



Havering

LONDON BOROUGH

PLANNING COMMITTEE AGENDA

7.30 pm	Thursday 17 January 2019	Havering Town Hall, Main Road, Romford
----------------	-------------------------------------	---

Members 8: Quorum 4

COUNCILLORS:

**Conservative Group
(4)**

Robby Misir (Chairman)
Carol Smith (Vice-Chair)
Philippa Crowder
Michael White

**Residents' Group
(1)**

Stephanie Nunn

**Upminster & Cranham
Residents Group'
(1)**

John Tyler

**Independent Residents
Group
(1)**

David Durant

**Labour Group
(1)**

Paul McGeary

**For information about the meeting please contact:
Richard Cursons 01708 432430
richard.cursons@onesource.co.uk**

**To register to speak at the meeting please call 01708 433100
Before 5.00pm on Tuesday 15 January 2019**

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.

DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF



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 - 4)

To approve as a correct record the minutes of the meeting of the Committee held on 22 November 2018 and to authorise the Chairman to sign them.

5 APPLICATIONS FOR DECISION (Pages 5 - 8)

See attached document

6 P1307.17 - 43 BARTON AVENUE, ROMFORD (Pages 9 - 14)

7 P2012.17 - 17 ELM GROVE (Pages 15 - 20)

8 P0719.18 - WILLOW TREE LODGE (Pages 21 - 30)

**Andrew Beesley
Head of Democratic Services**

This page is intentionally left blank

**MINUTES OF A MEETING OF THE
PLANNING COMMITTEE
Havering Town Hall, Main Road, Romford
22 November 2018 (7.30 - 9.30 pm)**

Present:

COUNCILLORS: 8

Conservative Group Robby Misir (in the Chair) Carol Smith (Vice-Chair),
+Ray Best and +Melvin Wallace

Residents' Group Stephanie Nunn

**Upminster & Cranham
Residents' Group** John Tyler

**Independent Residents
Group** David Durant

Labour Group Paul McGeary

Apologies were received for the absence of Councillors Philippa Crowder and Michael White .

+Substitute Members Councillor Ray Best (for Michael White) and Councillor Melvin Wallace (for Philippa Crowder).

Councillor Ron Ower Was also present for part of the meeting.

15 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.

36 **DISCLOSURE OF INTERESTS**

There were no disclosures of interest.

37 **MINUTES**

The minutes of the meeting held on 25 October 2018 were agreed as a correct record and signed by the Chairman.

38 **P0329.18 - 58 HEATH DRIVE - PART SINGLE, PART TWO STOREY REAR EXTENSION**

In accordance with the public speaking arrangements the Committee was addressed by an objector without a response by the applicant.

The Committee considered the report and **RESOLVED** on a vote of 7 to 1 to **GRANT PLANNING PERMISSION**.

Councillor Durant voted against the resolution.

39 **P0721.18 - LAND BETWEEN 8 & 9 BRETONS COTTAGES, RAINHAM - CONSTRUCTION OF FOUR RESIDENTIAL HOUSES WITH OFF-STREET PARKING AND PRIVATE AMENITY SPACE**

The Committee considered the report and on a vote of 6 votes to 2 **RESOLVED** to **GRANT PLANNING PERMISSION** subject to the conditions as set out in the report and with an additional condition attached that required the applicant to provide details prior to the commencement of development of the measures to be deployed during construction to prevent damage to the drain that runs cross the site.

Councillors Nunn and Durant voted against the resolution.

40 **P0862.18 - OCKENDON KENNELS, OCKENDON ROAD - PART DEMOLITION, EXTENSIONS AND ALTERATIONS TO THE EXISTING KENNELS AND OUTBUILDINGS TO FORM 14 DWELLINGS WITH ASSOCIATED PARKING, PRIVATE AMENITY SPACE AND BOUNDARY TREATMENT**

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

The Committee was addressed by Councillor Ron Ower.

The Committee considered the report and on the Chairman's casting vote **RESOLVED** to **GRANT PLANNING PERMISSION** subject to the conditions as set out in the report.

Councillors Nunn, Tyler, McGeary and Durant voted against the resolution.

41 **STOPPING UP ORDER - LAND BOUNDED BY NEW ZEALAND WAY, QUEENSTOWN GARDENS AND GISBORNE GARDENS**

The Committee considered the report and **RESOLVED** to:

to authorise the stopping up of the highway land in the vicinity of New Zealand Way shown zebra hatched on the Plan , in accordance with the procedure set out in section 252 of the Town and Country Planning Act 1990, subject to:

- the lawful implementation of planning permission application reference P1004.18;
- payment, by the applicant, of all costs associated with the stopping up;
- any direction by the Mayor of London

on the following basis:

if no objections were received (or any received were withdrawn), or the Mayor of London decided a local inquiry was unnecessary, then the stopping up order would be confirmed by officers;

if objections were received from a local authority, statutory undertaker or gas transporter (and were not withdrawn), or other objections were received (and not withdrawn) and the Mayor of London decided that an inquiry was necessary, the Council should cause a local inquiry to be held.

