested that this MUGA would provide an additional sporting facility for the School. The facility would provide an additional area for the School to deliver play and sporting activities, especially during the winter months when the playing fields may not be useable. Whilst it is accepted that there is not a specific need for this facility it is considered that the MUGA would improve the School offering and enhance education and skills provision. In consideration of this, and the above detailed in the NPPF, no principle objection is raised to the development coming forward. That being said, 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.

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.

It is considered that the proposed location of the MUGA has sought to maximise the potential for playing pitches on the School playing fields. The proposed location would not encroach on to any existing pitches at the School and would utilise an area of the playing field which is not overly used, as existing. The MUGA has also been sited, in the majority, behind the Methodist Church in the interests of limiting the visual impact on the surrounding residential properties.

Staff acknowledge that the proposed MUGA would stand out in the School playing fields, especially in view that the School benefits from a large playing field which, as existing, is largely uninterrupted, in terms of development, east to west. With regard to this it is considered that the

MUGA, whilst facilitating a sport use, would introduce an aspect of built development to the playing field which would impact on the perceived openness. The MUGA would however only be supported by a 3m high metal wire mesh fence and in view that the provision would be separately approximately 9.5m from the boundary of the School it is considered that any such impacts are likely to be limited. The boundary of the School is, at this point, fenced by circa 2m palisade fencing. The boundary is supported by a number of trees but the fencing type, it is accepted, does facilitate views across the playing field. The MUGA would have an impact on the outlook of the properties along Clockhouse Lane however staff do not consider the impact would be sufficient to warrant refusal.

Policy DC61 of the LDF, 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.

As alluded in the 'Description of Proposal' section of this report, the MUGA would be for sole use by the School during term time and by holiday clubs run by or in association with the School outside of term time. The MUGA would not be available for public/private hire. Furthermore no floodlights are proposed, and to confirm planning permission, without prejudice, would be required to install these in the future. Although the provision of a MUGA is likely to result in a more intensive use of this part of the School playing field, it is not considered that the provision would give rise to amenity impacts, particularly noise levels, over and above that which would be generally be expected and accepted from a school site. With a condition attached to any planning permission granted explicitly restricting private hire it is considered the Local Planning Authority could maintain control of the provision and accordingly the locality should notice little actual difference in terms of the overall use of the playing fields overall. It is considered that the lack of floodlights ultimately restricts the level of use which could be achieved and accordingly whilst a hours of use condition could be imposed, in this instance, it is considered such a stipulation with the aforementioned restriction is probably unnecessary.

As alluded, staff do not have a principle policy objection to the provision of a MUGA on this site. It is not considered that the proposed location for the provision would significantly impact on nearby outlook and it is not considered that the provision would likely give rise to significant additional amenity impacts, noting that the facility would not be supported by floodlights and would not be available for private hire. It is noted that a number of representations received did however raise concerns about drainage and increased flood risk. Limited details have been provided with regard to this however, to confirm, this site does not form part of a flood zone and accordingly it is not considered that flood risk is a particular issue. The topography of the site, as suggested in the letters of representation received, does slope east to west and north to south however the MUGA would be installed on a geo-textile membrane on top of sub-base of granite sand to replicate the existing geology. Whilst increased run-off may be experienced, as a result of the artificial surface, the sub-base would allow both rain and ground water to drain/move freely. A perimeter drain would nevertheless be installed to ensure that, after pro-longed periods of rain, run-off does not significantly increase above existing, natural rates. In context of this it is not considered that the development poses a particular flood risk and accordingly it is considered that the development

complies with policies DC48 and DC51 of the LDF.

HIGHWAY / PARKING

It is not considered that this development gives rise to any issues in terms of highway efficiency or safety. The MUGA would not result in additional vehicular movements to or from the School site and no change is proposed, as part of this application, to the existing School access or parking provision.

KEY ISSUES / CONCLUSIONS

The proposal is considered to be acceptable in terms of design. Furthermore, it is not considered that the proposal would give rise to any significant impacts on residential amenity, subject to the imposition of a condition restricting the use of the games area to the School, and there are no highways or parking issues associated with the development. Concerns raised about drainage are noted, however staff are content that the MUGA would not give rise to significant impacts. The MUGA would be constructed in compliance with guidance issued by Sport England and in context of the size of the provision and the distance from the properties downhill it is considered any increase in surface run-off would be negligible. Accordingly, it is recommended that planning permission be granted subject to conditions.

RECOMMENDATION

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

1. 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. 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. MUGA specification (Sport England)

The Multi Use Games Area, hereby permitted, shall not be constructed other than substantially in accordance with Sport England's Design Guidance Notes: 'Artificial Surfaces for Outdoor Sport'.

Reason:-

To ensure that the development is fit for purpose and sustainable and to accord with Development Control Policies Development Plan Document Policies DC26, DC48, DC49, DC51 and DC61.

4. Drainage details (Pre Commencement)

No works shall take place in relation to any of the development hereby approved until details of surface water drainage works are submitted to and approved in writing by the Local Planning Authority. Surface water drainage shall be provided in accordance with the approved details.

Reason:-

Surface water drainage works are required on site to prevent the risk of flooding. Submission of a scheme prior to commencement will ensure that the measures to be employed are technically sound and that the development accords with the Development Control Policies Development Plan Document Policies DC49 and DC61.

5. Restriction of use (No private hire)

The Multi Use Games Area, hereby permitted, shall not be made privately available for hire outside of normal School hours or term times. The facility shall be used solely in association with the School.

Reason: -

To enable the Local Planning Authority to retain control of the use, in the interests of amenity, that private hire may result in impacts not considered as part of this application and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

6. 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. Wheel washing (Pre Commencement)

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

relevant entrances to the site throughout the duration of construction works. If mud or other debris originating from the site is deposited in the public highway, all on-site operations shall cease until it has been removed.

The submission will provide;

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

Reason:-

Insufficient information has been supplied with the application in relation to wheel washing facilities. Submission of details prior to commencement will ensure that the facilities provided prevent materials from the site being deposited on the adjoining public highway, in the interests of highway safety and the amenity of the surrounding area. It will also ensure that the development accords with the Development Control Policies Development Plan Document Policies DC32 and DC61.

8. Hours of construction

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

Reason:-

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

9. Floodlighting

No external floodlighting shall be installed and/or operated in connection with the multi purpose games area unless otherwise submitted to and approved in writing by the Local Planning Authority.

Reason:-

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

INFORMATIVES

1. Fee Informative

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

2. Approval following revision

Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: In accordance with paragraphs 186-187 of the National Planning Policy Framework 2012, improvements required to make the proposal acceptable were negotiated with the applicant's agent during the course of determination of this application. A revised location for the MUGA was proposed, after the initial public consultation, in response to the objections received and accordingly a re-consultation was arranged by the Local Planning Authority. The revised plans were submitted on 04/03/2016 and the re-consultation letters were sent 10/03/2016.

OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 30th June 2016

APPLICATION NO. P0104.16
WARD: Emerson Park **Date Received:** 16th February 2016
Expiry Date: 12th April 2016

ADDRESS: Greenways Court
Butts Green Road
Hornchurch

PROPOSAL: Erection of detached residential block containing 7no. flats and 2no. maisonettes.

DRAWING NO(S): 66/8146, 76/8146, 86/8146,
16/8146, 26/8146, 36/8146, 46/8146
96/8146, 116/8146

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 Steven Kelly on the grounds that he feels that the Committee should debate this proposal on the basis of community need and the ambience of the setting.

SITE DESCRIPTION

The application relates to land at Greenways Court, Butts Green Road, Hornchurch. The site comprises an open grassed area located in a prominent position on the junction of Butts Green Road and Burntwood Avenue and forms part of the Greenways Court residential estate. The attractive lawned area is currently used as shared amenity space by the existing residents of the adjacent flats at Greenways Court and is partially screened from the adjacent roads to the south and the east by a well maintained conifer hedgerow. The amenity area is flanked to the north and east by the existing flatted residential block at No.1-43 Greenways Court.

The site is located within a predominantly residential area which is characterised by a mixture of detached and semi-detached houses as well as flatted blocks set within spacious plots. The land is designated in the Local Development Framework (LDF) as Emerson Park Policy Area - Sector 1.

DESCRIPTION OF PROPOSAL

The application is seeking planning permission for the erection of a detached residential block containing 7no. one-bedroom flats and 2no. three-bedroom maisonettes.

The accommodation would comprise a part two-storey and three-storey block with an L-shaped footprint, wrapping around the site frontage with Butts Green Road and Burntwood Avenue. The building would include a series of hipped pitched roofs at a maximum ridge height of approximately 11 metres for the three-storey sections along the Butts Green road frontage, dropping down to an approximate height of 7 metres for the two storey section adjacent to Burntwood Avenue.

The proposal would provide a total of 7no. off street car parking spaces set within a central courtyard to the rear of the new block and directly in front of the existing residential block at No.1-

43 Greenways Court. The parking area would be accessed via a new link road connecting into the existing driveway from Burntwood Road and would run directly adjacent to the southern flank elevation of the existing residential block.

A refuse store and cycle store would be provided on a section of the remaining amenity area adjacent to the car park.

The existing conifer hedgerow which forms the front boundary with Butts Green Road and Burntwood Avenue would be removed.

RELEVANT HISTORY

CONSULTATIONS / REPRESENTATIONS

Notification letters were sent to 161 properties and 7 representations have been received. The comments can be summarised as follows:

- The block will obstruct views.
- Loss of an attractive green garden area.
- Loss of privacy and overlooking.
- Loss of light and overshadowing.
- The scale, height, massing and design of the proposed building is out of character with the area.
- The building would form an unacceptably prominent and visually intrusive feature.
- Over-development of the site.
- Insufficient car parking provision.

Thames Water - no objection.

London Fire Brigade Water Team - no objection.

London Fire and Emergency Planning Authority - no objection.

Environmental Health - no objection, recommended a condition relating to noise insulation.

Local Highway Authority - no objection, recommended a condition relating to vehicle cleansing.

RELEVANT POLICIES

LDF

- | | |
|--------|---------------------------|
| CP1 - | Housing Supply |
| CP17 - | Design |
| DC2 - | Housing Mix and Density |
| DC3 - | Housing Design and Layout |
| DC33 - | Car Parking |
| DC34 - | Walking |
| DC35 - | Cycling |
| DC61 - | Urban Design |
| DC72 - | Planning Obligations |

- SPD05 - Emerson Park Policy Area SPD
- SPD11 - Planning Obligation SPD
- SPD4 - Residential Extensions & Alterations SPD
- SPD9 - Residential Design SPD

OTHER

- LONDON PLAN - 3.3 - Increasing housing supply
- LONDON PLAN - 3.5 - Quality and design of housing developments
- LONDON PLAN - 7.4 - Local character
- NPPF - National Planning Policy Framework

MAYORAL CIL IMPLICATIONS

The proposed development would create 9 no. new residential units with 624 square metres of new gross internal floorspace. Therefore the proposal is liable for Mayoral CIL and will incur a charge of £12,480 (subject to indexation) based on the calculation of £20.00 per square metre.

STAFF COMMENTS

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

PRINCIPLE OF DEVELOPMENT

The site occupies a prominent location on the junction of Butts Green Road and Burntwood Avenue and lies within the Emerson Park Policy Area - classified as Policy Area Sector 1.

As such the policy advises that Butts Green Road has already been substantially developed for flats and further redevelopment for flats would damage the character of the area unless carefully controlled.

The policy goes on to set out specific criteria which the development proposal must adhere to in relation to building height, frontage length, density, amenity space and access arrangements which is discussed in more depth in the following sections of the report.

DENSITY / SITE LAYOUT

Policy DC2 of the LDF provides guidance in relation to the dwelling mix within residential developments. Policy DC61 states that planning permission will not be granted for proposals that would significantly diminish local and residential amenity.

The proposal would provide 9no. residential units at a density equivalent to approximately 71 dwellings per hectare. This complies with the aims of Policy DC2 which suggests that a dwelling density of between 50 to 80 dwellings per hectare would be appropriate in this urban location.

The 'Technical housing standards - nationally described space standard' document sets out requirements for the Gross Internal (floor) Area of new dwellings at a defined level of occupancy as

well as floor areas and dimensions for key parts of the home.

The proposed flatted block would provide 7no. one-bedroom flats and 2no. three-bedroom maisonettes with varying floor space sizes, the majority of which meet or exceed the respective minimum standards as per the proposed number of rooms and number of occupants they are intended to serve. The bedrooms in these flats would also comply with the minimum standards set out in the technical housing standards with regard to floor area, width and ceiling heights.

However, the ground floor two-bedroom flat in the northern section of the proposed block would have a floor area of just 58.66 square metres, below the 61 square metre standard. In addition the second bedroom would be below the minimum floor area. The exact same layout is adopted for the one-bedroom upper floor flats in this section of the building, however, the second bedroom area is indicated as a study in these units. This raises concerns as to the suitability of spacing in these units and suggests that there could be an intention to use the flats as below standard two-bedroom dwellings. Given this factor it is considered that overall the proposed development would not be in accordance with the general principles of technical housing standards and that some of the flats would not provide an acceptable amount of space for day to day living.

The Residential Design SPD does not prescribe minimum space standards for private gardens. The SPD does however state that private amenity space should be provided in single, usable, enclosed blocks which benefit from both natural sunlight and shading, adding that the fundamental design considerations for amenity space should be quality and usability. All dwellings should have access to amenity space that is not overlooked from the public realm.

In terms of amenity space; the scheme does not include any private terrace areas or private balconies. The new block and associated car park would occupy the majority of the existing lawned area which is currently used as shared amenity space by the adjoining residents - resulting in a reduction in the overall amount of amenity space at Greenways Court. A narrow strip of amenity space would be retained, however this would be further encroached upon by the proposed refuse and cycle store and the repositioned pedestrian pathway to the main entrance at 1 to 43 Greenways Court. Given that the site is located within a suburban area a modern residential development in this area would be expected to make better provision of amenity areas for existing and new residents.

As such, the lack of shared or private amenity provision and the fact that the scheme would significantly reduce the existing amenity space is considered contrary to policy DC61.

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.

The proposed apartment block would form a prominent feature in terms of its visual impact, particularly owing to its corner location on the junction of Butts Green Road and Burntwood Avenue. The building would have a height of 11 metres and in terms of its massing the block would be of considerable scale and bulk, when viewed from various vantage points within the streetscene.

It is acknowledged that the adjacent building at no.1 to 43 Greenways Court is three storeys in height and some of the other detached residential buildings along Butts Green Road are relatively tall. However the buildings are not directly comparable in their setting and location and are able to tie into the urban grain within a linear arrangement and, as such, are less prominent.

Due to the conspicuous corner location, height and massing of the proposed building, as well as the proximity to the road frontage boundaries with both Butts Green Road and Burntwood Avenue, the proposed residential block would appear as overly dominant and intrusive, creating an incongruous feature within the prominent corner setting, contrary to the character of the surrounding area. In this regard it is not considered that the proposed block would be compatible with the character of the local streetscene at both Butts Green Road and Burntwood Avenue.

Consequently it is considered that the proposed development would be harmful to visual amenity and would therefore fail to maintain or enhance the character and appearance of the local area contrary to the provisions of Policy DC61. It would also contravene the Emerson Park Policy Area SPD, which requires the massing and architectural character of new development, and the resultant space between buildings, to be compatible with the character of the local streetscene.

IMPACT ON AMENITY

The Residential Design SPD states that new development should be sited and designed such that there is no detriment to existing residential amenity through overlooking and/or privacy loss and dominance or overshadowing. Policy DC61 reinforces these requirements by stating that planning permission will not be granted where the proposal results in unacceptable overshadowing, loss of sunlight/ daylight, overlooking or loss of privacy to existing properties.

The main consideration in terms of residential amenity relates to the impact on privacy, daylight and outlook for the existing flats in the adjacent block at No.s 1 to 43 Greenways Court.

The main issue relates to the close proximity of the new block to the existing flats at Greenways Court. It is considered that the scale, bulk and massing of the proposed block in such close proximity to the existing flats at Greenways Court would severely harm the amenity of the existing and future occupants.

The proposed northern flank elevation of the apartment block would lie just 7.8 metres from the main habitable room windows of the existing flats in the adjacent block and the western flank elevation would also be positioned approximately 8 metres from the directly overlooking neighbouring windows. As a result the outlook from these windows would be completely dominated by the proposed building.

This poor aspect would be intensified due to the L-shaped footprint of the proposed block which would create an enclosed courtyard area for parking and refuse storage. In effect the residents of the existing flats would have their outlook changed from what is at present a view over a pleasant lawned amenity area to a parking courtyard.

The windows in the rear elevation of the apartment block facing over the car park courtyard area, would create a significant sense of visual intrusiveness. Given that the the building would be sited to the south of the Greenways Court flats the height and bulk of the block is likely to result in

overshadowing of the neighbouring properties and a loss of daylight.

As a result it is considered that the scale, bulk and massing of the proposed apartment block will form an unacceptably visually intrusive and dominant feature with a detrimental impact on the outlook from rear windows and the garden of the surrounding properties.

Furthermore, the proximity of the of the new block and positioning of windows would afford inter-looking across the courtyard area to loss of privacy and overlooking.

HIGHWAY / PARKING

Policy DC33 seeks to ensure all new developments make adequate provision for car parking. In this instance the application site is located within an area with a Public Transport Accessibility Level (PTAL) rating of 2, meaning that the site offers an average degree of access to surrounding public transport. As such this invokes a standard of 1.5-1 parking spaces per dwelling.

The scheme can demonstrate off street car parking provision for 7no. vehicles, which equates to less than one space per dwelling. The Local Highway Authority has however raised no objection to the proposal.

In terms of servicing, a refuse store would be provided on a section of the remaining amenity area adjacent to the car park. A secure cycle store would also be positioned in this location.

SECTION 106

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

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

Policy DC72 of the Council's LDF states that in order to comply with the principles as set out in several of the Policies in the Plan, contributions may be sought and secured through a Planning Obligation. Policy DC29 states that the Council will seek payments from developers required to meet the educational need generated by the residential development. Policy 8.2 of the Further Alterations to the London Plan states that development proposals should address strategic as well as local priorities in planning obligations.

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

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

The evidence background to the SPD, contained in the technical appendices is still considered relevant. The evidence clearly show the impact of new residential development upon infrastructure - at 2013, this was that each additional dwelling in the Borough has a need for at least £20,444 of infrastructure. Therefore, it is considered that the impact on infrastructure as a result of the proposed development would be significant and without suitable mitigation would be contrary to Policy DC72 of the LDF and Policy 8.2 of the London Plan.

Furthermore, evidence clearly shows a shortage of school places in the Borough - (London Borough of Havering Draft Commissioning Plan for Education Provision 2015/16-2019/20). The Commissioning report identifies that there is no spare capacity to accommodate demand for secondary, primary and early years school places generated by new development. The cost of mitigating new development in respect to all education provision is £8,672 (2013 figure from Technical Appendix to SPD). On that basis, it is necessary to continue to require contributions to mitigate the impact of additional dwellings in the Borough, in accordance with Policy DC29 of the LDF.

Previously, in accordance with the SPD, a contribution of £6000 per dwelling was sought, based on a viability testing of the £20,444 infrastructure impact. It is considered that, in this case, £6000 towards education projects required as a result of increased demand for school places is reasonable when compared to the need arising as a result of the development.

It would therefore be necessary to require a contribution to be used for educational purposes. Separate monitoring of contributions would take place to ensure that no more than 5 contributions are pooled for individual projects, in accordance with CIL legislation. It is considered that a contribution equating to £54,000 for educational purposes would be appropriate.

As this application is to be refused there is no mechanism for securing this contribution and this therefore also forms grounds for refusal.

KEY ISSUES / CONCLUSIONS

The scale, bulk and massing of the proposed block would result in a visually intrusive feature and the proposal would form a cramped over-development of the site. Consequently the proposed building would result in an awkward and jarring visual relationship to the neighbouring properties and would be harmful to the character and appearance of the streetscene. The proposal is also judged to create a poor quality living environment, not entirely meeting internal space standards and failing to provide an adequate level of amenity space. Additionally harm to existing residential amenity is considered to result.

In the absence of a Section 106 Agreement to secure an appropriate level of obligation the application also fails to mitigate the impact of the proposed development on local infrastructure.

Therefore the proposal is contrary to the provisions of policy DC61 and the Residential Design SPD and it is recommended that the application be refused.

RECOMMENDATION

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

1. Reason for refusal - Streetscene

The proposed development would, by reason of its siting, scale, height, bulk and mass, appear as an unacceptably dominant, overbearing and visually intrusive feature in the streetscene harmful to the appearance of the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD and the Emerson Park Policy Area SPD.

2. Reason for refusal - Layout

The proposed development would, by reason of its cramped layout, result in an unsatisfactory relationship between the proposed block, the site boundary and existing residential block leading to a harmful relationship with adjacent buildings and an inadequate provision of private amenity space to the detriment of the amenity of future and existing occupiers and the character of the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.

3. Reason for refusal - Overbearing & Loss of Amenity

The proposed development would, by reason of its siting, height, bulk and mass, appear as an unacceptably dominant and overbearing development that is harmful to the amenity of existing occupiers of Greenways Court, resulting in a loss of existing amenity areas, loss of outlook and privacy contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.

4. Reason for refusal - Living Conditions

The proposal, by reason of the cramped and poor quality amenity areas, and the failure of the internal layout to comply with the Technical housing standards - nationally described space standard in respect of the minimum gross internal floor area, is considered to result in an overly cramped development on the site to the detriment of future residential amenity and contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD and Policy 3.5 of the London Plan.

5. Reason for Refusal - Planning Obligation

In the absence of a legal agreement to secure contributions towards the demand for school places arising from the development, the proposal fails to satisfactorily mitigate the infrastructure impact of the development, contrary to the provisions of Policies DC29 and DC72 of the Development Control Policies DPD and Policy 8.2 of the London Plan.

INFORMATIVES

1. Refusal - No negotiation ENTER DETAILS

Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: Consideration was given to seeking amendments, but given conflict with adopted planning policy, notification of intended refusal and the reasons for it was given to Richard Sibley, by email on 12/4/16.

2. Refusal and CIL (enter amount)

The proposal, if granted planning permission on appeal, would be liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be £12,480. Further details with regard to CIL are available from the Council's website.

OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 30th June 2016

APPLICATION NO. P0157.16

WARD: Mawneys

Date Received: 29th January 2016

Expiry Date: 25th March 2016

ADDRESS: Land at Aldi Stores
Marlborough Road
Romford

PROPOSAL: Alterations to existing car park layout and provision of additional car parking on adjacent land to serve existing foodstore, together with reinstatement of former community allotment on remainder of adjacent land, associated landscaping and works.

DRAWING NO(S): 8982 TCP 01
8982 TPP 01
17054-P001-B
17054-P002-B
17054-P003-H

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 the Regulatory Services Committee by Councillor Jason Frost

for the following reasons:

The reason for my requesting the call-in for this application is that, having worked very closely with the developer to ensure the maximum benefit for the residents of the area, I feel that not enough consideration has been duly given to such efforts and would like the Committee to take a view on this.

SITE DESCRIPTION

The application site comprises the Aldi foodstore on Marlborough Road, Romford. Aldi foodstore lies approximately 1 mile to the northwest of Romford Town Centre and is to the southwest of the defined 'Minor Local Centre' on Denbar Parade.

The application site is an irregular shape and is 0.92 hectares in size. The land to the southwest of the store lies within the Green Belt. The land is vacant and largely comprises overgrown vegetation with substantial trees and hedgerow planting along its boundaries. This site was historically occupied as an allotment, but the use ceased many years ago.

The application site has a PTAL of 2.

DESCRIPTION OF PROPOSAL

The application proposes alterations to the existing Aldi car park layout and provision of additional car parking on the adjacent Green Belt land to serve the existing foodstore, together with the reinstatement of the former community allotment on the remainder of the Green Belt land. The

proposal would also involve associated landscaping and works.

The application comprises two element - the first element is the reconfiguration of the existing car park and the provision of additional parking spaces to serve the existing Aldi foodstore. The use of approximately 0.15 hectares of Green Belt land to the southwest of the store will facilitate the addition of an additional 56 parking spaces. The existing 14 spaces within the servicing area would be removed plus an additional 4 spaces within the main car park to improve circulation and provide additional parent and child and disabled parking spaces. The proposed changes would result in a net increase from 80 spaces to 118.

The second part of the proposal would be for the reinstatement of the remaining Green Belt land to allotments. Other than the existing vegetation along the boundaries, the land would be cleared of overgrown scrub. The existing pedestrian access along the sites southeast boundary would be used to provide access. No vehicular access would be provided.

It is envisaged by the developer that the land would be cleared and made available to the Council to be used as allotments on the basis of a peppercorn rent. This would be secured by way of a legal agreement in the event of the grant of planning permission.

The developer also proposes the removal of the existing advertisement hoardings.

RELEVANT HISTORY

P0286.10 - Retention of exterior lighting to car park
Apprv with cons 04-06-2010

A0084.09 - 2 No. internally illuminated shop advertisement signs (relocation of signs approved under A0051.08)
Apprv with cons 15-12-2009

CONSULTATIONS / REPRESENTATIONS

Public Consultation:

The proposal was advertised by way of a site notice and in the local press as development which is contrary to the Metropolitan Green Belt Policies of the LDF Core Strategy and Development Control Policies Development Plan Document. In addition, 78 neighbouring occupiers were directly notified of the application via letter. No representations were received as part of the public consultation process.

Internal Consultees:

Environmental Health - A contamination condition requested in the event of an approval

Highways - Objects to the proposal as it will generate more trips and cause local safety and congestion problems.

RELEVANT POLICIES

LDF

- CP14 - Green Belt
- DC15 - Retail and Service Development
- DC32 - The Road Network
- DC33 - Car Parking
- DC45 - Appropriate Development in the Green Belt
- DC61 - Urban Design
- DC62 - Access

OTHER

- LONDON PLAN - 4.7 - Retail and town centre development
- LONDON PLAN - 4.8 - Supporting a successful and diverse retail sector
- LONDON PLAN - 6.13 Parking
-
- LONDON PLAN - 7.16 Green Belt
-
- LONDON PLAN - 7.4 - Local character
- NPPF - National Planning Policy Framework

MAYORAL CIL IMPLICATIONS

The proposed development is not liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3.

STAFF COMMENTS

The main considerations in this case are the principle of development, Green Belt implications, the impact on the amenities of adjoining residential occupiers and highways, access and parking issues.

GREEN BELT IMPLICATIONS

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

Policy DC45 of the Council's Core Strategy and Development Control Policies DPD outlines a list of activities which are considered to be appropriate within the Green Belt. The proposal is for the creation of a car parking area in association with a food store. This is not within the list of activities deemed appropriate in the Green Belt in accordance with Policy DC45 and the proposal is therefore judged inappropriate in principle.

The proposal would physically extend this use onto a neighbouring property and would further encroach into Green Belt land, which is not considered to be acceptable in this case, given the use is contrary to Policy DC45.

Policy 9 of the National Planning Policy Framework 2012 (NPPF) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The subject proposal is determined to be an inappropriate development as it does not fall within any of the categories of development listed as acceptable within the NPPF.

Such development should not be approved unless very special circumstances exist to outweigh the in principle harm and any other harm to the openness of the Green Belt.

In terms of any other harm, Staff consider the proposal to be harmful to the stated aim of the Green Belt to check the unrestricted sprawl of built up areas as it represents an encroachment into this presently undeveloped belt of land and to be potential harmful to openness. Although it will not involve any new buildings, the expanse of hard surfacing and the parking of vehicles will have an urbanising effect on this currently open area. Staff do acknowledge that, in its present condition, there is a reasonable degree of screening from outside the site, but this may change over time and seasonal changes will likely make the development more visible in winter. Additionally, although not explicit in the application, there is potential for the need for lighting and boundary security to the parking area, that is likely to have a further urbanising effect that is detrimental to the open, undeveloped character of the Green Belt at this point.

As part of making a case for very special circumstances the applicant has provided the following information:

- The site contributes little to the purposes of the Green Belt;
- The reinstated allotment will cover the majority of the site and represent an 'appropriate' use;
- Only a small portion of the Green Belt land would be used for car parking;
- The car park will compromise hardstanding and will not contain any new buildings;
- The site is contained by existing landscaping and development will have little visual impact.

The developer also lists the following benefits:

- The reinstatement of historic allotments at negligible cost to the community;
- Improvement of degraded land at the entrance to the urban area;
- The inclusion of landscape and ecological enhancements;
- The removal of existing advertising hoardings; and
- The resolution of longstanding parking problems for Aldi, its customers and local residents.

Staff note that although the applicant is prepared to reinstate the allotment as part of the application, advice given by the Council Parks Service is that it would only be possible if there is a Horticultural Society that would be prepared to take on the management of the site, as the Council no longer manages allotment sites. At this stage it has not been confirmed whether there are any existing Horticultural Societies within the Borough that would be prepared to take on the management of the allotment. Letters have been sent to local Societies to see whether there is any interest in running the proposed allotment and the outcome of this will be reported to the Committee.

In terms of parking demand and impact on local congestion, Staff consider that no detailed evidence has been provided with regard to an adverse impact caused by the existing site arrangements on highway safety and congestion. Staff note that the existing parking provision on site is within the range identified in the London Plan. The applicant contends that existing parking provision within the site is inadequate and has submitted a Transport Statement as evidence of this. Evidence has however only been provided of a parking survey that was carried out on one day - Saturday 18/07/15 - which indicates that there were only 4 occasions throughout the day where the car park demand exceeded the 80 car capacity. These were at 11:30 (82), 11:45 (85),

12:30 (83) and 13:00 (82). Staff do not consider that sufficient evidence has been provided of parking and congestion problems at the store to provide the very special circumstances needed to justify the proposal. Additionally the survey was undertaken almost a year ago and there is no evidence as to whether the situation has changed, or whether the opening of a new Aldi supermarket in nearby Collier Row has affected the parking demand.

Staff note also that the new allotments proposed do not have any parking provision nearby and are served only by pedestrian access from the A12. No assessment has been given of likely demand for additional parking by users of the allotments and where they may be likely to park in order to walk to the site.

Officers are not convinced, from the information submitted with the application, that there is a sufficient need for the car park, having regard to the limited findings of the survey, lack of detailed evidence of parking and congestion issues and general compliance of the existing parking provision with the requirement of the LDF. Furthermore there are concerns that, if congestion exists in the locality, the provision of additional parking could encourage further traffic to the store and potentially exacerbate parking locally. Staff are therefore of the opinion that the very special circumstances provided does not justify the in principle, and other harm, arising to the Green Belt.

On this basis, the subject application is not considered to be acceptable in principle and would also have a detrimental impact on the Green Belt.

DESIGN / IMPACT ON STREET / GARDEN SCENE

Policy DC61 states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area. Whilst no new structures are currently proposed on the land, the construction of a car parking area on this presently undeveloped land would create conditions that are visually inappropriate in a Green Belt setting. There is also potential for future associated development, such as boundary treatment and lighting, that could lead to a further urbanising impact on this part of the Green Belt.

IMPACT ON AMENITY

The proposal would not have any significant impact on the residential amenity of neighbouring occupiers due to the nature of the development. The car park would be an extension of the existing car park and is therefore not considered to result in a harmful impact over and above the existing. The nearest residential properties are the flats situated to the west of the Aldi store.

HIGHWAY / PARKING

The Council's Highways department has objected to the proposal. They note that the site currently has provision for 80 spaces (68 if existing parking provision in the loading area is excluded) and the proposal is to increase this by 36 spaces to 118.

The transport statement essentially presents an argument that for an A1 use of 2,115m², a parking standard of 1 space per 18m² should apply and therefore provide 118 parking spaces. Highways consider that the site has a PTAL of 2 and the parking range, based on London Plan maximum standards, would be between 70 to 105 spaces based on 2,115m² of A1 use. Therefore, the

current parking provision of 80 spaces is within this policy range at the moment.

The access to the site from Marlborough Road is constrained with very poor pedestrian visibility splays. In addition, the access is close to the junction of Marlborough Road with Mawney Road, which in turn is close to the junction of Marlborough Road and the A12. At peak times the immediate area regularly becomes congested and Highways are concerned that an increase in parking spaces at this site will attract more trips and put more pressure on the immediate road network and increase the risks associated with the narrow access. The application does not make clear any impacts on the road network, outside the site, which could be created by the proposal.

In conclusion, the site currently appears to provide a level of parking that is within the London Plan policy range for a store of this size and there is a concern that an increase in parking spaces will generate more trips and therefore local safety and congestion problems and so is not in accordance with policy DC32.

OTHER ISSUES

An ecological assessment has been submitted with the application. The vast majority of the site is covered by dense scrub, although there are some areas of grassland, but the survey indicates that the site generally has a low ecological value. Hedgerow will need protection. There is little evidence of protected species. Staff consider that if permission were to be granted suitable conditions could be imposed that would ensure the ecological impact of the development is acceptable.

KEY ISSUES / CONCLUSIONS

The subject application is not considered to be acceptable in principle, as it conflicts with the purposes of including land within the Green Belt and is deemed to be an inappropriate form of development within the Green Belt. It is judged that the very special circumstances case put forward is not sufficient to overcome the in principle harm, and other harm, arising from the development and the proposal is therefore contrary to Policy DC45 and Policy 9 of the NPPF. The proposed use of the land is considered to create conditions which are visually out of keeping with this Green Belt setting and detrimental to the character and appearance of the locality. The proposal will also increase vehicle trips to the site and put more pressure on the immediate road network and increase the risks associated with the narrow access contrary to Policy DC32 of the Council's DPD.

On this basis, the subject application is not considered to be consistent with Policies DC45 and DC32 of the Core Strategy and Development Control Development Plan Document 2008, or with the National Planning Policy Framework 2012. Refusal is recommended.

RECOMMENDATION

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

1. Reason for refusal - Metropolitan Green Belt

The subject application is not considered to be acceptable in principle, as it conflicts with the purposes of including land within it. The use of the proposal is deemed to be an inappropriate form of development within the Green Belt in accordance with Policy DC45 of Council's DPD, and there are no very special circumstances which would warrant its approval under Policy 9 of the NPPF.

On this basis, the subject application is not considered to be consistent with Policy DC45 of the Core Strategy and Development Control Policies Development Plan Document 2008, or with the National Planning Policy Framework 2012.

2. Refusal non standard Condition

The proposed development by reason of the increase in trip movement, combined with the existing access arrangement and the nature of local traffic conditions, would adversely affect highway safety, both vehicular and for pedestrians using the highway in the vicinity of the site entrance, contrary to the provisions of Policy DC32 of the LDF Core Strategy and Development Control Policies DPD.

INFORMATIVES

1. Refusal - No negotiation

Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: Consideration was given to seeking amendments, but given conflict with adopted planning policy, notification of intended refusal, rather than negotiation, was in this case appropriate in accordance with para 186-187 of the National Planning Policy Framework 2012.

OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 30th June 2016

APPLICATION NO. P0325.16
WARD: St Andrew's **Date Received:** 3rd March 2016
Expiry Date: 28th April 2016
ADDRESS: 31 High Street
Hornchurch
PROPOSAL: Demolition of former Mecca Bingo Hall
DRAWING NO(S): Red Edged Site Location Plan (Scale 1:1250)
"RJ Demolition Limited" Demolition Statement
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 relates to the former Mecca Bingo hall at 31 High Street, Hornchurch. The building, formerly known as the Towers Cinema, was constructed in 1935 and operated as a cinema until 1973 when it was converted to a bingo hall. The building has been vacant since late 2015. The site comprises the large former cinema building with a characteristic 1930's Art Deco frontage facing onto High Street. The building is set within the south western corner of the plot with an associated car park located to the north and east. The main access to the site is from High Street.

The land is designated in the LDF as being within the fringe area of the Hornchurch Major District Centre, although the site is also surrounded by residential accommodation to the north, south and west.

DESCRIPTION OF PROPOSAL

The application is seeking planning permission for the demolition of the former Mecca Bingo hall at 31 High Street, Hornchurch.

Planning permission is required for the demolition of the building because the Council has issued an Article 4 Direction which removes Part 11, Class B permitted development rights, which ordinarily allow demolition without planning permission, subject to prior approval process.

At this stage no further details of any proposed redevelopment of the site have been provided and it is just the demolition of the existing building and the subsequent cleared site remediation works that are being considered.

An accompanying demolition method statement has been submitted which outlines that the site would be secured with hoardings prior to demolition. The demolition process would commence using high reach machines with hydraulic attachments. Excavators would be used when the building is at a safe height and the building would be brought down to ground level foundations. Concrete and brick would be crushed and left on site.

The applicant has stated that works would be carried out between the hours of 8:00 to 18:00 Monday to Friday and 8:00 to 13:00 on Saturday, with no works taking place on Sunday.

RELEVANT HISTORY

- F0004.15 - Determination whether prior approval required for the demolition of the building at 31 High Street, Hornchurch.
Non standard dec 05-10-2015
- P1349.12 - New shopfront and roller shutter.
Apprv with cons 04-06-2013
- P0842.10 - Extension to existing smoking area including new giant umbrella and associated external upgrading works.
Apprv with cons 02-08-2010
- P0789.07 - To erect a side smoking shelter
Apprv with cons 18-06-2007
- P1150.96 - Paving works to front entrance area
Apprv with cons 15-11-1996

CONSULTATIONS / REPRESENTATIONS

Notification letters were sent to 110 properties and 6 letters of objection and 6 letters of support have been received. The comments raising objections can be summarised as follows:

- A huge shame to lose such a historic part of Hornchurch. The 1930's Art Deco building is a part of Hornchurch, it would be awful to lose it completely.
- Access into Fairkytes Avenue would cause more congestion.

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

- The building has served its purpose and presents an opportunity to enhance the area.
- To leave the building as it is will invite vandalism, attract vermin, promote illegal drug use and generally create a stain on the face of Hornchurch and the redevelopment of the site to a supermarket would regenerate this end of High Street.
- We would much rather see a flourishing shop than a derelict building.
- The building is an eyesore.

The Cinema Theatre Association - object to the proposed demolition due to its architectural quality and heritage significance including both internal and external features in excellent condition. The building should be added to Havering's schedule of buildings of Local Heritage Interest and the Langtons Conservation Area should be extended to include and protect it. Through the Borough's corporate well-being role, the Council should pro-actively seek appropriate new uses for this fine, prominent building.

Twentieth Century Society - object to the proposed demolition as the building and maintain that it is a non-designated heritage asset of local importance and considerable architectural significance. The building is a fine example of a streamline modern style, with bold pilasters, carved panels and

casement windows providing vertical contrast to the fluid corncicing and string courses which run horizontally across the facade. Internally the auditorium retains much of its original decoration. The proscenium arch remains in situ and is flanked on either side by full height niches with decorative grilles and balconettes. There is rich arabesque detailing to the skirting and dado, as well as strong horizontal moulding bands and detailing to the ceiling panels. So much of the original circle seating remains as do a number of polished walnut doors and brass fittings throughout. The comments go on to state that the Twentieth Century Society are concerned that the proposed demolition has not been supported by robust justification, or evidence that alternative retention and reuse strategies have been explored as required by the NPPF.

Greater London Archaeological Advisory Service (GLAAS) - the proposal is unlikely to have significant effect on heritage assets of archaeological interest. No further conditions are therefore necessary.

Local Highway Authority - no objection, recommended conditions relating to vehicle cleansing.

Environmental Health - no comments.

RELEVANT POLICIES

LDF

CP04 -	Town Centres
CP08 -	Community Facilities
CP17 -	Design
CP18 -	Heritage
DC27 -	Provision of Community Facilities
DC32 -	The Road Network
DC55 -	Noise
DC61 -	Urban Design
DC67 -	Buildings of Heritage Interest
SPD02 -	Heritage SPD

OTHER

LONDON PLAN - 2.15 Town Centres

-

LONDON PLAN - 7.4 - Local character

LONDON PLAN - 7.8 - Heritage assets and archaeology

NPPF - National Planning Policy Framework

MAYORAL CIL IMPLICATIONS

The proposal is for the demolition of the existing building only so there is no increase in floorspace. As such the proposal is not liable for any Mayoral CIL payments.

STAFF COMMENTS

The main considerations relate to the loss of a characteristic 1930's art deco building, the impact on the character and appearance of the streetscene and the implications for the amenity of

neighbouring occupiers during the proposed demolition process.

It is important to note that this application is solely considering the proposed demolition of the existing building and the subsequent site clearance works. At this stage no further details of any proposed redevelopment of the site have been provided.

BACKGROUND

The building, formerly known as the Towers Cinema, was constructed in 1935 and operated as a cinema until 1973 when it was converted to a bingo hall. In 2015, the building and associated land was sold to the Lidl supermarket group and the bingo hall ceased operation shortly afterwards. The building is currently vacant.

In September 2015 an application was submitted by the Lidl group seeking determination as to whether prior approval is required for the demolition of the building. In response the Council issued an immediate Article 4 Direction on 2 October 2015, removing permitted development rights for demolition, as there was an imminent threat the building could be lost at the same time that it was being considered by Historic England to be added to the List of Buildings of Special Architectural or Historic Interest.

On 13th November 2015, Historic England confirmed that the Secretary of State for Culture, Media and Sport had decided not to list the building based upon a the findings of a Historic England advice report, which assessed the building's historic interest and found that the criteria for listing were not fulfilled.

Nevertheless, in view of the level of detail submitted with the application for demolition and the potential for a significant adverse impact on local residents it was considered that prior approval of the method of demolition and site restoration would be required.

Notwithstanding this, permitted development rights for demolition of the building were removed by virtue of an Article 4 Direction, issued on 2 October 2015.

PRINCIPLE OF DEVELOPMENT

Policy DC27 seeks to protect community facilities from redevelopment stating that community buildings provide important facilities in which people can meet and interact. The policy recognises that they need to be close to places where people live to serve local communities. Policy CP8 sets out that the Council will ensure that a suitable range of community facilities are provided to meet existing and forecast demand. However, crucially the policy does not identify a Bingo Hall use as a community facility.

In terms of use class; the building at 31 High Street has a D2 assembly and leisure use. In its current guise there is no permitted change under the use class order to a community facility and as such planning permission would be required to change the use of the building to a recognised D1 community use.

Whilst it is acknowledged that the former Bingo Hall served a valuable leisure purpose within the local community for many years, ultimately Mecca Bingo was a commercial venture that decided to close and the building has remained vacant since November 2015. In planning terms the former

Bingo Hall is not therefore regarded with the same significance as for example a community hall or education/health facility.

Taking into account the current landuse at the site and the relevant LDF policies, the proposed demolition of the former Bingo hall would not result in the loss of a community facility from a planning perspective. As such there is no objection in planning policy terms and the demolition of the building is considered to be acceptable in principle subject to the consideration of other key factors discussed later in the report.

DESIGN / IMPACT ON STREET / GARDEN SCENE

The existing building at 31 High Street comprises a large and conspicuous detached structure, with a grand frontage and considerable scale and bulk. As such the former Bingo Hall forms a prominent feature in the streetscene along this section of High Street.

In terms of the site surroundings the building stands significantly taller than the two-storey parade of shop units immediately to the west of the site at 23-27 High Street. In addition the former Bingo Hall is considerably larger in terms of height and bulk in comparison to the shop units to the east at 35-37 High Street, which lie beyond the main car park entrance.

The wide car park entrance currently provides a sense of openness between the buildings and serves to break up the continuous built form which stretches out along High Street from Hornchurch town centre. Whilst it is recognised that the loss of the substantial building in this location would change the appearance of the streetscene significantly, Staff are of the view that its removal in terms of physical presence would not be unduly harmful to the character of the streetscene. Given that there is already an element of spacing between the buildings in this part of High Street it is not considered that the loss of the former Bingo Hall would unduly harm the rhythm of the built environment or result in an incongruous amount of spacing between the remaining buildings on High Street.

IMPACT ON AMENITY

The existing building is substantial and lies close to residential properties. As such the demolition has the potential to have a significant adverse impact on residential amenity.

The main impacts would be from noise and dust, but there could also be impacts from traffic moving materials from the site. There is currently no planning application for the redevelopment of the site following the demolition of the building, therefore, the site would need to be restored to a tidy state prior to the determination of any future planning application for new development.

The submitted demolition statement outlines that noise levels on site will be kept to a minimum through the use of shears and concrete pulverisers. The concrete and brick would then be crushed and left on site, which would not result in additional traffic movement in the form of tipper trucks or heavy vehicles.

In addition the demolition works would be limited to between the hours of 8am to 6pm on Monday to Friday and 8am to 1pm on Saturday, with no demolition works carried out on Sunday. The use of Fairkytes Avenue for demolition works traffic will also be restricted to ensure any vehicle access is taken from High Street.

It is also noted that the demolition process would be undertaken over a temporary period and as such any disruption to the amenity of neighbouring residents would be for a relatively short period whilst the works are completed.

Demolition works aside, it is noted that the existing building is substantial and the proposal to demolish it would result in the removal of a significant mass within the rear garden environment for the properties along Fairkytes Avenue. It could therefore be argued that the removal of the building would improve outlook and amenity for these residents. Conversely, it is also recognised that residents may regard the building's long standing presence, its function and design to be a benefit as they are not currently overlooked from the site.

Taking above analysis into account, it is considered that the proposals would not adversely impact upon residential amenity.

HIGHWAY / PARKING

As the application is for the demolition of a building the proposal raises no immediate issues in relation to off-street car parking provision.

In terms of the impact on the surrounding highway network resulting from demolition vehicles, it is noted that the former Bingo Hall occupies the south west corner of the site, with the remaining area comprising a relatively flat tarmacked car parking area. It is considered that the site therefore offers a considerably generous amount of spacing to accommodate vehicles and materials associated with the demolition process.

OTHER ISSUES

HERITAGE CONSIDERATIONS

As mentioned previously, the building was assessed by Historic England in November 2015. After examining all the records and other relevant information and having carefully considered the architectural and historic interest of the building, the criteria for listing were not deemed to be fulfilled.

Whilst Historic England consider that the former Towers Cinema possesses local architectural and historic interest, it was not of the quality or intactness to merit national listing. In summing up their assessment Historic England stated that they already have a good understanding of cinemas of this period nationally and comparison with listed contemporaries demonstrates that the former Towers Cinema is not of their calibre despite the survival of some original features (most notably in the auditorium). However, in Historic England's view, losses to the original design are significant. Therefore the building was not added to the statutory List.

Nevertheless, Historic England's accompanying assessment report does state that it is clear from responses to the listing case consultation that the building is viewed with affection by members of the local community. For this reason, and as an example of Kemp and Tasker's design for a local chain, the building may be considered to have local architectural and historic interest, despite the fact it does not meet the criteria for listing from a national perspective.

A series of buildings of local heritage interest are recognised by Havering as heritage assets, and are valued by the community for their contribution to the history, appearance, character and cultural role of Havering. Whilst it is noted that the former Bingo Hall includes characteristic 1930's Art Deco features and detailing, the building is not currently included in Havering's register of buildings of local heritage interest. As such it currently has no special protection as a locally listed building, but given the comments made by Historic England, it could reasonably be recognised for its value as a non-designated heritage asset.

The NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining a planning application. In weighing applications that affect directly or indirectly 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.

The NPPF also sets out useful guidance with regard to proposed development that would lead to the total loss of a designated heritage asset. Whilst it is not directly applicable in this instance, given the non-designated status of the former Bingo hall building, it does set out a series of criteria for Local Authorities to consider. Of particular note is the consideration as to whether the loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or the harm or loss is outweighed by the benefit of bringing the site back into use.

The site has been vacant since the Bingo Hall closed in November 2015 and given its unique characteristics it would not necessarily be easily adaptable to another commercial or retail use. It is also recognised that there is a likelihood for the building to remain unoccupied in the short to medium term, which could pose additional risks with the building suffering from deterioration, vandalism and the potential to attract anti-social behaviour. Consequently, these issues could result in a significantly negative and problematic impact on the quality of the local environment.

Although no further details of any proposed redevelopment of the site following demolition have been provided, it is acknowledged that the site has been purchased by the Lidl group, and the removal of the former Bingo Hall building would therefore appear to be critical to the future redevelopment of the site and associated car park area. As a result it is considered that the demolition of the former Bingo Hall would be the first stage in a process towards the comprehensive redevelopment of the site and could aid the potential for unlocking further regeneration benefits for the this part of Hornchurch town centre.

In addition, it is noted that the building is not within a Conservation Area. Had the building been located within one, then knowledge of what would replace the existing building would be a material consideration in judging whether demolition could be supported. As this building is outside of any Conservation Area, a similar assessment is not appropriate. In Staff's view, this limits the extent to which Members could insist on seeing such details upfront. It is recognised however that this is a matter of judgement which Members may wish to consider.

ASSET OF COMMUNITY VALUE (ACV)

The Localism Act 2011 introduced a new right for the community to nominate to the Council certain local publicly or privately owned buildings (or land) for recognition as being an Asset of Community Value (ACV).

A building or land can be listed as an ACV if:

- The current primary use of the building/land or use of the building/land in the recent past furthers the social well-being or social interests (cultural, recreational or sporting interests) of the local community.
- It is realistic to think that now or in the next five years there could continue to be primary use of the building/land which will further the social well-being or social interests of the local community (this does not have to be in the same way as before - though it can be).

An application was received by the Council in February 2016 to list the former Bingo Hall building as an ACV. The application was made by an unincorporated group of 21 local people.

The Council has recently determined that it will accept the application and list the building as an ACV. What this listing does in practice is to put in place provisions to ensure that the community have an ability to express an interest and prepare a business plan/finance if the current owner (Lidl) decides to sell the building. There is an overall moratorium of 6 months involved if the owner decides to sell. The owner can sell to whoever they choose at the end of this 6 month period but they can sell to a community group at any time before then.

It is important to note that the ACV in itself does not prevent or stop demolition of the former Bingo Hall and the ACV only becomes effective if the owner decide to sell the building on.

At present, the listing of an ACV is not automatically treated as a material consideration when determining planning applications relating to the building/land. The Department of Communities and Local Government (DCLG) Guidance advises that it is a matter for the local planning authority to decide as to what degree of weight should be attached to any listing when assessing a planning application involving the building or land.

In this instance Staff are of the view that given the site has been purchased by the Lidl group, there is limited scope that the building will come up for sale again in the immediate future. As such the opportunity for the nominating community group or others to acquire the building for a future Bingo Hall, cinema or other versatile community group venue appears to have passed and as a result of these factors, Staff are of the opinion that the ACV listing should be given limited weighting in the overall assessment of whether the demolition of the building is acceptable in planning terms.

Staff recognise that this issue is a matter of judgement and invite Members to consider this issue carefully.

KEY ISSUES / CONCLUSIONS

In presenting this report, it is recognised that certain elements of the community have lobbied for the building's retention.

The building serves as a very visible local landmark and has architectural merit as well as a historical legacy for recreational use. This function has now ceased and attempts to have the building formally protected through listing due to its architectural and historic quality have not been supported.

In conclusion, Staff consider there is not an overwhelming planning case for the retention of the building when balancing this against the regeneration prospects for the town centre through a redevelopment of what is currently a vacant site. Staff neither consider that the demolition of the building would have a harmful impact on the character of the streetscene or result in a loss of amenity to neighbouring occupiers. The proposal is considered to be acceptable and it is therefore recommended that planning permission be granted subject to conditions.

RECOMMENDATION

It is recommended that **planning permission be GRANTED** subject to the 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. SC57 Wheel washing (Pre Commencement)

Before the development hereby permitted is first commenced, vehicle cleansing facilities to prevent mud being deposited onto the public highway during construction works shall be provided on site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be retained thereafter and used at relevant entrances to the site throughout the duration of construction works. If mud or other debris originating from the site is deposited in the public highway, all on-site operations shall cease until it has been removed.

The submission will provide;

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

Reason:-

Insufficient information has been supplied with the application in relation to wheel washing facilities. Submission of details prior to commencement will ensure that the facilities provided prevent materials from the site being deposited on the adjoining public highway, in the interests of highway safety and the amenity of the surrounding area. It will also ensure that the development accords with the Development Control Policies Development Plan Document Policies DC32 and DC61.

3. SC32 (Accordance with plans)

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

Reason:-

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

4. SC62 (Hours of construction)

All demolition operations; 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.

5. No access from Fairkytes Avenue

Fairkytes Avenue shall not be used by any works traffic during the demolition of the building hereby approved.

Reason:-

To protect the amenity of neighbouring residents and in the interests of highway safety, and in order that the development accords with the Development Control Policies Development Plan Document Policies DC32 and 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 June 2016

APPLICATION NO. P0350.16
WARD: Squirrels Heath **Date Received:** 21st March 2016
Expiry Date: 16th May 2016

ADDRESS: Squirrels Heath Horticultural Society
Station Road
Gidea Park
Romford

PROPOSAL: Demolition of existing building and erection of a two storey building to provide a cafe (Use Class A3) on the ground floor and residential accommodation (Use Class C3) on the first floor and in the roof space.

DRAWING NO(S): SK/290116/2
SK/290116/1

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

CALL-IN

The case has been called in by the following councillors:

Cllr Melvin Wallace has commented that local residents are in support of the application and wish for options to be discussed by Councillors at Committee.

Cllr Damien White has commented that he is concerned that the proposed development will adversely impact the amenity of the surrounding area and be out of keeping with the surrounding location".

SITE DESCRIPTION

The application site is rectangular in shape and occupied by a single storey building formerly in use by the Squirrels Heath Horticultural Society. The site is bounded to the north by a public footpath which is itself adjacent to Gidea Park Railway Station and its tracks lie at a lower level below the path; to the south the site is bounded by Station Road; to the east is 15 Station Road which is a two storey semi-detached dwelling house and to the west is an empty overgrown plot with advertisement hoardings to the rear and abutting the footpath previously mentioned. The application site is adjacent to the Gidea Park Conservation Area which lies to the north and west and includes the station.

DESCRIPTION OF PROPOSAL

The proposal involves the erection of a two storey building covered by a dual pitched gable ended roof with two front facing and three rear facing dormer windows. The building would face south onto Station Road and provide a cafe on the ground floor and a two bedroom residential unit on the first floor and in the roof space. A first floor rear balcony with a wedge shaped footprint provides amenity space for the residential accommodation and three parking spaces are proposed to the front of the building. The residential accommodation would be entered via a doorway in the east flank of the building and the cafe via a doorway to the front. Windows are provided in all four elevations.

RELEVANT HISTORY

There is no relevant history for this site. However it is considered that the recent history of the adjacent empty plot of land to the west of the site is of relevance to the current application and this is set out below.

In 2011 planning permission for a two storey building with office accommodation on the ground floor and residential above was refused under application reference P0062.11. The proposed building had a pitched roof with gabled ends and two forward facing gable features. The reasons for refusal were that the proposed building would, because of its proximity to the boundaries and height and bulk and massing, be incongruous in the street scene and out of character with existing development including that in the adjoining station area of the Gidea Park Conservation Area. It was also considered that the proposal, for reason of inadequate amenity space, would provide a poor living environment for the future occupiers of the flatted accommodation. This decision was upheld on appeal in 2012.

CONSULTATIONS / REPRESENTATIONS

21 nearby and neighbouring properties were notified of the application and a site notice was displayed. As a result of this publicity 2 letters of representation were received objecting to the proposal. Objections related to:

- Loss of light and privacy to 15 Station Road (the semi-detached house to the immediate east of the application site);
- Increased traffic generation in the area;
- Increase pressure on parking in the area;
- Noise and smells from the cafe;
- Loss of trade to the sandwich bar at 1 Station Road .

There has been no correspondence in support of the application.

An email has also been received from the owner of the adjoining empty site to the west objecting to the proposal on the basis that the fenestration to the west flank of the proposed development would preclude future development of that site.

Local Authority Environmental Health - request conditions relating to noise and vibration.

Local Authority Highways - concerns that there is insufficient off-street parking for the A3 use and it may be more appropriate to provide 2 spaces for this use and 1 for the residential unit. Requested that opening hours be conditioned as there are concerns about parking on Station Road outside the restricted times of 8:00am to 6:30pm.

London Fire Brigade - no objection.

Network Rail - no objection.

RELEVANT POLICIES

LONDON PLAN

Policy 6.13 - Parking
Supplementary Planning Guidance Housing

LDF

CP1 - Housing Supply
CP17 - Design
DC3 - Housing Design and Layout
DC32 - The Road Network
DC33 - Car Parking
DC35 - Cycling
DC40 - Waste Recycling
DC61 - Urban Design
DC69 - Other Areas of Special Townscape or Landscape Character
DC7 - Lifetime Homes and Mobility Housing
DC72 - Planning Obligations
Planning Obligation SPD
Residential Design SPD

MAYORAL CIL IMPLICATIONS

The proposal would be liable for a Mayoral CIL contribution of £20 per square metre. The existing building has a floor area of 96 square metres and the proposed new building gross internal floor area of 169 square metres. The contribution would therefore be $(169 - 96) \times 20 = £1,460$.

STAFF COMMENTS

The issues arising from this application are the principle of the proposed development, impact in the street scene, impact on residential amenity, highways/parking issues.

It should be noted that the agent for the applicant was contacted by the case officer regarding the design of the proposed building. The case officer suggested that a reduced structure without forward facing dormer windows or gable ends would be more appropriate to the location and requested the submission of a revised scheme. The agent declined this request stating that he considered that the 3 storey buildings on the corner of Balgores Lane and Station Road set a precedent for the area.

PRINCIPLE OF DEVELOPMENT

The site lies outside the Metropolitan Green Belt, Employment Areas, Commercial Areas, Romford Town Centre and District and Local Centres. The principle of residential development is considered acceptable in land-use terms and the provision of additional housing is consistent with NPPF as the application site is within an established urban area.

Policy CP1 indicates that outside town centres and the Green Belt, priority will be made on all non-specifically designated land for housing.

The proposal is for redevelopment to provide a commercial use on the ground floor with residential above. As the proposal is for a mixed use scheme which includes a residential component it is considered to broadly comply with policy and to be acceptable in principle.

Nonetheless, the proposal would need to be of a high standard of design and layout.

DESIGN / IMPACT ON STREET / GARDEN SCENE

The application site abuts the Gidea Park Conservation Area which lies to the north and any proposal for the site must take into account the sensitivity of the location. The proposed building would be visible from within the Conservation Area and also from outside the Conservation Area with the Conservation Area as a background - particularly the station buildings which lie within the Conservation Area.

The proposed building would be located in a part of Station Road which is residential in nature and contains regularly spaced pairs of two storey semi-detached houses with hip ended roofs. It is considered that while there is potential for a two storey building in this location, the building proposed with its gable ends and forward facing dormer windows would be alien to the street scene and its bulk would be similar to that of a 3 storey building. It would be particularly prominent and discordant as it would be located at the western end of a curving row of four matched and evenly spaced semi-detached pairs of houses and the western end of the development would be prominent and widely visible in the streetscene.

The argument put forward by the agent for the applicant that the 3 storey buildings on the corner of Balgores Lane and Station Road set a precedent for the area is not considered to provide justification for the proposal. These buildings stand on the opposite side of the street 75 metres from the application site and away from the Conservation Area. Their height is justified by their role in defining the street corner and is immaterial to the application under consideration.

IMPACT ON AMENITY

Amenity space is provided for the residential accommodation in the form of a first floor balcony which would have the potential to provide a platform from which the rear of the neighbouring property to the east could be overlooked. The use of the balcony could also pose a noise nuisance to that property. It is considered that these issues could be adequately mitigated by the imposition of a condition requiring the provision of a screen to the east side of the balcony.

It is not considered that the proposed building would cause any loss of light to neighbouring properties.

The proposed opening times of the cafe are from 7am to 6pm Monday to Saturday and it is considered that if these hours were to be imposed by condition the cafe would not result in any material loss of amenity to surrounding properties.

HIGHWAY / PARKING

It should be noted that when the requirement for refuse storage facilities is taken into account there would be room for only 2 parking spaces.

The Public Transport Accessibility Level for this location is 3 and this translates to a requirement of 2-1.5 spaces per residential unit by the density matrix set out as part of Policy DC2.

The Highways Officer is concerned that the A3 use might put pressure on parking on Station Road outside the restricted times of 8:00am and 6:30 pm and has suggested that this could be mitigated by restricting the opening hours by condition and allocating 2 of the 3 proposed parking spaces to the A3 use. Given that there is only room for 2 parking spaces this would result in there being no parking for the residential property.

Staff have however considered the fact that the cafe is only proposed to open during daytime hours where on street parking is restricted and judge therefore that, similar to other commercial premises in the locality that do not have frontage parking, a shortfall in parking provision for the A3 use would not be materially harmful to local highway conditions, such that it would be possible not to require off street parking for the cafe and to provide a space for use of the flat instead. It is recognised however that this is a matter of judgement for Members as to the adequacy of the parking arrangements proposed.

OTHER ISSUES

AMENITY SPACE

The London Plan requires the provision of 7 square metres of outdoor space for a 4 person dwelling such as that proposed and balconies are required to have a minimum depth of 1.5 square metres. The balcony provided for the dwelling has a tapering shape due to the limited area available at the rear of the site and only 5 square metres of amenity space with a depth of 1.5 metres are provided. In addition this space is difficult to get to as the outward opening balcony door blocks access to the area.

INTERNAL AREA

The residential accommodation complies with the national DCLG space standards for internal area.

WASTE

No refuse store has been provided for the commercial unit or for the proposed dwelling contrary to Policy DC40 (Waste Recycling) of the LDF. A refuse store could be secured via condition although the only location that would be available is in the place of one of the parking spaces.

CYCLE STORAGE

Policy DC35 (Cycling) of the LDF requires the provision of 2 cycles for a dwelling such as that proposed. No cycle storage is provided, although this could be secured via condition and located along alongside a refuse store in place of one of the parking spaces.

ADJOINING SITE

Concerns have been raised by the owner of the adjoining site to the east that the fenestration in the west flank of the proposed building would preclude future development of that site. It is considered that a condition requiring that the windows in the west flank are obscure glazed would adequately address this concern and would not cause an unacceptable loss of outlook.

ODOURS

A condition requiring the installation of appropriate odour extraction equipment would mitigate any issues of smells from the commercial use.

SECTION 106

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

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

Policy DC72 of the Council's LDF states that in order to comply with the principles as set out in several of the Policies in the Plan, contributions may be sought and secured through a Planning Obligation. Policy DC29 states that the Council will seek payments from developers required to meet the educational need generated by the residential development. Policy 8.2 of the Further Alterations to the London Plan states that development proposals should address strategic as well as local priorities in planning obligations.

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

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

The evidence background to the SPD, contained in the technical appendices is still considered relevant. The evidence clearly show the impact of new residential development upon infrastructure - at 2013, this was that each additional dwelling in the Borough has a need for at least £20,444 of infrastructure. Therefore, it is considered that the impact on infrastructure as a result of the proposed development would be significant and without suitable mitigation would be contrary to Policy DC72 of the LDF and Policy 8.2 of the London Plan.

Furthermore, evidence clearly shows a shortage of school places in the Borough - (London Borough of Havering Draft Commissioning Plan for Education Provision 2015/16-2019/20). The

Commissioning report identifies that there is no spare capacity to accommodate demand for secondary, primary and early years school places generated by new development. The cost of mitigating new development in respect to all education provision is £8,672 (2013 figure from Technical Appendix to SPD). On that basis, it is necessary to continue to require contributions to mitigate the impact of additional dwellings in the Borough, in accordance with Policy DC29 of the LDF.

Previously, in accordance with the SPD, a contribution of £6000 per dwelling was sought, based on a viability testing of the £20,444 infrastructure impact. It is considered that, in this case, £6000 towards education projects required as a result of increased demand for school places is reasonable when compared to the need arising as a result of the development.

It would therefore be necessary to require a contribution to be used for educational purposes. Separate monitoring of contributions would take place to ensure that no more than 5 contributions are pooled for individual projects, in accordance with CIL legislation. It is considered that a contribution equating to £6000 for educational purposes would be appropriate.

As this application is to be refused there is no mechanism for securing this contribution and this therefore also forms grounds for refusal.

KEY ISSUES / CONCLUSIONS

A two storey building on this site would be acceptable in principle, however the design of the building proposed jars with that of the surrounding residential dwellings and is contrary to the advice set out in the Council's supplementary planning guidance and Policy DC61 (Urban Design) of the LDF. Given that a similarly discordant building on the adjacent site was recently refused permission and that this decision was upheld on appeal it is suggested to members that approval of the current scheme could be seen as inconsistent and inequitable. In addition the lack of usable outdoor amenity space, parking and the omission of a refuse store and a cycle store from the scheme and which would necessitate the loss of a parking space may also be judged to be indication of overdevelopment on a site with a limited footprint. It is therefore recommended that planning permission is refused.

RECOMMENDATION

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

1. Refusal Design

The proposal, by reason of its design, massing and its location in the streetscape is considered to be detrimental to the character of the surrounding area and contrary to Policy DC61 (Urban Design) of the Core Strategy and Development Control Policies Development Plan Document.

2. Reason for Refusal - Planning Obligation

In the absence of a legal agreement to secure contributions towards the demand for school places arising from the development, the proposal fails to satisfactorily mitigate the infrastructure impact of the development, contrary to the provisions of Policies DC29 and DC72 of the Development Control Policies DPD and Policy 8.2 of the London Plan.

INFORMATIVES

1. Refusal and CIL (enter amount)

The proposal, if granted planning permission on appeal, would be liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be £1,460. Further details with regard to CIL are available from the Council's website.

2. Planning obligations

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

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

3. 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 Neil Cooper of Signature Planning by telephone on 12 May 2016. The revisions involved changes to the design of the building to make it fit in with the street scene. The agent declined to make the suggested revisions.

OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 30th June 2016

APPLICATION NO.	P0413.16	
WARD:	Gooshays	Date Received: 5th April 2016 Expiry Date: 4th July 2016
ADDRESS:	Dycorts School Settle Road Harold Hill	
PROPOSAL:	Proposed single storey extension and link to main school building - resubmission of P1072.15 (relocation of proposed extension)	
DRAWING NO(S):	02B/DS/16 01A/DS/16	
RECOMMENDATION	It is recommended that planning permission be GRANTED subject to the condition(s) given at the end of the report	

SITE DESCRIPTION

The application site is Dycorts School, which is situated on the western side of Settle Road within the Metropolitan Green Belt. There have been a number of planning applications in previous years for development within the school grounds.

The application site is set well away from the highway and as such is far removed from neighbouring residential properties. The site is also screened by mature trees and vegetation.

The site is adjacent to the Scheduled Ancient Monument of Dagnam Park Farm moated site which lies to the west of the site. Also beyond the boundaries of the site is an area identified as a Site of Importance for Nature Conservation, owing, in part, to the great crested newt breeding ponds and associated ecology.

DESCRIPTION OF PROPOSAL

The Local Authority are in receipt of an application which proposes a single storey extension to the existing school building for the purpose of providing 2 additional classrooms and toilet facilities.

This application follows a previous submission which was approved at Regulatory Services Committee in December 2015.

The bulk of the proposal remains as before, with only marginal increases to the overall height and depth/width of the proposal. The main difference to the previous submission is that the extension would be relocated to the northern elevation of the northern block, as opposed to the western elevation (rear of the building).

The demountable units on site are unauthorised and are to be removed. They do not form part of this application.

RELEVANT HISTORY

P1072.15 - Removal of two demountable units. Proposed single storey extension to school building.

Aprv with cons 18-12-2015

CONSULTATIONS / REPRESENTATIONS

The proposal has been advertised by way of a site notice and in the local press as development which is contrary to the Metropolitan Green Belt Policies of the LDF Core Strategy and Development Control Policies Development Plan Document.

Notification letters were sent to 24 neighbouring properties. No letters of representation were received.

Environmental Health - No Objection

Highway Authority - No Objection

Historic England - No Objection

Historic England (GLAAS) - No objection

RELEVANT POLICIES

LDF

- CP17 - Design
- DC29 - Educational Premises
- DC32 - The Road Network
- DC33 - Car Parking
- DC45 - Appropriate Development in the Green Belt
- DC59 - Biodiversity in New Developments
- DC60 - Trees and Woodlands
- DC61 - Urban Design
- DC63 - Delivering Safer Places
- DC70 - Archaeology and Ancient Monuments

OTHER

LONDON PLAN - 3.18 Education facilities

-

LONDON PLAN - 7.16 Green Belt

-

NPPF - National Planning Policy Framework

MAYORAL CIL IMPLICATIONS

Educational facilities are not liable for Mayoral CIL.

STAFF COMMENTS

The issues in this case are the principle of the development, the impact on the open character of the Green Belt, the impact of the development on the street scene, effect on the amenities of

nearby residential occupiers, implications for the adjacent Scheduled Ancient Monument (SAM), nature conservation impact and highways/parking issues. These issues will be addressed below.

The subject application is brought to the Regulatory Services Committee as it is for a school related development located within the Green Belt.

PRINCIPLE OF DEVELOPMENT

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

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

Furthermore, LDF Policy DC29 states that educational premises should be of a suitable quality to meet the needs of residents. It is noted that this school provides for children with special educational needs and there is a demand for additional school places. Staff are of the view that the proposed classroom extension would enhance the facilities offered by the school currently, therefore can be judged to be in accordance with Policy DC29.

GREEN BELT IMPLICATIONS

As indicated above, the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate development in the Green Belt. An exception to this is the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

To this end, staff consider that the addition of a single storey extension of the scale proposed, would be proportionate in scale to the host building. Its design draws parallels with the original school building and it is considered that the extension proposed would complement the existing building form. The extension is set well away from the boundaries of the site and is therefore not considered to detract from the open nature of the Green Belt due to a combination of its acceptable scale and siting.

The proposal is therefore judged to have an acceptable impact within the Green Belt and to constitute appropriate development.

DESIGN / IMPACT ON STREET / GARDEN SCENE

The proposed addition would be located on the northern elevation of the northern block of the existing school building. Due to its siting, the extension proposed would not be easily visible from the street scene, as it is some 70m from Settle Road, well away from the highway/neighbouring properties and obscured from view by the original school building. Staff therefore consider that

there would be no adverse impact on visual amenity.

It is the view of staff that the proposed extension would not represent an incongruous or unusual feature within this context.

IMPACT ON AMENITY

There are no implications related to neighbouring amenity due to the siting and scale of the proposed addition and the distance of the neighbouring properties from the school. Impacts are not expected to be over and above that normally expected from an educational establishment.

