



# Havering

L O N D O N   B O R O U G H

## PLANNING COMMITTEE AGENDA

<b>7.30 pm</b>	<b>Thursday 13 February 2020</b>	<b>Council Chamber - Town Hall</b>
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Members 8: Quorum 4

### COUNCILLORS:

**Conservative Group  
(4)**

Robby Misir (Chairman)  
Carol Smith (Vice-Chair)  
Philippa Crowder  
Matt Sutton

**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 Tuesday 11 February**

## **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 - 2)**

To approve as a correct record the minutes of the meeting of the Committee held on 19 December 2019 and to authorise the Chairman to sign them.

### **5 APPLICATIONS FOR DECISION (Pages 3 - 6)**

See attached document

- 6      P1548.19 - 14 HAYNES ROAD, HORNBURCH** (Pages 7 - 26)
- 7      STOPPING UP OF LAND AT 149-153 NEW ROAD** (Pages 27 - 36)
- 8      STOPPING UP OF LAND AT 165-193 NEW ROAD** (Pages 37 - 46)
- 9      STOPPING UP OF LAND AT 89-101 NEW ROAD** (Pages 47 - 56)
- 10     STOPPING UP OF LAND AT 148-192 NEW ROAD** (Pages 57 - 62)
- 11     ITEMS FOR INFORMATION** (Pages 63 - 64)  
See Attached document.
- 12     QUARTERLY PERFORMANCE REPORT** (Pages 65 - 68)

**Andrew Beesley**  
**Head of Democratic Services**

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**MINUTES OF A MEETING OF THE  
PLANNING COMMITTEE  
Council Chamber - Town Hall  
19 December 2019 (8.35 - 8.45 pm)**

**Present:**

**COUNCILLORS: 8**

<b>Conservative Group</b>	+ Ray Best (in the Chair), +Christine Smith, +Viddy Persaud and +Tim Ryan
<b>Residents' Group</b>	Stephanie Nunn
<b>Upminster &amp; Cranham Residents' Group</b>	John Tyler
<b>Independent Residents Group</b>	+Graham Williamson
<b>Labour Group</b>	+Keith Darvill

Apologies were received for the absence of Councillors Robby Msir, Carol Smith, Matt Sutton, Philippa Crowder, Paul McGeary and David Durant.

+Substitute members: Councillor Christine Smith (for Carol Smith), Councillor Ray Best (for Robby Misir), Councillor Viddy Persaud (for Matt Sutton), Councillor Tim Ryan (for Philippa Crowder, Councillor Keith Darvill (for Paul McGeary) and Councillor Graham Williamson (for David Durant.

Councillor Osman Dervish was also present for the meeting.

2 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.

## **19 DISCLOSURE OF INTERESTS**

There were no disclosures of interest.

20     **MINUTES**

The minutes of the meeting held on 24 October 2019 were agreed as a correct record and signed by the Chairman.

21     **P1678.18 - RISE PARK SCHOOL - INSTALLATION OF A MULTI-USE GAMES AREA (MUGA)**

Members considered the revised report and noted that the application had been called-in by Councillor Osman Dervish

With its agreement Councillor Osman Dervish addressed the Committee.

It was **RESOLVED** that **PLANNING PERMISSION BE GRANTED**.

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**Chairman**



## 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).

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 <b>Havering</b> LONDON BOROUGH	<b>Planning Committee</b> <b>13 February 2020</b>
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<b>Application Reference:</b>	P1548.19
<b>Location:</b>	14 Haynes Road, Hornchurch, RM11 2HT
<b>Ward:</b>	Squirrels Heath
<b>Description:</b>	Full planning application for the demolition of a single-family dwelling and erection of six 2-storey Houses with accommodation in the roof, containing 5X4 bedroom and 1x3 bedroom, with associated access, 8 car parking spaces, refuse, recycle and bicycle storages area.
<b>Case Officer:</b>	Habib Neshat
<b>Reason for Report to Committee:</b>	A Councillor call-in has been received which accords with the Committee Consideration Criteria.

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## **1 BACKGROUND**

- 1.1 The proposed development has been subject to pre-application advice for a considerable period of time. The scheme has been revised several times by taking on board officer's advice
- 1.2 Councillor Melvin Wallace, has called in the application, concerning the loss of privacy and overbearing impact of the development upon the amenities of the adjoining occupiers.

## **2 SUMMARY OF KEY REASONS FOR RECOMMENDATION**

- 2.1 The proposed development would provide suitable residential accommodation in a scheme which responds well to the specific site and location constraints by creating a contemporary design of buildings of balanced proportion using high quality materials.

- 2.2 Through careful design, siting and orientation, the scheme has sought to ensure its impact in terms of loss of light and privacy of the neighbouring occupiers would be acceptable.
- 2.2 The impact of the proposed development upon highways condition is acceptable. It would comply with key objective of the planning policies by providing six family housing units.

### **3 RECOMMENDATION**

- 3.1 That the Committee resolve to grant planning permission subject to the following conditions

#### **Conditions**

1. Time limit
2. Accordance with plans
3. Materials samples
4. Unknown contamination identification
5. Landscaping (as per details submitted)
6. Flank Window restriction
7. Boundary Treatment
8. External Lighting
9. Refuse & Recycling
10. Cycle Storage
11. Hours of construction
12. Car parking provision
13. Construction Methodology/Wheel Wash Facilities (Pre-commencement)
14. Removal of Permitted Development Rights
15. NOx Boilers
16. Delivery and Servicing Plan
17. Electric Vehicle Charge Points Provision
18. Flat roof areas not to be used for amenity space
19. No parking in access way
20. Access way should be layout out as approved
21. According to energy statement
22. According to ecology report.

#### **Informatives**

1. Approval following negotiation
2. CIL
3. Street numbering

## **4.1 PROPOSAL AND LOCATION DETAILS**

### **Proposal**

- The proposal is to demolish the existing house and to replace it with a group of three semi-detached two storey buildings with further accommodation within the roofspace.
- The design would be articulated incorporating bay features, setbacks and recessed windows.
- The proposed building would be in brick, with zinc roof, aluminium windows.
- The proposal would provide five four bedroom houses and one three bedroom house. Each house would include a small garden to the rear.
- The existing access and drive way will be retained. The proposal will provide 8 car parking spaces, cycle storage and refuse store.

## **4.2 Amendments**

- Over the past year the officers have been involved in negotiations on a number of pre application schemes with the applicant as follows;

### **First Pre app submission**

- The first scheme was submitted in May 2019. The proposed development incorporated 9 dwellings within a three storey block of flats and included 14 parking spaces. It was concluded that principle of development to increase supply of housing is acceptable. However, it was considered that the scheme was an overdevelopment taking into consideration the mass and the height of the proposed building in the context of the surrounding area.

### **The second pre app submission**

- This scheme was submitted in June 2019 for 7, two storey houses with accommodation in the roof and 14 parking spaces. The officers responded that the revised proposal was an improvement taking into consideration the reduced number of units from 9 to 7 and the change to a more appropriate design. The remaining issues were the position of the houses which were creating a poor quality public space for the site, concerns about overshadowing, loss of privacy, lack of access to Hardley Crescent and limited planting in a large area of hardstanding.

### **The third pre app submission**

- This was submitted in July 2019, for 6 two storey houses with accommodation within the roof and 10 parking spaces. The officers recommended a more contemporary style of development. Also that the mass of the third storey into the roof needs to be reduced and set back from the edges of the roof. The reduction of the dwellings to 6 units was considered acceptable.