Councillor Durant voted against the resolution.

42 **QUARTERLY PLANNING PERFORMANCE UPDATE REPORT**

The Committee considered the report and **NOTED** its contents.

Chairman

This page is intentionally left blank

Agenda Item 5

Applications for Decision

Introduction

1. In this part of the agenda are reports on planning applications for determination by the committee.
2. Although the reports are set out in order on the agenda, the Chair may reorder the agenda on the night. Therefore, if you wish to be present for a specific application, you need to be at the meeting from the beginning.
3. The following information and advice only applies to reports in this part of the agenda.

Advice to Members

Material planning considerations

4. The Committee is required to consider planning applications against the development plan and other material planning considerations.
5. The development plan for Havering comprises the following documents:
 - London Plan March 2016
 - Core Strategy and Development Control Policies (2008)
 - Site Allocations (2008)
 - Romford Area Action Plan (2008)
 - Joint Waste Development Plan (2012)
6. Decisions must be taken in accordance with section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004. Section 70(2) of the Town and Country Planning Act 1990 requires the Committee to have regard to the provisions of the Development Plan, so far as material to the application; any local finance considerations, so far as material to the application; and any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Committee to make its determination in accordance with the Development Plan unless material planning considerations support a different decision being taken.
7. Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects listed buildings or their settings, the local planning authority must have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest it possesses.
8. Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development

which affects a conservation area, the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

9. Under Section 197 of the Town and Country Planning Act 1990, in considering whether to grant planning permission for any development, the local planning authority must ensure, whenever it is appropriate, that adequate provision is made, by the imposition of conditions, for the preservation or planting of trees.
10. In accordance with Article 35 of the Development Management Procedure Order 2015, Members are invited to agree the recommendations set out in the reports, which have been made based on the analysis of the scheme set out in each report. This analysis has been undertaken on the balance of the policies and any other material considerations set out in the individual reports.

Non-material considerations

11. Members are reminded that other areas of legislation cover many aspects of the development process and therefore do not need to be considered as part of determining a planning application. The most common examples are:
 - Building Regulations deal with structural integrity of buildings, the physical performance of buildings in terms of their consumption of energy, means of escape in case of fire, access to buildings by the Fire Brigade to fight fires etc.
 - Works within the highway are controlled by Highways Legislation.
 - Environmental Health covers a range of issues including public nuisance, food safety, licensing, pollution control etc.
 - Works on or close to the boundary are covered by the Party Wall Act.
 - Covenants and private rights over land are enforced separately from planning and should not be considered.

Local financial considerations

12. In accordance with Policy 6.5 of the London Plan (2015) the Mayor of London has introduced a London wide Community Infrastructure Levy (CIL) to fund CrossRail.
13. Other forms of necessary infrastructure (as defined in the CIL Regulations) and any mitigation of the development that is necessary will be secured through a section106 agreement. Where these are necessary, it will be explained and specified in the agenda reports.

Public speaking and running order

14. The Council's Constitution allows for public speaking on these items in accordance with the Constitution and the Chair's discretion.
15. The items on this part of the agenda will run as follows where there are registered public speakers:

- a. Officer introduction of the development
- b. Registered Objector(s) speaking slot (3 minutes)
- c. Responding Applicant speaking slot (3 minutes)
- d. Ward Councillor(s) speaking slots (3 minutes)
- e. Officer presentation of the material planning considerations
- f. Committee questions and debate
- g. Committee decision

16. The items on this part of the agenda will run as follows where there are no public speakers:

- a. Where requested by the Chairman, officer presentation of the main issues
- b. Committee questions and debate
- c. Committee decision


Late information

17. Any relevant material received since the publication of this part of the agenda, concerning items on it, will be reported to the Committee in the Update Report.

Recommendation

18. The Committee to take any decisions recommended in the attached report(s).

This page is intentionally left blank

 Havering LONDON BOROUGH	Planning Committee 17 January 2019
---	---

Application Reference:	P1307.17
Location:	43 Barton Avenue Romford
Ward:	Brooklands
Description:	Retrospective planning permission for an outbuilding in the rear garden for use as a summer house/gym.
Case Officer:	Aidan Hughes
Reason for Report to Committee:	A Councillor call-in by Councillor Robert Benham has been received which accords with the Committee Consideration Criteria and it was deferred from a previous planning committee meeting.

1. BACKGROUND

- 1.1 A complaint from residents were investigated by Planning Enforcement and an application was submitted to regularise the structure.
- 1.2 In addition, it should be noted that the outbuilding has been visited a number of times by Planning Officer's, the latest being the 5 December 2018. Furthermore the outbuilding in question, was also visited by the Council's HMO Licensing Team and by other agencies, but due to the lack of evidence of the property accommodating people or being used as a separate unit of accommodation, no further action was taken.

2. SUMMARY OF KEY REASONS FOR RECOMMENDATION

- 2.1 The outbuilding, to be used as a summer house/gym, is acceptable and not out of keeping with the locality. Furthermore, the scale and siting of the outbuilding to be used as summer house/gym is not judged to result in material harm to neighbouring amenity. No material amenity issues or parking and highway issues are considered to result.