HIGHWAY / PARKING

The proposal is for two additional classrooms within the site, which has potential to increase vehicular movement to and from the site. The application indicates that there would be 6 additional full time staff members bringing the total on site to 85.

It is the view of staff that there exists on site, a sufficient level of parking to accommodate the increase in staff and pupils. The school is served by a relatively large parking area to the south and staff consider that the increase could be absorbed without material harm to the functioning of the highway. Highways have raised no objection to the proposal although it is recommended that a condition be imposed requiring a travel plan be submitted to and approved in writing by, the Local Planning Authority prior to the commencement of any works on site.

OTHER ISSUES

The application site adjoins the site of a Scheduled Ancient Monument - Dagnam Park Farm moated site. The Local Planning Authority consulted with Historic England with regards to the potential impact that the proposed development may have on the setting of the scheduled ancient monument. In contrast to the previous application, where a condition was requested relating to the archaeological interests of the site/wider locality, no objections were raised. This is likely owing to the change in siting of the proposed extension compared to the previous submission.

The site is also within the immediate vicinity of a Site of Importance for Nature Conservation (SINC). Previously comments were received from residents which noted the potential impact on the great crested newt population in the breeding ponds beyond the boundaries of the site. The site was visited to assess the potential impact on the breeding habitat of the great crested newts and the decision made that no negative impact on the local great crested newt populations would result, primarily due to the fact that the bulk of the site comprises of hard-standing and short mown grassland (not suitable for newt habitat) and that an adequate separation from the development and the site boundaries/breeding ponds beyond would have existed.

Whilst the proposed extension is to be relocated, it is considered by staff that the above points are still valid and that the combination of site conditions and the distance from the site boundaries/breeding ponds would prevent any harmful impact in this respect.

KEY ISSUES / CONCLUSIONS

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

safeguarding conditions.

Staff consider that the proposal would accord with Policy DC29 in relation to enhancing existing educational facilities and would accord with the general principles for the development in the Green Belt laid out in the NPPF. The proposed extension is modestly sized, which would therefore not detract from the openness of the Green Belt. Furthermore staff are satisfied that the scale and design of the proposed addition would integrate acceptably with the host building and present no harmful impact upon the setting of the Scheduled Ancient Monument and ecology beyond the boundaries of the site relating to the SINC.

It is therefore recommended that planning permission be granted.

RECOMMENDATION

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

1. SC4 (Time limit) 3yrs

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

Reason:-

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

2. SC10 (Matching materials)

All new external finishes shall be carried out in materials to match those of the existing building(s) to the satisfaction of the Local Planning Authority.

Reason:-

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

3. SC32 (Accordance with plans)

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

Reason:-

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

4. SC62 (Hours of construction)

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.

5. Non Standard Condition 2 (Pre Commencement Condition)

Prior to the first occupation of the classroom extension hereby approved, a Travel Plan shall be submitted to and agreed in writing by the Local Planning Authority. The plan shall include measures to encourage staff and visitors to travel to the site by means other than by private car. The plan as approved shall be monitored and reviewed on an annual basis for three years and a copy of that review and action plan arising shall be submitted to the Local Planning Authority. The measures described in the action plan shall be implemented in the time period identified within it.

Reason: In the interests of reducing car-borne travel and maintaining the free flow of the highway, and to accord with Policy DC32 of the Core Strategy and Development Control Policies Development Plan Document.

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.

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**REGULATORY
SERVICES
COMMITTEE**

REPORT

30 June 2016

Subject Heading:

P0086.16 - 72 Rainsford Way,
Hornchurch

Application to vary condition 4 of
P0172.15, to amend parking layout at
retain telegraph pole in existing location
(Application received 12 February 2016).

Ward

Hylands

Report Author and contact details:

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

Policy context:

Local Development Framework
The London Plan
National Planning Policy Framework

Financial summary:

None

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

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

SUMMARY

The Council are in receipt of an application which seeks to vary condition 4 of application P0172.15. Application P0172.15 sought permission for the construction of an attached property to 72 Rainsford Way which was approved, subject to the completion of a legal agreement to secure a financial contribution towards education and conditions. Condition 4 of this consent related to the arrangement of parking for the existing/proposed dwellings and reads as follows.

Before the building(s) hereby permitted is first occupied, the area set aside for car parking as shown on drawing no. SP15012-BB shall be laid out and surfaced to the satisfaction of the Local Planning Authority and retained permanently thereafter for the accommodation of vehicles visiting the site and shall not be used for any other purpose. This includes the relocation of the telegraph pole as identified on the drawings submitted.

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

The applicant seeks to vary the wording of this condition to remove reference to the relocation of the telegraph pole. Plans have been submitted which demonstrate four parking spaces over both properties, existing and proposed and swept path analyses for each.

Having had regard to relevant planning policy and all other material planning considerations, the proposal is considered to be acceptable in all respects and approval is recommended, subject to a deed of variation for the existing legal agreement and compliance with details previously submitted to secure detail for original planning conditions.

The application has been called into committee by Councillor Jody Ganly.

RECOMMENDATIONS

That the proposal is unacceptable as it stands but would be acceptable subject to the applicant entering into a Deed of Variation under Section 106A of the Town and Country Planning Act 1990 (as amended) to vary the legal agreement completed on 16th July 2015 in respect of planning permission P0172.15 by varying the definition of Planning Permission which shall mean either planning

permission P0172.15 as originally granted or planning permission P0086.16 and any other changes as may be required from this.

- The Developer/Owner to pay the Council's reasonable legal costs associated with the preparation of the deed of variation irrespective of whether the Agreement is completed.
- The Developer/Owner to pay the appropriate planning obligation/s monitoring fee prior to completion of the Agreement.

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

1. Time Limit

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

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

2. Materials

The development shall be carried out in accordance with the external materials and finishes submitted under reference Q0190.15 unless otherwise agreed in writing by the Local Planning Authority.

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

3. Accordance with Plans

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

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

4. Parking Provision

Before the building(s) hereby permitted is first occupied, the area set aside for car parking as shown on drawing no. SP15012-BB shall be laid out and surfaced to the satisfaction of the Local Planning Authority and retained permanently thereafter for the accommodation of vehicles visiting the site and shall not be used for any other purpose.

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

5. Number of parking spaces

Before the building(s) hereby permitted is first occupied, provision shall be made within the site for two car parking spaces for both existing and proposed dwelling houses and thereafter this provision shall be made permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that adequate car parking provision is made off street in the interests of highway safety.

6. Refuse and recycling

Refuse and recycling facilities are to be provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority under application Q0190.15. The refuse and recycling facilities shall be permanently retained thereafter.

Reason: To ensure that adequate provision is made for refuse and recycling storage, in accordance with Policy DC61

7. 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 under application Q0190.15. The cycle storage shall be permanently retained thereafter.

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

8. Hours of construction

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

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

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

9. Standard Flank Window Condition

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

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

11. Removal of permitted development rights

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order), other than porches erected in accordance with the Order, no extension or enlargement (including additions to roofs) shall be made to the dwelling house(s) hereby permitted, or any detached building erected, without the express permission in writing of the Local Planning Authority.

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

INFORMATIVES

12. 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.

13. Vehicle crossover informative

The proposal involves works which affect the highway and/or its verge. Before commencing such works you must obtain separate consent of the Highway Authority. Please contact the Streetcare on 01708 432563.

14. Secure by Design informative

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

15. 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.

REPORT DETAIL

1. Call In

The application is called into committee by Councillor Ganly regarding the impact that the proposed development would have on the residents of Rainsford Way.

- 1.1 Councillor Ganly highlights that the parent application, P0172.15 was approved with the provision of two spaces per dwelling. It is considered that by not relocating the telegraph pole that the proposed dwelling would only benefit from one parking space. It is therefore likely that an additional car would park across the driveway and create an obstruction for residents with driveways/garages opposite the site.
- 1.2 Concern is also raised by Councillor Ganly over the achievability of vehicles to manoeuvre on/off the site with the telegraph pole in situ in such proximity to the adjacent school entrance.

2. Site Description

- 2.1 The site lies at the southernmost point of Rainsford Way on the western side, with outlook to the west.
- 2.2 Following the approval of application P0172.15 in 2015 which sought permission for the demolition of an existing double garage on site and the construction of an attached dwelling to adjoin no. 72, works have commenced and appear substantially completed as observed by staff attending site.
- 2.3 The surrounding land use is predominantly residential. The dominant housing form is two storey terraced and semi-detached dwellings and the site is in very close proximity to Wykeham Primary School to the South.

3. Description of Proposal

- 3.1 This application seeks permission to vary condition 4 of application P0172.15. Condition 4 states

Before the building(s) hereby permitted is first occupied, the area set aside for car parking as shown on drawing no. SP15012-BB shall be laid out and surfaced to the satisfaction of the Local Planning Authority and retained permanently thereafter for the accommodation of vehicles visiting the site and shall not be used for any other purpose. This includes the relocation of the telegraph pole as identified on the drawings submitted.

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

- 3.2 The applicant seeks to vary the wording of this condition to remove reference to the relocation of the telegraph pole.

4. History

- 3.1 P0172.15 – Demolition of existing attached garage and replacement with new end of terraced four bedroom semi-detached dwelling with associated parking and amenity.
- 3.2 P0174.15 - Proposed single storey rear extension and loft conversion with hip to gable and rear dormer (Revised plans received 28/04/2015)

4. Consultation/Representations

4.1 In accordance with recognised procedure, notification letters were sent to 16 neighbouring properties. Three letters of representation were received which will be summarised below.

- Inadequate room to accommodate four vehicles
- Additional on street parking
- Unsafe/impractical arrangement

4.2 Highway Authority - No objections to the proposal.

4.3 Environmental Health - No objections to the proposal.

5. Relevant Policy

5.1 Policies DC32, DC33 and DC34 of the LDF Core Strategy and Development Control Policies Development Plan Document are relevant.

6. Staff Comments

6.1 The main issue to be considered in this case is whether the suggested revision to the condition is acceptable.

6.2 Policy requires a maximum of 1.5 - 2 parking spaces per dwelling for a property which has a PTAL of 1-2. The submitted plans demonstrate four parking spaces can be provided in total, with the telegraph pole in situ, allocated on the basis of two per dwelling.

6.3 The telegraph pole is situated 1.70m from the boundary of the site with Wykeham Primary School.

6.4 Whilst the spaces approved under application P0172.15 were marginally shorter/narrower than the usually required 2.40m x 4.80m size space, the judgement was made at the time that the shortfall alone, particularly so marginal, could not form sufficient grounds for a sole reason for refusal. It is accepted, as it was previously, that the number of spaces shown meets policy requirements.

6.5 Whilst it is a possibility that occupiers of the existing/proposed dwellings may not utilise both spaces, which may in turn lead to additional on-street parking, the agent has demonstrated on plan number SP1607SK2 that the frontage of the existing and proposed dwellings is able to accommodate independent access for two vehicles with the telegraph pole in situ and this is the basis on which the application should be judged. The tracing plan submitted with the application indicates that vehicles can manoeuvre on and off the

driveway. Whilst this may not be in a forward gear, this is no different to the other driveway spaces in Rainsford Way.

6.6 Concerns raised by residents relate to matters of highway safety and access to and from the site. A similar arrangement to that proposed exists directly opposite the site at 67 Rainsford Way in connection with a garage space and in the absence of any substantive evidence to the contrary, it is not considered that the manoeuvring of vehicles to and from the application site would present any significant issues sufficient to justify refusal of permission.

6.7 The Highway Authority have raised no objections to the retention of the telegraph pole.

7. **Conclusion**

7.1 The proposed variation is considered to be acceptable. The applicant has demonstrated that two vehicles can be accommodated on site to the frontage of each dwelling. The shortfall in the dimensions of the parking spaces has previously been considered and deemed acceptable. The focus of this application relates to the feasibility of the proposal to be implemented without the relocation of the telegraph pole. To this end, the applicant has demonstrated that independent access is achievable. Approval of this application is therefore recommended.

IMPLICATIONS AND RISKS

Financial Implications and risks:

Financial contributions will be sought through the legal agreement.

Legal Implications and risks:

Legal resources will be required for the drafting of a legal agreement.

Human Resource Implications:

None.

Equalities and Social Inclusion Implications:

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

BACKGROUND PAPERS

Application form and drawings received 12-02-2016

REGULATORY SERVICES COMMITTEE

REPORT

30 June 2016

Subject Heading:

P0191.16 Denver Industrial Estate, Ferry Lane, Rainham

Outline planning application for the construction of a new industrial estate (B1, B2 and B8 use classes)
(Application received 15th February 2016)

Ward:

Rainham & Wennington

Report Author and contact details:

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

Policy context:

Local Development Framework
The London Plan
National Planning Policy Framework
National Planning Policy Practice
Guidance

Financial summary:

Not relevant

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 is an outline planning application for the construction of a new industrial estate (B1c, B2 and B8 use classes). An indicative re-development plan has been submitted with this application and this suggests that 13 light industrial/warehouse distribution units ranging between 9,660 and 101,845 square foot, together with associated vehicle parking areas and areas of landscaping, would be constructed/created on-site. The re-development of the industrial estate, as a whole, is predicted to take between five and ten years.

This site forms part of a strategic industrial designation within the Council's Proposals Map. Whilst the site functions, in this regard, staff consider the area to be in a declining condition. It is considered that a complete re-development of the site would therefore improve the designation, its desirability and allow the local planning authority to better control uses. Exact design details would be considered at reserved matters stage however, in principle, in context of the above, staff consider that the development complies with the land use designation in the Proposals Map and no such policy reason therefore exists to prevent the development coming forward.

In terms of the locality, this site is located within close proximity to a number of nearby ecological designations and whilst it is accepted that any development coming forward would have the potential to result in ecological impact, it is considered that this application also offers the opportunity to improve existing circumstances and linkages. Subject to the imposition of appropriate conditions it is considered that undue impacts could be suitably mitigated so that any temporary harm, during the construction phase of the development, would be suitably outweighed by improvements and public benefits. With an over-arching legal agreement, to secure improved accessibility, staff consider that the proposal would help realise a number of strategic aspirations for the London Riverside area.

RECOMMENDATIONS

That the proposal is unacceptable as it stands but would be acceptable subject to the applicant entering into a legal agreement under Section 106 of the Town and Country Planning Act 1990 to secure the following:

- A scheme to improve pedestrian links along Ferry Lane or a commuted sum, agreed with the Local Planning Authority up to £150,000 in value, to undertake such improvements and/or improve public transport accessibility; and
- A local employment, skills and supply-chain opportunities framework or a commuted sum, agreed with the Local Planning Authority up to £100,000 in value, to provide alternative local employment initiatives if the applicant is unable to provide an appropriate level of opportunities on-site.

- All contribution sums shall include interest to the due date of expenditure and all contribution sums shall be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the legal agreement, prior to the completion of the agreement, irrespective of whether the agreement is completed; and
- Payment of the appropriate planning obligations monitoring fee prior to the completion of the agreement.

Subject to no direction to the contrary from the Mayor for London (under the Town and Country Planning (Mayor of London) Order 2008) it is therefore recommended that the Head of Regulatory Services be authorised to enter into a legal agreement to secure the above and upon completion of that agreement grant planning permission subject to the conditions covering:

1. Reserved Matters - No development shall take place until details of the scale, layout and appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter called the 'reserved matters') have been submitted to and approved in writing by the Local Planning Authority and approved in writing. The development shall be implemented in accordance with the approved details.

Reason:-

To comply with section 92 of the Town and Country Planning Act 1990 (as amended).

2. Phasing Plan - The development shall not commence and no reserved matters submissions or submissions of details to comply with conditions shall be made until a plan is submitted to and approved in writing by the Local Planning Authority, clearly identifying the different phases of the development to which reserved matters applications and details required pursuant to condition(s) shall subsequently be made. No phase of the development shall commence until all relevant reserved matters and details prior to commencement conditions are approved in respect of that phase.

Reason:-

To ensure that full details of the relevant phase of the development are submitted for approval. This is a pre-commencement condition as a phasing plan for the re-development of this site is considered pivotal in assessing the individual merits of the separate reserved matters applications.

3. Reserved Matters Submission (8 years) - Applications for the approval of reserved matters, referred to in condition 1, shall be made to the Local Planning Authority before the expiration of eight years from the date of this permission.

Reason:-

To comply with section 92 of the Town and Country Planning Act 1990 (as amended). An extended time frame for submission has been suggested given the complexity of the re-development and the different time frames at which plots (and phases) will become vacant.

4. Reserved Matters for Each Phase – All reserved matters in relation to any phase of the development, referred to in condition 1, shall be submitted at the same time.

Reason: -

Given the sensitive nature of the site it is important that all aspects of the development are considered together.

5. Reserved Matters Implementation (10 years) - The development hereby permitted shall be begun before the expiration of 10 years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters referred to in condition 1 to be approved, whichever is the later.

Reason:-

In order to comply with section 92 of the Town and Country Planning Act 1990 (as amended). An extended time frame for implementation has been suggested given the complexity of the re-development and the different time frames at which plots (and phases) will become vacant.

6. Accordance with Development Parameters - The development hereby permitted shall be informed by the principles detailed within the submitted:
 - Design and Access Statement, dated January 2016;
 - Design Guide, dated January 2016;
 - Indicative Proposed Site Plan, drawing no. SK005 (Rev D);
 - Proposed Site Accesses, drawing no. 152022/A/01;
 - Indicated Proposed Site Plan Permeation, drawing no. SK022 (Rev A);
 - Sustainable Design and Construction Statement, dated February 2016;
 - Framework Energy Strategy, dated April 2016;
 - Landscape Strategy, dated January 2016 inclusive of drawing nos. 15-127-01 and 15-127-02; and
 - Drainage Scheme, outlined in drawing no. 15-125/300 (Rev P1)

No application for approval of reserved matters (or other matters submitted for approval pursuant to planning condition) which would entail any material deviation from the above shall be made unless otherwise provided for by conditions elsewhere within this permission.

Reason:-

To ensure that the development is carried out in accordance the plans, design guide and other documents that form the basis of consideration of this scheme. To furthermore comply with the development plan policies in which this outline planning application has been considered.

7. Finished Floor Levels - The finished floor level of the proposed development shall be no lower than 1.76m above ordnance datum.

Reason:-

To prevent internal flooding, ensure the safety of future occupiers of the development and to comply with policies CP15, CP17, DC48, DC49 and DC61 of the Development Control Policies Development Plan Document and policies 5.3, 5.12 and 7.13 of the London Plan.

8. Maximum Building Height (Units 12 and 13) - Units 12 and 13, as labelled on the drawing titled 'Indicative Proposed Site Plan', drawing no. SK005 (Rev D), shall be no higher than 16.2m above ordnance datum.

Reason:-

In the interest of ensuring a sufficient clearance to the overhead power lines in this locality and in accordance with National Grid guidelines for development with proximity to such assets.

9. Restriction of Use - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, the development shall only be occupied by B1c, B2 and B8 uses, as detailed within the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any provision equivalent to that Class in any Statutory Instrument revoking and/or re-enacting that Order).

Reason:-

The application has been assessed in context of these suggested uses and in view that this is a strategic industrial designation it is considered appropriate to restrict the permitted uses as such. This restriction is furthermore to comply with policy DC9 of the Development Control Policies Development Plan Document. Applications for alternative uses would be considered on their individual merits.

10. Car Parking - Any application for reserved matters in relation to any phase of the development (as identified in accordance with condition 2) shall be accompanied by a plan showing provision of car parking spaces for that phase, to be agreed in writing with the Local Planning Authority, but no more than the appropriate maximum standard detailed within policy DC33 of the Development Control Policies Development Plan Document. The car parking size, provision of Blue Badge spaces and provision of electric vehicle charging points shall

comply with the stipulations of policy 6.13 and table 6.2 of the London Plan. Thereafter such provision shall be made permanently available for use, unless otherwise agreed in writing with the Local Planning Authority.

Reason:-

To ensure that car parking accommodation is made permanently available within the development and appropriate provision is made for Blue Badge parking and electric vehicle charging points, in the interests of highway safety and that the development accords with development accords with policy DC33 of the Development Control Policies Development Plan Document and policy 6.13 of the London Plan.

11. Cycle Parking - Any application for reserved matters in relation to any phase of the development (as identified in accordance with condition 2) shall be accompanied by a plan showing provision of cycle parking and facilities for cyclists to use. The cycle parking provision shall accord with the maximum standards outlined within table 6.3 of the London Plan and comply with the stipulations of policy 6.9. Thereafter such provision shall be made permanently available for use, unless otherwise agreed in writing with the Local Planning Authority.

Reason:-

To ensure that cycle parking accommodation is made permanently available within the development and that the development accords with policy DC35 of the Development Control Policies Development Plan Document and policy 6.9 of the London Plan.

12. Travel Plan - Any application for reserved matters in relation to any phase of the development (as identified in accordance with condition 2) shall be accompanied by a travel plan. The travel plan shall seek to promote sustainable travel to and from site and shall consider the development to which the reserved matters relate and also the re-development of the site as a whole. The travel plan shall be submitted to the Local Planning Authority for approval in writing and implemented as approved. The travel plan shall be updated on a yearly basis in discussion with the Highway Authority and Transport for London.

Reason:-

The applicant as part of this application has submitted a Framework Travel Plan which includes a number of initiatives and mitigation measures to ease the potential impact on highway safety and efficiency. Submission and approval of a formal travel plan will seek to ensure that such measures are actively encouraged. The submission of the travel plan is to ensure compliance with policies CP10, DC32 and DC61 of the Development Control Policies Development Plan Document and policies 2.8, 6.1, 6.3, 6.11 and 6.12 of the London Plan.

13. Delivery & Service Plan (Construction Methodology) - Any application for reserved matters in relation to any phase of the development (as identified in accordance with condition 2) shall be accompanied by a delivery and service plan for that phase to be agreed in writing with the Local Planning Authority. The plan shall aim to effectively manage the impact of vehicles accessing the development site and should follow TfL's best practice guidance and endeavour to ensure deliveries are carried out outside of peak hours. The plan shall also include details of:

- a) parking of vehicles of site personnel and visitors;
- b) storage of plant and materials;
- c) a piling method statement (detailing the depth and type of piling proposed)
- d) siting and design of temporary buildings;
- e) scheme for security fencing/hoardings, depicting a readily visible 24-hour contact number for queries or emergencies;
- f) 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.

The plan shall be implemented as approved.

Reason:-

In the interests of highway safety and efficiency, nearby amenity, ecology and to comply with policies CP10, DC32 and DC61 of the Development Control Policies Development Plan Document and policies 2.8, 6.1, 6.3, 6.11 and 6.12 of the London Plan.

14. Construction Logistics Plan - Any application for reserved matters in relation to any phase of the development (as identified in accordance with condition 2) shall be accompanied by a construction logistics plan for that phase to be agreed in writing with the Local Planning Authority. The plan shall aim to identify the cumulative impacts of construction traffic for the area in terms of likely additional trips and mitigation required. The plan should show that construction vehicle movements would be optimised to avoid the am and pm traffic peaks and reduce highway impact on the TLRN in the vicinity of the site. The plan shall be implemented as approved.

Reason:-

In the interests of highway safety and efficiency and to comply with policies CP10, DC32 and DC61 of the Development Control Policies Development Plan Document and policies 2.8, 6.1, 6.3, 6.11 and 6.12 of the London Plan.

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

works. If mud or other debris originating from the site is deposited in the public highway, all on-site operations shall cease until it has been removed. The submission shall provide:

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

Reason: Insufficient information has been supplied with the application in relation to wheel washing facilities. Submission of details prior to commencement will ensure that the facilities provided prevent materials from the site being deposited on the adjoining public highway, in the interests of highway safety and the amenity of the surrounding area and to comply with policies CP10, CP15, DC32 and DC61 of the Development Control Policies Development Plan Document and policies 2.8, 6.1, 6.3, 6.11, 6.12 and 7.4 of the London Plan.

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

Reason:-

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

17. Highway Agreement - The necessary agreement, notice or licence to enable the proposed alterations to the Public Highway shall be entered into prior to the occupation of development.

Reason:-

In the interests of ensuring good design and ensuring public safety and to comply with Development Control Policies Development Plan Document Policies CP10, CP17 and DC61.

18. Ecological Management Plan - Any application for reserved matters in relation to any phase of the development (as identified in accordance with condition 2) shall be accompanied by an ecological management plan for that phase to be agreed in writing with the Local Planning Authority. The plan shall outline the measures which are proposed to protect habitat and species, during the construction phase of the development. Particular consideration should be given to Rainham Creek and the Inner Thames Marshes Site of Special Scientific Interest and measures to protect these areas from run-off and damage. The plan shall include details of times and periods of working, additional ecological surveys to be undertaken, proposed protective fencing, dust and noise suppressions measures and training which will be given to on-site personnel with regard to ecology. The plan shall be implemented as approved.

Reason:-

In the interests of ecology and preventing undue impact on nearby ecological designations and to comply with policies CP15, CP16, DC58, DC59, DC60 and DC61 and policies 7.19 and 7.21 of the London Plan.

19. Ecological Enhancement Plan - Any application for reserved matters in relation to any phase of the development (as identified in accordance with condition 2) shall be accompanied by an ecological management/enhancement plan for that phase to be agreed in writing with the Local Planning Authority. The plan shall outline the measures which are proposed, to support the landscaping scheme for the phase, to maximise biodiversity value. The plan shall be implemented as approved.

Reason:-

In the interests of ecology and landscape value and to comply with policies CP15, CP16, CP17, DC58, DC59, DC60 and DC61 and policies 7.19 and 7.21 of the London Plan.

20. Air Quality Assessment - Any application for reserved matters in relation to any phase of the development (as identified in accordance with condition 2) shall be accompanied by an air quality assessment. The assessment shall assess the existing air quality in the study area (baseline) and include a prediction of future air quality without the development in place (future baseline). The assessment shall then predict and assess the air quality with the development in place and identify mitigation measures, as appropriate. The assessment shall include a review of impacts in context of national, regional and local policies, the basis of determining the significant of impacts, details of assessment methods, model verification and identification of sensitive locations assessed. Any mitigation and/or monitoring proposed and thereafter approved shall be implemented on-

site. The assessment shall be submitted to the Local Planning Authority for approval in writing and any mitigation measures suggested, implemented as approved.

Reason:-

In the interests of public amenity, ensuring that the development does not result in significant environmental impacts and to comply with polices CP15, CP16, CP17, DC52, DC58, DC59, DC60 and DC61 of the Development Control Policies Development Plan Document and policies 7.4, 7.14, 7.19 and 7.21 of the London Plan.

21. Lighting Plan - Any application for reserved matters in relation to any phase of the development (as identified in accordance with condition 2) shall be accompanied by a scheme for the lighting of all external areas of the site including parking areas and pedestrian routes within and at the entrances to the site. The plan shall include details to show that consideration has been given to nature conservation interests as well as highway safety and public amenity and shall be submitted to the Local Planning Authority for approval in writing. The lighting plan shall be implemented as approved.

Reason:-

In the interests of public amenity, ensuring that the development does not result in significant environmental impacts and to comply with polices CP15, CP16, CP17, DC56, DC58, DC59 and DC61 of the Development Control Policies Development Plan Document and policies 7.3, 7.4, 7.5 and 7.19 of the London Plan.

22. Drainage Strategy - Any application for reserved matters in relation to any phase of the development (as identified in accordance with condition 2) shall be accompanied by a drainage strategy for both surface water and foul water to be approved in writing by the Local Planning Authority. The strategy shall be based on the Drainage Scheme, and sustainable drainage systems outlined in drawing no. 15-125/300 (Rev P1) and information presented with the submitted Flood Risk Assessment. The strategy shall detail all on and/or off site drainage works proposed. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred in the strategy have been completed. The strategy shall be implemented as approved.

Reason:-

Insufficient information has been supplied with the application to demonstrate how foul and surface water drainage would be managed. Submission of a strategy prior to the commencement of the development will ensure that sewage flooding does not occur, that sufficient capacity is made available to cope with the new development and to ensure that the development accords with policies CP15, DC48, DC49, DC51, DC58, DC59 and DC61 of the Development Control Policies Development Plan Document and policies 5.3, 5.12, 5.13, 5.14, 7.13 and 7.19 of the London Plan.

23. Sustainability and Energy Strategy - Any application for reserved matters in relation to any phase of the development (as identified in accordance with condition 2) shall be accompanied by a sustainability and energy statement to be approved in writing by the Local Planning Authority. The strategy shall provide details of how the development would meet the highest standards of sustainable design and construction and incorporate measures identified in policy 5.3 of the London Plan. The strategy shall furthermore seek to make the fullest contribution to minimising carbon dioxide emission, including energy calculations based on the proposed site use, in accordance with policy 5.2 of the London Plan. The development shall be implemented in accordance with the approved details.

Reason:-

In the interests of sustainable development, achieving aspirations for a reduction in carbon dioxide emissions and to ensure that the development accords with policies CP15, CP17, DC49, DC50, DC52 and DC61 of the Development Control Policies Development Plan Document and policies 5.2, 5.3, 5.7 and 7.14 of the London Plan.

24. Secure by Design - Any application for reserved matters in relation to any phase of the development (as identified in accordance with condition 2) shall be accompanied by a scheme/details of how principles and practices of the Secured by Design award scheme are proposed to be adopted within the development. The scheme shall include, but not be limited to, details on proposed boundary treatments and site security measures and shall be submitted to the Local Planning Authority for approval in writing. The development shall be implemented in accordance with the approved details.

Reason:-

Insufficient information has been supplied with the application to determine whether the proposals meet Secured by Design standards. Submission of such details is in the interest of crime prevention and community safety and guidance contained in policies CP17, DC49, DC61 and DC63 of the Development Control Policies Development Plan Document and policies 5.3, 7.3, 7.4, 7.5 and 7.13 of the London Plan.

25. Land Contamination - No development shall take place until the following contaminated land reports (as applicable) are submitted to and approved in writing by the Local Planning Authority:

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

- b) A Phase III (Remediation Strategy) Report if the Phase II Report confirms the presence of a significant pollutant linkage requiring remediation. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to all receptors must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works, site management procedures and procedures for dealing with previously unidentified contamination. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
- c) Following completion of the measures identified in the approved remediation scheme, a 'Validation Report' that demonstrates the effectiveness of the remediation carried out, any requirement for longer-term monitoring of contaminant linkages, maintenance and arrangements for contingency action, must be produced and submitted to the Local Planning Authority for approval in writing.
- d) If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals, then revised contamination proposals shall be submitted to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

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

Informative(s)

1. A fee is required when submitting details pursuant to the discharge of conditions. In order to comply with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which came into force from 22.11.2012, a fee of £97 per request or £28 where the related permission was for extending or altering a dwellinghouse, is needed.
2. The Applicant is advised that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted, considered and agreed. Any proposals which involve building over the public highway as managed by the London Borough of Havering, will require a licence and the applicant must contact StreetCare, Traffic & Engineering on 01708 433750 to commence the Submission/ Licence Approval process.

Should this application be granted planning permission, the developer, their representatives and contractors are advised that this does not discharge the requirements under the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works) required during the construction of the development.

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

3. Due to the presence of National Grid apparatus in proximity to the application site, the applicant is advised to contact National Grid before any works are carried out to ensure that the aforementioned apparatus is not affected by the development.
4. In aiming to satisfy the secure by design condition of this permission, the applicant should seek the advice of the Police's Designing Out Crime advice service. This service is available free of charge and officers can be contacted on 02082173813 or at docomailbox.ne@met.police.uk.
5. The site is closely linked to areas containing Giant Hogweed (*Heracleum mantegazzianum*), an invasive plant, the spread of which is prohibited under the Wildlife and Countryside Act. Due care should be taken to prevent its spread during operations relating to the proposals.
6. Request is made that the applicant works with RSPB Rainham Marshes to ensure that issues of water quality and water level management, which have a bearing on the management of the SSSI, are addressed as detailed plans and drainage strategies for the site are developed.
7. A Groundwater Risk Management Permit from Thames Water would be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Thames Water would expect the developer to demonstrate what measures would be proposed to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team on 02035779483 or at wwqriskmanagement@thameswater.co.uk.
8. The planning obligations recommended in this report have been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the obligations are considered to have satisfied the following criteria:-
 - a) Necessary to make the development acceptable in planning terms;
 - b) Directly related to the development; and
 - c) Fairly and reasonably related in scale and kind to the development.

9. 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.

REPORT DETAIL

1.0 Site Description

- 1.1 The Denver Industrial Estate is located in the south of the Borough, to the north of the A13, and the site is allocated as a Strategic Industrial Location within the Proposals Map of the LDF.
- 1.2 To the east of the site, on the opposite side of Ferry Lane, is the Inner Thames Marshes Site of Special Scientific Interest (SSSI), also partially designated as a Local Nature Reserve (Rainham Marshes). In terms of importance, the Inner Thames Marshes form the largest remaining expanse of wetland bordering the upper reaches of the Thames Estuary. The site is of particular note for its diverse ornithological interest and especially for the variety of breeding birds and the numbers of wintering wildfowl, waders, finches and birds of prey, with wintering teal populations reaching levels of international importance. The Marshes also support a wide range of wetland plants and insects with a restricted distribution in the London area, including some that are nationally rare or scarce. This site, to confirm, lies within the boundary of the SSSI Impact Risk Zone.
- 1.3 In terms of the locality, a second SSSI (Ingrebourne Marshes) is located approximately 800m north-east of the site and there are several local wildlife designations, including an area to the west of Rainham Creek, nearby. Furthermore there are a few listed buildings and structures within the wider locality, but no such heritage assets within the immediate vicinity of the site.
- 1.4 Rainham Creek, as alluded to above, is located adjacent (to the west) to the site, and the River Thames is 800m south-west. The site in its entirety is located within Flood Zone 3. However, it is understood that existing sea defences reclassify the site as low risk (between 1 in 1000 (0.1%) and 1 in 100 (1%) risk of flooding). The site is furthermore located within the Borough's Air Quality Management Area and a Nitrate Vulnerable Zone (NVZ) for surface water exists adjacent to Ferry Lane, to the east, and beyond the A13 to the south.
- 1.5 The nearest residential properties to the application site are approximately 500m to the north of the site, on the opposite side of the Channel Tunnel Rail Link.

2.0 Description of Proposal

- 2.1 This is an outline planning application for the proposed re-development of Denver Industrial Estate for B1c (business: light industry), B2 (general industrial) and B8 (storage and distribution) uses. The site would be re-developed in stages and in this regard it is proposed that all existing structures would be cleared/removed as development progresses in a phased manner. An indicative re-development plan has been submitted with this application and it is suggested that 13 light industrial/warehouse distribution units ranging between 9,660 and 101,845 ft² together, with associated vehicle parking areas and areas of landscaping, would be constructed/created on-site. The buildings are proposed to be single storey portal framed buildings, with office undercrofts, and would in their entirety provide circa 476,400ft² (44,258m²) of floorspace across the site. Ridge heights of the buildings are proposed to range between 9m and 18m with all units proposed to be clad in profiled steel sheets with fine vertical elements used to frame glazed opening and loading bay doors. Composite colour panels would be used to break down the scale of the building and add architectural interest.
- 2.2 Access to the area would remain, as existing, off Ferry Lane. However, this is proposed to be improved as part of the development, although exact details of the improvement works have not been provided as part of this application. The maximum number of crossovers would however be two.
- 2.3 It has been suggested by the applicant that the current buildings and structures on-site are in a state of disrepair and are uneconomic to maintain. Re-developing the site it is considered would realise a more suitable and sustainable use of the site. In terms of employment use, it has been suggested that, when fully occupied, the development would provide employment in the region of 1000 jobs.
- 2.4 The re-development of the industrial estate, as a whole, is predicted to take between five and ten years.