### **Forth pre app submission**

- This scheme was submitted in September 2019, again for 6, two storey houses with accommodation to the roof and 9 parking spaces. This had incorporated a contemporary London vernacular style with the third floor considered to reduce the mass and the scale of the third storey roof accommodation in such a way that appears more as a 2 storey building.

### **Planning application**

- Full Plans submission was submitted in October 2019. The scheme incorporated 6 two storey Houses with accommodation to the roof and 9 parking spaces. The submission included Tree impact assessment, Energy Statement, Landscape Design, ecology report and daylight and sunlight statement.
- During the process of the application, further revision was requested. The main issues was the potential overlooking with the adjoining property at 12 Haynes Road. In order to address those issues the development was shifted away from the boundary with number 12 to create a separation between properties. Additionally the orientation of the window was directed away from the garden of this adjoining neighbour. Also the refuse storage area was relocated away from the living room window of number 12 Haynes Road.

## **4. Site and Surroundings**

- 4.3.1 The application relates to a single storey detached building on a site which measures approximately 1,400m<sup>2</sup>. The site is located on the western side of Haynes Road, in Hornchurch. The frontage to Haynes Road is limited to the vehicle access, with the remainder of the site located at the rear of properties on Hardley Crescent and Haynes Road.
- 4.3.2 The existing double storey detached dwelling is constructed from brown brick with a tiled pitched roof and is positioned on a NW-SE axis. The dwelling is set in a generous landscaped garden and parking is provided on hard



standing in front of the dwelling, a storage shed is located along the western boundary (to the rear of 16 and 18 Haynes Road).

- 4.3.3 There is also a pathway and gate to the rear of the house, providing a pedestrian access to Hardley Crescent.
- 4.3.4 The application building is not listed, nor it is within a conservation area and is not subject to an Article 4 direction.
- 4.3.5 The area is generally characterised by single and double storey semi-detached interwar dwellings with bay windows, brick, pebble dash or rendered walls and pitched tile roofs. The buildings are also generally within a generous plot of land.
- 4.3.6 Haynes Linear Park is located to the west of the application site. Gidea Park Railway Station is 800m to the west. Of notable community facilities is a private leisure centre within short distance of the application site.
- 4.3.7 The Public Transport Accessibility Level of the site is part 1b, part 2 – indicating an otherwise low level of public transport accessibility.

## **5 Consultation**

- 5.1 In accordance with planning performance agreement, the developer has consulted the local community on these proposals as part of the pre-application process.
- 5.2 On 23<sup>rd</sup> of August 2019 the applicant sent letters to several owners of the adjoining properties and additionally the brochure with their proposal for development for 14 Haynes Road. At that time the proposed scheme was the six 2 storey dwellings with accommodation within the roof, incorporating traditional house designs.
- 5.3 The applicant explains that they received several comments from the neighbours concerning overlooking/privacy, overdevelopment and highway safety issues. And in particular references were made to potential use of the site as a short cut from Haynes Road to Hardley Crescent.

### **Local representation;**

- 5.4 There have been two rounds of consultation. With respect to the original application a total of 63 neighbouring properties were notified about the application and invited to comment. The application has been publicised by way of one site notice displayed in the vicinity of the application site.

- 5.5 The number of representations received from neighbours, local groups etc in response to notification and publicity of the application was 102, raising objections to the proposal. Also a petition signed by local residents (151 signatures) was received objecting to the proposals. With respect to the second round of consultation (January 2020) a total of 26 letters of objections were received. There is also an objection letter from the Emerson Park and Ardleigh Green Resident Association.

### **Representations**

- 5.6 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:

- Insufficient parking for the proposed number of units
- Increased parking stress within surrounding roads
- Against the character of the area
- Poor amenity space for the family housing
- No front garden to provide acceptable landscaping
- Noise and disturbance
- Loss of privacy/overlooking
- Restrictions to emergency service and waste vehicles accessing the site and other properties
- Loss of light/overshadowing
- Impact upon wildlife
- Pedestrian safety
- Security concerns
- Flooding of the neighbouring properties
- Over development of the site
- The design, bulk and scale would not be in keeping with the character of the area.
- Right of access
- Public sewers under the development
- Access as cut-through
- Loss of trees
- The plans do not represent the reality, with respect to trees
- Furthermore, one of the ward councillors, has called in the application, concerning the loss of privacy and the overbearing impact of the proposed development upon the amenities of the adjoining occupiers.

### **Non-material representations**

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

- There is a significant issue with respect to whether there is a public access way to the rear of the site. Further issues raised with respect to disturbances associated with construction phase of the proposed development.

**Internal and External Consultation:**

5.8 The following internal consultation has been undertaken:

- Highway Authority: No Objection
- Environmental Health: No Objection subject to conditions
- Waste and Recycling: No objection subject to the provision of suitable and compliant waste and recycling facilities.
- Thames Water: No comment
- Fire brigade; No hydrant would be required

**6 MATERIAL PLANNING CONSIDERATIONS**

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

- The principle of development
- Supply of housing
- The quality of housing provided
- The aesthetic quality of the development
- The impact upon amenities of the neighbours in terms of loss of privacy, daylight, sunlight and sense of enclosure, noise disturbance
- Ecology
- Energy Efficiency
- Impact upon community infrastructure

**The principle of development;**

6.1.1 The provision of additional housing is supported by the Local Plan policy CP1, The London Plan and the National Planning Policy Framework (NPPF 2019) as the application site is within a sustainable location in an established urban area.

6.1.2 The proposal will cover an area of land which currently in residential use. Under the provisions of the NPPF, there is no priority given to garden land as

a re-developable brownfield site, in effect stating that each application within a garden should be considered on its own merits. In terms of the Local Plan the site lies outside the Metropolitan Green Belt, Employment Areas, Commercial Areas, District and Local Centres and is within a predominantly residential area.

- 6.1.3 On this basis the proposal is considered to be policy compliant in land-use terms and its continued use for domestic residential purposes is therefore regarded as being acceptable in principle.

**The quality of the proposed accommodation;**

- 6.2.1 The 'DCLG Technical Housing Standards - nationally described space standard' specifies minimum internal space standards required for new dwellings. The Technical Housing Standards stipulate minimum gross internal floor areas (GIAs) for dwellings/units based on the number of bedrooms, intended occupants and storeys, minimum bedroom sizes of 7.5m<sup>2</sup> for single occupancy and 11.5m<sup>2</sup> for double/twin occupancy, plus further dimension criteria for such spaces. London Plan Policy 3.5 and the Housing SPG echo such requirements and the SPG provides further criteria to ensure an acceptable quality of accommodation is provided for users including in relation to entrance and approach routes, access to private open space, outlook, daylight and sunlight.
- 6.2.2 The proposed dwellings would provide suitable accommodation for six families. All habitable rooms as well as the dwelling sizes comply with the national space standards.
- 6.2.3 The habitable room windows are generally well positioned and proportioned windows which would provide adequate levels of light within these rooms. However, there would be a number of first floor windows to two habitable rooms which have been angled to avoid direct overlooking and provide a degree of privacy for the adjoining occupiers.
- 6.2.4 The Council's SPG does not recommend minimum out door amenity space requirement. The latest revised London Plan recommends; a minimum of 5m<sup>2</sup> of private outdoor space should be provided for 1-2 person dwellings and an extra 1m<sup>2</sup> should be provided for each additional occupant. The proposal would provide a range of private garden sizes, from 30m<sup>2</sup>, to 90m<sup>2</sup>, which is considered to be a satisfactory provision in this case.. In addition the proposed development has sought to ensure the area to the front of the houses are designed in a manner that could act also as communal space. It is therefore, considered that the proposal would be acceptable in terms of the provision of amenity space.