3 RECOMMENDATION

- 3.1 That the Committee resolve to GRANT planning permission subject to conditions.
- 3.2 That the Head of Planning is delegated authority to issue the planning permission and impose conditions and informative to secure the following matters:

Conditions

1. SC32 – Accordance with plans.
2. SC33 - Incidental Use.
3. SC46 - Standard Flank Window Condition.
4. SC48 – Balcony condition

Informatives

1. INF29 Approval following revision

4 PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 Planning permission is sought for the retention of an outbuilding to be used as a summer house/gym within the rear garden to provide ancillary accommodation. The building is located adjacent to the rear access way and includes garage door and a further door to the rear to a store. To the front is a flat roof canopy. There is currently a shed partly under the canopy which the applicant has indicated is used for storage pending the completion of the building. The building is an extension and alteration to an existing garage that was on the site.

Site and Surroundings

- 4.3 The application site is located within Barton Avenue. The site contains a two storey end terraced dwelling and is finished in pebble-dash.
- 4.4 There is parking on the drive to the front of the property. The surrounding area is characterised by predominately two storey terraced dwellings.
- 4.5. The application site and the unattached neighbour are separated by an access to the garages to the rear of the properties along this section of Barton Avenue and to the street at the rear which is Rush Green Road.

Planning History

- 4.6 The following planning decisions are relevant to the application:

ES/ROM 363/52 – Conservatory – Approved.

103/80 – Rear extension – Approved.

5 CONSULTATION RESPONSE

5.1 The views of the Planning Service are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

5.2 The following were consulted regarding the application:

5.3 Highways: No objection to the proposal.

6 LOCAL REPRESENTATION

6.1 10 neighbouring properties were notified about the application and invited to comment.

6.2 The number of representations received from neighbours, local groups etc in response to notification and publicity of the application were as follows:

No of individual responses: 1 which objected.

6.3 The following Councillor made representations:

Councillor Robert Benham wishes to call the application in on the grounds that:

- the existing structure does not match the plans submitted.

- the structure has an additional door to the rear, which is omitted from the submitted plans. Giving residents concerns that it's going to be used as a mini house

- building works have been taking place since April 2017 and residents have complained that works occur in the early and late hours, and on Sunday's.

Representations

6.4 The following issues were raised in representations that are material to the determination of the application, and they are addressed in substance in the next section of this report:

Objections

- Building is too large for the size of the garden.
- Toilet and shower has been added to be used for living accommodation.
- Impact on water table.
- Additional noise from outbuilding.
- Inaccuracy on the drawings; however since the consultation these have been revised.

Non-material representations

6.5 The following issues were raised in representations, but they are not material to the determination of the application:

- Construction outside of normal hours is not a material planning consideration but an Environmental Health issue in respect to noise.
- Additional noise if the proposal is being used as a separate unit of accommodation. This would be an Environmental Health issue, however, the application can only be considered on its merits and as described on the application form which is for a summer house/gym not a separate unit of accommodation as this would require a further planning application if applicable.
- Comments regarding the dispersal of water are not a planning consideration.

7 MATERIAL PLANNING CONSIDERATIONS

7.1 The main planning issues raised by the application that the committee must consider are:

- The visual impact arising from the design and appearance of the building on the area.
- The impact of the development on neighbouring amenity
- Highways and parking issues

7.2 Physical Impacts of the proposed outbuilding

- The Council Residential Extensions and Alterations SPD refers to provision of outbuildings.
- There are a number of detached buildings nearby, in particular to the rear of the proposal which are similar in scale and therefore an outbuilding of the scale proposed would not appear visually incongruous.
- Staff consider that the outbuilding would integrate satisfactorily in the rear garden environment, mindful of various outbuildings and garage within the immediate area, as it is single storey and its height would be mitigated by its modest eaves height and the hipped roof design. Therefore the building would not appear disproportionate in relation to the main residence or the other outbuildings nearby.
- Staff consider that the proposed development would not unacceptably impact on the water table within the local area as the site does not fall within a flood zone area.

7.3 Impact on Amenity

- The proposed building is stated to be used as a summer house/gym. The plans indicate that the outbuilding would provide an area for summer house with a toilet and shower room with access from the garden to the shed storage area and then to the rear access. No kitchen facilities are shown within the building.