3.0 What is an outline planning application?

- 3.1 An application for outline planning permission allows for a decision on the general principles of how a site can be developed. Outline planning permission is granted subject to conditions and the subsequent approval of one or more 'reserved matters'.
- 3.2 Reserved matters are those aspects of a proposed development which an applicant can choose not to submit details of with an outline planning application (i.e. they can be 'reserved' for later determination). These are defined in Article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 as:
- Access - the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network.

- Appearance - the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.
- Landscaping - the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features;
- Layout - the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.
- Scale - the height, width and length of each building proposed within the development in relation to its surroundings.

3.3 This application, to confirm, has been submitted with all matters (access, appearance, landscaping, layout and scale) proposed to be reserved.

4.0 Relevant History

4.1 There is an extensive planning history relating to the current uses on the Denver Industrial Estate. As this application seeks the complete re-development of the site, the historical permissions issued to various units are not considered overly relevant in this instance.

5.0 Consultations/Representations

5.1 93 properties were directly notified of this application. The application was also advertised by way of site notice and press advert. One letter of public representation was received and this was in support of the proposals suggesting that the re-development proposals would transform the area for the better.

5.2 Consultation was also undertaken with the following:

Anglian Water - No comments received.

Environment Agency - No objection although with regard to flood risk it is suggested that finished floor levels across the site should be no lower than 1.76m AOD.

Essex and Suffolk Water - No comments received.

Greater London Authority - The Mayor supports the principle of the development, although require more information on energy and commitments within the design code to make passive provision for improved connectivity. In order to ensure full compliance with the London Plan, the application is required

to be reported back at stage 2. With regard to this, if the Council resolves to make a draft decision on the application, it must consult the Mayor again and allow him 14 days to decide whether to allow the decision to proceed unchanged, to direct refusal or take over determination of the application. Overall, it is nevertheless suggested that the principle of redeveloping this site for continued industrial activities in an intensified, flexible and improved form is strongly supported strategically.

Highway Authority - No objection subject to the necessary agreement, notice or license to enable the proposed alterations to the public highway being entered into prior to commencement of the development. Conditions with regard to vehicle cleansing is also suggested.

London Borough of Havering Energy Management - No comments received.

London Borough of Havering Environmental Health - No objection subject to the imposition of conditions relating to land contamination. A condition with regard to the production and submission of an Air Quality Assessment is also recommended.

London Borough of Havering Lead Local Flood Authority - Flood risk assessment and outline drainage strategy acceptable.

London Fire Brigade - No objection. Access should comply with Section 16 of Approved Document B Volume 2 of the Building Regulations 2010, in particular Table 19 and paragraphs 16.8 - 16.11.

London Riverside BID Ltd - No comments received.

Metropolitan Police (Designing Out Crime): No objection subject to the imposition of a condition to ensure that a scheme of principles and practices relating to Secure by Design is submitted to and approved, in writing, by the local planning authority, prior to commencement of the development.

National Grid - No objection.

Natural England - No objection subject to conditions. This application is in close proximity to the Inner Thames Marshes SSSI. However, given the nature and scale of this proposal, Natural England is satisfied that there is not likely to be an adverse effect on the site as a result of the proposal.

Network Rail - No objection.

Rainham Conservation & Improvement Society - No comments received.

RSPB - No objection in principle although it is requested that the applicant works with RSPB Rainham Marshes to ensure the issues of water quality and water level management, which have a bearing on the management of the SSSI, are addressed as detailed plans are developed.

Thames Water - No objection subject to condition. It is the responsibility of the developer to make proper provision for drainage to ground, waters courses or a suitable sewer. Thames Water would advise that with regard to sewerage infrastructure capacity, the existing waste water infrastructure is not capable of accommodate the needs of this application. A condition requiring the submission of a drainage strategy is therefore recommended.

Transport for London (TfL) - The site has a poor public transport accessibility level (PTAL) of 1b. Public transport services are limited. The site is located within walking distance to a number of public transport destinations however links within the site and on surrounding roads are limited. Additional zebra crossings would benefit the site and it is suggested that these be secured via a s278 Agreement. A s106 contribution towards bus service enhancements should also be considered. TfL confirms that the vehicle trip generation methodology is appropriate. It is not considered that the development would have a significant impact on the A13 although further advice will be offered on the two new proposed junctions once the reserved matters application is submitted. It is suggested that cycle parking should be proposed in accordance with the London Plan standards rather than the standards within the Council's Core Strategy. Recommendation is also made that the Blue Badge parking spaces be increased in size and 20% of all spaces be fitted with EVCPs, with an additional 10% being suitable for adaption in the future. Conditions should furthermore seek to ensure the submission of a travel plan, delivery and servicing plan and construction logistics plan.

6.0 Relevant Polices

- 6.1 LDF Core Strategy and Development Control Policies Development Plan Document: CP3 (Employment), CP9 (Reducing The Need To Travel), CP10 (Sustainable Transport), CP15 (Environmental Management), CP16 (Biodiversity and Geodiversity), CP17 (Design), DC9 (Strategic Industrial Locations), DC12 (Offices), DC13 (Access To Employment Opportunities), DC32 (The Road Network), DC33 (Car Parking), DC34 (Walking), DC35 (Cycling), DC36 (Servicing), DC40 (Waste Recycling), DC48 (Flood Risk), DC49 (Sustainable Design and Construction), DC50 (Renewable Energy), DC51 (Water Supply, Drainage and Quality), DC52 (Air Quality), DC53 (Contaminated Land), DC55 (Noise), DC56 (Light), DC58 (Biodiversity and Geodiversity), DC59 (Biodiversity In New Developments), DC60 (Trees and Woodland), DC61 (Urban Design), DC62 (Access), DC63 (Delivering Safer Places), DC65 (Advertisements) and DC72 (Planning Obligations)
- 6.2 London Plan: 1.1 (Delivering The Strategic Vision And Objectives For London), 2.1 (London In Its Global, European and United Kingdom Context), 2.2 (London And The Wider Metropolitan Area), 2.3 (Growth Areas And Co-Ordination Corridors), 2.6 (Outer London: Vision and Strategy), 2.7 (Outer London: Economy), 2.8 (Outer London: Transport), 2.13 (Opportunity Areas And Intensification Areas), 2.14 (Areas For Regeneration), 2.17 (Strategic Industrial Locations), 4.1 (Developing London's Economy), 4.2 (Offices), 4.3 (Mixed Use Development and Offices), 4.4 (Managing Industrial Land And Premises), 5.2 (Minimising Carbon Dioxide Emissions), 5.3 (Sustainable Design and

Construction), 5.7 (Renewable Energy), 5.12 (Flood Risk Management), 5.13 (Sustainable Drainage), 5.14 (Water Quality And Wastewater Infrastructure), 5.21 (Contaminated Land), 6.1 (Strategic Approach), 6.3 (Assessing Effects Of Development On Transport Capacity), 6.9 (Cycling), 6.10 (Walking), 6.11 (Smoothing Traffic Flow And Tackling Congestion), 6.12 (Road Network Capacity), 6.13 (Parking), 7.2 (An Inclusive Environment), 7.3 (Designing Out Crime), 7.4 (Local Character), 7.5 (Public Realm), 7.6 (Architecture), 7.7 (Location and Design Of Tall And Large Buildings), 7.13 (Safety, Security and Resilience to Emergency), 7.14 (Improving Air Quality), 7.15 (Reducing And Managing Noise, Improving And Enhancing The Acoustic Environment And Promoting Appropriate Soundscapes), 7.19 (Biodiversity And Access To Nature), 7.21 (Trees And Woodlands), 8.2 (Planning Obligations) and 8.3 (Community Infrastructure Levy)

6.3 London Riverside Opportunity Area Planning Framework (2015)

6.4 National Planning Policy Framework and National Planning Practice Guidance

7.0 Mayoral CIL Implications

7.1 This development is CIL liable, however until the actual amount of floorspace which would be created is known the actual liability is unknown. The applicable CIL would therefore be calculated, should outline planning permission be granted, on receipt of the reserved matters.

8.0 Appraisal

Principle of Development

8.1 Policy CP3 of the Core Strategy and Development Control Policies Development Plan Document states that a range of employment sites will be available to meet the needs of business and provide local employment opportunities by:

- Ensuring sufficient land is allocated with Strategic Industrial Locations and Secondary Employment Areas and protecting this for business, industrial and some warehousing uses;
- In the Beam Reach Business Park, prioritising advanced manufacturing uses and other modern industries in the B1 (b) (c) and B2 use classes which provide a similar quality and intensity of employment;
- Focusing office development within Romford Town Centre and the district centres;
- Maximising the potential of creative industry in Hornchurch; and
- Seeking contributions towards the provision of employment training and support, and local employment access schemes.

8.2 This site forms part of a strategic industrial location. Policy DC9 of the Core Strategy states that planning permission will only be granted for B1 (b+c), B2 and B8 uses in the Rainham Employment Area, Harold Hill Industrial Estate and King George Close Estate Strategic Industrial Locations. The supporting

text to this policy states that the Rainham Employment Area provides for the needs of all industrial businesses by offering a choice of small, medium and large premises and is considered to be a strategically and locally important area.

- 8.3 This application proposes the re-development of this existing industrial area. The site is however proposed to be redeveloped for uses which are deemed acceptable in strategic industrial locations and accordingly no principle land use objection is raised to the development coming forward. Staff consider that this site as existing, whilst functioning and providing industrial floorspace, is in a declining condition and it is considered that a complete re-development of the site would improve the designation, its desirability and allow the local planning authority to better control uses. As existing, it is noted that a number of non-conforming uses have been lawfully established on the industrial estate, through the passing of time, and this application it is considered provides the local planning authority an opportunity to re-align the site within the aspirations of the area.
- 8.4 With regard to the above, this site form part of the London Riverside Opportunity Area. The Planning Framework for this area seeks to intensify and promote the employment areas as strategically important industrial locations, in view of planned residential development nearby.
- 8.5 In respect of this, whilst this development would result in a more intense use of the site, it is not considered that this would be fundamentally harmful to other industrial locations. This area within the Employment Land Review, undertaken by the Council in 2015, was identified as a strategic industrial area which should be protected to ensure that there is sufficient capacity to meet projected demand for industrial land until 2031. The re-development proposals of this site would seek to promote a more efficient use of the site and accordingly allow it to better function as a strategic industrial location.

Layout, Scale, Mass and Design

- 8.6 As an outline application with all matters reserved only limited details have been provided with regard to design. An indicative site layout has been submitted together with a 'Design Guide' for development across the site. These allude to creating an industrial estate that gives suitable flexibility to achieve a range of medium sized plots and one or two larger units. The maximum height of buildings would vary with eave heights between 9m and 16m (externally) and a maximum ridge height of 18m. Office elements of the buildings are proposed to the front of the buildings, facing the main or access road, with staff and visitor car and cycle parking proposed close to the building entrances.
- 8.7 In terms of the site layout, as outlined in the response received from the GLA, it is considered important that opportunities are taken to improve permeability and legibility so that members of the public can pass through the industrial area and that routes are pleasant and safe. In this instance, it is considered particularly

important that access to Rainham Marshes, Rainham Creek and nearby transport interchanges are promoted and improved where possible.

- 8.8 Staff note that the indicative layout shows two access points off Ferry Lane, one serving a large unit and the other serving the rest of the estate. Access is discussed in greater detail within the highway section of this report, however initially staff consider that the layout appears logical. Loading areas and car parking areas are proposed off main circulation roads and sufficient servicing yards are shown to allow HGVs to appropriately manoeuvre without blocking the highway.
- 8.9 The applicant has submitted a plan which shows potential permeability which could be achieved through the site and this includes both vehicular and pedestrian connectivity to the north; public accessibility to Rainham Creek via a proposed boundary footpath; and the provision of a zebra crossing on Ferry Lane to connect to Rainham Marshes and the existing public footpath network. Landscape proposals seek to ensure native and indigenous trees and plants are planted and local character, in context of the nearby Marshes, is reinforced.
- 8.10 Policy DC61 details that planning permission will only be granted for development which maintains, enhances or improved the character and appearance of the local area. In respect of this, development must (only criteria relevant to this application have been detailed) harness the topographical and ecological character of the site; respond to distinctive local building forms and patterns; compliment or improve the amenity and character of the area; provide structure by utilising and protecting existing views; reinforce, define and embrace the street; create or enhance and clearly define public and private realms; and be durable, flexible and adaptable. The aforementioned details outlined in the submitted design code it is considered seek to support the aspirations of policy DC61.
- 8.11 With regard to the above, it is suggested by the applicant that the estate would benefit from a strong unified building form, with materials and material colours complementing each other and creating a uniform modern design code across the site. The material palette proposed is a proprietary metal cladding system with composite cladding panels to the office elevations and around loading doors and entrances. The colour palette proposed is silver, greys and blues which it is considered would represent a modern, clean design which would furthermore be sufficiently hard-wearing in context of the industrial uses. Roofs to the buildings are proposed with up 6 degree pitches, of which up to 10% may be covered by rooflights. Roofs are proposed in a similar proprietary metal cladding system, aluminium or grey in colour. The design approach proposed is considered largely utilitarian. That being said, it is considered that the proposed flexibility which the applicant seeks to achieve could only be secured in this form. The proposed material and colour palette would be akin to many industrial estates in the Borough but it is considered that the detailing around buildings entrances and glazing would help achieve a sense of quality. It is proposed that materials for roads, paths, hard landscaping works and lighting will be designed for a minimum 30 year life cycle and sustainable forms of

construction with reclaimed or locally sourced components utilised where possible.

- 8.12 The applicant acknowledges, within the submitted design code, that signage and external graphics will make an important contribution to the overall character of area. With regard to this, staff consider that the existing London Riverside signage helps distinguish the area and add to a sense of place. Replicating this approach and having a design standard for signage within the estate it is considered would help unite the buildings and likely mix of uses.
- 8.13 Subject to suitable conditions to ensure that the principles of the design guide are carried forward through to the reserved matters staff are content that the development would comply with policy DC61 of the Core Strategy. With regard to site permeability, with a suitable obligation to secure the proposed zebra crossing on Ferry Lane it is furthermore considered that the proposed layout complies with policies DC61 and DC62.

Impact on Amenity

- 8.14 Policy DC61, in addition to that detailed above, states that planning permission will not be granted should development result in an unacceptable amount of overshadowing, loss of sunlight/daylight, overlooking or loss of privacy to existing and new properties.
- 8.15 This is an existing industrial estate and in context that the proposed uses represent appropriate uses within strategic industrial areas it is not considered that the proposed site use would, in itself, give rise to significant amenity impacts. The scale of the built form is considered appropriate to the uses and the separation distances will suitably safeguard against overshadowing.
- 8.16 As a strategic industrial location it is considered that a noise limiting condition could reduce the ability of some industrial uses to operate which overrides the principle of allocating such areas. That being said, it is considered that an air quality assessment could be secured by condition in the interests of protecting the amenity of future occupants and neighbours and the Air Quality Management Area in which this site is situated.
- 8.17 A more detailed assessment of potential amenity impacts would be undertaken on receipt of reserved matters. However, at this stage, staff do not consider that potential amenity impacts represent a principle reason to refuse this application. If anything, this application should improve the local environment as the buildings and area would be brought up to modern, more efficient standards.

Highway Impact & Car Parking Provision

- 8.18 As existing, this site can be accessed from four junctions along Ferry Lane. Ferry Lane provides a single carriageway in each direction, running from the junction with Coldharbour Lane to the south, to the junction with Lamson Road to the north via the dumbbell junction which passes under the A13 flyover. In

the proximity of the site there are double yellow line parking restrictions on both sides of Ferry Lane.

- 8.19 Whilst access is proposed as a reserved matter it has been suggested that the site access junctions would be consolidated to two new junctions. These it has been confirmed would be designed in accordance with relevant standards and with appropriate visibility splays. With regard to parking, parking requirements would be worked out on the overall gross floor area of the buildings, formulated at reserved matters. The parking provision it is suggested would comply with those detailed in the Core Strategy and would be maximum standards.
- 8.20 A review of the existing trip generation from the site against that predicted from the new industrial estate suggests that an additional 20 two-way vehicles would result during the peak morning hours (one vehicle trip every three minutes). A reduction of 12 two-way trips, in the evening peak hours, is however predicted. Forecasting the above onto the A13, it has been suggested that a 13% increase in use of the eastbound off-slip and 8% increase in westbound off-slip would result at peak hours. A 6% increase is also predicted for the Ferry Lane roundabout (northbound).
- 8.21 In context of the actual number of movements to which this increase relates (+19 for the A13 and +28 for Ferry Lane) it is not considered that the development would result in significant congestion on the affected roads at a level to warrant refusal.
- 8.22 The applicant in acknowledging that the site is reasonably accessible via all modes of transport has sought to submit a Framework Travel Plan to encourage sustainable travel and limit any impacts in terms of congestion. This includes measures to promote car sharing and travel awareness schemes such as car-free days, commuter challenges and participation in events like national bike week.
- 8.23 In principle, subject to conditions, neither the Highway Authority nor Transport for London has raised an objection to this development coming forward. The suitability of the exact details of the proposed access points would be assessed at the reserved matters stage. However, with conditions attached, to any planning permission granted, seeking to ensure that appropriate vehicle and cycle parking is secured it is not considered that the development would give rise to significant adverse impacts on highway safety and efficiency. This is an existing industrial area and whilst the intensity of use may increase it is noted that as existing the local planning authority have very little control over the uses and level of vehicle movements to and from the estate.

9.0 Other Considerations

Ecology

- 9.1 Policy CP16 of the Core Strategy states that Council will seek to protect and enhance the Borough's rich biodiversity and geodiversity, in particular priority

habitats, species and sites. This is a position supported by policy DC42 and DC58.

- 9.2 The submitted Ecological Survey suggests that the proposed development has the potential to result in adverse impacts on a number of ecological receptors. The site itself holds limited value and it is generally suggested, within the Survey submitted, that it is actually the surrounding landscape which particularly supports the nearby Marshes. The proposed development would be situated on land previously occupied almost entirely by buildings and hardstanding, which currently experiences high levels of human and vehicular activity, noise and lighting. Whilst the existing environment would likely remain similar, should this development be implemented, it is acknowledged within the submitted Survey that activities during the construction phase of the development, particularly piling activities, could give rise to impacts. In context of this, it is recommended that 'soft-start' procedures should be implemented for such activities by which noise levels progressively increase.
- 9.3 To secure the above, and prevent any undue impact on the nearby ecological designations it is suggested that a construction environmental management plan could be secured by condition. This plan would seek to ensure due regard is given to the nearby ecological designations and appropriate construction management techniques are undertaken to limit the potential impact. A further ecological management or enhancement plan could also be secured by condition which would seek to ensure that the landscaping proposed seeks to maximise potential linkages with nearby ecological designations.
- 9.4 A condition requiring the submission of a lighting strategy for the site could also be imposed to ensure that any floodlighting proposed is the minimum necessary and includes appropriate safeguards to limit light spill.
- 9.5 Natural England and the RSPB have been consulted on this application and subject to the aforementioned conditions being attached, together with other conditions relating to hydrology (discussed below), have raised no objection to the development coming forward. Accordingly, it is considered that the development would not result in ecological impacts sufficient to warrant refusal.

Flood Risk & Drainage

- 9.6 Policy CP15 of the Core Strategy, in-part, details that new development should reduce and manage fluvial, tidal and surface water and all other forms of flood risk through spatial planning, implementation of emergency and other strategic plans and development control policies; have a sustainable water supply and drainage infrastructure; and avoid an adverse impact on water quality. Expanding on this policy DC48 states that development must be located, designed and laid out to ensure that the risk of death or injury to the public and damage from flooding is minimised whilst not increasing the risk of flooding elsewhere and ensuring that residual risks are safely managed. Policy DC51 goes on detailing that planning permission will only be granted for development which has no adverse impact on water quality, water courses, groundwater, surface water or drainage systems unless suitable mitigation measures can be

secured through conditions attached to the planning permission or a legal agreement.

- 9.7 This site is located within Flood Zone 3, with the site being at risk of fluvial flooding from the Rainham Main Sewer during a 1 in 1000 year event. The site is protected by the Thames defences from tidal flooding and whilst there is a risk in the event of failure of these defences, the risk of flooding, in normal circumstances is therefore considered low. An industrial estate represents a less vulnerable use as per the NPPF and, in context of this, the Environment Agency has raised no objection to the development coming forward. The Agency has however recommended that the finished floor levels across the site should be at least 1.76m AOD to prevent internal flooding and ensure safety. Such a stipulation could be secured by condition in the event that planning permission is granted. With this and conditions attached requiring the submission of a drainage strategy, it is not considered that the development would give rise to any increase in flood risk. Accordingly it is considered that the development complies with policies CP15, DC48 and DC51 of the Core Strategy

Land Contamination

- 9.8 Policy DC53 of the Core Strategy states that planning permission for development will only be granted where both of the following criteria are met:
- where the development is on or near a site where contamination is known, or expected to exist, a full technical assessment of the site's physical stability, contamination and/or production of landfill gas must be undertaken. Where the assessment identifies an unacceptable risk to human health, flora or fauna or the water environment, the applicant will be required to agree acceptable long term remediation measures before any planning permission is granted to ensure there is no future harm with regard to the future use of the site. Where feasible, on-site remediation, especially bio-remediation, is encouraged; and
 - the development does not lead to future contamination of the land in and around the site.
- 9.9 The applicant has submitted a Phase I Environment Assessment with this application and this suggested that existing soil and groundwater contamination, ground gas and associated liabilities mean that this site has a moderate to high risk contamination status. Intrusive investigations of the site are suggested to fully understand the risk and suggest appropriate mitigation. This opinion is supported by the Council's Environmental Health department who suggest that, should planning permission be granted, the applicant be required to submit a Phase II (Site Investigation) Report and Phase III (Remediation Strategy) Report. Following completion of the measures suggested within the Phase III Report a 'Verification Report' shall be submitted to demonstrate the effectiveness of the remediation carried out. With the above secured by planning condition it is considered that land contamination, in itself, is not a reason to prevent planning permission being granted in this instance.

Energy Requirements

- 9.10 In context of the comments raised by the GLA, the applicant sought to submit a Framework Energy Strategy. Policies CP15, DC49 and DC50 of the Core Strategy supported by policies 5.3 and 5.7 of the London Plan seek to ensure an appropriate carbon reduction is achieved as part of development proposals.
- 9.11 The Energy Strategy submitted seeks to suggest that the development would seek to utilise passive and low energy technologies. Technologies proposed include high performance glazing, improved building fabric, a low building air leakage rate, variable speed fans and pumps, low energy lighting and automatic lighting control with occupancy and daylight dimming controls. Photovoltaic cells and air source heats pumps are also proposed on the industrial units. These mechanisms together would realise an approximate 40% reduction in CO2 emissions, compared to a development built to Building Regulations. Subject to a condition ensuring that the Framework Strategy is taken forward into the design detail of the reserved matters, it is considered that appropriate compliance has been demonstrated with relevant energy (sustainable design) policies of the Core Strategy and London Plan.

Employment

- 9.12 The quantum of floorspace proposed is up to 44,258m². This represents a significant increase in existing floorspace. The current employment density is unknown but based on the increase in floorspace, and more efficient overall site layout, it is considered that the area would likely give rise to additional job opportunities. It is considered that in the interest of supporting local jobs, a commitment towards employment, skills and supply-chain opportunities for Havering residents and businesses could be secured via legal agreement. If the applicant is unable to provide an appropriate level of opportunity for operational reasons a commuted sum, based on a formula agreed with the Council's Economic Development department, could be secured. Such an obligation is considered appropriate in this instance, in context of the policy position outlined in DC13 of the Core Strategy.

Environmental Impact Assessment

- 9.13 This development is not representative of a Schedule 1 project as detailed within the Town and Country Planning (EIA) Regulations 2011 (as amended). The development does however fall within Schedule 2 under Paragraph 10 (Infrastructure Projects), Class a (Infrastructure Projects – Industrial estate development projects). In view of this, a Screening Opinion was issued by the Local Planning Authority on 29/01/2016. The conclusion of the Opinion issued was that the development would not result in any impacts of more than local significance and accordingly need not be accompanied by an Environmental Statement (EIA).

10.0 Conclusion

- 10.1 The principle of redeveloping this site for continued industrial activities is supported within the Core Strategy and the London Plan. Staff consider that the re-development of this site will furthermore help realise a number of aspirations of the London Riverside area.
- 10.2 As an outline planning application with all matters reserved only limited details have been provided on the re-development plans. That being said staff are content that the principles established within the submitted Design Guide comply with relevant planning policies. Subject to the imposition of conditions which seek to ensure that these principles therefore carry forward through to the reserved matters it is not considered that the development would give rise to significant undue impacts.
- 10.3 As noted within the body of this report, it is recommended that any planning permission granted also be subject to a legal agreement to secure the pedestrian link improvements and a commitment towards employment, skills and supply-chain opportunities for Havering residents and businesses.

IMPLICATIONS AND RISKS

Financial implications and risks: None

Legal implications and risks: Legal resources would be required to prepare and complete the required Section 106 legal agreement. The s106 obligations are nevertheless required to mitigate the harm of the development, ensure appropriate mitigation measures and comply with the Council's planning policies. Staff are satisfied that the obligations suggested are compliant with the statutory tests set out in the CIL Regulations relating to planning obligations.

Human Resources implications and risks: None

Equalities implications and risks: The Council's planning policies are implemented with regard to equality and diversity.

BACKGROUND PAPERS

1. Application form, plans and associated documents received 15/02/2016.

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**REGULATORY
SERVICES
COMMITTEE**

REPORT

2 June 2016

Subject Heading:

P0494.16 - Hilldene School, Grange Road - Installation of a multi-user games area, decking and play equipment (Application received 1 April 2016).

Ward

Heaton

Report Author and contact details:

Helen Oakerbee
Planning Manager
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Policy context:

Local Development Framework
The London Plan
National Planning Policy Framework

Financial summary:

None

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

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

SUMMARY

This matter is brought before committee as the application site is Council owned and objections have been received to the proposal. This proposal seeks permission for

the installation of a a multi-user games area, decking and play equipment. It is recommended that planning permission is granted subject to conditions.

RECOMMENDATIONS

That planning permission is granted subject to the conditions set out below.

1. Time Limit (SC4)

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

Reason:-

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

2. In Accordance with Plans (SC32)

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

Reason:-

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

3. Fencing Finish

Prior to the installation of the fencing around the perimeter of the multi-use games area, written details of the colour finish to be applied to the fencing shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the fencing shall be installed in accordance with the agreed details.

Reason:-

In the interests of amenity and so that the development accords with Development Control Policies Development Plan Document Policy DC61.

4. Hours of Use

The MUGA shall only be used between the hours of 0800-1700 Monday to Friday during school term times only

Reason:-

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

5. Wheel Washing (SC57)

Before the development hereby permitted is first commenced, vehicle cleansing facilities to prevent mud being deposited onto the public highway during construction works shall be provided on site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be retained thereafter and used at relevant entrances to the site throughout the duration of construction works. If mud or other debris originating from the site is deposited in the public highway, all on-site operations shall cease until it has been removed.

The submission will provide;

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

Reason:-

Insufficient information has been supplied with the application in relation to wheel washing facilities. Submission of details prior to commencement will ensure that the facilities provided prevent materials from the site being deposited on the adjoining public highway, in the interests of highway safety and the amenity of the surrounding area. It will also ensure that the development accords with the Development Control Policies Development Plan Document Policies DC32 and DC61.

6. Hours of Construction (SC62)

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.

7. Construction Methodology

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.

INFORMATIVES

1. 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.

REPORT DETAIL

1. **Site Description:**

- 1.1 Hilldene School is a junior and infant school on a large 4.2 hectare site in a residential area. The school buildings occupy the northern half of the site while the southern part is given over to playing fields. The school site is delineated by Grange Road to the north and the rear gardens of residential properties on Sheridan Close, Straight Road and Archway to the south, east and west. The school buildings are predominantly single storey, brick structures. The part of the site around the school is landscaped, and includes parking provision and playground facilities.

2. **Description of development:**

- 2.1 The proposal involves the installation of a multi-use games area in the northwest part of the site, a small area of decking 20 metres to the southwest of the games area and a play ship to the south of the infant school. The games area would be enclosed by 3 metre high open mesh fencing and would measure 15 metres north-south and 30 metres east-west; the decking would be 4.1 metres square and the play ship would occupy an area of artificial grass measuring 11 metres by 7 metres and would be no more than 3.5 metres in height.

3. **Relevant History:**

- 3.1 P0493.95 - Open sided covered link between existing junior & infants school buildings - Approved.
- 3.2 P0214.98 - Conversion and extension of part of school dining hall & kitchen to form new nursery for under 5's & external play space - Approved.
- 3.3 P1921.03 - Provision of 56 place nursery and Salvation Army community centre with associated offices, storage and W.C's and formation of new car parking area - Approved.
- 3.4 P0678.07 - Childrens centre incorporating an office counselling rooms, W.C's and external courtyard. The proposal also includes 2 No. parking bays - Approved.
- 3.5 P0687.09 - Proposed single storey extension to form activity room - Approved.
- 3.6 P1911.11 - Demolition of existing staff room and associated ground works. Proposed single storey extensions to learning support unit and staff room - Approved.
- 3.7 P0332.12 - Single storey front extension to main building - Approved.

4. Consultations/Representations:

- 4.1 Consultation letters were sent to 50 neighbouring properties and a site notice was displayed. As a result one letter of objection has been received from occupiers of a residential property on Archway the rear garden of which abuts the school site approximately 70 metres to the southwest of the proposed multi use game area. The objections relate to noise and light pollution from the proposed games area and problems with parking caused by users of the area.
- 4.2 Environmental Health - Recommend that a condition is imposed restricting the hours of use of the multi use games area.

5. Relevant policies:

- 5.1 Policies CP17 (Design), DC29 (Educational Premises), DC33 (Car Parking), DC55 (Noise) and DC61 (Urban Design) of the LDF Core Strategy and Development Control Policies Development Plan Document are considered material.
- 5.2 Policies 3.18 (Education Facilities) and 7.6 (Architecture) of the London Plan are relevant.
- 5.3 Policies 7 (Requiring good design) and 8 (Promoting healthy communities) of the National Planning Policy Framework are relevant.

6. Staff Comments

- 6.1 The main issues in this case are the impact on the street/garden scene and neighbouring amenity.

7. Design

- 7.1 The proposed development is set well into the site. The multi-use games area would be 7 metres from the footway at its closest point to Grange Road and more than 30 metres from the nearest residential property. Given these distances and the presence of 2 metre high railings along the Grange Road boundary it is not considered that the proposal, which includes 3 metre high fencing around the games area, would be detrimental to the street scene.
- 7.2 The decking area and play ship are located well into the site, away from the Grange Road boundary.

8. Impact on amenity

- 8.1 The games area is 30 metres from the nearest residential properties which lie to the north across Grange Road and to the west on Archway. It is considered that this separation would be adequate to obviate any noise nuisance from the use of the games area during the daytime - a degree of noise is to be expected during school hours from a school site. However it is considered that

a condition should be imposed to restrict the hours of use so that the use of the area later in the day does not become a nuisance to local residents.

8.2 The application does not propose the installation of any lighting to illuminate the games area after dark.

8.3 It is not considered that the decking area or play ship would impact upon residential amenity.

9. **Highway/parking issues**

9.1 The proposed facilities are for the use of the children attending the school and it is not considered that there would be any impact on parking or highway safety.

10. **Mayoral CIL**

10.1 The proposal is not liable for Mayoral CIL as educational establishments are exempt.

11. **Conclusion**

11.1 The proposal is considered to be acceptable in terms of design. There would be no material impact on residential amenity subject to the imposition of a condition restricting the hours of use of the games area and there are no highways or parking issues.

11.2 The proposal complies with the aims and objectives of Policies DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document and it is recommended that permission is granted.

IMPLICATIONS AND RISKS

Financial implications and risks:

None.

Legal implications and risks:

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

Human Resources implications and risks:

None.

Equalities implications and risks:

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

BACKGROUND PAPERS

Application forms and plans received 1/04/2016

REGULATORY SERVICES COMMITTEE

30 June 2016

REPORT

Subject Heading:

P0692.16 – Parsonage Farm School, Farm Road – Proposed single storey stand alone building consisting of 7 classrooms, a multi-purpose room, toilet block with circulation space, single storey flat roof extension to kitchen, the relocation of existing storage shed and the formation of a new tarmac playground area (received 9/5/16).

Report Author and contact details:

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

Ward

Rainham & Wennington

Policy context:

Local Development Framework
The London Plan
National Planning Policy Framework

Financial summary:

None

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

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

SUMMARY

This matter is brought before committee as the application site is Council owned. The application seeks planning permission for a proposed single storey stand alone building consisting of 7 classrooms, a multi-purpose room, toilet block with circulation space, single storey flat roof extension to kitchen, the relocation of existing storage shed and the formation of a new tarmac playground area. Staff consider the application to be acceptable and recommend approval subject to conditions.

RECOMMENDATIONS

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

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

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

2. Matching materials - All new external finishes shall be carried out in materials to match those of the existing building(s) to the satisfaction of the Local Planning Authority.

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

3. 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. Pedestrian entrance - Prior to first occupation of the single storey classroom building hereby permitted, a pedestrian entrance shall be provided to Parsonage Farm School from Allen Road in accordance with details previously submitted to and approved in writing by the Local Planning Authority and thereafter retained. The pedestrian entrance shall be available

for both morning and afternoon travel. The submitted details shall also be accompanied by an Access Management Plan to demonstrate how pedestrian access to the site will be managed.

Reason: In the interests of pedestrian and highway safety, in accordance with Policies DC32 and DC34 and to reduce the impact of parent parking in the streets surrounding the site, in accordance with Policy DC33.

5. Review of parking restrictions - Within 18 months of the development being bought into use a review of parking restrictions around the school entrance shall be carried out, submitted to and approved by the Local Planning Authority. The review shall be aimed at reducing the impact of parent parking near the school entrance and to ensure that pedestrian desire lines across junctions are not unduly impeded.

Reason: In the interests of pedestrian and highway safety, in accordance with Policies DC32 and DC34 and to reduce the impact of parent parking in the streets surrounding the site, in accordance with Policy DC33.

6. School Travel Plan - Prior to the occupation of the development hereby permitted, a School Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The School Travel Plan shall consider measures to reduce vehicular trips and proposals for monitoring and reporting progress to the Local Planning Authority and include a timetable for its implementation and review. The approved Travel Plan shall remain in force permanently and implemented in accordance with the agreed details.

Reason: To help bring about a reduction in private car journeys, to minimise the potential for increased on street parking in the area, to mitigate the impact of increased private car journeys at peak times and to accord with Policy DC32.