### **6.3 Design and appearance;**

- 6.3.1 The revised NPPF emphasises that the new design should seek to enhance the character of the area and that poor design should be rejected. Havering planning policies (in particular DC61) also require high quality design and require that the development must respect the scale, massing and height of the surrounding context.
- 6.3.2 The proposed development has been subject to significant revisions since it was originally proposed. The Council's planning and urban design officers have been involved in shaping the resulting scheme and the applicants have been cooperative and responsive to the advice given by the officers.
- 6.3.3 The built environment within the immediate vicinity predominately comprises detached and semi-detached buildings either in the form of bungalows or two storey houses. The buildings display variety of design and generally benefit from generous plots. There have been some modifications and extensions which has affected the character of the area. In particular there are a number of roof alterations and loft conversions, creating second or third floors.
- 6.3.4 The application building in terms of its configuration, siting, bulk, scale, design and lack of street frontage forms an atypical site among others in the area. The application building itself lacks any significant architectural merit and therefore there is no objection to its demolition.
- 6.3.5 The proposed buildings would be two storeys high with the third floor within a roof space being set back from the edges of the roof to the front and rear so that the buildings would appear as a two storeys. The proposed building would use high-quality materials including two types of facing bricks, zinc roof and grey aluminium windows.
- 6.3.6 The site's particular characteristics creates a difficulty in achieving a traditional form of design. Therefore, the aim of the scheme has not been to create a development that appears simply as a traditional infill development, but instead it envisages a scheme to appear and feel as a small "close" that creates more visual interest and evoke sense of intimacy.
- 6.3.7 The strategy to adopt a design to reflect contemporary London vernacular design is considered to be the right approach in this case.
- 6.3.8 The individual houses incorporate a small amenity space area to the rear. However, the open space to the front which is depicted to be used for parking and manoeuvring of vehicles has been designed in a manner which would offer an opportunity to be used as communal amenity space.
- 6.3.9 The architectural features, including the setbacks, bay feature projection, use of materials, roof configuration all help to introduce articulations into the

design and create a set of buildings of visual interest. Further, the regularity in siting, spacing of the houses, eschewing variety of the design would result in a “mews” style development that responds well to the site constraints.

6.3.10 Although the proposed houses are sited away from the immediate street scene and are somewhat hidden by the surrounding buildings and to some extent by tree coverage, the proposed design is attractive and well-proportioned proposals that are primarily influenced by the concealed location. Their scale as two storeys with setback pitched roof, is appropriate to their location, demonstrating a responsive rather isolated form of development for the site.

6.3.11 The proposal has improved through the pre-application process and the applicant has been responsive in taking on comments. The quantum of development has decreased during this process, and is now at a level that could be reasonably accommodated within this site from an urban design point of view. The creation of a terrace of six single-fronted houses makes efficient use of the site and provides a clearly defined new street. The provision of the second floor bedroom within the pitch of the roof has helped to limit the height of the scheme and address overshadowing issues. The proposal is contemporary in style, and this approach is followed through consistently with the material palette, approach to detailing, window/door opening, and roof profile. This achieves a scheme of reasonable architectural quality that could integrate with the surrounding housing.

6.3.12 In conclusion, the proposed development does not have a significant street frontage. However, it would create a small court yard development with its own design which would have an acceptable impact upon the surroundings.

#### **6.4 Impact on neighbour amenities;**

6.4.1 Policy DC61 of Havering Councils states; “Planning permission will not be granted where the proposal results in unacceptable overshadowing, loss of sunlight/daylight, overlooking or loss of privacy to existing and new properties.”

6.4.2 Given the site location to the rear of a number of dwellings, it is important the proposed dwelling would be well proportioned and suitably located to mitigate any impacts on neighbouring amenities.

6.4.3 The site is bounded to the west by 24 Hardley Crescent, the far end of Hardley Crescent and front of 15 Hardley Crescent. To the North the application side is bounded by the side garden of number 12 Haynes Road, to the east lies the garden of 20 Haynes Road whilst the rear gardens of 14, 16 and 18 Haynes Road form the south side of the application side.

- 6.4.4 The main amenity issues to be considered are; the loss of daylight / sunlight, loss of privacy and noise, disturbance whether the buildings would appear over-dominant from surroundings resulting in loss of outlook. All these issues would be considered in depth below.

#### **Loss of daylight / sunlight**

- 6.4.5 By reason of its location, height and depth the proposal would not have a significant impact upon the amenities of the adjoining occupiers. The proposal will comply with the Building Research Establishment guidance. All affected windows would pass the 25 degree rule.
- 6.4.6 The applicant has also provided shadow diagram studies which indicate that the proposal is also in compliance with the sunlight standard set out in BRE guidance.
- 6.4.7 It is therefore concluded that the proposal would not result in a significant loss of daylight or sunlight to the neighbouring buildings.

#### **Loss of privacy;**

- 6.4.8 Due to its location, this aspect of the development has been the most challenging to design a scheme which would avoid significant loss of privacy to the neighbouring buildings.
- 6.4.9 Within back-land and infill development, minimum distances between the new and existing buildings are particularly important to ensure that the development would not result in loss of light and outlook and that privacy between the existing and new developments is maintained. Havering Residential Design Guide does not recommend a particular minimum separation distance between buildings or between the buildings and the garden boundaries. The guidance recommend rather than keeping distances to minimum level, any scheme should come up with appropriate mitigating measures to ensure the privacy of the adjoining neighbours are safeguarded.
- 6.4.10 Normally (within the urban area such as London context), a minimum separation distance of 18 to 22m at first floor level are recommended to be achieved between rear elevation of new houses and the existing to prevent loss of privacy. Further, a minimum distance of 9 to 11m should be maintained from the upper levels to boundaries with adjoining gardens.

#### **The impact upon 14 to 16 Haynes Road;**

- 6.4.11 The distances between the upper floors of the proposed houses and all the upper floors of the existing houses at 14 to 16 Haynes Road range from 22-24m in all areas, which is considered to be the optimum level in securing acceptable privacy. Furthermore, a minimum distance of 12 metres would be achieved between the upper floor windows of the proposed houses and the

boundary gardens of the adjoining houses. Therefore, the proposal would pass the normal test for privacy with respect to these neighbours.

#### **The impact upon 12 Haynes Road**

6.4.12 The back to back separation distance between the windows of number 12 Haynes Road and the proposed first dwelling unit is over 23m. However, officers have been concerned with the proximity of first floor windows of the proposed first house with the garden of number 12 Haynes Road which stood at about 1 metre to the boundary with number 12. Hence, in the final revision, the houses have been positioned away from the side boundary of number 12 by a minimum of 2.65m. Also one parking space (originally planned along the boundary with number 12) has been deleted from the scheme to be replaced by soft landscaping area. This separation is considered to be sufficient to ensure trees to be planted to provide a degree of screening between the proposed buildings and the garden of number 12. Furthermore, the closest window to proposed first house has been angled so that there would be no direct overlooking onto the garden of number 12.

#### **Impact upon number 18 Haynes Road**

6.4.13 The back to back distance between the application building and number 18 Haynes Road would be 23m which is an acceptable separation distance. However, number 18 Haynes Road benefits from a deeper garden in comparison with the buildings at number 14-16. Thus the proposal would not provide the normally recommended distance of 9m. In this case the first floor window of the last house has been angled away from the rear garden of number 20 to safeguard the privacy. This approach would ensure that the proposal would not create undue over-looking onto the privacy of the adjoining dwellings.