- Staff are satisfied that, whilst the outbuilding is substantial, it would not unacceptably impact on the amenity of the adjacent residents. The application has been described as an outbuilding to be used as a summer house/gym and has been assessed accordingly as there is no evidence to indicate otherwise. The issue of occupancy and future subdivision could be satisfactorily controlled by conditions.
- In terms of noise and disturbance the proposal does have the potential to increase levels of activity within this rear part of the application site. However, given that the outbuilding will be used incidental to the dwelling house and situated at the far end of the garden, it is not considered the proposal would give rise to levels of noise and disturbance which would be materially harmful to neighbouring residential amenity.
- Staff consider that there would be comings and goings to the outbuilding and possibly an increased use of the garden area in a general sense but no more so than the neighbouring outbuildings. As such, staff are of the view that the use of the outbuilding proposed as a summer house/gym would not give rise to an unacceptable level of noise and disturbance and would be unlikely to give rise to significant adverse impacts.
- Nevertheless it is still considered reasonable to impose conditions removing permitted development rights in respect of the insertion of additional windows and openings in the proposed building, to avoid the potential for overlooking and increased noise transmission.
- Subject to safeguarding conditions, officers are of the view that the proposed outbuilding to be used as a summer house/gym would be in accordance with provisions of Policy DC61 and the Residential Extensions & Alterations SPD.


7.4 **Parking and Highway Implications**

The application site presently has off street parking for three vehicles to the frontage. The Highways Department have not objected so long as the building stays ancillary to the main household.

8 Conclusions

All other relevant policies and considerations have been taken into account. Planning permission should be approved subject to conditions and for the reasons set out above. The details of the decision are set out in the RECOMMENDATION.

This page is intentionally left blank

 Havering LONDON BOROUGH	Planning Committee 17 January 2019
---	---

Application Reference:	P2012.17
Location:	17 Elm Grove
Ward:	Emerson Park
Description:	Retrospective application for use of outbuilding in rear garden for domestic and business use
Case Officer:	Cole Hodder
Reason for Report to Committee:	A Councillor call-in has been received.

BACKGROUND

- 1.1 The application was called in by Councillor Roger Ramsey who expresses concern over the potential scale of the business use and harmful precedent.

2 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- 2.1 The use of an outbuilding as an office by the residents of the dwelling, to which it is associated, is considered reasonable within a residential area. The proposal does not conflict with the development plan and conditions are recommended to mitigate any potential impacts associated with the proposed use. The outbuilding itself, though expanded from the scale originally approved, remains in proportion to the scale of the block. Officers do not consider there to be sufficient grounds to recommend refusal of the application for planning permission.

3 RECOMMENDATION

- 3.1 That the Committee resolve to GRANT planning permission subject to conditions to secure the following matters:

Conditions

1. Accordance with plans - The development must not deviate in layout, scale or appearance from the approved plans (drawing reference 17EG/17/02).
2. Personal permission – Permission is limited to the applicant in their capacity as residents of the dwelling on the same land.
3. Office use of the outbuilding and visits to the property by colleagues and clients not resident at 17 Elm Grove is limited to the hours of 08:00 to 18:00 Monday to Friday.
4. Visitors to the mixed use and residential occupiers of the premises shall park any vehicle driven or associated with them on the forecourt of the premises at all times.
5. Use of outbuilding is restricted solely to administrative functions in association with the homeowner's business and domestic activities incidental to main house.

Informatives

1. Approval no negotiation

4 PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 This application seeks permission for the expansion (from 25.4sqm to 72.77sqm) and continued use of part of an outbuilding for office use incidental to the homeowner's business.

Site and Surroundings

- 4.2 The site comprises a large detached family dwelling and outbuilding set within a spacious front and rear garden. The current application relates to the outbuilding which is located to the western end of the site adjacent to the rear boundary.
- 4.3 Elm Grove and the surrounding streets are typified by detached double storey dwellings with mature trees and deep rear gardens. The site is located approximately 1.5 miles north east of Hornchurch town centre, within the Emerson Park policy area.

Planning History

- 4.4 The following planning decisions are relevant to the application:

- N0078.14 – Front boundary sliding gates revised to be timber panel sliding gates - Refuse.
- N0042.14 – Minor amendment to P0456.13 – Front boundary wall with railings and metal railing sliding gates revised and front side wall and railing to match - Approved.
- Q0172.13 - Discharge of Conditions 3 & 4 of P0456.13. – Approved (in part).
- P0456.13 - Demolition of the existing detached dwelling with integral garage and construction of a replacement detached house with integral garage. New extended crossover, new front boundary wall with railings and metal railing sliding gates. New detached garden outbuilding to the rear of the site new patio and drive – Approved with conditions

5 LOCAL REPRESENTATION

5.1 A total of twenty four neighbouring properties were notified about the application and invited to comment.

5.2 The number of representations received from neighbours, local groups etc. in response to notification and publicity of the application were as follows:

No of individual responses: Seven, seven objections.

5.3 The following Councillor representation was made:

- Councillor Roger Ramsey has called in the application on the basis that there is potential for the office use to expand, becoming a significant business operation harmful to the character of the area, and capable of setting a precedent for similar use and development.

5.4 With regards to the above, the application must be considered as submitted, and the proposal has been assessed on its merits. Any future possible expansion of the outbuilding or intensification of business use would be the subject of a separate application.

5.5 The business use as described by the applicants and their agent appears to be of a level that would not conflict with the surrounding residential environment.

5.6 A condition is recommended to prevent the further expansion of the outbuilding shown on plan 17EG/17/02. Conditions are also recommended to safeguard residential amenity and limit business activities to those associated with the owner of the dwelling on the site.