7. Road safety review - Within 18 months of the development being bought into use a road safety review of the junction of A1306 New Road/Upminster Road North/Upminster Road South and the residential streets within 800 metres of Parsonage Farm Primary School shall be carried out, submitted to and approved by the Local Planning Authority. The review shall particularly examine pedestrian safety and accessibility issues. If the review identifies that any remedial measures or works are required, these works shall be carried out in full within 12 months of the approval of the road safety review unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of pedestrian and highway safety, in accordance with Policies DC32 and DC34

8. Capacity review - Within 18 months of the development being bought into use a capacity review of the junction of A1306 New Road/Upminster Road North/Upminster Road South junction and the residential streets within 800 metres of Parsonage Farm Primary School shall be carried out, submitted to and approved by the Local Planning Authority. If the review identifies that any remedial measures or works are required, these works shall be carried

out in full within 12 months of the approval of the capacity review unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the interests of highway safety, capacity and amenity and to accord with Policy DC32.

9. Vehicle Cleansing - Before the development hereby permitted is first commenced, vehicle cleansing facilities to prevent mud being deposited onto the public highway during construction works shall be provided on site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be retained thereafter and used at relevant entrances to the site throughout the duration of construction works. If mud or other debris originating from the site is deposited in the public highway, all on-site operations shall cease until it has been removed. The submission will provide;
- a) A plan showing where vehicles will be parked within the site to be inspected for mud and debris and cleaned if required. The plan should show where construction traffic will access and exit the site from the public highway.
 - b) A description of how the parking area will be surfaced, drained and cleaned to prevent mud, debris and muddy water being tracked onto the public highway;
 - c) A description of how vehicles will be checked before leaving the site – this applies to the vehicle wheels, the underside of vehicles, mud flaps and wheel arches.
 - d) A description of how vehicles will be cleaned.
 - e) A description of how dirty/ muddy water be dealt with after being washing off the vehicles.
 - f) A description of any contingency plan to be used in the event of a breakdown of the wheel washing arrangements.

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

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

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

11. Air quality assessment - a) Prior to the commencement of the development hereby approved, an Air Quality Assessment Report shall be submitted to and agreed by the Local Planning Authority. The report shall detail: how the development may impact upon local air quality, model the future impact, identify mitigation measures, provides full details of measures that will be implemented (or continue to be implemented) after development to protect both the internal air quality of buildings and to ensure that there is no adverse impact on air quality in the vicinity of the development.
- b) The use hereby permitted shall not commence until all measures identified in the Air Quality Assessment Report have been shown to be implemented to the satisfaction of the Local Planning Authority in writing.

Reason: To protect the amenity of future occupants and/or neighbours and in the interests of the declared Air Quality Management Area.

INFORMATIVE

1. 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.

REPORT DETAIL

1. **Background**

- 1.1 The previous planning application, P1559.14, for a single storey stand alone building consisting of seven classrooms, one multi-purpose room, a toilet block and circulation space, new hardstanding to the playground and relocation of the existing garage was considered by Committee on 19th February 2015, where it was refused for the following reason:

1. The increase in pupil numbers associated with the proposed extensions would result in significant increases in traffic movements and congestion in the roads surrounding the school resulting in material harm to the safety of children using the school and the amenity of local residents. In this respect the proposal would be contrary to Policies DC32 and DC61 of the Havering Local Development Framework 2008.

- 1.2 The description of the proposal is identical to the previously refused application, with the addition of a single storey flat roofed extension to the kitchen. The main difference between the previously refused scheme and the current proposal is the introduction of a Public Space Protection Order (PSPO), which seeks to reduce pressure in the immediate vicinity of the school to relieve parking and congestion matters.

2. **Site Description:**

- 2.1 The application site is Parsonage Farm Primary School which is located on the southern side of Farm Road. There are playing fields to rear of the school building, which separates it from surrounding residential properties. The application site is located within a predominantly residential area and is joined on four sides by residential properties with associated rear gardens.

3. **Description of development:**

- 3.1 The application seeks permission for a proposed single storey stand alone building consisting of 7 classrooms, a multi-purpose room, toilet block with circulation space, single storey flat roof extension to kitchen, the relocation of the existing storage shed and the formation of a new tarmac playground area. The building would have a maximum width of 63.3 metres, a minimum and maximum depth of 10 and 14.5 metres and a height of between 2.9 and 5.2 metres. The proposed materials are render, brickwork, grey metal profiled roof and powder coated aluminium windows and doors. Three trees (adjacent to the classroom building) have been designated as memorial trees and therefore, measures will be taken to protect these during the construction works. The existing canopy alongside the existing link building will be extended with a height of approximately 3.1 metres. The design, structure and colour of the canopy roof will match the existing canopy.
- 3.2 The proposal involves utilising part of an existing playing field adjacent to Allen Road to construct a new hardstanding playground with a tarmac surface. The playground will be laid with a slight fall into a drain channel, which will discharge into the existing south west drainage system.
- 3.3 The proposal involves relocating the existing storage shed adjacent to the southern boundary of the site and relocating it approximately 2.5 metres to the east of the site with a new concrete base.
- 3.4 The single storey extension to the kitchen would have a depth of approximately 5.3 metres, a width of 7.4 metres and a height of 3.9 metres to the top of the flat roof.
- 3.5 Parsonage Farm Primary School currently operates as a 3 form entry school, providing educational requirements for approximately 630 children aged from 5 to 11 years old from the surrounding local areas. In recent years, there has been an increase in the birth rate in the south east of the country, resulting in pressure on the current educational premises and an urgent need for additional school places across the borough to fulfil the authorities' legal responsibilities. A desktop analysis revealed that the schools existing accommodation is in excess of the requirements of a three form of entry school and this same analysis identified Parsonage Farm Primary School as a suitable site for expansion to provide the required additional school places within this area of the borough. The proposals seek to provide seven new classrooms and expand the school to 4 form entry and raising the school intake from 630 to 840 places.

4. **Relevant History:**

- 4.1 P1559.14 - Single storey stand alone building consisting of 7No Classrooms, 1 No multi-purpose room, toilet block and circulation space, new hardstanding to playground and relocate existing garage – Refused.

P1312.14 – Pair of 1800mm high palisade fencing gates into existing opening and new crossover to highway – Approved.

Q0085.14 – Discharge of conditions 4, 6 and 7 of P0919.13 - Discharged in part.

P0097.14 – Hard surfacing including pavement lighting and 2 No. open porch entrances – Approved.

P0919.13 – Single storey extension, new car park, relocation of a garage and associated landscaping – Approved.

P0079.13 – Single storey extension – Approved.

P1272.05 – Single storey extension to existing School, incorporating a classroom, staffroom, library and toilets with link under cover/walkway – Approved.

5. **Consultations/Representations:**

- 5.1 The occupiers of 243 neighbouring properties were notified of this proposal. A letter of representation was received from Councillor Tucker with comments that the 'no access zone area maybe a little over compact, with many more cars all stopping, dropping children off and picking them up again, all in the same closest to the school areas, which could become a serious car parking and stopping problem. Whereas, if the zone was bigger and wider, then many cars would not all then be stopping closest to the school area. With more options, it is believed that car parking stopping would not then become dangerously so compact, which would improve safety.'

52 letters of objection were received with detailed comments that have been summarised as follows:

- Traffic (including vehicles from outside areas).
- Highway and pedestrian safety.
- Parking.
- Congestion with extra children, parents, vehicles and roads that are on bus routes.
- Lack of infrastructure for the school.
- Queried the need to expand Parsonage Farm School, as it is alleged that an exhibition for the new development at Dovers Corner stated that it would incorporate new school and health facilities.
- The proposed expansion would take part of the school's playing fields, with more children at the school and less space for them to use.
- Unauthorised parking on kerbs and residents' driveways.
- Access, including for emergency vehicles.

- The new parking scheme would move the traffic, road congestion and parking to surrounding streets.
- The Public Space Protection Order has not been implemented yet.
- No traffic safety precautions have been put in place.
- The kitchen is being expanded, but not the dining halls to accommodate the extra children for seating during the lunch time. All facilities should be expanded to cope with the demand of the extra children.
- Overdevelopment of the site.
- This application should be refused for the same reason as the previous application P1559.14.
- There is no provision for additional play/sporting areas, access or parking.
- Consideration should be given to the best method for dealing with run off/surface water.
- The trees and shrubs at the curtilage of the school property along Allen Road should all be retained for privacy to the residents and children at the school and to help act as a sound/noise filter.
- Seven new classrooms seems excessive.
- Queried the car parking arrangements for the additional staff.
- The increase in pupil/parent numbers will be harmful to residential amenity and the quality of life of residents.
- Additional delivery vehicles and refuse.
- Object to portable classrooms in the playground.
- The size of the existing school is big enough.
- Other schools should be expanded or a new school should be built.
- Object to the expansion of the school.
- The school has been expanded to its fullest.
- Capacity of local roads.
- Inadequate public transport.
- Overcrowding of ancillary accommodation, increase in pupils in classes leading to a drop in the quality of teaching.
- Noise, traffic, congestion and disruption during construction works.
- Pollution.
- Noise.
- It appears that the concerns and objections raised during the original consultation have been ignored, despite 75% of respondents being against the proposal.
- Requested the outcome of the assessments to support the proposal to expand the school.
- Loss of community spirit.
- The extension to the school and additional pupils will be to the detriment of children's safety and wellbeing.
- It is alleged that the additional school places are required for pupils from outside the borough and other areas (not living locally).

5.2 In response to the above, each planning application is determined on its individual planning merits. Comments regarding noise, congestion and disruption during construction works are not material planning considerations. There were no plans to incorporate a new school into the Dovers Corner development. In response to comments regarding portable classrooms, the proposal seeks permission for 7 classrooms of a solid

construction. The playground will be laid with a slight fall into a drain channel, which will discharge into the existing south west drainage system. The remaining issues will be addressed in the following sections of this report.

- 5.3 Environmental Health – Consideration has been given to the following:
- That according to the Transport Assessment ref. 2809/020/R01, the proposed development is likely to significantly increase the traffic on New Road, where air quality is known to be poor due to high levels of Nitrogen Dioxide (NO₂);
 - All the latest policies and guidance including policies 5.3 and 7.14 of the London Plan 2015, chapter 4.3 on air pollution of the Sustainable design and construction supplementary planning guidance and the EPUK Guidance Development Control: Planning for Air Quality 2015. Recommend a condition regarding an air quality assessment report if minded to grant planning permission.
- 5.4 Fire Brigade – No hydrants will be required for this development as the hydrants surrounding the area are sufficient to cover the new development at Parsonage Farm Primary School. An objection has been raised regarding the proposals in relation to fire fighting access arrangements. Please provide a plan showing that there is a drive up fire appliance access to 15% of the new building. The plan should show the width of any access gates and appliance turning positions. The Council's Building Control Service is satisfied with the access arrangements for the Fire Brigade.
- 5.5 Historic England – The proposal is unlikely to have a significant effect on heritage assets of archaeological interest.
- 5.6 The Highway Authority has no objection to the proposal subject to the provision of some conditions.

6. **Relevant policies:**

- 6.1 Policies CP17 (Design), DC29 (Educational Premises), DC32 (The Road Network), DC33 (Car parking), DC34 (Walking), DC35 (Cycling), DC55 (Noise) and DC61 (Urban Design) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Documents are material planning considerations. In addition, Policies 3.18 (Educational facilities), 6.13 (Parking) and 7.4 (Local character) of the London Plan and Chapters 7 (Requiring good design) and 8 (Promoting healthy communities) of the National Planning Policy Framework are relevant.

7. **Staff Comments**

- 7.1 This proposal is put before the Committee owing to the land being Council owned. The issues arising in respect of this application will be addressed under the headings principle of development, impact on the streetscene, amenity issues and parking and highways implications.

7.2 Principle of Development

7.2.1 The proposal is for a proposed single storey stand alone building consisting of 7 classrooms, a multi-purpose room, toilet block with circulation space, a single storey flat roof extension to the kitchen, the relocation of the existing storage shed and the formation of a new tarmac playground area. The proposal is acceptable in principle and complies with LDF Policy DC29.

7.3 Design and Visual Impact

7.3.1 It is considered that the single storey classroom building would not be harmful to the streetscene, as it would be located to the rear of the school and within the school grounds. It is considered that the single storey building has been designed in sympathy with the existing school buildings. The western flank of the building would be set in approximately 50 metres from Allen Road, which would help mitigate its impact in the wider streetscene. Staff consider that relocating the storage shed would not adversely affect the streetscene, as it would be set back approximately 39 metres from Allen Road. It is considered that the new hardstanding to the playground would not be harmful to the streetscene, as it would be partly screened by the trees on the western boundary of the site and a 2m high fence.

7.3.2 The extension to the kitchen would not be directly visible in the streetscene, as its single storey, it would be set back approximately 67 metres from Farm Road and it would be partly screened by the store/boiler room building and other school buildings. Also, the extension has a flat roof which minimises its bulk.

7.4 Impact on amenity

7.4.1 It is considered that the classroom building would not be harmful to residential amenity, as it is single storey and its western flank would be set in approximately 50 metres from Allen Road. The roof of the building slopes away from the southern boundary of the site, which minimises its bulk and the impact on neighbouring properties. Also, there would be a separation distance of between approximately 24 and 29 metres between the rear façade of the building and the rear façade of No.'s 1-8 Morgan Way, which would help to mitigate its impact. It is considered that relocating the existing storage shed would not result in an additional harm to neighbouring amenity over and above existing conditions. There is a 2m high fence as well as trees and shrubs adjacent to the southern boundary of the site and No.'s 1-8 Morgan Way, which would provide some screening. It is recognised that an additional two hundred and ten pupils would increase noise and disturbance, although this would be balanced against pupils utilising the whole of the school site. Given the existing use of the site as a school it is not considered the increase in pupil numbers would result in a material change in the character or use of the site sufficient to justify refusal on grounds of noise and disturbance.

7.4.2 It is considered that the new hardstanding to the playground would not result in a significant loss of amenity to neighbouring properties in terms of noise

and disturbance, as this parcel of land is currently used as an existing playing field. Staff consider that the tarmac playground would not appear visually intrusive, as it would be partly screened by the trees on the western boundary of the site and a 2m high fence.

7.4.3 Staff consider that the extension to the kitchen would not adversely affect residential amenity, as it has a flat roof which minimises its bulk, its single storey and it would be partly screened by the store/boiler room building and other school buildings.

7.5 Highway/parking issues

7.5.1 In terms of this proposal, the school presently has 630 full time education pupils and 35 staff (of which a proportion has part-time hours). The proposals seek to provide seven new classrooms and expand the school to 4 form entry. Therefore, there would be 210 additional pupils and 15 additional staff. There are 41 car parking spaces on the site.

7.5.2 Discussions have taken place between the applicant and the Highway Authority in terms of providing mitigation measures that will be secured by condition and are summarised as follows:

- The provision of a pedestrian entrance to the school from Allen Road.
- A review of the parking restrictions around the school entrance.
- The provision of a School Travel Plan with measures to reduce vehicular trips.
- A road safety review of the junction of A1306 New Road/Upminster Road North/Upminster Road South junction and the residential streets surrounding the school.
- A capacity review of the junction of A1306 New Road/Upminster Road North/Upminster Road South junction, and the residential streets around the school.

The above measures are aimed at improving pedestrian access to the school.

7.5.3 The application site has a PTAL Rating of 1b. Annex 5 of the Development Plan Document sets a maximum staff car parking standard of 1 space per member of teaching staff. The proposal maintains the existing 41 car parking spaces and the Highway Authority considers the staff parking element to be acceptable. A Transport Assessment has been submitted, which suggests that the development will attract 65 additional pupils travelling by car and 124 by foot. The Highway Authority agrees that the Allen Road pedestrian entrance would assist in spreading parent parking and alleviating parking stress in Farm Road. A condition is suggested in order to ensure such pedestrian access is secured.

7.5.4 Parking and road safety impacts have been identified and require mitigation. A number of mitigation measures have been suggested by Highways, as set out in paragraph 7.5.2 above. This includes physical measures, such as reinstating pedestrian access on Allen Road to reduce parking stress and

potential for conflict between pedestrians and vehicles at the Farm Road access.

7.5.5 As highlighted above, the key difference between this submission and the earlier refused scheme is the introduction of a Public Space Protection Order (PSPO) to relieve on street parking pressure on the immediate vicinity of the school. The PSPO involves the prohibition of “No Access and/or No Stopping” within various restricted areas. This prohibition should help to disperse people and vehicles in order to mitigate against the impacts of the school drop off and pick up, as the operational period is Monday to Friday from 8am to 9:30am, and 2:30pm to 4pm. The proposed restricted area comprises of a red zone, which is the perimeter of Parsonage Farm Primary School. The blue zone is the proposed Public Space Protection Order Restricted Area, which covers No.’s 351-353 & 387-391 Upminster Road North, 1-59 Allen Road, 1-4 Westview Close, 1-23 Morgan Way, 1-34 Farm Road, 1-76 Briscoe Road, 1-31 Kenway, 1-8 Kenway Walk and 1-8 Kenway Close. The properties within the Blue Zone have been consulted and there is a clear consensus to proceed. All residents within the restricted area will be provided with an access permit for themselves, their friends and family and this permit will be a virtual permit with no charge for the duration of the PSPO.

7.5.6 The PSPO is scheduled to come into effect in September 2016 for a duration of 3 years after which time it would be reviewed. The PSPO would be managed and enforced by an external provider with the use of an automatic number plate recognition system. Breaching the PSPO would be a criminal offence and those persons concerned would incur financial penalties and depending on the number of breaches, legal prosecution. Staff consider that the additional measure of a PSPO would help to disperse pedestrian and vehicular movements in the vicinity of the school and thereby alleviate the associated traffic and congestion in the roads surrounding the school. It is Staff’s view that the implementation of the PSPO would overcome concerns previously levelled at the scheme.

7.5.7 Staff are satisfied that the measures proposed, which can be secured by planning condition, together with the PSPO, would be sufficient to mitigate against any adverse highways issues likely to arise from the development and that the proposal would be acceptable in this respect.

8. **Conclusion**

8.1 Staff are of the view that the proposed single storey stand alone building consisting of 7 classrooms, a multi-purpose room, toilet block with circulation space, a single storey flat roof extension to the kitchen, the relocation of existing storage shed and the formation of a new tarmac playground area are acceptable, would not adversely impact on the streetscene or result in a significant loss of amenity to neighbouring occupiers. It is considered that the proposal would not create any highway or parking issues. The proposal is considered to be acceptable in all other respects and it is therefore recommended that planning permission be granted subject to conditions.

IMPLICATIONS AND RISKS

Financial implications and risks:

None.

Legal implications and risks:

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

Human Resources implications and risks:

None.

Equalities implications and risks:

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

BACKGROUND PAPERS

Application forms and plans received 9/05/2016.

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**REGULATORY
SERVICES
COMMITTEE**

REPORT

30 June 2016

Subject Heading:

P1536.15 – Land bounded by New Zealand Way, Queenstown Gardens and Gisbourne Gardens - Outline planning application for 32 dwellings comprising 2-bedroom and 3-bedroom houses and flats with associated landscaping and car parking with all matters reserved (received 1/12/15 and revised plans received 25/04/16)

Ward

South Hornchurch

Report Author and contact details:

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

Policy context:

Local Development Framework
The London Plan
National Planning Policy Framework

Financial summary:

None

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

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

SUMMARY

This matter is brought before committee as the application site is Council owned. This proposal seeks outline consent for two buildings to provide 16 two bedroom and three bedroom flats and 16 two bedroom and three bedroom houses with all matters reserved. Subject to a S106 Legal Agreement to secure children's playspace and landscaping outside the red line site area and to secure a financial contribution towards education provision the proposal is considered to accord with the relevant policies contained in the LDF Core Strategy and Development Control Policies Development Plan Document and The London Plan. It is recommended that planning permission be granted subject to conditions and the completion of the Section 106 Legal Agreement described above.

RECOMMENDATIONS

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

- Children's play facilities in the area to the immediate south of the site, which is within the applicants' control.
- Soft landscaping including the planting of semi-mature trees in the area to the immediate south of the site, which is within the applicants' control.
- A financial contribution of £192,000 to be paid prior to the commencement of the development, to be used for educational purposes in accordance with the Policy DC72 of the LDF Core Strategy and Development Control Policies Development Plan Document.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the planning obligation prior to its completion irrespective of whether the obligation is completed.
- The payment of the appropriate planning obligations monitoring fee prior to the completion of the obligation.

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

1. Reserved matters - Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved. Note that as a minimum floor levels must be 4.55 metres above Ordnance Datum sea level

Reason: This is outline permission only and these matters have been reserved for the subsequent approval of the Local Planning Authority.

2. Reserved Matters Time limit - Application/s for approval of the reserved matters shall be submitted to the Local Planning Authority within three years from the date of this permission.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

3. Overall Time Limit - The development to which this permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last reserved matter to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

4. Accordance with Development Parameters - The development hereby permitted shall be informed by the principles detailed within the submitted material:

Drawing 1434_PL011 Rev D (Ground Floor Plan);
Drawing 1434_PL010 Rev F (Proposed Site Plan);
Drawing 1434_PL012 Rev E (Typical Floor Plan);
Drawing 1434_PL013 Rev A (Top floor headheights);
Sketch drawing of elevations;
Flood Risk Assessment dated June 2016;
Design and Access Statement dated 16 October 2015.

No application for approval of reserved matters (or other matters submitted for approval pursuant to planning condition) which would entail any material deviation from the above shall be made unless otherwise provided for by conditions elsewhere within this permission.

Reason:-

To ensure that the development is carried out in accordance with the documents that have formed the basis of consideration of this scheme, and to comply with the development plan policies against which this outline planning application has been considered.

5. Materials - Before any of the development hereby permitted is commenced, written specification of external walls and roof materials to be used in the construction of the building(s) shall be submitted to and approved in writing by the

Local Planning Authority and thereafter the development shall be constructed with the approved materials.

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

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

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

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

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

8. Parking provision - Before the building(s) hereby permitted is first occupied, the area set aside for car parking shall be laid out and surfaced to the satisfaction of the Local Planning Authority and retained permanently thereafter for the accommodation of vehicles visiting the site and shall not be used for any other purpose.

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

9. 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.

10. Construction methodology - Before development is commenced, a scheme shall be submitted to and approved in writing by the Local Planning Authority making provision for a Construction Method Statement to control the adverse impact of the development on the amenity of the public and nearby occupiers. The Construction Method statement shall include details of:
- a) parking of vehicles of site personnel and visitors;
 - b) storage of plant and materials;
 - c) dust management controls;
 - d) measures for minimising the impact of noise and ,if appropriate, vibration arising from construction activities;
 - e) predicted noise and, if appropriate, vibration levels for construction using methodologies and at points agreed with the Local Planning Authority;
 - f) scheme for monitoring noise and if appropriate, vibration levels using methodologies and at points agreed with the Local Planning Authorities;
 - g) siting and design of temporary buildings;
 - h) scheme for security fencing/hoardings, depicting a readily visible 24-hour contact number for queries or emergencies;
 - i) details of disposal of waste arising from the construction programme, including final disposal points. The burning of waste on the site at any time is specifically precluded.
- And the development shall be carried out in accordance with the approved scheme and statement.

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

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

Reason: Insufficient information has been supplied with the application in relation to wheel washing facilities. Submission of details prior to commencement will ensure that the facilities provided prevent materials from the site being deposited on the adjoining public highway, in the interests of highway safety and the amenity of the surrounding area. It will also ensure that the development accords with the Development Control Policies Development Plan Document Policies DC32 and DC61.

12. Removal of permitted development rights - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, other than porches erected in accordance with the Order, no extension or

enlargement (including additions to roofs) shall be made to the dwellinghouse(s) hereby permitted, or any detached building erected, without the express permission in writing of the Local Planning Authority.

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

13. Sustainable Urban Drainage System - Prior to the commencement of the development hereby approved, details of a Sustainable Urban Drainage System shall be submitted to, and approved in writing by, the Local Planning Authority. Prior to occupation of the development the drainage system shall be installed in accordance with the approved details and retained permanently thereafter to the satisfaction of the Local Planning Authority.

Reason: Insufficient information has been submitted with the application to evaluate the effectiveness of any SUDS system. Submission of this detail prior to commencement will prevent uncontrolled water runoff from the site causing flooding to the surrounding area and ensure that the development accords with policies CP15 (Environmental Management) and DC48 (Flood Risk) of the Development Control Policies Development Plan Document.

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

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

15. External lighting - 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.

16. Surfacing materials - Before any of the development hereby permitted is commenced, surfacing materials for the access road and turning head shall be submitted to and approved in writing by the Local Planning Authority and thereafter the access road shall be constructed with the approved materials. Once

constructed, the access road shall be kept permanently free of any obstruction (with the exception of the car parking spaces shown on the approved plans) to prevent its use for anything but access.

Reason: Insufficient information has been supplied with the application in relation to the surfacing materials. Submission of details prior to commencement will ensure that the surfacing materials are suitable, in the interests of highway safety and the amenity of the surrounding area. It will also ensure that the development accords with the Development Control Policies Development Plan Document Policies DC32 and DC61.

17. Pedestrian Visibility Splays - The proposal should provide a 2.1 by 2.1 metre pedestrian visibility splay on either side of the proposed access, set back from the boundary of the public footway. There should be no obstruction or object higher than 0.6 metres within the visibility splay.

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

18. Vehicular Visibility Splays - The visibility splays at the junctions of Queenstown Gardens and Gisborne Gardens with New Zealand Way shown on drawing 1435_PL_010 Revision F shall be achieved and maintained. There should be no obstruction or object higher than 0.6 metres within the visibility splay and no shrubs or trees shall be planted within the splays either during or subsequent to the development.

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

19. Highways Agreement - The necessary agreement, notice or license to enable the proposed alterations to the Public Highway shall be entered into prior to the commencement of development.

Reason: In the interests of ensuring good design and ensuring public safety and to comply with highway safety, and in order that the development accords with policies CP10, CP17 and DC61 of the Development Control Policies Development Plan Document.

20. 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.

21. Water efficiency - All dwellings hereby approved shall comply with Regulation 36 (2)(b) and Part G2 of the Building Regulations - Water Efficiency.

Reason: In order to comply with Policy 5.15 of the London Plan.

22. Building Regulations - The dwellings hereby approved shall be constructed to comply with Part M4(2) of the Building Regulations - Accessible and Adaptable Dwellings.

Reason: In order to comply with Policy DC7 of the Local Development Framework and Policy 3.8 of the London Plan.

23. Sound insulation - The building(s) shall be so constructed as to provide sound insulation of 45 DnT, w + Ctr dB (minimum value) against airborne noise and 62 LnT, w dB (maximum values) against impact noise to the satisfaction of the Local Planning Authority.

Reason: To prevent noise nuisance to adjoining properties.

24. Trees - No works to trees shall be carried out except between the months of September and February (inclusive).

Reason: To prevent disturbance to nesting birds.

22. Trenches - Any trenches or other excavations left open overnight should be furnished with gently sloping planks.

Reason: Badgers and hedgehogs may use the site for foraging, the ramps will provide a means of escape for any animals which fall into the excavation.

INFORMATIVES

1. 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 David De Souza via telephone in March and April 2016. The revisions involved reducing the scale of the apartment buildings, increasing the number of parking spaces and enhancing the size and accessibility of the amenity space. The amendments were subsequently submitted on 25th April 2016.
2. The Applicant is advised that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted, considered and agreed. Any proposals which involve building over the public highway as managed by the London Borough of Havering, will require a licence and the applicant must contact StreetCare, Traffic & Engineering on 01708 433750 to commence the Submission/ Licence Approval process.

Should this application be granted planning permission, the developer, their representatives and contractors are advised that this does not discharge the requirements under the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works) required during the construction of the development.

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

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

4. Waste comments

Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you contact Thames Water to discuss their status in more detail and to determine if a building over/near to agreement is required. You can contact Thames Water on 0800 009 3921 or for more information please visit our website at www.thameswater.co.uk.

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921.

Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to this planning application.

Water comments

With regard to water supply, this comes within the area supplied by the Essex and Suffolk Water Company. For your information the address to write to is - Essex and Suffolk Water Company, Sandon Valley House, Canon Barns Road, East Hanningfield, Essex, CM3 8BD. Tel: 03457 820999.

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

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

REPORT DETAIL

1. **Site Description:**

- 1.1 The application site has an area of 0.55 hectares and is located in the south east corner of a 1950s estate. It comprises approximately two-thirds of an amenity green bounded by New Zealand Way to the north, Queenstown Gardens to the south and east and Gisborne Gardens to the west. The site occupies the northernmost part of the green and is in the shape of a trapezoid with a width of 84 metres and a depth of 66 metres. The surrounding area is residential in nature with two storey semi-detached houses and maisonette buildings facing onto the amenity green. Further to the north and west is the greater part of the rest of the estate; to the south are two 13 storey residential towers (New Plymouth House and Napier House) and beyond them the A1306 and to the east is La Salette primary school. Rainham village lies approximately 750 metres to the south east of the site.

2. **Description of development:**

- 2.1 The application is for outline permission for:

- two buildings to provide 13 two bedroom and 3 three bedroom apartments;
- 4 two bedroom houses;
- 12 three bedroom houses.

The proposal includes associated amenity space and car parking.

Details relating to appearance, siting, landscaping, scale and layout are “reserved” and would be specified in future reserved matters applications.

- 2.2 The two storey apartment buildings are shown on the submitted plans as being located in the north west and north east corners of the site. They have pitched roofs with dormer windows to provide light and outlook for dwellings in the roof space. Between the apartment buildings a terrace of 4 two-storey houses is shown facing north onto New Zealand Way. To the south of the easternmost apartment building is a pair of two storey semi-detached houses facing east onto Queenstown Gardens. A road is shown running across the southernmost part of the site and connecting Queenstown Gardens to the east with Gisborne Gardens to the west. Two terraces of 3 two storey houses and one terrace of 4 two storey houses face south onto this new road. According to the indicative plans the two bedroom flats are suitable for 3 people and the three bedroom flats for 5 people, each has a bathroom and an open plan kitchen/lounge/dining room. The indicative plans show the two

bedroom houses as being suitable for 4 people and the three bedroom houses for 5 people, each has a downstairs WC and an open plan kitchen/lounge/dining room while upstairs is a bathroom and the sleeping accommodation.

2.2 A total of 48 parking spaces are provided at right angles to Gibson Gardens, New Zealand Way and Queenstown Gardens and within the site itself.

3. **Relevant History:**

3.1 No relevant planning history.

4. **Consultations/Representations:**

4.1 Occupiers of 102 neighbouring properties were notified of the application, a site notice was displayed and the application was advertised in a local newspaper. As a result of this publicity a petition with 240 signatures and correspondence from 85 neighbouring occupiers were received objecting to the proposal. Objections related to:

- **Loss of the amenity green** for children's play, exercise, dog walkers, school use and general community events [officer note: this issue is explored in the report below].
- **Amenity space provided for future occupiers is insufficient** [officer note: this issue is explored in the report below].
- **Increase in pedestrian and road traffic** and consequent issues of noise pollution, carbon dioxide emissions, highway safety and congestion [officer note: the proposal was referred to Environmental Health for their comment and they have raised no concerns regarding noise or emissions from increased pedestrian/vehicular movements, highways issues are addressed in the report below].
- **Insufficient parking provision** creating contention for parking spaces and inconsiderate parking blocking driveways and hampering access by the emergency services [officer note: parking is discussed in the report below, the London Fire Brigade were consulted regarding access and have raised no concerns].
- **Access to the proposal by the emergency services** is inadequate [officer note: the Highways Department and the London Fire Brigade were consulted regarding access and have raised no concerns].
- **Impact on electrical, water and sewage infrastructure** [officer note: Thames Water and Essex and Suffolk Water have been consulted and raised no objections, electrical supply and water pressure are covered by the Guaranteed Service Standards Regulations 2008 and are not a material planning consideration].
- **Loss of views of surrounding occupiers** [officer note: there is no right to a view and this is not a planning consideration].
- **Loss of property values** [officer note: loss of property value is not a planning consideration].
- **Inconvenience during the building works** [officer note: disturbance during construction is not a valid reason for withholding planning permission. It is proposed that conditions are imposed requiring the

- submission and approval of a Construction Method Statement and restricting the hours during which building works can be carried out].
- **Smell from the bin store** [officer note: should permission be granted a planning condition is proposed which will require the submission of details of refuse storage facilities so that their adequacy in terms of volume and quality can be ensured].
 - **Loss of sunlight and daylight, privacy and outlook** to the surrounding properties [officer note: these issues are discussed in the report below].
 - **Increase in noise pollution** from the new properties [officer note: the Environmental Health Department were consulted on the application and have requested that a condition be imposed requiring adequate sound insulation of the proposed new dwellings (see conditions above)].
 - **Loss of a water soakaway area** [officer note: this issue is discussed in the report below].
 - **Impact on local health facilities** [officer note: in the recently published Rainham and Beam Park Planning Framework (January 2016) the Borough has identified the proposed Beam Park Centre as a location for new health and community facilities, these facilities would be within walking distance of the proposed development and would help to relieve pressure on existing facilities in the area].
 - **Impact on local school places** [officer note: the provision of educational facilities is a responsibility of the Council and a contribution is sought through a S106 agreement to provide funds to be used in offsetting any effect the new dwellings would have in increasing the child yield in the Borough].
 - **Loss of recently planted and mature trees** [officer note: landscaping is discussed in the report below].
 - **Design issues**, the massing and design of the proposal is not in keeping with the character of the surrounding area [officer note: design is discussed in the report below].
 - **Increase in crime** and concerns relating to the character of future residents and their visitors [officer note: the advice of the Metropolitan Police was sought regarding the proposal and they raised no objections to the scheme; concerns regarding the character of future occupiers and their visitors are speculative in nature and cannot be considered further in this report].
 - **Loss of habitat** [officer note: this issue is explored in the report below].
 - **Covenants on the land** which would prevent the development from going forward [officer note: covenants restricting the development of land are not a material planning consideration, but rather an issue for the applicant to investigate prior to development; it is understood that the applicant has carried out detailed research to determine whether any such covenant is in place and has found none].

4.2 Highways - no objection to the proposal. They have commented as follows:

- The servicing arrangements from the highway access driveway are acceptable.