#### **Impact upon 20 Haynes Road**

6.4.14 The scheme has ensured that there would be no first floor window on the flank wall. The main bedroom window to the first floor is angled away from the rear garden of number 20. Therefore, the impact upon this neighbour in terms of loss of privacy is acceptable.

#### **Impact upon buildings in Hardley Crescent**

6.4.15 The proposed plots at number one and number two would face the front of number 15 and Hardley Crescent. The proposed units 3-5 would face the flank of number 24 Hardley Crescent and therefore, there would be no significant impact upon the privacy of these neighbouring buildings.

6.4.16 The unit at number 6 would face the garden of number 24 Hardley Crescent and therefore, it could result in the potential loss of privacy to this house.



Hence, a number of mitigating measures have been adopted to prevent the loss of privacy to this neighbour as follows;

- There would be no accommodation at the roof level.
- There would no clear windows at the first floor level directly overlooking the gardens of the application site.
- The main window to first floor window is well recessed and is angled towards the end of the garden.

6.4.17 The first floor side windows of all units at first floor level are shown to be obscurely glazed and a condition would recommended that these are maintained as obscured glazed and fixed closed below 1.7m internal height and that there should be no other opening on the flank other than those indicated to prevent any overlooking from the flank elevations.

6.4.18 In summary every effort has been made to ensure the privacy of the neighbouring buildings would be safeguarded and the levels of amenity afforded are considered to be acceptable.

## **6.5 Noise disturbance**

6.5.1 In general terms, it is noted that the development would create increased activity along the existing road and also increased activity at the site with the creation of new dwellings. This activity is however for a low-medium density residential development and the level of activity would not be out of keeping or at odds with those expected within the existing residential area. It is not considered this activity would be unreasonable or harmful in this suburban residential context.

## **6.6 Impact upon highways condition**

6.6.1 The NPPF recognises that sustainable transport has an important role to play in facilitating sustainable development but also contributing to wider health objectives. In particular it offers encouragement to developments which support reductions in greenhouse gas emissions and those which reduce congestion. The NPPF also outlines that developments which generate significant vehicle movements should be located where the need to travel will be minimised and the use of sustainable transport options can be maximised. It is also expected that new development will not give rise to the creation conflicts between vehicular traffic and pedestrians.

6.6.2 London Plan Policy 6.3 and Policies T1 - T6 of the Draft London Plan seek to ensure that impacts on transport capacity and the transport network, at both a corridor and local level, are fully assessed. Development should not adversely affect safety on the transport network. This is also echoed by DC33 of Havering Councils CS and DCPDPD which indicates proposals will not be

supported where they would have an unacceptable adverse impact on the capacity or environment of the highway network. The London plan seeks to ensure a balance is struck to prevent excessive car parking provision that can undermine cycling, walking and public transport use and through the use of well-considered travel plans aim to reduce reliance on private means of transport.

- 6.6.3 The existing access would be retained. The gap between the buildings with respect to the access way is almost 7m. The proposal would seek to maintain a green buffer zone adjacent to number 12 which would consequently reduce the gap to 4.2m. However, even with the reduced width the scheme would allow two cars to safely pass each other. Furthermore, the surfacing details provide a marked area for pedestrians to ensure safety of the pedestrian is not compromised. The applicant has also demonstrated that there will be sufficient visibility splay, at the entrance of the access way to ensure there would be no hazard to highway safety.
- 6.6.4 The application site has a PTAL rating of 1b at its entrance to Haynes Road and 2 from its access to Hardley Crescent. London Parking Standards for residential dwellings recommends that a maximum of 1.5 parking spaces could be provided for the development with the density range of 40-80 dwellings per ha. The proposal would provide 8 car parking which would exceed the number of the proposed houses. The proposal would comply with the maximum parking space requirement with respect to the London Plan.
- 6.6.5 There is a fear that the proposal would have a potential that it would over-spill in Haynes Road or Hardley Crescent. There is no parking restriction in either road. However, the on-street parking availability is rather negligible because the majority of the houses in either road benefit from wide cross overs and front drives. Hence it is considered that there would limited opportunity for over-spill parking onto adjacent roads.
- 6.6.6 The layout also indicates the provision of turning space within the site, ensuring vehicles can enter and leave the site in forward gear. It is also demonstrated that there would be sufficient visibility splay allowing safe access to Haynes Road.
- 6.6.7 The volume of the car trips generated from the proposed use of the site would not be significant. It is considered that the use of the access track to serve the six dwelling would be unlikely to result in material harm to highway safety of Haynes Road. The proposed access would be sufficiently wide to allow either two cars or a pedestrian and a car to pass each other safely. There would be clear views down the track for drivers of vehicles entering or leaving the site to see other vehicles on it. The Highways officers have been consulted and cannot substantial any reason for refusal and have not raised any objection.

6.6.8 There are three issues that raise some concerns for officers;

- Refuse vehicles could not turn wholly within the application site.
- Ad hoc parking on the access road could not be controlled
- The level of noise generated by vehicles using the access road as well as parking

#### **Refuse vehicles**

6.6.9 Refuse storage areas are located within a satisfactory distance for refuse to be collected. Therefore, there would be no need for the refuse vehicle to enter the site and collection can safely take place on the street.

#### **Ad hoc parking on the access road**

6.6.10 The gap between the buildings which accommodates the access way is particularly wide and would lend itself for ad-hoc parking. There is the potential also that the landscaping buffer zone could be compromised and used for parking purposes. The access way falls within the application site, therefore a condition can be attached to ensure that no “ad hoc” parking takes place on the access road.

#### **Noise generated by vehicles using the access road and the court yard**

6.6.11 On the site visit it was revealed that the existing access way has an even surface and not laid with a solid surface. The increase use of the access way in its current condition would be likely to result in further erosion of the surface with formation of bumps. Should this happen the vehicles would have to, on occasion, rev their engines to negotiate the bumps. Further, the impact noise from the loose material in contact with the tyres would result in additional noise being generated from the use of the track. Therefore, a condition is recommended to ensure the track is upgraded in a manner that has been indicated on the plan to prevent a material increase in vehicular noise and disturbance along the access track to the car park.

6.6.12 Attention has been paid to the provision of cycle parking provision, covered storage space for sufficient number of cycles and as such the proposal would provide sustainable transportation modes. Nonetheless, details with respect to cycle parking would be conditioned.

6.6.13 Given the above analysis it is considered that the proposal would have an acceptable impact upon the safe and free flow of traffic in this section of the highways.

## **7 Financial and Other Mitigation**

- 7.1 The council introduced the Community Infrastructure levy (CIL) with effect from 15 September 2019. The CIL charge covers a wide range of infrastructure as set out in the regulation 123 list. CIL is chargeable on the relevant net additional floorspace created by the development. The charge is non-negotiable and is calculated at the time that planning permission is granted. In this case the proposal is liable for the Mayor of London Community Infrastructure Levy (CIL) and Havering CIL (HCIL). Mayoral CIL is calculated at £25.00 per square metre, subject to indexation. HCIL is charged at an approved rate of be £125/m<sup>2</sup> of GIA, subject to indexation. The net additional floor space would be 540m<sup>2</sup>. The development would be liable for a Mayoral CIL at the rate of £13,500 and Havering CIL at rate of £67,500.