5.7 The following issues were raised in representations (all objections) made in response to consultation on the application. The considerations listed are

material to the determination of the application, and addressed in the next section of this report:

- Scale of business use incompatible with residential area
- Increased demand for on street parking
- Harmful to residential character/harmful precedent

5.8 Representations made by surrounding residents suggest that a larger scale of business use is underway at the site than described in the application documents. It is alleged that vehicles with the St Lewis Design LTD company branding frequently park in the surrounding streets, to the detriment of the amenity of residents. The case officer has visited the premises on two separate occasions to view how the outbuilding is used. There was no evidence to suggest that the outbuilding was being used for any other capacity than described by the applicant. In addition, officers have visited the property in the intervening period to observe the levels of parking activity associated with the dwelling. Elm Grove and the surrounding roads in the Emerson Park Policy Area are frequented by contractors associated with residential construction work and it was not possible to distinguish whether vehicles parked on-street were associated with business use at the application site.

5.9 Planning officers have taken the advice of the Highway Authority and concluded that the limited scale of the business and the availability of off-street parking, weigh in favour of the proposal. As a safeguard, a condition is also recommended to limit parking for visitors to the office part of the outbuilding to parking within the curtilage of the property.

5.10 Highway Authority: No Objection

6 MATERIAL PLANNING CONSIDERATIONS

6.1 The main planning issues raised by the application that the committee must consider are:

- Whether business use would give rise to any change in character of area/the principle of development
- The impact of the business use on neighbouring residential amenity through noise/general disturbance
- Highways/Parking

6.2 The outbuilding was constructed in 2015 and subsequently extended. The current form of the outbuilding is not deemed to have a visual impact or create any overlooking of adjacent residential properties.

6.3 The planning policy considerations include:

- Havering Core Strategy and Development Control Policies Development plan Document
 - CP17 Design
 - DC3 Housing Design and Layout
 - DC33 Car Parking
 - DC35 Cycling

- DC61 Urban Design
- DC63 Delivering Safer Places
- DC69 Other Areas of Special Townscape or Landscape Character
- Supplementary Planning Documents:
 - Emerson Park Policy Area
 - Sustainable Design and Construction
 - Landscaping
 - Residential Design

Principle of Development

- 6.4 The outbuilding is used as an office in association with the business owned by the Applicant who resides in the dwelling on the site. The applicant is a Director of St Lewis Design Limited, a company specialised in groundworks and registered at 118 Collier Row Road, Romford. Within the supporting statement accompanying this submission it is advised that the outbuilding would be used by the applicant for both domestic and business activities. The domestic use of the outbuilding is ancillary to the house and would not require planning approval.
- 6.5 No manufacturing, or similar uses are proposed that would create undue noise, odour or emissions incompatible with a residential area.
- 6.6 The scale of the outbuilding has increased since its consent in association with development of the dwelling (P0456.13) and at times the level of activity associated with the office use has caused disturbance to neighbours. The site has therefore been investigated by Havering's enforcement officers, who subsequently invited this application to be made.
- 6.7 It is unclear as to whether the level of office activity has reduced since the original enforcement investigation, but at the time of the site inspection for the application, observations made by staff correlated with the applicant's description of how the outbuilding is used. The office component of the outbuilding measures less than 25sqm and was observed to be arranged as per the layout plan provided, (17/EG/17/02), comprising a single large desk, two desktop computers, several chairs, a small kitchenette and a small toilet room.
- 6.8 The information provided with this submission describes a business operation of a small scale which is subordinate to the use of the associated dwelling.
- 6.9 Providing that the proposal does not conflict with other development plan considerations that are assessed further below, the principle of the development is considered to be acceptable.

Impact of the business use residential amenity

- 6.10 The activities associated with the business use of the outbuilding are not considered to be "noise-making". Nonetheless the outbuilding was observed to be well insulated and sufficiently separated so as to negate any residual noise. It is the opinion of staff that the use of the outbuilding, even in the


capacity of being partially associated with the applicant's business is capable of being reasonably likened to that of a domestic outbuilding in terms of its immediate impacts.

Highways/Parking

- 6.11 Permission was granted in 2013 for the demolition of the existing dwelling and the construction of a nine bedroom replacement (an uplift of four bedrooms). Given the prospective occupancy of the dwelling, it is reasonable to assert that vehicle movement to and from the dwelling (business use aside) would be greater than that of a dwelling with lesser occupancy. The applicant advises that the dwelling has seven vehicles associated with its occupation by the family, and provision for off-street surface parking for at least ten vehicles, and an integral two car garage.
- 6.12 The applicant advises that the office would be used solely by the applicant and other family members and that no clients or staff would visit the property. It is not possible to condition who visits a private property, though given the scale of the office component of the outbuilding generating significant volumes of traffic.
- 6.13 In view of the fact that no staff would be employed or would operate from the "home-office" aside from the applicant, there cannot be any distinguishable increase in vehicle movement over and above the domestic activities associated with 17 Elm Grove. Equally, if other company Directors only visit the property on an infrequent basis, the detriment should be negligible and not sufficient to recommend refusal of the application.
- 6.14 The Highway Authority were invited to comment on the development proposals have not objected, therefore it is not considered that there are sufficient grounds to substantiate a refusal on the basis of vehicle parking.