- The visibility splays are acceptable and should be secured and maintained by condition.
 - The parking standard in this location is 1.5 to 2 spaces per unit. The proposal provides 1.5 spaces per unit.
 - We would look favourably on retaining a 1.8 metre footway around the edge of the site but the access road is not adoptable. The applicant should note that there are lighting columns and traffic signs in the area and any changes therein will be at the applicants cost.
 - If permission is granted a condition should be imposed requiring vehicle cleansing facilities to be installed prior to the commencement of development and used throughout the duration of construction works.
- 4.3 Environmental Health - no objection. Request a condition be imposed relating to sound insulation.
- 4.4 Local Authority Waste and Recycling - no objection.
- 4.5 Thames Water - no objection.
- 4.6 Essex and Suffolk Water - no objection.
- 4.7 Fire Brigade - No additional fire hydrants are required.
- 4.8 Metropolitan Police - no objection. Request that conditions are imposed relating to boundary treatment; soft landscaping; lighting and cycle storage.
5. **Relevant policies:**
- 5.1 Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP15 (Environmental Management); CP17 (Design), DC2 (Housing Mix and Density), DC3 (Housing Design and Layout), DC11 (Non-designated sites), DC32 (The road network), DC33 (Car Parking), DC34 (Walking), DC36 (Servicing), DC40 (Waste recycling), DC48 (Flood Risk); DC53 (Contaminated land), DC55 (Noise), DC61 (Urban Design), DC62 (Access), DC63 (Delivering Safer Places) and DC72 (Planning Obligations) of the LDF Core Strategy and Development Control Policies Development Plan Document are considered material together with the Design for Living Supplementary Planning Document, the Landscaping Supplementary Planning Document and the Planning Obligations Supplementary Planning Document (technical appendices)
- 5.2 Policies 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 3.8 (housing choice), 5.15 (water use and supplies), 6.13 (parking), 7.1 (building London's neighbourhoods and communities), 7.4 (local character), 8.2 (Planning obligations) and 8.3 (Community infrastructure levy) of the London Plan are relevant. The DCLG Technical Housing Standards document is relevant.
- 5.3 Policies 6 (Delivering a wide choice of high quality homes) and 7 (Requiring good design) of the National Planning Policy Framework are relevant.

6. **Staff Comments**

- 6.1 The main issues in this case are the principle of development, the impact on the streetscene, neighbouring amenity, highway and parking issues, flood risk and infrastructure.

7. **Principle of development**

- 7.1 The site lies outside the Metropolitan Green Belt, Employment Areas, Commercial Areas, Romford Town Centre and District and Local Centres and isn't formally designated as Public Open Space in the Local Development Framework. The principle of residential development is considered acceptable in land use terms and the provision of additional housing is consistent with the National Planning Policy Framework.

8. **Density and site layout**

- 8.1 The Density Matrix in Policy DC2 seeks to guide higher density of development to those parts of the Borough having good access to public transport. Policy DC2 indicates a density requirement of 30-50 dwellings per hectare and the London Plan advises a density of 40-80 dwellings per hectare. The proposal achieves a density of some 58 units per hectare on this 0.55 hectare site, which is slightly above the range indicated by Policy DC2 but complies with the London Plan which being the most recently adopted document carries the greater weight. It is considered that the density proposed is acceptable.
- 8.2 Policy 3.8 of the London Plan states that DPD policies should offer a range of housing choices, in terms of the mix of housing sizes and types, taking account of the housing requirements of different groups. The proposal would provide 2 and 3 bedroom affordable housing and this mix is considered to be acceptable.
- 8.3 The floor areas and balconies shown on the indicative plans submitted with the application comply with the requirements set out in the London Plan Housing Standards.
- 8.3 In respect of amenity space the Supplementary Planning Document (SPD) for Residential Design places emphasis on new developments providing well designed quality spaces that are usable. Each of the houses proposed is shown on the indicative plans with a rear garden and the smallest of these has an area of 36 square metres. The apartment buildings are shown with communal amenity areas each with an area in excess of 100 square metres and accessed from the ground floor lobbies. It is considered that the rear gardens and the amenity spaces are acceptable in terms of area and would provide future occupiers with a useable external space for day to day activities such as outdoor dining, clothes drying and relaxation.
- 8.4 The Havering Residential Design Supplementary Planning Document requires that children's play spaces should be provided in all new residential development containing flatted schemes with the potential for 10 or more child bed spaces, as set out in the London Plan's Supplementary Planning

Guidance Providing for Children and Young People's Play and Informal Recreation. The guidance sets a minimum standard of 10 square metres of play space per child bed space within such a development. No play space has been allocated within the development for children's play, however the applicant has agreed to enter into a S106 agreement to provide a children's play area as part of a wider landscaping scheme involving the part of the amenity green to the immediate south of the site which is being retained for public use and is within the control of the applicant

9. Design/impact on street/Garden scene

- 9.1 Landscaping is a reserved matter and no detailed landscaping scheme has been submitted.
- 9.2 Residents have commented that the loss of a part of the amenity green including existing trees, both mature and recently planted, will be detrimental to local wildlife - especially bats which have been observed in the area. As a result an Ecological Survey of the site has been commissioned. The survey concludes that the only tree on the site which is likely to have potential as a bat roost is outside the development footprint and that there will be no significant impact on bats and their roosts. It recommends that in order to avoid disturbing nesting birds, any removal of trees should either be carried out between September and February or be preceded by a survey to determine whether or not there are active nests present. The survey also states that badgers and hedgehogs may use the site for foraging and any trenches or other excavations left open overnight should be furnished with gently sloping planks so that any animals which fall into the excavation can make their escape. It is considered that should planning permission be granted, a conditions should be imposed to restrict any tree works to the period between September and February and to provide ramps in any trenches left overnight to prevent the trapping of wildlife.
- 9.3 Residents have also commented that the green is used by local people as an amenity area and by the local school for informal lessons and that the loss of a part of the green would be detrimental to these activities.
- 9.4 In order to help to mitigate the issues of loss of habitat and the loss a part of the amenity green, the applicant has offered to enter into a Section 106 agreement to landscape the part of the amenity green to the south of the proposed development. This landscaping would provide semi-mature trees and grassland to provide habitats, mounds, seating and a children's play area.
- 9.5 Scale and appearance are reserved matters. The floor plans show that the apartment buildings and houses would have two storeys and pitched roofs. It is considered that it would be possible to design the buildings in such a way that they would be appropriate to the area and that the site can accommodate the density proposed without having an adverse impact on the surrounding built form.

10. **Impact on amenity**

- 10.1 It is not considered that the proposal would result in any material loss of amenity to neighbouring properties. The nearest dwellings are some 20 metres from the proposed development and this separation would preclude any significant loss of light or privacy.
- 10.2 Dwellings on New Zealand Way, Gisborne Gardens and Queenstown Gardens face across these respective roads towards the application site. There would be some loss of view across the existing open space from these properties, however private views are not protected by planning legislation and this issue cannot be taken into account when considering the application.
- 10.3 Loss of outlook is a planning consideration and this occurs when new development has the potential to cause a sense of enclosure to occupants of existing buildings - for example, where a wall is proposed to be close to a window. In this case the separation of the new buildings from the existing dwellings is considered to be more than enough to preclude any such loss of outlook.

11. **Highway/parking issues**

- 11.1 Policy DC2 of the Core Strategy and Development Control Policies Development Plan Document indicates that parking should be provided at a level of 2-1.5 spaces per unit for a site with a PTAL of 1-2. 48 spaces are provided for 32 units - an overall average of 1.5 spaces per unit which complies with the policy. However it should be noted that as two of the houses are provided with two spaces each which would in practice only be usable by those houses, the provision for the remaining units is an average of 1.47 spaces per unit. This level of provision is considered acceptable..
- 11.2 The Council's Highways Authority has no objection to the proposal but has requested that conditions are imposed relation to visibility splays.
- 11.3 Conditions are recommended to ensure adequate refuse and recycling provision and cycle storage facilities.

12. **Flood Risk**

- 12.1 A part of the site is in Flood Zone 2 and as a result a Flood Risk Assessment has been carried out. The conclusions of the assessment are set out below.
- Although the site is protected by existing flood defences, a precautionary approach is recommended and as a minimum the floor levels should be 4.55 metres above sea level which is 300mm above the 1 in 1000 year flood event level [note: the ground level of the site varies between 5.3 metres above sea level in the north east to 3.9 metres above sea level in the south west];

- As the development will result in a significant increase in impermeable area it is recommended that sustainable drainage systems are used to manage the increase in surface water runoff. Attenuation of runoff would be achieved through the use of below ground cellular storage.
- 12.2 The minimum floor level suggested can be required to be achieved by the reserved matters application which must be submitted to provide the details of the design of the scheme.
- 12.3 Should the current application be approved it is proposed that a condition is imposed to ensure the submission of details of a sustainable drainage system prior to the commencement of development and the subsequent implementation of the system prior to occupation.

13. **Infrastructure**

- 13.1 Regulation 122 of the Community Infrastructure Levy Regulations 2010 (CIL Regs) states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:
- (a) necessary to make the development acceptable in planning terms;
 - (b) directly related to the development; and
 - (c) fairly and reasonably related in scale and kind to the development.
- 13.2 Policy DC72 of the Council's LDF states that in order to comply with the principles as set out in several of the Policies in the Plan, contributions may be sought and secured through a Planning Obligation. Policy DC29 states that the Council will seek payments from developers required to meet the educational need generated by the residential development. Policy 8.2 of the Further Alterations to the London Plan states that development proposals should address strategic as well as local priorities in planning obligations.
- 13.3 In 2013, the Council adopted its Planning Obligations Supplementary Planning Document which sought to apply a tariff style contribution to all development that resulted in additional residential dwellings, with the contributions being pooled for use on identified infrastructure.
- 13.4 There has been a recent change to the effect of the CIL Regulations in that from 6th April 2015, Regulation 123 of the CIL Regulations states that no more than 5 obligations can be used to fund particular infrastructure projects or infrastructure types. As such, the SPD, in terms of pooling contributions, is now out of date, although the underlying evidence base is still relevant and up to date for the purposes of calculating the revised S106 contributions.
- 13.5 The evidence background to the SPD, contained in the technical appendices is still considered relevant. The evidence clearly shows the impact of new residential development upon infrastructure - at 2013, this was that each additional dwelling in the Borough has a need for at least £20,444 of infrastructure. Therefore, it is considered that the impact on infrastructure as a result of the proposed development would be significant and without suitable

mitigation would be contrary to Policy DC72 of the LDF and Policy 8.2 of the London Plan.

13.6 Furthermore, evidence clearly shows a shortage of school places in the Borough - (London Borough of Havering Draft Commissioning Plan for Education Provision 2015/16-2019/20). The Commissioning report identifies that there is no spare capacity to accommodate demand for secondary, primary and early years school places generated by new development. The cost of mitigating new development in respect to all education provision is £8,672 (2013 figure from Technical Appendix to SPD). On that basis, it is necessary to continue to require contributions to mitigate the impact of additional dwellings in the Borough, in accordance with Policy DC29 of the LDF.

13.7 Previously, in accordance with the SPD, a contribution of £6,000 per dwelling was sought, based on a viability testing of the £20,444 infrastructure impact. It is considered that, in this case, £6,000 per dwelling towards education projects required as a result of increased demand for school places is reasonable when compared to the need arising as a result of the development.

13.8 It would therefore be necessary to require a contribution to be used for educational purposes. Separate monitoring of contributions would take place to ensure that no more than 5 contributions are pooled for individual projects, in accordance with CIL legislation. It is considered that a contribution equating to £192,000 for educational purposes would be appropriate.

14. **Mayoral CIL**

14.1 The dwellings are liable for Mayoral CIL and the extent of liability would be determined at the reserved matters stage.

15. **Conclusion**

15.1 The site is considered to be acceptable in principle for residential development and is considered possible to construct dwellings that would be appropriate. The proposal would have an acceptable relationship to nearby properties and would provide suitable amenity provision for future occupiers. The amount and configuration of the parking is considered to be acceptable. There would be a financial contribution of £192,000 for education purposes. Subject to the completion of a legal agreement the scheme is considered to be acceptable. The proposal is considered to be in accordance with the aims and objectives of the LDF Development Control Policies Development Plan Document and approval is recommended accordingly.

IMPLICATIONS AND RISKS

Financial implications and risks:

None.

Legal implications and risks:

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

Human Resources implications and risks:

None.

Equalities implications and risks:

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

BACKGROUND PAPERS

Application forms and plans received 1/12/2015, revised plans 25/4/2016.

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**REGULATORY
SERVICES
COMMITTEE**

REPORT

30 June 2016

Subject Heading:

Application for the Stopping Up of Highway Land at Barleycorn Way, Hornchurch

Ward:

Emerson Park

Report Author and contact details:

Mark Philpotts, Principal Project Leader,
StreetCare – Tel: 0170843751
Email: mark.philpotts@havering.gov.uk

Policy context:

Section 247 Town and Country Planning Act 1990 (as amended)

Financial summary:

None

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

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

SUMMARY

This report relates to an application received on 11th April 2016 for the stopping up of highway to enable the development of land pursuant to a planning permission (planning reference P0435.15) for a change of use of land from highway to domestic curtilage to provide off street parking and garden (“Planning Permission”).

The developer has applied to the Council under S.247 of the Town and Country Planning Act 1990 (as amended) (“the Act”) to stop up the area of highway shown zebra hatched on the plan entitled Land Outside 36/39 and 19 Barleycorn Way – Stopping Up Location Plan annexed to this report (“the Plan”) so that the development can be carried out. The Council’s highway officers have considered the application and consider that the stopping up is acceptable to enable the Planning Permission to be carried out.

RECOMMENDATIONS

Subject to the developer paying the Council’s reasonable charges in respect of the making of, advertising of, any inquiry costs associated with and the confirmation of the Stopping Up Order pursuant to Regulation 5 of The London Local Authorities (Charges for Stopping Up Orders) Regulations 2000 that:-

- 2.1 The Council makes a Stopping Up Order under the provisions of s.247 Town and Country Planning Act (as amended) in respect of the area of adopted highway shown zebra hatched on the attached Plan as the land is required to enable development for which the Council has granted the Planning Permission.
- 2.2 In the event that no relevant objections are made to the proposal or that any relevant objections that are made are withdrawn then the Order be confirmed without further reference to the Committee.
- 2.3 In the event that relevant objections are made, other than by a Statutory Undertaker or Transport Undertaker and not withdrawn, that the application be referred to the Mayor for London to determine whether or not the Council can proceed to confirm the Order.
- 2.4 In the event that relevant objections are raised by a Statutory Undertaker or Transport Undertaker and are not withdrawn the matter may be referred to the Secretary of State for their determination unless the application is withdrawn.

REPORT DETAIL

- 3.1 On 18th August 2015 the Council granted the Planning Permission, for a change of use of land from highway to domestic curtilage to provide off street parking and garden.
- 3.2 The stopping up is necessary in order that the development can be implemented and it involves the stopping up of two sections of existing public highway.
- 3.3 The sections of public highway to be stopped up measure approximately: Area A - 17.3 square meters and Area B - 19.6 square meters and are turning hammerheads for parking / manoeuvring motor vehicles. The boundary points of the sections of land are: Area A - OS 554826.5, 188402.4; 554832.2, 188403.9; 554832.9, 188401.3; 554827.3, 188399.3 and Area B - OS 554829.6, 188388.9; 554835.9, 188390.7; 554836.4, 188387.4; 554830.7, 188385.8.
- 3.3 The development involves building on land which includes areas of adopted highway. In order for this to happen, the areas of highway shown zebra hatched on the attached Plan need to be formally stopped up in accordance with the procedure set out in the Town and Country Planning Act 1990 (as amended). The Stopping Up Order will not become effective however unless and until it is confirmed.
- 3.4 Section 247 (2A) of the Town and Country Planning Act 1990 allows a London Borough to make an Order authorising the stopping up of any highway if it is satisfied that it is necessary to do so in order to enable development to be carried out in accordance with a planning permission.
- 3.5 The Council makes the necessary Order, advertises it, posts Notices on site and sends copies to the statutory undertakers. There is then a 28 day period for objections to be lodged. If there are no objections or any objections that have been made are withdrawn the Council may confirm the Order, thereby bringing it into legal effect. If objections are made and not withdrawn then the Council must notify the Mayor of London of the objections and the Mayor may determine that a local inquiry should be held. However under Section 252(5A) of the 1990 Act the Mayor of London may decide that an inquiry is not necessary if the objection/s are not made by a local authority, statutory undertaker or transport undertaker and may remit the matter to the Council for confirmation of the Order. If however a Statutory Undertaker of Transport Undertaker makes a relevant objection which is not withdrawn then the matter may be referred to the Secretary of State for determination.

IMPLICATIONS AND RISKS

Financial implications and risks:

The costs of the making, advertising and confirmation and any associated costs, should the Order be confirmed or otherwise will be borne by the developer pursuant to The London Local Authorities (Charges for Stopping Up Orders) Regulations 2000.

Legal implications and risks: Human Resources implications and risks: None

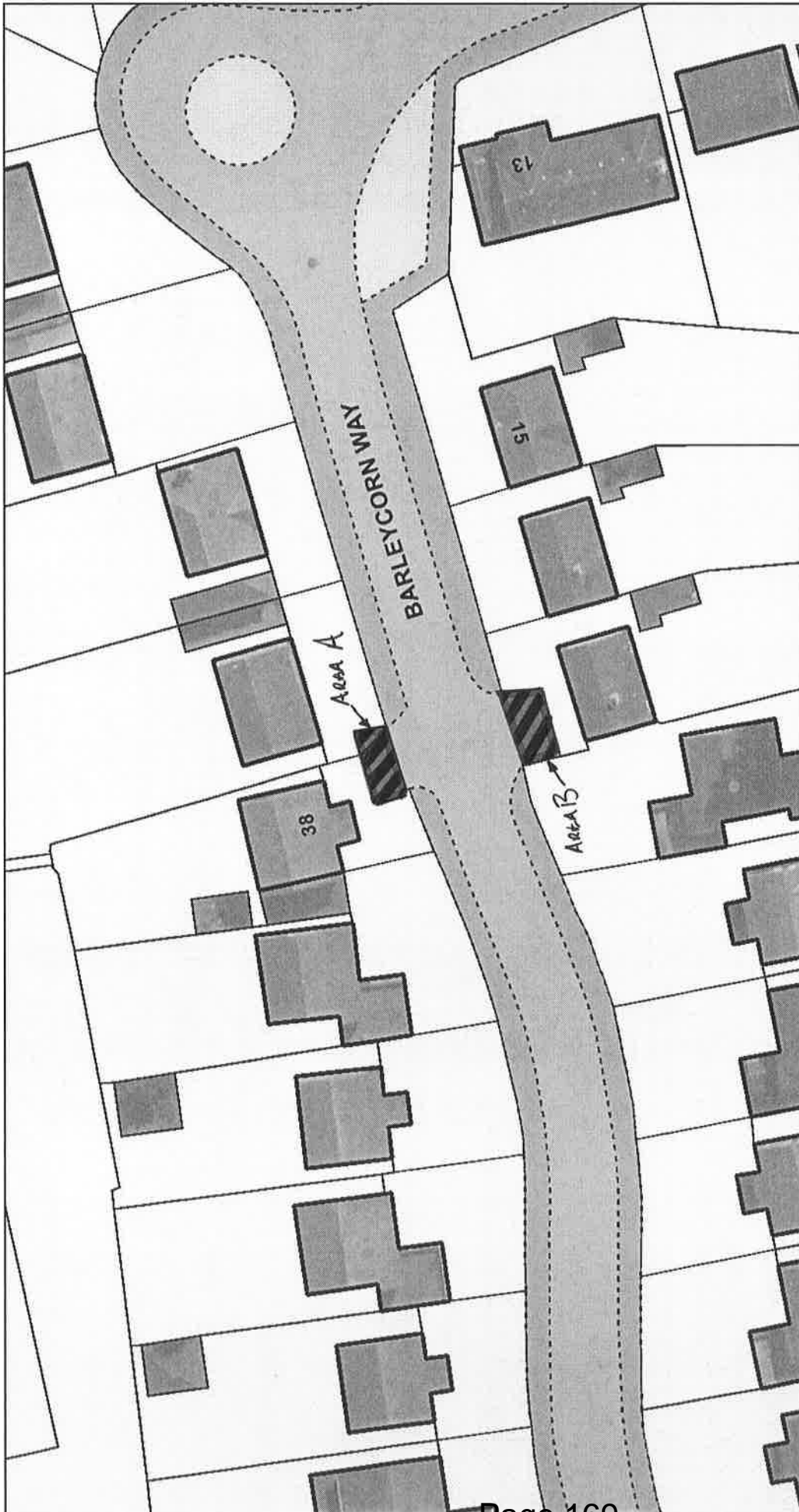
Legal Services will be required to draft the Stopping Up Order and Notices as well as carry out the Consultation process and mediate any negotiation with objectors.

Equalities implications and risks:


None directly attributable to the proposal.

BACKGROUND PAPERS

1. Officers Delegated Report dated 18 August 2015
2. Plan entitled Land Outside 36/39 and 19 Barleycorn Way – Stopping Up Location Plan




Land Outside 36/38 and 19 Barleycorn Way **Stopping Up Location Plan**




 Scale: 1:500

 Date: 16 June 2016

 Size: A4




Havering

 LONDON BOROUGH

 London Borough of Havering

 Town Hall, Main Road, Romford, RM1 3BD

 Tel: 01708 434343

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 Ordnance Survey 100024327

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**REGULATORY
SERVICES
COMMITTEE**

REPORT

30 June 2016

Subject Heading:

Application for the Stopping Up of Highway Land at Ongar Way former Garages Site, South Hornchurch

Ward:

South Hornchurch

Report Author and contact details:

Mark Philpotts, Principal Project Leader, StreetCare – Tel: 0170843751
Email: mark.philpotts@havering.gov.uk

Policy context:

Section 247 Town and Country Planning Act 1990 (as amended)

Financial summary:

None

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

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

SUMMARY

This report relates to an application received on 18th March 2016 for the stopping up of highway to enable the full implementation of development of land pursuant to a planning permission (planning reference P1429.15) for the demolition of existing garages and redevelopment of the site to provide 9 residential units (“Planning Permission”) by the Council as a scheme of 9 shared ownership houses and bungalows.

The developer has applied to the Council under S.247 of the Town and Country Planning Act 1990 (as amended) (“the Act”) to stop up the area of highway shown zebra hatched on the plan entitled Ongar Way – Stopping Up Plan annexed to this report (“the Plan”) so that the development can be regarded as fully completed and shared ownership long leases granted on the new residential units. The Council’s highway officers have considered the application and consider that the stopping up is acceptable to enable the Planning Permission to be fully implemented.

RECOMMENDATIONS

Subject to the developer paying the Council’s reasonable charges in respect of the making of, advertising of, any inquiry costs associated with and the confirmation of the Stopping Up Order pursuant to Regulation 5 of The London Local Authorities (Charges for Stopping Up Orders) Regulations 2000 that:-

- 2.1 The Council makes a Stopping Up Order under the provisions of s.247 Town and Country Planning Act (as amended) in respect of the area of adopted highway shown zebra hatched on the attached Plan as the land is required to enable development for which the Council has granted the Planning Permission.
- 2.2 In the event that no relevant objections are made to the proposal or that any relevant objections that are made are withdrawn then the Order be confirmed without further reference to the Committee.
- 2.3 In the event that relevant objections are made, other than by a Statutory Undertaker or Transport Undertaker and not withdrawn, that the application be referred to the Mayor for London to determine whether or not the Council can proceed to confirm the Order.
- 2.4 In the event that relevant objections are raised by a Statutory Undertaker or Transport Undertaker and are not withdrawn the matter may be referred to the Secretary of State for their determination unless the application is withdrawn.

REPORT DETAIL

- 3.1 On 5th May 2016 the Council granted the Planning Permission for the demolition of existing garages and redevelopment of the site to provide 9 residential units (a revised scheme to previous planning permission P1644.11 granted on the 13 May 2014 for 12 residential units).
- 3.2 The stopping up is necessary in order that the development can be fully implemented and it involves the stopping up of two sections of existing public highway.
- 3.3 The sections of public highway to be stopped up measure approximately 166 square metres and 211 square metres (being a total of 377 square meters) and are now forming part of access ways serving the development's new shared ownership residential units in Gilesfield Close and Lighterman Road and additional parking areas for use by the residents of and the visitors to the new residential units and also the residents of and the visitors to the surrounding Ongar Way housing estate.
- 3.4 The areas being stopped up will in future be maintainable by the Council's Homes and Housing Dept. as part of their housing estate lands.
- 3.5 Appropriate access and parking rights will be granted to the shared ownership purchasers of the residential units in Gilesfield Close and Lighterman Road and a share of maintenance costs will be recoverable by way of their service charge. The boundary points of the sections of land are: (a) OS 551408.024, 184021.363 and (b) OS 551431.763, 183988.851
- 3.6 The completed development has involved utilising land which includes areas of currently adopted highway. The areas of the highway shown zebra hatched on the attached Plan needs to be formally stopped up in accordance with the procedure set out in the Town and Country Planning Act 1990 (as amended). The Stopping Up Order will not become effective, however, unless and until it is confirmed.
- 3.7 Section 247 (2A) of the Town and Country Planning Act 1990 allows a London Borough to make an Order authorising the stopping up of any highway if it is satisfied that it is necessary to do so in order to enable development to be carried out in accordance with a planning permission.
- 3.8 The Council makes the necessary Order, advertises it, posts Notices on site and sends copies to the statutory undertakers. There is then a 28 day period for objections to be lodged. If there are no objections or any objections that have been made are withdrawn the Council may confirm the Order, thereby bringing it into legal effect. If objections are made and not withdrawn then the

Council must notify the Mayor of London of the objections and the Mayor may determine that a local inquiry should be held. However under Section 252(5A) of the 1990 Act the Mayor of London may decide that an inquiry is not necessary if the objection/s are not made by a local authority, statutory undertaker or transport undertaker and may remit the matter to the Council for confirmation of the Order. If however a Statutory Undertaker of Transport Undertaker makes a relevant objection which is not withdrawn then the matter may be referred to the Secretary of State for determination.

IMPLICATIONS AND RISKS

Financial implications and risks:

The costs of the making, advertising and confirmation and any associated costs, should the Order be confirmed or otherwise will be borne by the developer pursuant to The London Local Authorities (Charges for Stopping Up Orders) Regulations 2000.

Legal implications and risks: Human Resources implications and risks: None

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

Equalities implications and risks:

None directly attributable to the proposal.

BACKGROUND PAPERS

1. Report to Regulatory Services Committee entitled - P1429.15: Ongar Way and Rainham Road, South Hornchurch dated 3 December 2015
2. Plan entitled Ongar Way – Stopping Up Plan showing the area to be stopped up

Ongar Way - Stopping Up Plan



Area of Proposed Stopping Up



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**REGULATORY
SERVICES
COMMITTEE**

REPORT

30 June 2016

Subject Heading:

Application for the Stopping Up of Highway Land adjacent to 26 Curtis Road, Hornchurch

Ward:

Emerson Park

Report Author and contact details:

Mark Philpotts, Principal Project Leader,
StreetCare – Tel: 0170843751
Email: mark.philpotts@havering.gov.uk

Policy context:

Section 247 Town and Country Planning Act 1990 (as amended)

Financial summary:

None

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

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

SUMMARY

This report relates to an application received on 4 May 2016 for the stopping up of highway to enable the full implementation of development of land pursuant to a planning permission (planning reference P0369.16) for the construction of a replacement dwelling on site after demolition of previous dwelling and erection of front and side boundary walls and fencing (“Planning Permission”).

The developer has applied to the Council under S.247 of the Town and Country Planning Act 1990 (as amended) (“the Act”) to stop up the area of highway shown zebra hatched on the plan entitled Land Adjacent to 26 Curtis Road, Hornchurch, Essex – Stopping Up Plan annexed to this report (“the Plan”) so that the development can be carried out. The Council’s highway officers have considered the application and consider that the stopping up is acceptable to enable the Planning Permission to be carried out.

RECOMMENDATIONS

Subject to the developer paying the Council’s reasonable charges in respect of the making of, advertising of, any inquiry costs associated with and the confirmation of the Stopping Up Order pursuant to Regulation 5 of The London Local Authorities (Charges for Stopping Up Orders) Regulations 2000 and subject to the lawful implementation of Planning Permission that:-

- 2.1 The Council makes a Stopping Up Order under the provisions of s.247 Town and Country Planning Act (as amended) in respect of the area of adopted highway shown zebra hatched on the attached Plan as the land is required to enable development for which the Council has granted the Planning Permission.
- 2.2 In the event that no relevant objections are made to the proposal or that any relevant objections that are made are withdrawn then the Order be confirmed without further reference to the Committee.
- 2.3 In the event that relevant objections are made, other than by a Statutory Undertaker or Transport Undertaker and not withdrawn, that the application be referred to the Mayor for London to determine whether or not the Council can proceed to confirm the Order.
- 2.4 In the event that relevant objections are raised by a Statutory Undertaker or Transport Undertaker and are not withdrawn the matter may be referred to the Secretary of State for their determination unless the application is withdrawn.

REPORT DETAIL

- 3.1 On 4th May 2016 the Council granted the Planning Permission, for the construction of a replacement dwelling on site after demolition of previous dwelling and erection of front and side boundary walls and fencing
- 3.2 The stopping up is necessary in order that the development can be implemented and it involves the stopping up of a section of existing public highway.
- 3.3 The section of public highway to be stopped up measures approximately 47.60 meters in length and 1.50 meters in width (at its widest point) and lies adjacent to the side of number 26 Curtis Road, Hornchurch. The boundary points of this section of land are: (a) OS grid reference point 554,925.7E, 187,668.0N; (b) OS grid reference point 554,916.1E, 187,692.3N; (c) OS grid reference point 554,879.7E, 187,700.00N.
- 3.3 The development involves building on land which includes areas of adopted highway. In order for this to happen, the areas of the highway shown zebra hatched on the attached Plan need to be formally stopped up in accordance with the procedure set out in the Town and Country Planning Act 1990 (as amended). The Stopping Up Order will not become effective however unless and until it is confirmed.
- 3.4 Section 247 (2A) of the Town and Country Planning Act 1990 allows a London Borough to make an Order authorising the stopping up of any highway if it is satisfied that it is necessary to do so in order to enable development to be carried out in accordance with a planning permission.
- 3.4 The Council makes the necessary Order, advertises it, posts Notices on site and sends copies to the statutory undertakers. There is then a 28 day period for objections to be lodged. If there are no objections or any objections that have been made are withdrawn the Council may confirm the Order, thereby bringing it into legal effect. If objections are made and not withdrawn then the Council must notify the Mayor of London of the objections and the Mayor may determine that a local inquiry should be held. However under Section 252(5A) of the 1990 Act the Mayor of London may decide that an inquiry is not necessary if the objection/s are not made by a local authority, statutory undertaker or transport undertaker and may remit the matter to the Council for confirmation of the Order. If however a Statutory Undertaker of Transport Undertaker makes a relevant objection which is not withdrawn then the matter may be referred to the Secretary of State for determination.
- 3.5 On 8 January 2015, pursuant to an extant planning permission (reference P1084.12) the Council resolved to authorise the stopping up of the same

section of highway land to which this application relates. The stopping up order was made on 24th April 2015 and tied to the lawful implementation of planning permission P1084.12. The planning permission failed to be lawfully implemented and the 2015 stopping up order could not take effect.

IMPLICATIONS AND RISKS

Financial implications and risks:

The costs of the making, advertising and confirmation and any associated costs, should the Order be confirmed or otherwise will be borne by the developer pursuant to The London Local Authorities (Charges for Stopping Up Orders) Regulations 2000.

Legal implications and risks: Human Resources implications and risks: None

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


Equalities implications and risks:

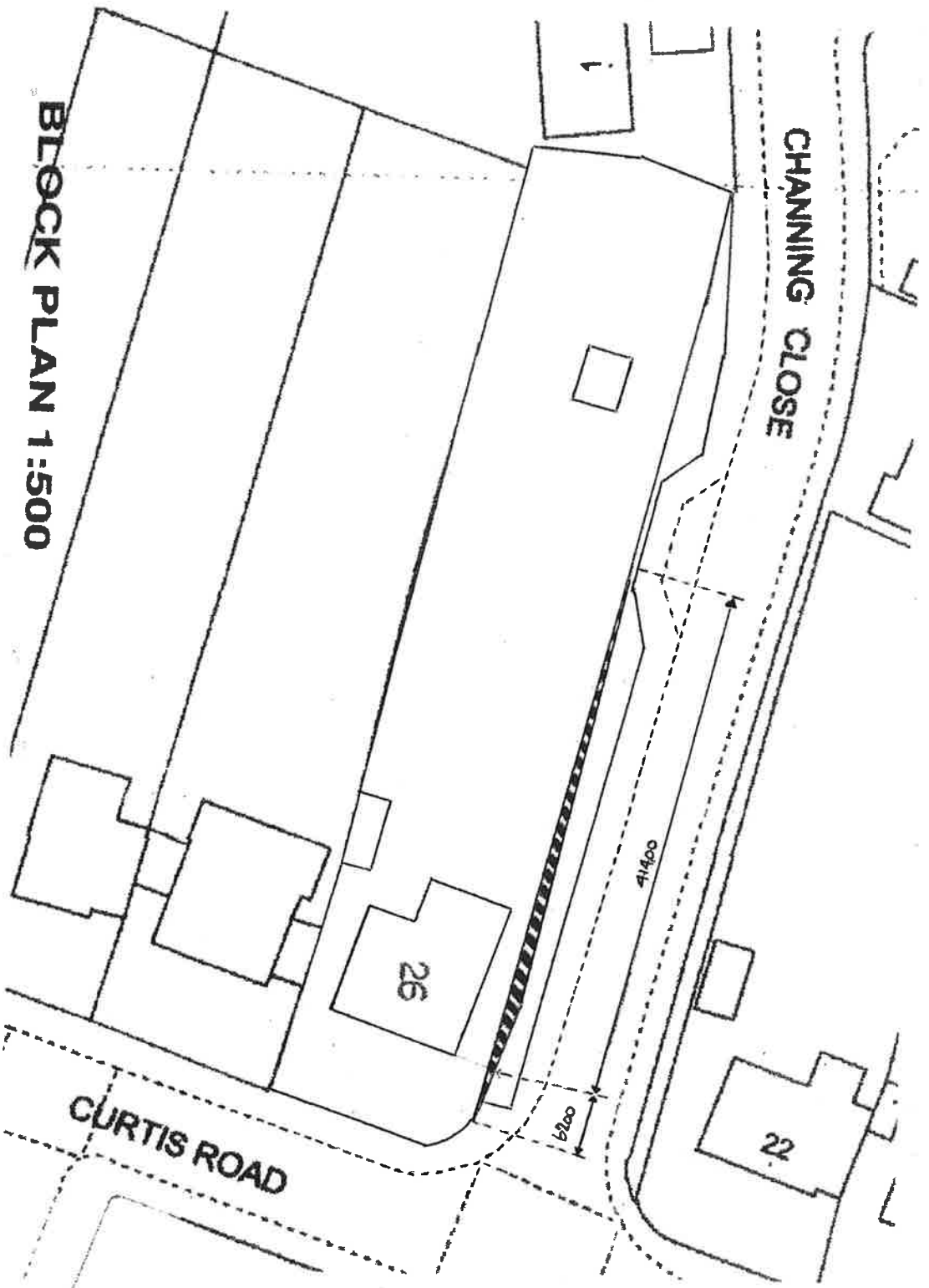
None directly attributable to the proposal.

BACKGROUND PAPERS

1. Officers Delegated Report dated 4 May 2016
2. Plan entitled Land Adjacent to 26 Curtis Road, Hornchurch, Essex – Stopping Up Plan showing the area to be stopped up

LAND ADJACENT TO 26 CURTIS ROAD, HORNCHURCH, ESSEX
STOPPING UP PLAN

 = AREA TO BE STOPPED-UP



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REGULATORY SERVICES COMMITTEE

REPORT

30 JUNE 2016

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 2000-2016

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 2016.