## **8 Other Planning Issues**

### **8.1 Trees / Landscaping**

There are a number of trees on site, however, none are subject to any Tree Preservation Order. Further, the existing trees are not of the quality of protection. A number of trees would be lost. The proposal incorporates landscaping which is well designed and aims to improve the quality of the development whilst softening its impact where necessary. A condition will be recommended that the scheme is implemented in accordance to the approved landscaping.

### **Ecology**

- 8.2 The applicant has submitted a study which evaluates the ecological value of the site and provided advice as how appropriate measure to be taken to safeguard the future ecological value of the site. A condition is recommended to ensure the advice contained with the scheme is accordingly implemented.

### **Energy Efficiency**

- 8.3 The applicant has submitted details with respect to the improving the energy efficiency of the proposed houses, including photo-voltaic solar cells, insulations, and low energy lighting as well as providing electric charging point for cars. A condition is recommended to ensure these measures are implemented accordingly.

## **9 Conclusions**

9. The proposal would contribute towards meeting the housing need in the Borough and would make effective use of a sustainable site. The layout of the proposed development would provide an acceptable standard of amenity for the future occupiers and there would not be a significant loss of amenity to neighbouring properties. The design of the proposed building is acceptable and meets policy guidance. 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 the recommendation

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## Planning Committee

13<sup>th</sup> February 2020

## Updates

Item 6

Pages 7-23 – Application Ref: P1548.19. Address: 14 Haynes Road RM11 2HT

### Corrections

#### **Paragraph 6.4.3, Page 16**

Paragraph 6.4.3, of the report states that “..... to the east lies the garden of 20 Haynes Road whilst the rear gardens of 14, 16 and 18 Haynes Road form the south side of the application side.”

This is incorrect and should state:

“..... to the south lies the garden of 22 Haynes Road whilst the rear gardens of 16, 18 and 20 Haynes Road form the east side of the application site.”

#### **Paragraph 6.4.11, Page 17-18**

Heading to para 6.4.11, states Impact upon 14 to 16

This is incorrect and it should state,

“Impact upon 16-18,”

Para 6.4.11 should state, “...all the upper floors of the existing houses at 16 to 18..” not 14 to 16

#### **Paragraph 6.4.13, Page 18**

Heading to para 6.4.13, states Impact upon 18 Haynes Road

This is incorrect and should state,

“Impact upon 20”

Para 6.4.13 should read as follows;

“The back to back distance between the application buildings and number 20 Haynes Road would be 23m which is an acceptable separation distance. However, number 20 Haynes Road benefits from a deeper garden in comparison with the buildings at numbers 16-18. Thus the proposal would not provide the normally recommended distance of 9m. In this case the first floor window of the last house has been angled away from the rear garden of number 20 to safeguard the privacy. This approach would ensure that the proposal would not create undue over-looking onto the privacy of the adjoining dwellings.”

**Paragraph 6.4.14, Page 18**

Heading to para 6.4.14 states, Impact upon 20 Haynes Road


This is incorrect and should state,

“Impact upon 22 Haynes Road”

Para 6.4.14 should state:

“The scheme has ensured that there would be no first floor window on the flank wall. The main bedroom window to the first floor is angled away from the rear garden of number 22. Therefore, the impact upon this neighbour in terms of loss of privacy is acceptable.”



 <b>Havering</b> LONDON BOROUGH	<b>Planning Committee</b> <b>13 February 2020</b>
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<b>Application Reference:</b>	<b>Stopping Up Order</b>
<b>Location:</b>	<b>Land at 149-153 New Road</b>
<b>Ward:</b>	<b>Rainham</b>
<b>Description:</b>	<b>Stopping up of Highway</b>
<b>Case Officer:</b>	<b>John Deasy</b>
<b>Reason for Report to Committee:</b>	<b>The Assistant Director of Planning considers committee consideration to be necessary.</b>

---

## **1 Background**

- 1.1 On 12 October 2017 the Council granted outline planning permission under application reference P0726.17 for demolition of all buildings and redevelopment of the site for residential use providing up to 14 units with ancillary car parking, landscaping and access. Parameter plans approved under P0726.17 confirm that in order to facilitate the development, stopping up of the adopted public highway is required as the approved scheme will encroach onto the existing public highway.
- 1.2 A resolution is therefore sought to stop up the adopted public highway shown zebra hatched black on the plan(s) entitled Stopping Up Plan Plot 3 referenced PA-2602-SU-P3 and Stopping Up Plan Plot 4 referenced PA-2602-SU-P4 at Appendix A ("the Plans") to enable the development to be carried out in accordance with the grant of planning permission under application reference number P0726.17.
- 1.3 The Council's highway officers have considered the application and consider that the stopping up is acceptable in all material respects to enable development pursuant to planning permission.

## **2 Recommendation**

That the Committee resolve;

(a) to authorise the stopping up of the highway land at New Road Rainham shown zebra hatched on the Plans, 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 P0726.17;
- 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 are received (or any objections received are withdrawn), or the Mayor of London decides a local inquiry is unnecessary, then the stopping up order will be confirmed by officers;

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

(b) to delegate authority to the Assistant Director of Environment to do anything necessary and incidental to facilitate the process of stopping up the highway pursuant to section 247 of the Town and Country Planning Act 1990.

## **3 Proposal and Location details**

3.1 Section 247(2A) of the Town and Country Planning Act 1990 (“the Act”) provides that the Council of a London borough may by order authorise the stopping up or diversion of any highway within the borough if it is satisfied that it is necessary to do so in order to enable development to be carried out in accordance with planning permission granted under Part III of the Act.

3.2 In *K C Holdings Ltd v Secretary of State for Wales [1990] JPL 353* the Deputy Judge held that “may” implies a discretion to consider the demerits and merits of the particular closure in relation to the particular facts of the case. In *Vasiliou v Secretary of State for Transport [1991] 2 All ER 77*, the Court of Appeal held that when exercising his discretion, the Secretary of State was not only entitled, but required to take into account any directly adverse effect the order would have on all those entitled to the rights which would be extinguished by it, especially as the section contains no provision for compensating those so affected.

- 3.3 The parameters of the development has already been considered and approved under application ref P0726.17 following a full statutory public consultation exercise. The approved parameter plans would require the stopping up of the area of land that is the subject of this report. The stopping up now proposed would give effect to the development on the land to be stopped up.
- 3.4 There are two areas of land to which the application to stop up relates. The areas are hardstanding adjacent to the footway of New Road Rainham, measuring approximately: Plot 3 (drawing PA-2602-SU-P3) 3 metres in width and 4 metres in length and Plot 4 (drawing PA-2602-SU-P4) 0.1 metres in width and approximately 27 metres in length sited between OS grid reference points: Plot 3 551124E and 182814N Plot 4 551139E and 182807N.
- 3.5 The land is classified as general purpose Highway on the register of highways maintainable at the public expense.
- 3.6 The development approved pursuant to the planning permission incorporates a redesign of the existing highway layout within the confines of the development.
- 3.7 It is considered that the most effective way to accommodate the approved highway layout is by stopping up parts of the existing highway. Officers therefore consider that there would be no significant disadvantages suffered by the public or by those with properties near or adjoining the existing highway. In contrast, there are advantages of stopping up the highway rights as doing so will enable the development to be carried out.

#### **4 Planning History**

The following planning decisions are relevant to the application:

P0726.17 – Outline planning application for the demolition of all buildings and redevelopment of the site for residential use providing up to 14 units with ancillary car parking, landscaping and access – Planning Permission Granted

The stopping up is necessary in order that development pursuant to planning permission can be carried out.