Conclusions

- 6.15 All other relevant policies and considerations have been taken into account. Planning permission should be granted for the reasons set out above. The details of the decision are set out in the RECOMMENDATION.

 Havering LONDON BOROUGH	Planning Committee 17 January 2019
---	---

Application Reference:	P0719.18
Location:	Willow Tree Lodge, Brookmans Park
Drive, Front Lane, Upminster	
Ward:	Cranham
Description:	Residential caravan site, including the stationing of 12 caravans (one touring caravan, and 11 static caravans) and erection of replacement stable block.
Case Officer:	Cole Hodder
Reason for Report to Committee:	A Councillor call-in has been received.

1. BACKGROUND

1.1 The application was called in by Councillor Gillian Ford.

2 SUMMARY OF KEY REASONS FOR RECOMMENDATION

2.1 The site under consideration was previously the subject of enforcement action by the Council. Four separate planning enforcement notices were served by and were subsequently challenged on appeal. The appeals were made following enforcement action taken by the Council regarding the unauthorised change of use of areas of the site to residential, the formation of hard-standing to facilitate the change of use to residential and the stationing of mobile homes for habitation.

Two of the four enforcement notices served were subsequently allowed on appeal with significant weight attributed to the recognised deficit in gypsy and traveller site provision in Havering. The outcome of the successful appeals permitted the residential use of those specified areas of land for the stationing of mobile homes establishing the use of the land as a gypsy and traveller site. The remaining appeal was quashed as the land was recognised to benefit from an existing lawful residential use.

The areas of the site which would be used for the stationing of mobile homes would be limited to those areas which were previously considered and found to be acceptable by the appeal inspector in determining the earlier

enforcement appeals for the site. The current proposals represent an opportunity to improve the contribution of the site and allow the Council to impose planning conditions to control any future growth of the site. In the absence of any quantifiable harm arising from the proposals officers do not consider that there are sufficient grounds to refuse planning permission.

3 RECOMMENDATION

3.1 That the Committee resolve to GRANT planning permission subject to:

- The prior completion of a legal agreement to secure the following planning obligations:
- A financial contribution of £66,000 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.

2.2 That the Assistant Director Planning is delegated authority to negotiate the legal agreement indicated above.

2.3 That the Assistant Director Planning is delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters:

Conditions

- Time limit for implementation
- Accordance with plans
- Permission would not authorise use of the land as a caravan site for any persons other than gypsies and travellers (as defined by Annex 1 Glossary to Planning policy for traveller sites)
- Restriction on number of caravans by Plot (B, C, D) to that shown on approved layout
- Any caravans positioned on the site shall be capable of being lawfully moved on the public highway, without division into separate parts.

- No vehicle exceeding 3.5 tonnes in weight shall be stationed, parked or stored on the land.
- No commercial activities shall take place on the land
- No external storage
- Details of surface water drainage (SuDS)
- Details of refuse storage/collection
- Landscaping
- External lighting
- No construction work or deliveries to the site between 08:00 to 13:00 Monday to Saturday and not at all on Sundays, Bank or Public Holidays

Informatives

1. Approval following negotiation

4 PROPOSAL AND LOCATION DETAILS

4.1 Proposal

- This application seeks permission for Residential caravan site, including the stationing of 12 caravans (one touring caravan, and 11 static caravans) and erection of a replacement stable block.
- The description of development was altered to omit the formation of a sand school and plans were provided by the applicant to reflect the omission of this element of the proposals. Consequently the development is restricted to the areas which formed the basis of the earlier successful enforcement appeals.

4.2 Site and Surroundings

- The application site is located within the Metropolitan Green Belt on the north side of Brookmans Park Drive. Brookmans Park Drive is a cul-de-sac which has a junction with Front Lane which in turn leads to the A127. The northern boundary of the site is in close proximity to the Southend Arterial Road (A127) and its southern boundary fronts Brookmans Park Drive.
- The site is located within the Metropolitan Green Belt and is comprised of four separate pieces of land which were each the subject of enforcement notice appeals determined at the beginning of 2018. The inspector found in favour of the appellant in all respects aside from the use of the area

designated as 'Plot A' which was the northern most part of the site which had been hard-surfaced and used for the siting of four mobile homes.. The resolution of the inspector required that this area of land be returned to its former status – undeveloped open land,

4.3 Planning History

The following planning decisions are relevant to the application:

P1424.91 - Stationing of two mobile homes and construction of septic tank - approved on appeal

E0007.11 - Certificate of Lawfulness for an existing use for stationing 2 mobile homes and construction of septic tank in accordance with planning permission granted on appeal reference T/APP/B5480/A/92/217359/P4 without compliance with conditions 3 and 4 of that permission - certificate issued

E0017.11 - Certificate of Lawfulness for construction of a dwelling – Planning permission not required

P1888.17 - Change of use of land to a residential caravan site for 6 gypsy families, with a total of 6 caravans – Undetermined

The above application was submitted before the enforcement appeals and has in effect been superseded by the appeal decisions and has led to the current application being submitted.