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

30 JUNE 2016

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 20 February 2016 and 27 May 2016

RECOMMENDATIONS

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

REPORT DETAIL

1. Since the appeals reported to Members in March '16, 32 new appeals have been started. Decisions on 44 appeals have been received during the same period 29 have been dismissed, 12 allowed, 1 withdrawn, 2 part allowed and part dismissed

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 20-FEB-16 AND 27-MAY-16

APPEAL DECISIONS - PLANNING					
Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p>E0003.15 1C Ferndale Road Romford <i>Existing use of 1C as a separate self contained residential unit.</i></p>	Local Inquiry		Delegated		<p style="text-align: center;">Dismissed</p> <p>From the evidence before the Inspector as a matter of fact and degree and on the balance of probability that the appeal property, was used as a separate dwelling more than 4 years before the date of the application, the subject of the appeal. However, there was no unambiguous evidence relating to occupation and there was first hand evidence that there were some periods when the property was vacant possibly, at one time, up to three months. It was not demonstrated that all such vacant periods within a relevant four year time frame were de-minimis or that the Council could have taken action against the unauthorised use had it investigated during the periods of vacancy. The Inspector concluded that the Appellant has not made out the case, on the balance of probability, that appeal site has been used as a separate dwelling for a four year continuous period apart from de-minimis breaks</p> <p>The Inspector concluded that the Council's refusal to grant a certificate of lawful use or development in respect of the existing use of 1c as a separate self-contained residential unit was well-founded and that the appeal should fail</p> <p>An application for costs against the London Borough of Havering was refused by the Inspectorate</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 20-FEB-16 AND 27-MAY-16

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p>P1655.14 Sullens Farm Sunnings Lane Upminster <i>Conversion of existing brick barns to create three new apartments, demolition of modern barns to allow construction of six new houses, Removal of external caravan storage use and hard surfaced yard and replacement with landscaped parking.</i></p>	<p>Written Reps</p>	<p>Approved with Agreement</p>	<p>Committee</p>	<p>The proposed development by reason of the proximity of proposed garden areas to neighbouring properties, would be likely to give rise to noise and disturbance that would have a serious and adverse effect on the living conditions of adjacent occupiers, contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.</p> <p>The proposed development would, by reason of its scale and bulk, detract from the open character and appearance of the Green Belt, contrary to Policies DC45 and DC61 of the Core Strategy and Development Control Policies DPD and the guidance contained in the National Planning Policy Framework.</p> <p>The proposed new built development would, by reason of its scale and bulk in proximity to the listed Sullens Farmhouse, cause material harm to the open setting of the heritage asset contrary to Policy DC67 of the LDF Core Strategy and Development Control Policies DPD and the guidance in the National Planning Policy Framework.</p> <p>In the absence of a legal agreement to secure contributions towards local infrastructure projects necessary as a result of the impact of the development, the proposal is considered to be contrary to Policy DC72 of the Core Strategy and Development Control Policies DPD.</p>	<p style="text-align: center;">Dismissed</p> <p>The proposed scheme would result in inappropriate development arising from the construction of new dwellings to replace Building A (Hanger type building), and by the redevelopment of previously developed land for reasons of conflict with the purposes of including land within the Green Belt. The barn conversions would not amount to inappropriate development. Nevertheless, the proposals as a whole would lead to adverse impacts on the character and appearance of the area.</p> <p>Harm caused to the curtilage listed barns and to the setting of Sullens Farmhouse would result in less than substantial harm to the significance of the designated heritage assets, to which the Inspector accorded considerable importance and weight. The impact of the proposal on the living conditions of neighbours is another matter weighing against it. The scheme would result in net increases in openness of the Green Belt. The Green Belt would also benefit from return of the caravan storage land as well as other parts of the appeal site to the Green Belt.</p> <p>The considerations in favour of the proposal did not clearly outweigh the harm to the Green Belt by reasons of inappropriateness, as well as the other harm identified, and the very special circumstances necessary to justify the development do not exist. The Inspector did not consider the financial contributions offered in the s106 planning obligation as they bear no relevance to the</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 20-FEB-16 AND 27-MAY-16

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
					main issues on which the appeal turned.
<p>P1266.14 Laburnham Stables Laburnham Gardens Cranham Upminster <i>Retention of 2No mobile homes currently on site adjacent to existing mobile home with permanent consent</i></p>	Written Reps	Approve With Conditions	Committee	<p>This permission shall be for a limited period only expiring on 4th December 2017 on or before which date the use hereby permitted shall be discontinued, the mobile homes and works carried out under this permission shall be removed and the site re-seeded and reinstated as pasture.</p> <p>Reason: The grant of a permanent permission would not be appropriate until such time as the Gypsy and Traveller Caravan Sites Local Plan has been adopted and a permanent change of use considered in light of its policies and in accordance with Policies CP2 and DC8 of the LDF Core Strategy and Development Control Policies Development Plan Document. The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1 of Planning Policy for Traveller Sites (2012).</p> <p>Reason: Permission is granted solely in recognition of the unmet need for gypsy and traveller sites in Havering. The use hereby permitted shall be carried on only by the following: Mrs C Tibbs and Mr Edward Tibbs and his wife, Laura and their children</p>	<p>Allowed with Conditions</p> <p>The appeal site is a Gypsy / Traveller site located in the Green Belt on the edge of Cranham. There is a long planning history dating to the 1990's with a number of temporary permissions. The appellant however sought permission for retention of two mobile homes currently on site adjacent to existing mobile home with permanent consent. The Council granted permission for the application however it was not what the applicant sought as permission was allowed for a limited period only expiring on 4th December 2017 - a three year temporary permission.</p> <p>The Inspector concluded that the use and development permitted by the Council in the 2014 decision was inappropriate development but the other considerations in favour of granting a temporary permission were considered sufficient to clearly outweigh the harm so that very special circumstances existed. In consideration of the proposal to vary the terms of the permission to allow permanent use, the other considerations pertaining at the time of this decision still do not clearly outweigh the harm. However, there have been changes in those other considerations and in the balance it was concluded that the grant of a fresh four year permission would be reasonable, allowing in particular the children to continue their</p>

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Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 192</p>				<p>Edward, Lauren and Charles and Mrs Christina Imray (nee Tibbs) and her husband, Daniel and their children Daniel and James and any child born to these parents within the three year temporary period identified in Condition 1 above and shall not enure for the benefit of the land or any other person.</p> <p>Reason: Permission is granted for a period pending the possible allocation of the site in a Development Plan Document on gypsy and traveller sites (or a Local Plan) and in recognition of the particular circumstances of the applicants.</p> <p>When the premises cease to be occupied by those named in condition (3) above, or at the end of 3 years, whichever shall first occur, the use hereby permitted shall cease and all caravans, buildings, structures, materials and equipment brought on to the land, or works undertaken to it in connection with the use shall be removed and the land restored to its condition before the development took place.</p> <p>Reason: Permission is granted for a period pending the possible allocation of sites in a Development Plan Document on gypsy and traveller sites (or a Local Plan) and in recognition of the particular circumstances of the applicants.</p>	<p>education from a more settled base, and allowing time for the policy situation on the supply of site to be resolved.</p> <p>The appeal was allowed and the planning permission was varied by deleting disputed conditions together with others that were not considered necessary or reasonable, and substituting new conditions. The Inspector judged it reasonable to grant a fourth, temporary permission which was not what the appellant sought as it was granted for four years from the date of the appeal decision. The reason for this was to allow reasonable time for a new Local Plan to go through the relevant adoption process.</p>

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Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 193</p>				<p>No vehicle over 3.5 tonnes shall be stationed, parked or stored on this site.</p> <p>Reason: To protect the amenities of the area and the openness of the Green Belt.</p> <p>No commercial activities shall take place on the land, including the storage of materials.</p> <p>Reason: To protect the amenities of the area and the openness of the Green Belt.</p> <p>No more than 2 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 shall be stationed on the application site at any time.</p> <p>Reason: To protect the amenities of the area and maintain the open character of the Green Belt.</p>	
	<p>P0592.15 Sullens Farm Sunnings Lane Upminster <i>Conversion of existing brick barns to create 3 no.new apartments, demolition of modern barns to allow construction of 5 no. new houses, removal of external caravan storage use and hard surfaced yard and replacement with landscaping.</i></p>	<p>Written Reps</p>	<p>Approved with Agreement</p>	<p>Committee</p>	<p>The proposed development by reason of the proximity of proposed garden areas to neighbouring properties, would be likely to give rise to noise and disturbance that would have a serious and adverse effect on the living conditions of adjacent occupiers, contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.</p> <p>The proposed development would, by reason of its scale and bulk, detract from the open character and appearance of the Green Belt, contrary to Policies DC45 and DC61 of the Core Strategy</p>

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Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 194</p>				<p>and Development Control Policies DPD and the guidance contained in the National Planning Policy Framework. The proposed new built development would, by reason of its scale and bulk in proximity to the listed Sullens Farmhouse, cause material harm to the open setting of the heritage asset contrary to Policy 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 legal agreement to secure contributions towards the demand for school places arising from the development, the proposal fails to satisfactorily mitigate the infrastructure impact of the development, contrary to the provisions of Policy DC72 of the Development Control Policies DPD and Policy 8.2 of the London Plan.</p>	<p>Farmhouse would result in less than substantial harm to the significance of the designated heritage assets, to which the inspector accorded considerable importance and weight.</p> <p>It was found that the proposal would not adversely impact on the living conditions of neighbours in Sunnings Lane and the schemes would result in net increases in openness of the Green Belt. The Green Belt would also benefit from return of the caravan storage land as well as other parts of the appeal site to the Green Belt.</p> <p>The Inspector concluded that the considerations in favour of the proposal did not clearly outweigh the harm to the Green Belt by reasons of inappropriateness, as well as the other harm identified, and the very special circumstances necessary to justify the developments do not exist.</p> <p>The Inspector did not consider the financial contributions offered in the s106 planning obligation as they bear no relevance to the main issues on which the appeal turned.</p>
	<p>P0753.15 15 Braithwaite Avenue Romford <i>Retention of 6 metre single storey rear extension.</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The development would, by reason of scale, bulk, mass and upvc cladded finish, appear as an unacceptably dominant and visually intrusive feature in the rear garden environment and be harmful to the appearance of the surrounding area contrary to Residential Extensions and Alterations Supplementary Planning Document and</p>

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Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				Policy DC61 of the LDF Core Strategy and Development Control Policies DPD. The proposed extension would, by reason of its excessive depth and external finish be an intrusive and unneighbourly development, which would be most oppressive, dominant and overbearing which would give rise to an undue sense of enclosure in the rear garden environment to the detriment of residential amenity contrary to the Residential Extensions and Alterations Supplementary Planning Document and Policy DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.	
<p>P1049.15 6 Grosvenor Drive Hornchurch Amendment to rear elevation roof to form Juliet balcony to 2no windows in dormer and to form 2no dormers to front</p>	Written Reps	Refuse	Delegated	The additional front dormer when viewed in conjunction with the previously allowed front dormer window, is judged to result in a combined development which by reason of their combined bulk and mass, appear as an unacceptably dominant and visually intrusive feature in the roof scape of this property, unbalancing its appearance and detracting from the character and appearance of the street scene. The development is therefore contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD and the Residential Extensions and Alterations SPD.	<p>Allowed with Conditions</p> <p>The Inspector considered that the roof slope is large enough to accommodate two dormer windows of the size proposed. They would be well contained within the confines of the roof form and would not dominate the roof scape or appear unacceptably prominent in the wider street scene. In summary the two new dormer windows would not harm the character and appearance of the area. Suitable planning conditions would address the Juliet balcony concerns.</p>
<p>P0441.15 154 Balgores Lane Romford Change of Use of existing vacant Financial</p>	Written Reps	Approve With Conditions	Committee	No parking is provided for customers of the premises. This would lead to parking in the surrounding residential streets which would be detrimental to the amenity of residents. For this reason the	<p>Allowed with Conditions</p> <p>The Inspector noted public parking is available along Balgores Lane, at Balgores Square car park, and at the nearby railway station. These parking spaces could be</p>

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Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p><i>& Professional Services unit (A2) to a restaurant (A3) and installation of rear external extract duct.</i></p>				<p>proposal is contrary to policies DC32 (The Road Network) and DC61 (Urban Design) of the Development Control Policies Development Plan Document.</p>	<p>utilised by customers arriving by car. The parking spaces along Balgores Lane are available throughout the daytime and there was no reason why manoeuvring into these spaces would cause highway dangers. With a train station close to the site and the likelihood that customers would also walk to the restaurant, not all journeys would be by car. Furthermore, with the opening hours of the restaurant being throughout the day to early evening, it is likely the use would complement existing shops and form part of linked trips The Inspector concluded the proposal would not have a harmful effect on highway safety.</p> <p>In response to concerns about noise, suitably worded conditions could address opening hours, extract ventilation and refuse storage. On this point the Inspector concluded that the proposal would not result in unreasonable adverse effects on the environment by reason of noise, fumes and hours of operation.</p>
<p>P0790.15 48,50 & 52 Gubbins Lane Romford <i>Erection of two-storey detached residential block containing 2no. flats.</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed development would, by reason of its location, height, bulk and mass, appear as an incongruous and unacceptably dominant and visually intrusive feature in this setting. The development would therefore be outcast and disjointed from the surrounding street arrangement and consequently harmful to the character and appearance of the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.</p>	<p>Allowed with Conditions</p> <p>The Inspector considered that the development would be compatible with the scale and height of surrounding buildings and would not appear visually dominant or intrusive. It would integrate satisfactorily into its surroundings and present the building as a modern but respectful addition to the street scene.</p> <p>The Inspector considered that given the small number and size of units proposed, the</p>

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				<p>In the absence of a legal agreement to secure contributions towards the demand for school places arising from the development, the proposal fails to satisfactorily mitigate the infrastructure impact of the development, contrary to the provisions of Policy DC72 of the Development Control Policies DPD and Policy 8.2 of the London Plan.</p>	<p>number of additional children requiring a school place as a result of this project is also likely to be very small. The contribution sought would not be directly related and proportionate to the proposed development and therefore the requirement for a planning obligation in relation to an education contribution would be unreasonable in this case.</p>
<p>P1128.14 7 Highview Gardens Upminster Demolition of 7 Highview Gardens and erection of 2No semi-detached houses and 1No detached house</p>	<p>Written Reps</p>	<p>Approved with Agreement</p>	<p>Committee</p>	<p>The proposal by reason of the required demolition of no.7 Highview Gardens would result in the unbalancing of a former pair of bungalows, giving rise to an incongruous appearance in the streetscene, to the detriment of the character and amenity of the locality, contrary to the provisions of Policy DC61 of the LDF Core Strategy and Development Control Policies DPD. The proposal, by reason of the height, scale and setting of the development would be overly obtrusive in the prevailing streetscene which, given its existing degree of openness, would result in material harm to local character and visual amenity, contrary to the provisions of Policy DC61 of the LDF Core Strategy and Development Control Policies DPD. In the absence of a mechanism to secure a planning obligation towards the infrastructure costs of new development the proposal is contrary to the provisions of the Havering Planning Obligations Supplementary Planning Document and Policy DC72 of the LDF Core Strategy</p>	<p>Allowed with Conditions</p> <p>The Inspector noted that the height of the 3 proposed dwellings would be greater than that of the existing bungalow however they would be broadly in line with heights of surrounding properties. Each of the proposed dwellings would be set back as per surrounding dwellings and well-spaced from one another and surrounding dwellings retaining the spacious character of the street</p> <p>The Inspector considered that Windmill Green/Field to the front of the listed building (Upminster Windmill) plays a key role in its setting. The appeal proposal would not be visible in context of this setting. Partial views of the Windmill are afforded from Highview Gardens to the front of the bungalows, but this is not a contributory factor its setting. It was concluded that the proposal would not appear as a prominent feature within Highview Gardens nor would it have a harmful effect on its street scene nor the setting of grade II* listed Upminster Windmill.</p> <p>The Inspector noted that the Council did not</p>

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				and Development Control Policies DPD.	provide specific evidence of any proposed projects or cited any schools close to the appeal site that are to be expanded and relied on evidence set out in the Draft Commissioning Plan for Education Provision 2015/16 - 2019-20. The Inspector found the contribution required would fail to meet the tests set out in Regulation 122 of the 2010 CIL Regulations.
<p>L0016.14 Sullens Farm Sunnings Lane Upminster <i>Listed Buildings Consent for conversion of existing brick barns to create new apartments, demolition of modern barns to allow construction of new houses within curtilage of listed building</i></p>	Written Reps	Approve With Conditions	Committee	The associated planning application (P1655.14) for the conversion and demolition works to buildings within the curtilage of the listed building has been refused planning permission. It would, therefore, be premature and unsupportable to grant listed building consent for a development for which planning permission has been refused. It would also be contrary to Policy DC 67 of the LDF Core Strategy and Development Control Framework and the guidance in the National Planning Policy Framework.	<p style="text-align: center;">Dismissed</p> The harm caused to the curtilage listed barns and to the setting of Sullens Farmhouse would result in less than substantial harm to the significance of the designated heritage assets, to which the Inspector accorded considerable importance and weight. The listed building appeal was unacceptable as conversion of the curtilage listed barns would not preserve their special interests.
<p>P1002.15 73 & 75 Upper Rainham Road (Land Rear of) Hornchurch <i>Erection of a two storey 2 bedroom detached dwelling on land rear of 73 & 75 Upper Rainham Road</i></p>	Written Reps	Refuse	Delegated	The proposed development would, by reason of its size, scale, position and proximity to neighbouring properties be an intrusive and overbearing development, 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. The proposed development would, by reason of its size, scale and reduced plot size create development which would appear uncharacteristically	<p style="text-align: center;">Dismissed</p> The Inspector agreed with the Council on all the main points; It was concluded that there would be harm to the outlook and thus the living conditions of the occupants of neighbouring properties and that the scheme would harm the character and appearance of the area.

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<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 199</p>				<p>cramped on the site which would have serious and adverse effects on the appearance and character of the streetscene contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.</p> <p>The proposed development would create a parking shortfall which would have an adverse effect on the amenity of residents in the surrounding area and the public highway contrary to Policy DC33 of the LDF Core Strategy and Development Control Policies DPD.</p> <p>In the absence of a legal agreement to secure contributions towards the demand for school places arising from the development, the proposal fails to satisfactorily mitigate the infrastructure impact of the development, contrary to the provisions of Policies DC29 and DC72 of the Development Control Policies DPD and Policy 8.2 of the London Plan.</p>	
	<p>L0003.15 Sullens Farm Sunnings Lane Upminster <i>Conversion of existing brick barns to create new apartments, demolition of modern barns to allow construction of new houses, within curtilage of listed building.</i></p>	<p>Written Reps</p>		<p>Committee</p>	<p>The associated planning application (P0592.15) for the conversion and demolition works to buildings within the curtilage of the listed building has been refused planning permission. It would, therefore, be premature and unsupportable to grant listed building consent for a development for which planning permission has been refused. It would also be contrary to Policy DC67 of the LDF Core Strategy and Development Control Framework and the guidance in the National Planning Policy Framework.</p>

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<p>P0261.15 Lodge Cottage The Chase Upminster <i>Revised application for one dwelling incorporating demolition of existing outbuildings and hardstandings</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Committee</p>	<p>The site is within the area identified in the Local Development Framework as Metropolitan Green Belt. Policy DC45 of the LDF and Government Guidance as set out in the National Planning Policy Framework (Green Belts) states that in order to achieve the purposes of the Metropolitan Green Belt it is essential to retain and protect the existing rural character of the area so allocated and that new development will only be permitted outside the existing built up areas in the most exceptional circumstances. The development is inappropriate in principle in the Green Belt and no very special circumstances have been submitted in this case to outweigh the harm caused by reason of inappropriateness and visual harm to the character and openness of the Green Belt. The proposal is therefore contrary to Policy DC45 of the LDF Core Strategy and Development Control Policies Development Plan Document, as well as the National Planning Policy Framework. The proposed development, by reason of the bulk and size of the proposed dwelling, would result in a visually intrusive form of development, which is detrimental to the open character of the Green Belt at this point, as well as harmful to the character of the Cranham Conservation Area. The proposal is therefore contrary to Policies DC45 and DC68 of the LDF Core Strategy and Development Control Policies Development Plan Document, as well as</p>	<p style="text-align: center;">Dismissed</p> <p>The Inspector agreed with the Council on the first four main issues, i.e that the proposal would amount to inappropriate development in the Green Belt and that it would reduce and detract from the openness of this part of the Green Belt, contrary to the fundamental aim of Green Belt policy and the NPPF</p> <p>The proposed house would fail to preserve the character or appearance of the Cranham Conservation Area as a whole and the harm that would be caused to the significance of the CA would not be outweighed by any public benefit</p> <p>Finally the Appellant was unable to demonstrate that there are very special circumstances which would outweigh the harm that would be caused to the Green Belt as identified above. The Inspector did not consider the appropriateness or otherwise of the submitted Planning Obligation given the findings on the main issues</p>

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				<p>the provisions of 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 Policy DC72 of the LDF Core Strategy and Development Control Policies Development Plan Document.</p>	
<p>P0655.15 206 Rush Green Road Romford Essex <i>Formation of a dropped kerb with access and hard-standing to provide off street parking.</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed development would, when seen in conjunction with existing hardsurfacing features, result in virtually the entire frontage width of this property being taken up with hardsurfacing. As a consequence of the lack of any substantive remaining landscaping remaining, the development would therefore result in a visually intrusive and harsh appearance in the streetscene harmful to the character and appearance of both the terraced block within which the subject dwelling is located and the surrounding area, contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.</p>	<p style="text-align: center;">Dismissed</p> <p>The Inspector agreed that the proposed development would cause harm to the appearance of the group of terraced buildings and to the surrounding area.</p>
<p>P0788.15 South Hall Farm Wennington Road Rainham <i>Demolition of agricultural buildings and erection of 2 detached two storey four-bedroom houses, 1 detached single storey three-bedroom detached</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Committee</p>	<p>The proposal would be inappropriate development harmful to the open nature and character of the Green Belt, contrary to the National Planning Policy Framework and Policy DC45 of the Development Control Policies DPD. The proposed development would, because of the narrowness of the internal road and its slope towards the highway, lack of sightlines, and the lack</p>	<p style="text-align: center;">Dismissed</p> <p>The Inspector agreed with the Council on the main issues, i.e that the proposal would amount to inappropriate development in the Green Belt and it would reduce and detract from the openness of this part of the Green Belt, contrary to the fundamental aim of Green Belt policy and the NPPF. It would have a materially harmful impact on the rural character of this part of the Green Belt</p>

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<p><i>house, a double garage, an outbuilding, a bin store and associated parking for 6 vehicles.</i></p>				<p>of safe parking for service vehicles, be detrimental to highway safety and contrary to Policy DC2 and DC33 of the Core Strategy and Development Control Policies DPD.</p> <p>The proposed development would not provide an attractive, high quality and sustainable living environment contrary to Policy DC3 (Housing Design and Layout) of the Havering Core Strategy and Development Control Policies Development Plan Document. This is due to the external amenity space proposed for two of the houses being of inadequate size for day to day use, and the poor relationship between the houses resulting in potential loss of privacy to future residents.</p> <p>In the absence of a legal agreement to secure contributions towards the demand for school places arising from the development, the proposal fails to satisfactorily mitigate the infrastructure impact of the development, contrary to the provisions of Policies DC29 (Educational Premises) and DC72 (Planning Obligations) of the Development Control Policies DPD and Policy 8.2 of the London Plan.</p>	<p>It was also concluded that the proposal would materially adverse impact on highway safety and would provide unsatisfactory living conditions for its occupants due to inadequate private garden space and privacy. The Appellant was unable to demonstrate that there are very special circumstances that would outweigh the harm that would be caused to the Green Belt. The Inspector only gave limited weight to absence of a Planning Obligation</p> <p>An application for costs against the Council was refused.</p>
<p>P1188.15 6 Holt Road Harold Wood <i>Garage/ Port conversion to single level dining room from lounge to garage port, window to</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed development would, by reason of the inadequate onsite car parking provision, result in unacceptable overspill onto the adjoining roads to the detriment of highway safety and residential amenity and contrary to Policies DC33 and DC61 of the Core Strategy and Development Control</p>	<p>Allowed with Conditions</p> <p>The Inspector was not persuaded that the appeal proposal would result in any additional parking demand on the streets. Even if it did, there was no evidence to suggest that the surrounding roads are parked to capacity; that any parking on-street impacts upon</p>

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<i>front to replace existing garage door</i>				Policies Development Plan Document.	highway safety; or that general amenity in the area is affected to any significant degree. It was found that there would be no harm to highway safety or residential amenity in the area
<p>P0834.14 20 Farm Road Rainham <i>Demolition of the existing dwelling and the construction of 5no. dwellings.</i></p>	Written Reps	Refuse	Delegated	<p>The proposed 3no. detached dwelling element of the development would, by reason of its prominent rear garden location, height, bulk and mass, appear as an incongruous and unacceptably dominant, overbearing and visually intrusive feature in the rear garden setting which would be harmful to the appearance of the surrounding area, as well as resulting in loss of privacy and amenity to occupiers of adjoining property, contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.</p> <p>The proposed 3no. detached dwelling element of the development would, by reason of its layout and servicing arrangements, result in an unsatisfactory relationship between the proposed dwellings, the site boundary and their setting within the plot leading to a cramped over-development of the site contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.</p> <p>The proposed rear access road and turning area would, by reason of its excessive length, scale and relationship with the adjoining residential rear garden, result in noise and disturbance caused by cars using the access road, including manoeuvring within the site,</p>	<p style="text-align: center;">Dismissed</p> <p>The Inspector agreed with the Council on the two main issues. On the matter of a legal agreement to secure a contribution for education provision, the Inspector did not consider it necessary to assess this matter given the findings on the main issues.</p>

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				<p>and thereby be unacceptably detrimental to the amenities of occupiers of adjacent properties, contrary to Policy DC61 and DC55 of the LDF Core Strategy and Development Control Policies DPD. In the absence of a legal agreement to secure contributions towards the demand for school places arising from the development, the proposal fails to satisfactorily mitigate the infrastructure impact of the development, contrary to the provisions of Policies DC29 and DC72 of the Development Control Policies DPD and Policy 8.2 of the London Plan.</p>	
<p>FD 966.15 103 Pretoria Road Romford Two storey rear extension 2014</p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed first floor rear extension would, by reason of its gabled roof form, bulk and mass appears as an unacceptably dominant and visually intrusive feature in the rear garden scene. The development is therefore harmful to the character and appearance of the surrounding area, contrary to the Residential Extensions and Alterations Supplementary Planning Document and Policies DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document The first floor rear extension would, by reason of its depth, height and position close to the boundary of the site, be a dominant and overbearing feature which is an oppressive and unneighbourly development that would have an adverse effect on the amenities of adjacent occupiers at No.99, 101 & 105 Pretoria Road, contrary to the</p>	<p>Dismissed The Council did not object to the single storey element. The two storey element was not designed in full accordance with the Council's SPD particularly in terms of distance to common boundaries and would appear overbearing and result in a serious loss of outlook to one of the neighbouring dwellings.</p>

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				Residential Extensions and Alterations Supplementary Document and Policies DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.	
<p>P1142.15 252 Upminster Road North Rainham <i>Change of use of existing integral garage to A1 retail.</i></p>	Written Reps	Refuse	Delegated	The proposed development would, by reason of the additional demand for parking resulting from the proposed retail unit and loss of the existing integral garage which provides off street parking currently, result in an unacceptable overspill onto adjoining roads to the detriment of highway safety and residential amenity, contrary to the aims of DC33 and DC32.	<p style="text-align: center;">Dismissed</p> <p>The Inspector agreed that the proposal would harm the safe and convenient operation of the highway in the vicinity of the appeal site.</p>
<p>P1335.15 206 Corbets Tey Road Upminster <i>First floor side extension and loft conversion</i></p>	Written Reps	Refuse	Delegated	The proposed rear dormer, by reason of its design, height, bulk and mass, is incapable of being satisfactorily accommodated with the available roof space of this dwelling and would appear as an unacceptably dominant and visually intrusive feature in the streetscene and rear garden area. The development is considered to be harmful to the appearance of the surrounding area and is therefore contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.	<p style="text-align: center;">Part Allowed/Part refused</p> <p>The Inspector issued a split decision and agreed with the Council in regard to the decision to refuse the loft conversion. On the matter of the first floor side extension it was considered such forms of extension were not unusual in the area. The proposal would represent an acceptable addition to the dwelling providing appropriate external materials were used in its construction and permission was granted for this element of the scheme.</p>
<p>P0725.15 13 Elmdene Avenue Hornchurch <i>Single storey rear extension with lantern light feature. Raising of roof 600mm with first floor rear extension and</i></p>	Written Reps	Refuse	Delegated	The proposed development would, by reason of its design, height, bulk and mass, appear as an unacceptably dominant and visually intrusive feature in the streetscene, harmful to the appearance of the surrounding area, contrary to Policy DC61 and DC69 of the LDF Core Strategy and Development	<p style="text-align: center;">Dismissed</p> <p>The Inspector agreed with the Council's findings on the two main issues</p>

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Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<i>front and rear dormer windows</i>				Control Policies DPD. The proposed development would, by reason of its design, excessive 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.	
P1064.15 15 Freeman Way Emerson Park Hornchurch <i>First floor side extension, two storey front and rear extensions part single storey rear extension and new roof and roof design</i>	Written Reps	Refuse	Delegated	The proposed first floor extensions would, by reason of its close proximity to the boundary, appear as an visually intrusive feature, harmful to the open and spacious character of the streetscene and the visual amenities of Emerson Park Policy Area, contrary to Emerson Park Supplementary Planning Document (SPD), Policy DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.	<p style="text-align: center;">Dismissed</p> The Inspector concluded that the proposal would be harmful to the character and appearance of the surrounding area and it would also conflict with relevant advice contained within the Emerson Park SPD.
P1050.15 4 Olive Street Romford <i>New detached chalet bungalow with attached garage within rear garden</i>	Written Reps	Refuse	Delegated	The proposal would, by reason of increased noise and vehicle movements along the area of driveway caused by the residential intensification of the site, as well as likely glare from vehicle headlights, be unacceptably detrimental to the amenities of occupiers of adjacent properties, contrary to Policy DC55 and DC61 of the LDF Core Strategy and Development Control Policies DPD. The proposal would, by reason of its scale, bulk and proximity to the boundaries of the site, result in an incongruous form of development that is	<p style="text-align: center;">Dismissed</p> The Inspector agreed with the Council's findings with regard to character & appearance and impact on living conditions

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Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 207</p>				<p>out of character with the rear garden environment, as well as overbearing and intrusive in relation to neighbouring residential dwellings, resulting in material harm to local character and residential amenity, contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD. The proposed development fails to demonstrate adequate provision for the turning and manoeuvring of vehicles within the site or for the servicing of the development, and would be likely to result in unacceptable overspill onto the adjoining roads and difficulty in servicing the proposed dwelling, to the detriment of highway safety and residential amenity and contrary to Policy DC33 of the LDF Core Strategy and Development Control Policies DPD.</p> <p>In the absence of a legal agreement to secure contributions towards the demand for school places arising from the development, the proposal fails to satisfactorily mitigate the infrastructure impact of the development, contrary to the provisions of Policies DC29 and DC72 of the Development Control Policies DPD and Policy 8.2 of the London Plan.</p>	
	<p>A0054.15 5 The Parade Colchester Road Romford <i>No1 internally illuminated digital LED 48 Sheet Advertising Unit</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed sign would, by reason of its bulk and scale, together with its excessively prominent and incongruous appearance, appear as a visually intrusive feature in the streetscene harmful to the appearance of the surrounding area contrary to Policy</p>

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Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				DC61 and DC65 of the LDF Core Strategy and Development Control Policies DPD.	satisfactory appearance. In conclusion the proposal would not result in additional harm to the amenity of the area and Public safety was not been raised as a concern by the Council
<p>P1215.15 66 Pettits Lane Romford <i>Insertion of two new windows to the north elevation along with five rooflights in the north roofslope. Alteration to windows in the single storey extension in the south facing elevation and deletion of one window alongside</i></p>	Written Reps	Approve With Conditions	Delegated	<p>The proposed rooflights in the north facing roofslope and the new flank window that serves the landing hereby permitted shall be positioned with any openable parts a minimum of 1.7m above finished floor level and in the case of the landing window, permanently glazed with obscure glass and thereafter be maintained.</p> <p>Reason:-</p> <p>In the interests of privacy, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.</p>	<p>Allowed with Conditions</p> <p>This appeal was submitted against condition four of the approved scheme and the appellant's specific concern related to the requirement for obscure glazing for the window in the flank elevation of the property which serves a landing area within the house. The Inspector was satisfied that the clear glazed landing window, would not result in an unacceptable degree of overlooking and the privacies of the neighbouring occupiers would not compromised. The appeal succeeded and the planning permission was varied by deleting the disputed condition.</p>
<p>P0583.15 1 The Crescent Upminster <i>Erection of a three bedroom link-detached single family dwelling house adjacent to No. 1 The Crescent.</i></p>	Written Reps	Refuse	Delegated	<p>The proposed development would, by virtue of its awkward and contrived form and its cramped appearance, be an incongruous addition to the streetscene which would diminish the established character and appearance of the surrounding area. The application is therefore contrary to Policy DC61 of the Local Development Framework - Development Control Policies: Development Plan Document.</p> <p>In the absence of a legal agreement to secure contributions towards the demand for school places arising from</p>	<p>Dismissed</p> <p>The Inspector agreed with the Council in regard to the effect of the proposal on the character and appearance of the area. On the issue of a legal agreement for education provision, the Inspector did not consider this matter given the findings on the main issue.</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 20-FEB-16 AND 27-MAY-16

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				the development, the proposal fails to satisfactorily mitigate the infrastructure impact of the development, contrary to the provisions of Policy DC72 of the Local Development Framework - Development Control Policies: Development Plan Document and Policy 8.2 of the London Plan.	
<p>P0535.15 110 Lower Bedfords Romford <i>Retention of brick wall and timber fence to front and side elevations and hard surfacing of the front garden area.</i></p>	Written Reps	Refuse	Delegated	The front boundary treatment is considered to be detrimental to the openness of the Green Belt and alien to the rural setting in which it is located contrary to policies DC45 and DC61 of the Core Strategy and Development Control Policies Development Plan Document as well as the provisions of the National Planning Policy Framework.	<p style="text-align: center;">Dismissed</p> <p>The Inspector agreed that the proposal represented inappropriate development in the Green Belt, loss of openness in the Green Belt would result and that it would have a significantly harmful effect on the character and appearance of the area</p>
<p>P1328.15 34 Mawney Road Romford <i>Construction of new build residential development (3 flats and 1 house) on land adjacent to no.34 Mawney Road, together with alterations to the rear and side elevations of no.34 Mawney Road.</i></p>	Written Reps	Refuse	Delegated	<p>The proposed development would, by reason of its height, bulk and mass, appear as an unacceptably dominant and visually intrusive feature in the streetscene harmful to the appearance of the surrounding area. It is considered that the development with its distinctive modern appearance, including design features such as the proposed front facing dormers, fails to maintain, enhance or improve the character and appearance of the local area and as such is contrary to policy DC61 of the LDF Core Strategy and Development Control Policies DPD.</p> <p>The development would direct abut to the rear of number 34 Mawney Road and it is not considered that this is conducive to sustainable development.</p>	<p style="text-align: center;">Dismissed</p> <p>The Inspector agreed with the Council in regard the effect of the proposal on the character and appearance of the area and on a protected Sycamore tree. Furthermore the proposal would not result in acceptable living conditions for future occupiers. It was noted that the appellant prepared a planning obligation by means of a Unilateral Undertaking however given the findings on the main issues, this matter was not considered further.</p>