## **5 Consultation**

- 5.1 The Council's highway officer has no objection to the proposed stopping up order.
- 5.2 No public or external consultation has been carried out by the Council in respect of the current stopping up application; however, should the Committee approve the stopping up before making the order, the Council would carry out consultation as required by Section 252 of the Act. This would involve consulting statutory undertakers, posting site notices and publishing the proposed orders in a local newspaper and the London Gazette. A 28-day consultation period would allow interested parties to respond.
- 5.3 Under Section 252(4)(b) of the Act if an objection is received from any local authority, undertaker or gas transporter on whom a notice is required to be served, or from any other person appearing to the council to be affected by the order and that objection is not withdrawn (through negotiation between the objector and the applicant) the Council must:
- (i) notify the Mayor; and
  - (ii) cause a local inquiry to be held.
- 5.4 If however, none of the objections received were made by a local authority or undertaker or transporter then, under Section 252(5A) of the Act, the Mayor shall decide whether, in the "special circumstances of the case" the holding of such an inquiry is unnecessary, and if he decides that it is unnecessary he shall so notify the Council which may dispense with the inquiry.
- 5.5 If there are no objections, or all the objections are withdrawn, then the Council may confirm the stopping up order without an inquiry.

## **6 Conclusion**

It is considered that the proposed stopping up of the areas of land is necessary to enable development to proceed in accordance with planning permission and is acceptable in highway terms. It is noted, however, that there remain obligations relating to consultation and a local inquiry may be held, should the stopping up be approved by the Committee.

## Appendix A

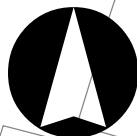
Plan reference(s): PA-2602-SU-P3; PA-2602-SU-P4

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# STOPPING UP PLAN

## PLOT 3

Easting: 551124  
Northing: 182814  
OS Grid Reference: TQ 51124 82814  
Plot Width: 3 metres  
Plot Length: 4 metres  
Plot Description: 9 square metres of  
footpath at the junction of highways known  
as Betterton Road and New Road,



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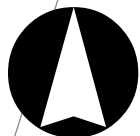
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# STOPPING UP PLAN

## PLOT 4

Easting: 551139  
Northing: 182807  
OS Grid Reference: TQ 51139 82807  
Plot Width: 0.1 metres  
Plot Length: 27 metres  
Plot Description: 2 square metres of part  
width of highway known as New Road,  
Rainham




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<b>Application Reference:</b>	<b>Stopping Up Order</b>
<b>Location:</b>	<b>Land at 165-193 New Road</b>
<b>Ward:</b>	<b>Rainham</b>
<b>Description:</b>	<b>Stopping up of Highway</b>
<b>Case Officer:</b>	<b>John Deasy</b>
<b>Reason for Report to Committee:</b>	<b>The Assistant Director of Planning considers committee consideration to be necessary.</b>

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## **1 Background**

- 1.1 On 18 September 2019 the Council granted outline planning permission under application reference P1057.17 for demolition of all buildings and redevelopment of the site for residential use providing up to 110 units with ancillary car parking, landscaping and access. Parameter plans approved under P1057.17 confirm that in order to facilitate the development, stopping up of the adopted public highway is required as the approved scheme will encroach onto the existing public highway.
- 1.2 A resolution is therefore sought to stop up the adopted public highway shown zebra hatched black on the plan(s) entitled Stopping Up Plan Plot 6 referenced PA-2602-SU-P6 and Stopping Up Plan Plot 7 referenced PA-2602-SU-P7 at Appendix A ("the Plans") to enable the development to be carried out in accordance with the grant of planning permission under application reference number P1057.17.
- 1.3 The Council's highway officers have considered the application and consider that the stopping up is acceptable in all material respects to enable development pursuant to planning permission.

## **2 Recommendation**

That the Committee resolve;

(a) to authorise the stopping up of the highway land at New Road Rainham shown zebra hatched on the Plans, 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 P1057.17;
- 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 are received (or any objections received are withdrawn), or the Mayor of London decides a local inquiry is unnecessary, then the stopping up order will be confirmed by officers;

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

(b) to delegate authority to the Assistant Director of Environment to do anything necessary and incidental to facilitate the process of stopping up the highway pursuant to section 247 of the Town and Country Planning Act 1990.

## **3 Proposal and Location details**

3.1 Section 247(2A) of the Town and Country Planning Act 1990 (“the Act”) provides that the Council of a London borough may by order authorise the stopping up or diversion of any highway within the borough if it is satisfied that it is necessary to do so in order to enable development to be carried out in accordance with planning permission granted under Part III of the Act.

3.2 In *K C Holdings Ltd v Secretary of State for Wales [1990] JPL 353* the Deputy Judge held that “may” implies a discretion to consider the demerits and merits of the particular closure in relation to the particular facts of the case. In *Vasiliou v Secretary of State for Transport [1991] 2 All ER 77*, the Court of Appeal held that when exercising his discretion, the Secretary of State was not only entitled, but required to take into account any directly adverse effect the order would have on all those entitled to the rights which would be extinguished by it, especially as the section contains no provision for compensating those so affected.

- 3.3 The parameters of the development has already been considered and approved under application ref P1057.17 following a full statutory public consultation exercise. The approved parameter plans would require the stopping up of the area of land that is the subject of this report. The stopping up now proposed would give effect to the development on the land to be stopped up.
- 3.4 There are two areas of land to which the application to stop up relates. The areas are hardstanding adjacent to the footway of New Road Rainham, measuring approximately: Plot 6 (drawing PA-2602-SU-P6) 0.1 metres in width and 28 metres in length and Plot 7 (drawing PA-2602-SU-P7) 0.3 metres in width and approximately 80 metres in length sited between OS grid reference points: Plot 6 551249E and 182772N Plot 7 551309E and 182753N.
- 3.5 The land is classified as general purpose Highway on the register of highways maintainable at the public expense.
- 3.6 The development approved pursuant to the planning permission incorporates a redesign of the existing highway layout within the confines of the development.
- 3.7 It is considered that the most effective way to accommodate the approved highway layout is by stopping up parts of the existing highway. Officers therefore consider that there would be no significant disadvantages suffered by the public or by those with properties near or adjoining the existing highway. In contrast, there are advantages of stopping up the highway rights as doing so will enable the development to be carried out.

#### **4 Planning History**

The following planning decisions are relevant to the application:

P1057.17 – Outline planning application for the demolition of all buildings and redevelopment of the site for residential use providing up to 110 units with ancillary car parking, landscaping and access – Planning Permission Granted

The stopping up is necessary in order that development pursuant to planning permission can be carried out.

## **5 Consultation**

- 5.1 The Council's highway officer has no objection to the proposed stopping up order.
- 5.2 No public or external consultation has been carried out by the Council in respect of the current stopping up application; however, should the Committee approve the stopping up before making the order, the Council would carry out consultation as required by Section 252 of the Act. This would involve consulting statutory undertakers, posting site notices and publishing the proposed orders in a local newspaper and the London Gazette. A 28-day consultation period would allow interested parties to respond.
- 5.3 Under Section 252(4)(b) of the Act if an objection is received from any local authority, undertaker or gas transporter on whom a notice is required to be served, or from any other person appearing to the council to be affected by the order and that objection is not withdrawn (through negotiation between the objector and the applicant) the Council must:
- (i) notify the Mayor; and
  - (ii) cause a local inquiry to be held.
- 5.4 If however, none of the objections received were made by a local authority or undertaker or transporter then, under Section 252(5A) of the Act, the Mayor shall decide whether, in the "special circumstances of the case" the holding of such an inquiry is unnecessary, and if he decides that it is unnecessary he shall so notify the Council which may dispense with the inquiry.
- 5.5 If there are no objections, or all the objections are withdrawn, then the Council may confirm the stopping up order without an inquiry.