5 LOCAL REPRESENTATION

5.1 A total of 168 neighbouring properties were notified about the application and invited to comment.

5.2 The number of representations received from neighbours, local groups etc in response to notification and publicity of the application were as follows:

No of individual responses: 84

The following Councillor made representations:

- Councillor Gillian Ford
- The site in question is green belt Land and the application would see the loss of the open character
- The application will result in the intensification of development on a green belt site with the introduction of additional hard standings, caravans, parking areas and domestic use.
- Enforcement notices are in place for Area A

- Air quality and noise at this location will be increased by the development of the Lower Thames Crossing
- Insufficient pasture is proposed for the horses in line with DEFRA's Code of practice for the welfare of Horses, ponies, donkeys and their hybrids

It is acknowledged that the comments made by Councillor Ford were made prior to revisions being secured by planning staff to remove the ménage/sand school as negotiations at that point were ongoing. The contents of the call-in are acknowledged and will be considered.

Reference to DEFRA's code of practice is made however the development plan does not provide minimum areas required for the keeping of horses. Whilst this could inhibit the applicant from implementing the permission and from keeping horses if a conflict is identified it does not prevent a barrier for the determination of the current application. The site has historically been used for the keeping of horses as evidenced by the stables that whilst dilapidated remain in situ. The appeal decisions do not preclude the keeping of horses.

Representations

5.3 The following issues were raised in representations that are material to the determination of the application, and they are addressed in substance in the next section of this report:

Objections

- Increased noise/traffic
- Highway safety
- Harmful to Green Belt
- Harmful to Local Character
- Visual impacts associated
- Future intensification of the use
- Increased rubbish/waste
- Increased crime
- Surface water run off
- Visual impact of ménage
- Access unsuitable
- External lighting
- Occupation

Some matters raised are immaterial in the consideration of a planning application. Matters such as loss of property value cannot be attributed weight in a planning decision for example. Where material, matters raised have been fully considered by officers in forming a recommendation.

In the case of matters concerning surface water run-off, in the event of an approval a condition would be imposed requiring full details of a sustainable

drainage scheme. Similarly a scheme requiring details of all internal and external lighting, detailed refuse and recycling arrangements would also be required. In addition it is reasonable to impose a condition preventing the site (including stable) from being used for commercial purposes.

Some of the objectors have raised the issue of the current occupants. These are alleged to be non-travellers. However, the application is for occupation by 'Gypsy ' families and details are provided of the occupants and relationship with the applicant. The application has been considered on this basis. In the event of approval a personal permission is not considered to be appropriate. Officers consider that the appeal inspectors reasoning remains valid and that it should be for the applicant and his family to decide who should occupy what part of the site, provided they meet the definition of traveller. This would be consistent with the earlier decision made by the Planning Inspectorate.

- 5.4 Highway Authority: No Objection
Environmental Health: No Objection subject to conditions

6 MATERIAL PLANNING CONSIDERATIONS

- 6.1 The main planning issues raised by the application that the committee must consider are:

- Principle of development/Green Belt implications
- Impact on amenity of surrounding residential properties;
- Implications for highways, pedestrian access and parking.

6.2 Principle of Development/Green Belt implications

- The application site has been the subject of four appeals which were assessed concurrently by the Planning Inspectorate. The appeals were made following enforcement action taken by the Council regarding the unauthorised change of use of the site to residential, the formation of hard-standing to facilitate the change of use to residential and the stationing of mobile homes for habitation.
- In considering the appeals the planning inspector identified the main issues as whether planning permission should have been granted for either one or both of the two areas of hardstanding that had been formed and the unauthorised change of use of the plots of land to residential purposes including the placement of mobile homes. To this end, the planning inspector found in favour of the appellant on all but one of the appeals which related to the area of land identified as part of the current submission as Plot A.
- The inspector considered that the siting of mobile homes and associated hardstanding on Plot A which had previously been open land had a detrimental visual impact upon the site. The hard and stark appearance of the large extent of hardstanding north of the other established areas was

perceived to be wholly out of keeping with the rural surroundings and the appeal was subsequently dismissed by the inspector.