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Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 210</p>				<p>Number 34 Mawney Road is not in a residential use and all the rear windows and doors of the building would be required to be bricked-up to facilitate the development. This it is considered could limit the potential future use and/or occupation of this building which would be detrimental to the area and contrary to the provisions of the NPPF, as well as Policy DC61 of the LDF Core Strategy and Development Control Policies DPD. The proposal, by reason of the cramped and poor quality amenity areas, and the failure of the internal layout to comply with the Technical housing standards - nationally described space standard in respect of the minimum gross internal floor are, is considered to result in an overly cramped development on the site to the detriment of future residential amenity and contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.</p> <p>In the absence of a legal agreement to secure contributions towards the demand for school places arising from the development, the proposal fails to satisfactorily mitigate the infrastructure impact of the development, contrary to the provisions of Policies DC29 and DC72 of the Development Control Policies DPD and Policy 8.2 of the London Plan.</p>	
	<p>P1003.15 3 Fitzilian Avenue Romford</p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed development would, by reason of the inadequate on site car parking provision, result in unacceptable overspill onto the adjoining roads to the</p>

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Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p><i>Reconfiguration of internal layout to create 2 x 2 bedroom dwellings with private amenity and off street car parking.</i></p>				<p>detriment of highway safety and residential amenity and contrary to Policies DC33 and a loss of parking for the host dwelling in conflict with Policy DC4 of the LDF Core Strategy and Development Control Policies DPD. The proposal would provide accommodation which is below the Mayoral minimum size standard. It is considered that the limited floorspace would result in a substandard level of living space for the occupiers contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD, the SPD on Residential Design and Policy 3.5 and Table 3.3 of The London Plan.</p> <p>In the absence of a legal agreement to secure contributions towards the demand for school places arising from the development, the proposal fails to satisfactorily mitigate the infrastructure impact of the development, contrary to the provisions of Policies DC29 and DC72 of the Development Control Policies DPD and Policy 8.2 of the London Plan.</p>	<p>substandard size of the spaces would be harmful to highway safety. On the issue of living conditions, both dwellings would fall short of recommended space standards resulting in harmful living conditions for future occupants. The Inspector considered that the development would not result in any additional demand on education facilities, and a contribution towards education was not necessary to make the development acceptable in planning terms.</p>
<p>P1329.15 35 Belmont Road Hornchurch <i>Retention of first floor roof extension to side and rear dormer to rear elevation</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed development, by reason of its bulk and mass, appears as an unacceptably dominant and visually intrusive feature in the streetscene, and unacceptably unbalances this pair of semi-detached bungalows, to the detriment of the character and appearance of the surrounding area, contrary to Policy DC61 of the LDF Core Strategy and Development Control</p>	<p>Allowed with Conditions</p> <p>The Inspector considered that the proposal would not be sufficiently incongruous or uncharacteristic to result in unacceptable harm given its location. The proposed dormer is not highly visible and there are examples of similar large dormers in the surrounding area however there is reasonably good separation between them and little uniformity. It was</p>

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Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				<p>Policies DPD and the Residential Extensions and Alterations SPD. The proposed dormer by reason of its excessive dimensions, appears out of scale and character with the dwelling and materially harmful to the visual amenity of the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD and the Residential Extensions and Alterations SPD.</p>	<p>therefore concluded that the proposal would not harm the character and appearance of the area.</p>
<p>P1209.15 1 Primrose Glen (Rear of) Hornchurch <i>New detached dwelling house</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed development would, by reason of its siting, height, bulk and mass and minimal set back from the highway, appear as an incongruous and unacceptably dominant and visually intrusive feature in the street scene and within the neighbouring rear garden environment. The development would therefore be incongruous with the surrounding pattern of development and thus harmful to the character and appearance of the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.</p> <p>The proposed development would, by reason of the inadequate on site car parking provision and impact on existing on-street parking bays, result in unacceptable overspill onto the adjoining roads to the detriment of highway safety and residential amenity contrary to Policy DC33 of the LDF Core Strategy and Development Control Policies DPD. The proposed development would, by reason of its size, scale, design,</p>	<p>Dismissed</p> <p>The Inspector agreed with the Council's reasons for refusal with regard to the impact on character and appearance of the area and local living conditions. Given the evidence presented by the Council, it was found that it had made a compelling case that a contribution towards education infrastructure was necessary. The Inspector did not find that the proposal would have adverse impact on highway safety.</p>

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Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				<p>position and proximity to neighbouring properties be an intrusive and overbearing development, which would have a serious and adverse effect on the living conditions of adjacent occupiers, including potential for overlooking and loss of privacy, contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD. In the absence of a legal agreement to secure contributions towards the demand for school places arising from the development, the proposal fails to satisfactorily mitigate the infrastructure impact of the development, contrary to the provisions of Policies DC29 and DC72 of the Development Control Policies DPD and Policy 8.2 of the London Plan.</p>	
<p>P1260.15 Redriff Road Collier Row <i>Front Extension</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed development would, by reason of its height, bulk and mass, appear as an unacceptably dominant and visually intrusive feature in the streetscene harmful to the appearance of the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.</p>	<p style="text-align: center;">Dismissed</p> <p>The Inspector concluded that the proposal would have an unacceptably harmful effect on the character and appearance of the street scene</p>
<p>P1366.15 Portman House 16-20 Victoria Road Romford <i>Single Storey extension at second floor level to the rear part of the building and single storey extension at fourth floor level to the front part of</i></p>	<p>Written Reps</p>	<p>Approved with Agreement</p>	<p>Committee</p>	<p>The proposed development would, by reason of its scale, mass, height and unsatisfactory relationship with neighbouring buildings, appear as an unacceptably dominant, overbearing and visually intrusive feature in the streetscene harmful to the appearance of the surrounding area and the visual amenities of neighbouring occupiers</p>	<p style="text-align: center;">Allowed with Conditions</p> <p>The Inspector found that the increase in the building's overall mass on the upper floors of the main part of the building which faces onto Victoria Road would remain inconspicuous in views along Victoria Road and from other nearby streets. In regard to the additional storey to the rear, the proposed increase in height would broadly accord with that of other</p>

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Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p><i>the building to provide 5No residential units (4No 1 bed units and 1No 2 bed unit)</i></p>				<p>contrary to Policy DC61 of the Local Development Framework Core Strategy and Development Control Policies DPD, the Residential Design Supplementary Planning Document and the guidance in the National Planning policy Framework. The development would fail to provide any on-site car parking for the proposed residential properties which would be likely to result in pressures on on-street parking in the adjoining controlled parking zone that in turn would result in an unacceptable overspill of vehicles onto the adjoining roads outside of the zone to the detriment of residential amenity contrary to Policies DC2, DC33 and DC61 of the LDF Core Strategy and Development Control Policies DPD. In the absence of a planning obligation to secure contributions towards the demand for school places arising from the development, the proposal fails to satisfactorily mitigate the infrastructure impact of the development, contrary to the provisions of Policies DC29 and DC72 of the Development Control Policies DPD and Policy 8.2 of the London Plan.</p>	<p>buildings to the rear and would not be so harmful as to have a material effect on the living conditions of the neighbouring occupiers. Its design would follow the flat-roofed form of the existing building. The Inspector found that the proposal would not harm the street scene or the character or appearance of the area and the effects on the living conditions of nearby occupiers would be acceptable</p> <p>The appeal scheme does not include provision for car parking. LDF Policy advises that car free housing is acceptable in Romford where permits can be withheld for residents of new flats. The appellant provided an executed planning obligation by means of a Unilateral Undertaking (UU) to comply with this policy. The Inspector was satisfied that a car-free scheme would be acceptable in this case. The UU also provides for a contribution of £30,000 towards education provision although the Inspector found that the requirement for a financial contribution towards education in the borough would not meet the statutory tests</p>
<p>P1890.11 Youngs Organic Farm St Marys Lane Upminster <i>Retention of alterations to greenhouse to provide a shop/organic display</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The principle of development is unacceptable as the use represents unsustainable development which is inappropriate to the location, harmful to the Green Belt and contrary to the advice set out in the National Planning Policy Framework.</p>	<p>Allowed with Conditions</p> <p>The Inspector amended the description of the proposal as it was actually a change of use of part of those ancillary facilities associated with permission P1112.10 from storage and packaging to a shop. The Inspector</p>

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<p><i>area opening from 9am and 5.30pm on Mondays to Fridays, and 9am and 1.30pm on Saturdays, Sundays and Bank Holidays to:- 7am to 4pm Mondays to Saturdays and 9am to 1.30pm on Sundays and Bank Holidays</i></p>					<p>concluded the proposed change of use is not inappropriate development in the Green Belt has did not have any impact on the openness of the Green Belt as no substantial new construction was required</p> <p>In 2010, the Council expected the shop to focus on the sale of produce grown on the site and a number of conditions were attached to the previous permission. It was agreed by both parties that so far, this ambition has not been realised. The Inspector was not persuaded that this is an objective associated with Green Belt policy. The Inspector was unable to recognise no other material harm arising from the proposal and concluded that the appeal should be allowed.</p>
<p>742.15 Bridge Close Romford</p> <p><i>Change of use to banqueting hall (Use Class D2)</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed use of the site, as a banqueting hall (D2 use), does not comply with the aspirations of the Bridge Close site allocation within the Romford Area Action Plan DPD. Whilst no comprehensive re-development plans for this area have yet come forward and a temporary planning permission would not likely prejudice such re-development it is not considered that a D2 use is appropriate and compliant with the operation of the site as existing (a secondary employment area). It is considered that the use is uncharacteristic and would result in a number of amenity impacts, by reason of the nature of the use, levels of activity and hours of opening, which to</p>	<p>Dismissed</p> <p>The Inspector agreed with the Council's findings with regard to the effect on the amenity of adjoining units and local parking conditions. A temporary permission would be inappropriate given the lack of certainty that suitable works to mitigate adverse impacts such as noise, lighting etc. would be installed</p>

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				<p>adequately control would significantly impact on the operation of the site as proposed.</p> <p>The proposed use, by reason of noise and disturbance caused by patrons entering and leaving the premises, vehicles parking and manoeuvring, particularly during the evening hours of operation, would be detrimental to the amenities of the occupiers of nearby residential properties, contrary to policies DC19, DC26, DC55, DC56, DC62 and DC63 of the Core Strategy and Development Control Policies DPD. Insufficient information has been supplied in order to assess the potential air quality impacts that would result from the operation of the unit as proposed. With limited or no details supplied in respect of food preparation, the Local Planning Authority are unable to assess if mitigation is necessary and the likely effectiveness of this. The application as it stands is therefore considered contrary to policies DC19, DC26 and DC52 of the Core Strategy and Development Control Policies DPD.</p> <p>In the absence of sufficient parking provision, within the application area, it is considered that the Local Planning Authority cannot ensure that the standards prescribed within policy DC33 of the Core Strategy and Development Control Policies DPD will be adhered to. The proposed development could therefore result in unacceptable overspill onto the adjoining roads to the detriment</p>	

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				of highway safety and residential amenity, contrary to Policies DC32 and DC33 of the Core Strategy and Development Control Policies DPD.	
P1219.15 26 Reed Pond Walk Romford <i>Single storey rear extension plus relocating existing garage to link with existing house.</i>	Written Reps	Refuse	Delegated	The proposed development would, by reason of its scale, mass and design result in unsympathetic, disproportionate development which relates poorly to the architectural character of the original dwelling and would fail to preserve or enhance the special character of this dwelling and the wider Gidea Park Conservation Area contrary to Policies DC68 and DC61 of Havering's Core Strategy and Development Control Polices DPD.	<p style="text-align: center;">Dismissed</p> The Inspector concluded that the proposal would be materially harmful to the character and appearance and architectural integrity of the dwelling and therefore it would neither preserve nor enhance the character or appearance of the Gidea Park Conservation Area.
Page 29 P1666.15 40 Repton Avenue Gidea Park <i>Two storey side and rear extension, demolition of existing garage</i>	Written Reps	Refuse	Delegated	The proposed side extension by reason of its design and lack of subservience, would visually unbalance the appearance of this pair of semi-detached of properties. The proposal will therefore appear as an unsympathetic and visually intrusive form of development, causing unacceptable harm to the visual amenities of Gidea Park Special Character Area, contrary to Policies DC61 and DC69 of the LDF Core Strategy and Development Control Policies Development Plan Document and the Residential Extensions and Alteration Supplementary Planning Document.	<p style="text-align: center;">Dismissed</p> The Inspector found that the proposal would not be subservient to the house and would be an incongruous addition which failed to reflect the distinctive character of the area
P1380.15 6 Balgores Square Gidea Park <i>Two storey side and part</i>	Written Reps	Refuse	Delegated	The proposed development would, by reason of its design, height, bulk, mass, appear as an unacceptably dominant and visually intrusive feature in the	<p style="text-align: center;">Dismissed</p> The Inspector concluded that the bulk and design of the proposal would detract from the character and appearance of the house and

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<p><i>rear extensions, roof extension and rear dormer and front porch alterations.</i></p>				<p>streetscene harmful to the appearance of the surrounding area and failing to preserve or enhance the special character of this part of the Conservation Area contrary to Policies DC68 and DC61 of the LDF Core Strategy and Development Control Policies DPD. The proposed development would, by reason of its size, scale and proximity to neighbouring properties cause dominance, overlooking and loss of privacy which would have a serious and adverse effect on the living conditions of adjacent occupiers, contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD. The proposed dormer would, by reason of its height, design, position and bulk appear out of scale and character with the dwelling and materially harmful to the visual amenity of the surrounding area and the special character of the Gidea Park Conservation Area, contrary to Policies DC61 and DC68 of the LDF Core Strategy and Development Control Policies DPD.</p>	<p>the street and would neither preserve nor enhance the character or appearance of the Conservation Area. On the living conditions issue it was found that it would not unacceptably detract from the outlook of neighbouring occupiers.</p>
<p>P0439.15 Moreton Bay Industrial Estate Southend Arterial Road Hornchurch <i>Demolition of existing industrial units and residential dwelling and change of use of industrial areas to residential. Construction</i></p>	<p>Written Reps</p>	<p>Approved with Agreement</p>	<p>Committee</p>	<p>The proposal would, by reason of noise and disturbance caused by traffic on the proposed access road between the site and Belgrave Avenue would be unacceptably detrimental to the amenities of occupiers of adjacent properties, contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD. The proposed development would, by reason of its height, bulk and discordant</p>	<p>Allowed with Conditions Evidence submitted estimated that 151 additional vehicle movements would result from the proposal which would be spread throughout the day. It was accepted some vehicles will be flowing in opposite directions over the residential access road requiring some needing to pull to one side to allow the other vehicles to pass. The Inspector noted that this is a common phenomenon and is not</p>

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<p><i>of two blocks comprising a total of 42 flats, including creation of a new access road with associated car parking, cycle and refuse storage.</i></p>				<p>design appear as an unacceptably dominant and visually intrusive feature in the streetscene harmful to the appearance of the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.</p> <p>In the absence of a legal agreement to secure contributions towards affordable housing, the proposal is contrary to the provisions of Policy DC6 of the Development Control Policies DPD and Policy 3.10, 3.11, 3.12 and 3.13 of the London Plan.</p> <p>In the absence of a legal agreement to secure the provision of affordable housing, the proposal fails to satisfactorily mitigate the infrastructure impact of the development, contrary to the provisions of Policies DC29 and DC72 of the Development Control Policies DPD and Policy 8.2 of the London Plan.</p>	<p>unusual within the surrounding residential area. In the Inspector's judgement, it would not be likely to give rise to an appreciable level of noise and disturbance to residents and not one which would justify refusing permission for the numbers likely in this case. Setting this within the context of the background noise and disturbance arising from the A127 Southend Arterial Road, the Inspector did not envisage that the proposal would have an unacceptable effect on the amenity of residents</p> <p>In regard to the modern contemporary appearance of the proposal, it was accepted that the proposal would appear more modern than the traditional form of the two storey houses nearby. However, it would not be dissimilar to the flats at Ferguson Court or from the permitted scheme at 'Tara' both close to the west of the appeal site. The Inspector considered that the proposed buildings would not appear out of place and would not upset the character of the area as a result of their size, height, design or any other feature. Although the measured density of the site was greater than the advised range it was not reason enough to prevent the scheme and it was also noted that the Council accepted a density outside the stated range at the recently approved 'Tara' site</p> <p>The appellant provided an Undertaking in regard to affordable housing and other education contributions which addressed those reasons for refusal</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 20-FEB-16 AND 27-MAY-16

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p>P1175.15 17 and 19 Gubbins Lane (Land between) Romford</p> <p><i>New 2 storey, 3 bed dwelling house</i></p>	Written Reps	Refuse	Delegated	<p>The proposed development would, by reason of its design, appear as an incongruous development, to the detriment of local character and the streetscene contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.</p> <p>The proposed development would, by reason of its height and position close to the boundaries of the site, appear as a dominant and visually intrusive feature in the rear garden environment harmful to the amenity of adjacent occupiers contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.</p> <p>In the absence of a legal agreement to secure contributions towards the demand for school places arising from the development, the proposal fails to satisfactorily mitigate the infrastructure impact of the development, contrary to the provisions of Policy DC72 of the Development Control Policies DPD and Policy 8.2 of the London Plan.</p>	<p>Dismissed</p> <p>The Inspector agreed with the Council's reasons for refusal with regard to the impact on the character and appearance of the area, living conditions and a financial contribution towards education infrastructure.</p>
<p>P0587.15 35A New Road Rainham</p> <p><i>Change of use from B2 to mixed use comprising foodbank (sui generis - primary use) and place of worship (Class D1-secondary use)</i></p>	Written Reps	Refuse	Delegated	<p>The site is not located within an appropriate location given the poor public transport accessibility. This would be likely to encourage the use of private motor cars and discourage the use of sustainable transportation such as walking and/or cycling. The proposal would, therefore, be contrary to Policies CP8, DC26, DC32, DC34, and DC35 of the Core Strategy and Development Control Policies DPD and the guidance in the NPPF.</p>	<p>Part Allowed/Part refused</p> <p>The Inspector issued a split decision and agreed with the Council in regard to the decision to refuse the place of worship (D1 use). This change of use would be far more likely to generate conflicts with the local community especially in regard to parking pressures as well as noise and disturbance</p> <p>The Inspector found that the primary change of use to a food bank would benefit from a</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 20-FEB-16 AND 27-MAY-16

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 221</p>				<p>The shortfall in parking provision for both of the proposed uses of the building would be likely to result in overspill onto the highway in the locality which would have a significantly adverse impact on the safety and efficiency of the local highway network, as well as pedestrian safety contrary to Policies DC26 and DC33 of the Core Strategy and Development Control Policies DPD. The site lies within an area that is allocated for residential development under Policy SSA12 (Rainham West) of the Site Specific Allocations DPD and also within the area of the Mayor of London's Rainham and Beam Reach Housing Zone where the swift delivery of much needed housing for London is proposed. The proposals would be likely to hinder the delivery of these housing objectives and the proposed development would, therefore, be contrary to Policy SSA12 of the Site specific Allocations DPD and Policy 2.13 and Annex 1 (Opportunity and Intensification Areas) of the London Plan.</p>	<p>cheap building, with minimal conversion costs, and would not generate any greater traffic and parking issues than would have previously been associated with the building's use as a vehicle servicing centre. Temporary permission for 3 years was granted on the basis that the Council would be in a better position to know if the site would be needed for redevelopment and it would give sufficient time to evaluate whether the operation of the food bank results in any problems for local amenity.</p>
	<p>P0882.15 54 Blacksmiths Lane Rainham <i>Erection of 1no. detached dwelling.</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The layout of the development would, by reason of the dwelling siting, proportions and proximity to the boundaries of the plot, combined with the angled boundary, give rise to a cramped appearance and overdevelopment of the site contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD and the Residential Extensions and Alterations SPD.</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 20-FEB-16 AND 27-MAY-16

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 222</p>				<p>The proposed development would, by reason of the inadequate provision of private amenity space for each dwelling, result in a cramped over-development of the site to the detriment of future occupiers and the character of the surrounding area contrary to Policy DC61 of the Local Development Framework Development Plan Document and the Residential Design SPD.</p> <p>The proposed development would, by reason of the inadequate on site car parking provision, result in unacceptable overspill onto the adjoining roads to the detriment of highway safety and residential amenity contrary to Policies DC2 and DC33 of the LDF Development Control Policies DPD.</p> <p>In the absence of a legal agreement to secure contributions towards the demand for school places arising from the development, the proposal fails to satisfactorily mitigate the infrastructure impact of the development, contrary to the provisions of Policies DC29 and DC72 of the Development Control Policies DPD and Policy 8.2 of the London Plan.</p>	<p>this issue was deliberated on given the findings on the other matters.</p>

TOTAL PLANNING = 42

LIST OF APPEAL DECISIONS MADE BETWEEN 20-FEB-16 AND 27-MAY-16

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
APPEAL DECISIONS - ENFORCEMENT					
Description and Address	Appeal Procedure			Reason for Refusal	Inspector's Decision and Comments

LIST OF APPEAL DECISIONS MADE BETWEEN 20-FEB-16 AND 27-MAY-16

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p>ENF/236/14/ 203 Upper Rainham Road Hornchurch</p>	<p>Local Inquiry</p>				<p style="text-align: center;">Dismissed</p> <p>The notice was upheld following variation and planning permission refused</p> <p>The appellant appealed on the ground D that the Council were too late to take enforcement action. The appellant's case was that a material change of use of the premises to the rear of the house took place more than four years before the date of the notice, the relevant date therefore being 23 February 2011.</p> <p>In such cases the onus is on the appellant to prove his case on the balance of probability. The evidence should be precise and unambiguous. In this case no formal witness statements or statutory declarations were provided although a number of witnesses including family, friends and neighbours were called to give oral evidence. The Inspector found that there was too much contradictory evidence to prove on the balance of probability that there was a material change of use of the outbuilding to an independent self-contained unit of accommodation before 23 February 2011 and that the use has continued since that date. The Council's submitted evidence from the Valuation Office, the Council's Electoral Service, the Council Tax and Benefits offices, the sales particulars, and the contradictions in the submitted evidence supported the Council's allegation that the change of use did not take place before the relevant date.</p> <p>On the appellants ground A appeal; that</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 20-FEB-16 AND 27-MAY-16

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
ENF/236/14/ 203 Upper Rainham Road Hornchurch	Local Inquiry				<p style="text-align: center;">Dismissed</p> <p>planning permission should be granted for what is alleged in the notice, the Inspector found that the character of the area and the living conditions of the occupiers of the outbuilding would be adversely affected by the use of the appeal site as a self-contained independent dwelling. An appeal on ground F is that the steps required to comply with the notice are excessive. The Inspector considered that the requirements of the notice did not exceed what is necessary to remedy the breach.</p> <p>An appeal was also made on ground G; that the time to comply with the notice is too short. The Inspector concluded that a reasonable period for compliance would be 6 months, and varied the enforcement notice accordingly, prior to upholding it.</p>

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TOTAL ENF = 1

LIST OF APPEAL DECISIONS MADE BETWEEN 20-FEB-16 AND 27-MAY-16

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
Summary Info:					
Total Planning =		42			
Total Enf =		1			
Appeals Decided =		44			
Appeals Withdrawn or Invalid =		1			
Total =		43			
	Dismissed		Allowed		
Hearings	0	0.00%	0	0.00%	
Inquiries	2	4.65%	0	0.00%	
Written Reps	27	62.79%	14	32.56%	

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REGULATORY SERVICES COMMITTEE

30 JUNE 2016

REPORT

Subject Heading:

Schedule of Enforcement Notices

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 10 March 2016

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	ENFORCEMENT NOTICE SERVED	APPEAL LODGED
17 Keats Avenue Romford ENF/529/14/	Without planning permission, the material change of use of the premises into six self-contained studio flats with one communal kitchen	02-10-15	04-11-15
262 Straight Road Romford ENF/168/15/	Without planning permission, the material change of use of the premises into six self-contained studio flats with one communal kitchen	02-10-15	04-11-15
50 Sevenoaks Close Romford ENF/214/15/	Without planning permission, the material change of use of the premises into six self-contained studio flats with three communal kitchens.	02-10-15	04-11-15
Land at 56 Linley Crescent Romford ENF/527/14/	Without planning permission , the material change of use of the premises into six self-contained studio flats with one communal kitchen	29-01-16	08-03-16
79 Sheffield Drive Romford ENF/72/15/	Without planning permission, the material change of use of the premises into six self-contained studio flats with one communal kitchen	29-01-16	08-03-16

ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	ENFORCEMENT NOTICE SERVED	APPEAL LODGED
53 Sheffield Drive Romford ENF/71/15/	Without planning permission, the material change of use of the premises into six self-contained studio flats with one communal kitchen	29-01-16	08-03-16
Unit 9 Stafford Industrial Estate, Hillman Close Hornchurch ENF/518/14/	Without benefit of planning permission, operational development comprising metal storage container in car parking area at front of the property	15-04-16	16-05-16
7 Boundary Road Romford ENF/77/15/	Without planning permission , the material change of use from a single family dwellinghouse (class C3) to a hostel (class C1)	14-04-16	16-05-16

SCHEDULE B

ENFORCEMENT NOTICES – LIVE CASES.

ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	DATE OF COMMITTEE AUTHORITY	NOTICE ISSUED	NOTICE SERVED	APPEAL LODGED	APPEAL DECISION	COMMENTS
South side of Lower Bedford's Road, (Hogbar Farm) west of junction with Straight Road, Romford	(1) Siting of mobile home and touring caravan. (2) Earth works and ground works including laying of hardcore.	28.6.01 Delegated	6.9.01 31-05-02	10.9.01 31-05-02	6.11.01 Grounds (a) and (g)	Allowed 14.2.03 Notice quashed temporary planning permission granted Dismissed and extended the compliance to 15 months	Temporary planning permission granted for one -year period – expired Feb 2004. Monitoring. In abeyance pending adoption of new Planning Guidance. 2 February Regulatory Services Committee agreed to hold enforcement decisions in abeyance pending above. Traveller site policy incorporated within LDF.
Land junction of Lower Bedford's Road (Vinegar Hill) and Straight Road, Romford	(1) Unauthorised residential use and operations. (2) Erection of fencing and construction of hardstanding	Delegated Authority “	9.11.01 “	9.11.01 “	21.12.01 “	Allowed 14.2.03 Notice quashed temporary planning permission granted for 1 year. Dismissed and extended the compliance to 15 months	Temporary planning permission granted for one -year period – expired Feb 2004. Monitoring. In abeyance pending adoption of new Planning Guidance. 2 February Regulatory Services Committee agreed to hold enforcement decisions in abeyance pending above. Traveller site policy incorporated within LDF.
Hogbar Farm (East), Lower Bedford's Road Romford	Residential hardsurfacing Operational development	Committee 3.7.03	16.1.04	22.1.04	26.2.04 Grounds (a) and (g)	Appeal Dismissed Public Inquiry 11 and 12 December 2007	Temporary planning permission granted until 30-04-2013. Monitoring. In abeyance pending adoption of new Planning Guidance. 2 February Regulatory Services Committee agreed to hold enforcement decisions in abeyance pending above. Traveller site policy incorporated within LDF.
Fairhill Rise, Lower Bedford's Road Romford	Residential, hardsurfacing etc. Operational development	Committee 3.7.03	16.1.04	22.1.04	27.2.04 Ground (a) and (g)	Appeal part allowed Public Inquiry 24.4.07	Appeal part allowed for 5 years plus 3 month to reinstate the land Monitoring. In abeyance pending adoption of new Planning Guidance. 2 February Regulatory Services Committee agreed to hold enforcement decisions in abeyance pending above. Traveller site policy incorporated within LDF.
Arnolds Field, Launder's Lane, Upminster	Unauthorised landfill development x 2	Committee 24.4.04		29.7.04	Appeal lodged.	Appeal dismissed	Enforcement Notices upheld. Pursuing compliance.

ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	DATE OF COMMITTEE AUTHORITY	NOTICE ISSUED	NOTICE SERVED	APPEAL LODGED	APPEAL DECISION	COMMENTS
21 Brights Avenue, Rainham	Unauthorised development.	Committee 22.10.04	14.12.04	20.12.04			Enforcement Notice served. Second prosecution 30-09-10. Costs £350.00. Pursuing compliance
Adj 1 Bramble Cottage, Bramble Lane Upminster	Compound and storage	Committee 27.5.04	13.02.06	13.02.06			Notice complied with
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	Notice complied with
60 Derwick 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
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
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	New application submitted P0398.16 – Monitoring

ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	DATE OF COMMITTEE AUTHORITY	NOTICE ISSUED	NOTICE SERVED	APPEAL LODGED	APPEAL DECISION	COMMENTS
Land off Church Road Noak Hill Romford	Development	Committee 15-07-10	10-09-10	10-09-10			Pursuing compliance
5 Writtle Walk Rainham	Use	Delegated 14-01-11	18-04-11	18-04-11	19-05-11	Appeal Dismissed	Prosecuted, 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 , Notice complied with
231 P 808 231 Fokes Farm (Field) Fokes 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
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
14A Lower Mardyke Avenue Rainham	Development	Delegated	28-08-12	28-08-12			Pursuing compliance

ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	DATE OF COMMITTEE AUTHORITY	NOTICE ISSUED	NOTICE SERVED	APPEAL LODGED	APPEAL DECISION	COMMENTS
2-8 Upminster Road South Rainham	Development	Committee 14-09-12	14-09-12	20-09-12			Pursuing compliance
Welstead Place Benskins Lane Noak Hill Romford	Development/Use	Delegated	23-05-13	23-05-13	04-07-13	Appeal allowed	Pursuing compliance
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 Cumings Hall Lane Noak Hill Romford	Development/Use	Committee 27-06-13	13-09-13	13-09-13	21-10-13	Appeal allowed	Pursuing compliance
38 Lake Rise Romford	Development	Delegated	23-10-13	23-10-13	27-11-13	Appeal dismissed	Pursuing compliance
5 Playfield Avenue Collier Row Romford	Development	Delegated	22-11-13	25-09-13		Appeal invalid	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	Notice complied with
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

ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	DATE OF COMMITTEE AUTHORITY	NOTICE ISSUED	NOTICE SERVED	APPEAL LODGED	APPEAL DECISION	COMMENTS
14 Rainham Road Rainham	1. Breach of conditions 2. Development	Committee 14-11-13	15-01-14	16-01-14	13-02-14	Appeal part allowed/part dismissed	Pursuing compliance
3 Austral Drive Hornchurch	Development	Committee 03-10-13	23-12-13	23-12-13	30-01-14	Appeal dismissed	Pursuing compliance
38 Heaton Avenue Romford	Development	Committee 03-10-13	17-01-14	20-01-14			Notice complied with
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
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			Notice complied with

ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	DATE OF COMMITTEE AUTHORITY	NOTICE ISSUED	NOTICE SERVED	APPEAL LODGED	APPEAL DECISION	COMMENTS
195-197 New Road Rainham	Development/Use	Delegated	26-08-14	26-08-14	06-10-14	Withdrawn	Notice Complied with
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	Appeal Dismissed	High court challenge dismissed , Pursuing compliance
Unit 4 Detection House Brooklands Approach Romford	Use	Delegated	21-10-14	21-10-14	20-11-14	Appeal dismissed	Notice complied with
Land at Aveyley 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
Yes Stud Farm r/o Lawnford Farm St Marys Lane Upminster	Use/Development	Delegated	05-12-14	05-12-14	15-01-15		Monitoring
Land at Yard 3 Clockhouse Lane Collier Row Romford	Use/Development	Delegated	14-01-15	15-01-15	16-02-15	Appeal dismissed	Pursuing compliance
203 Upper Rainham Road Hornchurch	Use/Development	Committee 28-01-15	23-02-15	23-02-15	30-03-15	Appeal dismissed	Pursuing compliance

ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	DATE OF COMMITTEE AUTHORITY	NOTICE ISSUED	NOTICE SERVED	APPEAL LODGED	APPEAL DECISION	COMMENTS
Guvners Grill 2-4 Eastern Road Romford	Use	Delegated	22-10-15	22-10-15			Pursuing compliance
11 Northumberland Avenue Gidea Park Romford	Development	Delegated	13-07-15	14-07-15			Pursuing compliance
17 Keats Avenue Harold Hill Romford	Use	Delegated	02-10-15	02-10-15	04-11-15		See Schedule A
22 Straight Road Harold Hill Romford	Use	Delegated	02-10-15	02-10-15	04-11-15		See Schedule A
50 Sevenoaks Close Harold Hill Romford	Use	Delegated	02-10-15	02-10-15	04-11-15		See Schedule A
2 Berther Road Hornchurch	Development	Delegated	22-09-15	22-09-15			Notice complied with
Temporary Telecommunications Base Station, Grass verge adjacent to Hacton Lane., Hornchurch	Development	Delegated	22-12-15	22-12-15	19-01-16	Appeal withdrawn	Pursuing compliance

ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	DATE OF COMMITTEE AUTHORITY	NOTICE ISSUED	NOTICE SERVED	APPEAL LODGED	APPEAL DECISION	COMMENTS
The land at 56 Linley Crescent Romford	Use	Delegated	29-01-16	29-01-16	08-03-16		See Schedule A
79 Sheffield Drive Harold Hill Romford	Use & Development	Delegated	29-01-16	29-01-16	08-03-16		See Schedule A
53 Sheffield Drive Harold Hill Romford	Use & Development	Delegated	29-01-16	29-01-16	08-03-16		See Schedule A
Unit 9 Stafford Industrial Estate, Hillman Close Hornchurch	Use	Delegated	15-04-16	15-04-16	16-05-216		See Schedule A
7 Boundary Road Romford	Use	Delegated	14-04-16	14-04-16			See Schedule A
201B Crow Lane Romford	Use & Development	Delegated	18-05-16	18-05-16			Pursuing compliance

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REGULATORY SERVICES COMMITTEE

30 JUNE 2016

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 one prosecution this quarter. AGP Steel Spilsby Road, 7 charges of failure to comply with Breach of Condition Notice. Defendant pleaded guilty and sentenced by way of a fine of £1000 on each offence (£7000 in total), victim surcharge of £120 and ordered to pay costs of £2233.40

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

REGULATORY SERVICES COMMITTEE

30 JUNE 2016

REPORT

Subject Heading:

Schedule of complaints

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

The attached schedule lists the complaints received by the Planning Control Service regarding alleged planning contraventions for the period 20 February 2016 and 3 June 2016

RECOMMENDATIONS

That the report is noted and the actions of the Service agreed.

REPORT DETAIL

Prior to this meeting, Members have been emailed the schedule listing the complaints received by the Planning Control Service over alleged planning contraventions. Since the matter was last reported to this Committee on the 10 March 2016 some 227 complaints have been received

There have been 14 reported unauthorised Traveller encampments this quarter. 2 have been on Council Land 1 has since been resolved and 1 remains on going