## **6 Conclusion**

It is considered that the proposed stopping up of the areas of land is necessary to enable development to proceed in accordance with planning permission and is acceptable in highway terms. It is noted, however, that there remain obligations relating to consultation and a local inquiry may be held, should the stopping up be approved by the Committee.

## Appendix A

Plan reference(s): PA-2602-SU-P6; PA-2602-SU-P7

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# STOPPING UP PLAN

## PLOT 6

Easting: 551249  
Northing: 182772  
OS Grid Reference: TQ 51249 82772  
Plot Width: 0.1 metres  
Plot Length: 28 metres  
Plot Description: 3 square metres of part  
width of highway known as New Road,  
Rainham



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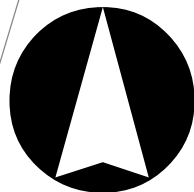
NEW ROAD

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# STOPPING UP PLAN

## PLOT 7

Easting: 551309  
Northing: 182753  
OS Grid Reference: TQ 51309 82753  
Plot Width: 0.3 metres  
Plot Length: 80 metres  
Plot Description: 15 square metres of part width of highway  
known as New Road, Rainham



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 <b>Havering</b> LONDON BOROUGH	<b>Planning Committee</b> <b>13 February 2020</b>
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<b>Application Reference:</b>	<b>Stopping Up Order</b>
<b>Location:</b>	<b>Land at 89-101 New Road</b>
<b>Ward:</b>	<b>Rainham</b>
<b>Description:</b>	<b>Stopping up of Highway</b>
<b>Case Officer:</b>	<b>John Deasy</b>
<b>Reason for Report to Committee:</b>	<b>The Assistant Director of Planning considers committee consideration to be necessary.</b>

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## **1 Background**

- 1.1 On 28 August 2018 the Council granted outline planning permission under application reference P1229.17 for demolition of all buildings and redevelopment of the site for residential use providing up to 62 units with ancillary car parking, landscaping and access. Parameter plans approved under P1229.17 confirm that in order to facilitate the development, stopping up of the adopted public highway is required as the approved scheme will encroach onto the existing public highway.
- 1.2 A resolution is therefore sought to stop up the adopted public highway shown zebra hatched black on the plan(s) entitled Stopping Up Plan Plot 1 referenced PA-2602-SU-P1 and Stopping Up Plan Plot 2 referenced PA-2602-SU-P2 at Appendix A ("the Plans") to enable the development to be carried out in accordance with the grant of planning permission under application reference number P1229.17.
- 1.3 The Council's highway officers have considered the application and consider that the stopping up is acceptable in all material respects to enable development pursuant to planning permission.

## **2 Recommendation**

That the Committee resolve;

(a) to authorise the stopping up of the highway land at New Road Rainham shown zebra hatched on the Plans, 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 P1229.17;
- 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 are received (or any objections received are withdrawn), or the Mayor of London decides a local inquiry is unnecessary, then the stopping up order will be confirmed by officers;

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

(b) to delegate authority to the Assistant Director of Environment to do anything necessary and incidental to facilitate the process of stopping up the highway pursuant to section 247 of the Town and Country Planning Act 1990.

## **3 Proposal and Location details**

3.1 Section 247(2A) of the Town and Country Planning Act 1990 (“the Act”) provides that the Council of a London borough may by order authorise the stopping up or diversion of any highway within the borough if it is satisfied that it is necessary to do so in order to enable development to be carried out in accordance with planning permission granted under Part III of the Act.

3.2 In *K C Holdings Ltd v Secretary of State for Wales [1990] JPL 353* the Deputy Judge held that “may” implies a discretion to consider the demerits and merits of the particular closure in relation to the particular facts of the case. In *Vasiliou v Secretary of State for Transport [1991] 2 All ER 77*, the Court of Appeal held that when exercising his discretion, the Secretary of State was not only entitled, but required to take into account any directly adverse effect the order would have on all those entitled to the rights which would be extinguished by it, especially as the section contains no provision for compensating those so affected.

- 3.3 The parameters of the development has already been considered and approved under application ref P1229.17 following a full statutory public consultation exercise. The approved parameter plans would require the stopping up of the area of land that is the subject of this report. The stopping up now proposed would give effect to the development on the land to be stopped up.
- 3.4 There are two areas of land to which the application to stop up relates. The areas are forecourt adjacent to the footway of New Road Rainham, measuring approximately: Plot 1 (drawing PA-2602-SU-P1) 0.5 metres in width and 74 metres in length and Plot 2 (drawing PA-2602-SU-P2) 0.5 metres in width and approximately 25 metres in length sited between OS grid reference points: Plot 1 550799E and 182911N Plot 2 550831E and 182901N.
- 3.5 The land is classified as general purpose Highway on the register of highways maintainable at the public expense.
- 3.6 The development approved pursuant to the planning permission incorporates a redesign of the existing highway layout within the confines of the development.
- 3.7 It is considered that the most effective way to accommodate the approved highway layout is by stopping up parts of the existing highway. Officers therefore consider that there would be no significant disadvantages suffered by the public or by those with properties near or adjoining the existing highway. In contrast, there are advantages of stopping up the highway rights as doing so will enable the development to be carried out.

#### **4 Planning History**

The following planning decisions are relevant to the application:

P1229.17 – Outline planning application for the demolition of all buildings and redevelopment of the site for residential use providing up to 62 units with ancillary car parking, landscaping and access – Planning Permission Granted

The stopping up is necessary in order that development pursuant to planning permission can be carried out.

## **5 Consultation**

- 5.1 The Council's highway officer has no objection to the proposed stopping up order.
- 5.2 No public or external consultation has been carried out by the Council in respect of the current stopping up application; however, should the Committee approve the stopping up before making the order, the Council would carry out consultation as required by Section 252 of the Act. This would involve consulting statutory undertakers, posting site notices and publishing the proposed orders in a local newspaper and the London Gazette. A 28-day consultation period would allow interested parties to respond.
- 5.3 Under Section 252(4)(b) of the Act if an objection is received from any local authority, undertaker or gas transporter on whom a notice is required to be served, or from any other person appearing to the council to be affected by the order and that objection is not withdrawn (through negotiation between the objector and the applicant) the Council must:
- (i) notify the Mayor; and
  - (ii) cause a local inquiry to be held.
- 5.4 If however, none of the objections received were made by a local authority or undertaker or transporter then, under Section 252(5A) of the Act, the Mayor shall decide whether, in the "special circumstances of the case" the holding of such an inquiry is unnecessary, and if he decides that it is unnecessary he shall so notify the Council which may dispense with the inquiry.
- 5.5 If there are no objections, or all the objections are withdrawn, then the Council may confirm the stopping up order without an inquiry.

## **6 Conclusion**

It is considered that the proposed stopping up of the areas of land is necessary to enable development to proceed in accordance with planning permission and is acceptable in highway terms. It is noted, however, that there remain obligations relating to consultation and a local inquiry may be held, should the stopping up be approved by the Committee.