- The appeal decisions are relevant as the assessment made by the inspector in resolving to grant permission for those areas of land with the exception of the land designated Plot A established the lawful use as residential and permitted the stationing (retention of) mobile homes in the capacity of the site becoming a gypsy and traveller site. The current proposals would seek to formalise the approved use of the site and reintroduce those mobile homes which had previously been sited without permission on plot A (four) in addition to other accommodation to serve the immediate and extended family of the applicant, and two Romanian Roma families who were previously accepted as being “Gypsies” for the purposes of the earlier appeal.
- The development that had taken place at the site was recognised to be at odds with Green Belt Policy and at its core to represent inappropriate development. This was not disputed by the appellant. A significant adverse impact on the openness of the Green Belt was identified by the appeal inspector and it was accepted that the open character of the site had been reduced by the introduction of development in the form of the hardstanding and mobile homes. Observations made during site inspection would correlate with this assertion. There is no definition of openness in the Framework but, in the Green Belt context, it is generally held to refer to freedom from, or the absence of development.
- Nevertheless, whilst harm to the Green Belt was identified, the inspector in resolving to allow the successful appeals attributed weight to an identified need for gypsy and traveller sites in Havering, making reference to the Havering Gypsy and Traveller Accommodation Assessment of February 2017 (GTAA). The GTAA remains relevant and this view is supported by the fact that it is referenced in Policy 11 of the emerging Local Plan reinforcing the identified shortfall in current provision and future accommodation needs of Gypsies and Travellers and Travelling Showpeople in Havering. In coming to a view on the enforcement appeals the appeal inspector judged that the need for the families and the shortage of sites in the area were sufficient to override the material harm to the Green Belt and to justify the grant of planning permission.
- Conversely however the area to the north of the site, known as plot A had, prior to the formation of hard surfacing and siting of four mobile homes, contributed to the open character of the site and concentrated development to the areas immediately adjacent to the drive, maintaining a buffer between the application site and the area to the north adjacent to the Southend Arterial Road. The contrast between the previous appearance of the site and how it appeared at the time of site inspection was a significant reduction in the openness of the Green Belt which contributed to the inspector’s decision to uphold the enforcement notice for this area of the site.
- As originally submitted the application showed some development remaining in plot A consisting of a sand ménage and stable block. Revisions were

secured which reduced the overall development footprint in order to preserve the open character of plot A. The applicant omitted the sand-school and relocated the proposed replacement stable building south to an area of the site upon which built form had already been established through the appeal decisions. A small area of hard-surfacing is shown in the upper area of the site to serve the stables wrapping around beyond the gated access to the eastern boundary of the site. In the context of the plot this area would be relatively minor and in view of the ancillary nature of the hard-standing in that it would complement the use of the land, no objections are made. With development broadly concentrated to those areas of the site the appearance of the stable block comprising of a structure suited to rural environments the overall impression of openness is preserved at least in respect of this area of the development.

- Consequently having regard to the development being contained to areas which were previously the subject of successful appeals there would not appear to be sufficient justification for the LPA to resist the development proposals with regards to the principle of development/Green Belt implications associated.

6.3 Impact on amenity of surrounding residential properties

- Unlike the earlier submission which had sought to formalise an arrangement of mobile homes parallel with the eastern boundary and in close proximity to the adjacent bungalow the current proposals would introduce greater separation and return the area of land to the north to a use that would preserve openness and be in keeping with the rural setting.
- The mobile homes would be separated from boundaries and consequently the relationship of the mobile homes to neighbouring occupiers is not considered of a potential which would create a level of noise and disturbance over and above that previously considered by the appeal inspector.
- Turning to other matters particularly those raised in representations made by residents, the fear of crime has been held to be a material consideration in planning. However, that fear has to be objectively justified rather than just perceived. The scope of the comments received from residents is broad and does not appear focused on the application site itself. The comments appear to stem from a wider concern for the type of persons that may inhabit traveller sites and are not based on any factual evidence. Accordingly they cannot be attributed weight in the decision making process.

6.4 Implications for highways, pedestrian access and parking.

- Whilst the site is recognised to have a public transport accessibility level (PTAL) of 1B which translates to a poor level of public transport there would be adequate parking and turning space within the site to accommodate vehicles for the mobile homes that would be stationed such that no objection has been made by the Highway Authority.

- The lane is not adopted and is unmade in addition to being relatively narrow which lends weight to the assertion that it is by nature a low speed environment. The concern expressed by residents is focused largely on increased vehicle movement to and from the site and potential disturbance. With regard given to the lawful use of the site, the uplift in the number of lawful mobile homes would attract only a minor increase in vehicle and pedestrian movement to and from the site.
- This is a matter that has been fully considered by staff however is not of itself capable of forming grounds for refusal. In view of the other benefits associated with the proposals, primarily in meeting the unmet need for Gypsy and Traveller accommodation within the borough staff consider that any residual harm would not outweigh the overall policy compliance of the scheme and that there would be insufficient grounds to substantiate a refusal.

Other matters

- The visual impacts associated with the development would be limited. Whilst the current proposals would introduce a greater quantum of development in terms of the actual number of mobile homes lawfully sited, there would be a more cohesive and formalised visual appearance with associated areas of hard-surfacing broken up and interspersed with areas of planting which would greatly improve the appearance of the site and its contribution. The absence of any significant level of encroachment beyond the established areas in addition to the proposals representing an opportunity to improve the site are both considered factors which weigh heavily in favour of the development.

Conclusions

All other relevant policies and considerations have been taken into account. Planning permission should be granted for the reasons set out above. The details of the decision are set out in the RECOMMENDATION.

This page is intentionally left blank