## Appendix A

Plan reference(s): PA-2602-SU-P1; PA-2602-SU-P2

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# STOPPING UP PLAN

## PLOT 1

Easting: 550799  
Northing: 182911  
OS Grid Reference: TQ 50799 82911  
Plot Width: 0.5 metres  
Plot Length: 37 metres  
Plot Description: 7 square metres of part  
width of highway known as New Road,  
Rainham



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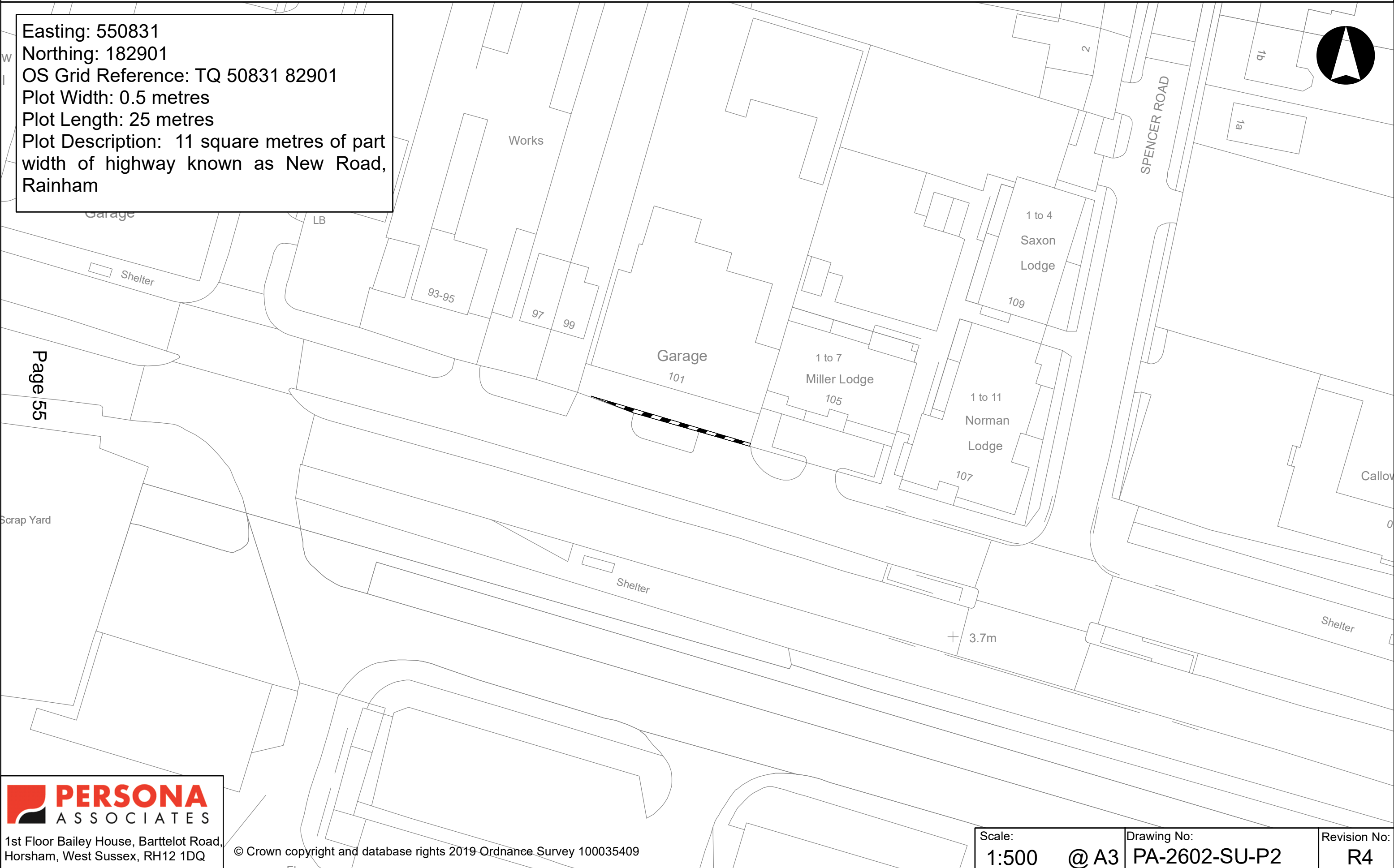


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# STOPPING UP PLAN


## PLOT 2

Easting: 550831  
Northing: 182901  
OS Grid Reference: TQ 50831 82901  
Plot Width: 0.5 metres  
Plot Length: 25 metres  
Plot Description: 11 square metres of part  
width of highway known as New Road,  
Rainham



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<b>Application Reference:</b>	<b>Stopping Up Order</b>
<b>Location:</b>	<b>Land at 148-192 New Road</b>
<b>Ward:</b>	<b>Rainham</b>
<b>Description:</b>	<b>Stopping up of Highway</b>
<b>Case Officer:</b>	<b>John Deasy</b>
<b>Reason for Report to Committee:</b>	<b>The Assistant Director of Planning considers committee consideration to be necessary.</b>

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## 1 Background

- 1.1 On 28 September 2017 the Council received an application for outline planning permission under application reference P1604.17 for demolition of all buildings and redevelopment of the site for residential use providing up to 239 units with ancillary car parking, landscaping and access. Parameter plans under P1604.17 confirm that in order to facilitate the development, stopping up of the adopted public highway is required as the proposed scheme will encroach onto the existing public highway.
- 1.2 A resolution is therefore sought to stop up the adopted public highway shown zebra hatched black on the plan(s) entitled Stopping Up Plan Plot 5 referenced PA-2602-SU-P5 at Appendix A ("the Plan") to enable the development to be carried subject to the grant of planning permission under application reference number P1604.17.
- 1.3 The Council's highway officers have considered the application and consider that the stopping up is acceptable in all material respects to enable development pursuant to planning permission.

## **2 Recommendation**

That the Committee resolve;

(a) to authorise the stopping up of the highway land at New Road Rainham 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 grant and lawful implementation of planning permission application reference P1604.17;
- 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 are received (or any objections received are withdrawn), or the Mayor of London decides a local inquiry is unnecessary, then the stopping up order will be confirmed by officers;

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

(b) to delegate authority to the Assistant Director of Environment to do anything necessary and incidental to facilitate the process of stopping up the highway pursuant to section 247 of the Town and Country Planning Act 1990.

## **3 Proposal and Location details**

3.1 Section 247(2A) of the Town and Country Planning Act 1990 (“the Act”) provides that the Council of a London borough may by order authorise the stopping up or diversion of any highway within the borough if it is satisfied that it is necessary to do so in order to enable development to be carried out in accordance with planning permission granted under Part III of the Act.

3.2 In *K C Holdings Ltd v Secretary of State for Wales [1990] JPL 353* the Deputy Judge held that “may” implies a discretion to consider the demerits and merits of the particular closure in relation to the particular facts of the case. In *Vasiliou v Secretary of State for Transport [1991] 2 All ER 77*, the Court of Appeal held that when exercising his discretion, the Secretary of State was not only entitled, but required to take into account any directly adverse effect the order would have on all those entitled to the rights which would be extinguished by it, especially as the section contains no provision for compensating those so affected.



- 3.3 The parameters of the development will be considered under application ref P1604.17 following a full statutory public consultation exercise. The proposed parameters of the development would require the stopping up of the area of land that is the subject of this report. The stopping up now proposed would give effect to the development on the land to be stopped up.
- 3.4 The area of land to which the application to stop up relates is hardstanding adjacent to the footway of New Road Rainham, measuring approximately: 0.5 metres in width and 1 metre in length (shown on drawing PA-2602-SU-P5) sited between OS grid reference points: 551095E and 182792N .
- 3.5 The land is classified as general purpose Highway on the register of highways maintainable at the public expense.
- 3.6 The development proposed pursuant to the planning permission incorporates a redesign of the existing highway layout within the confines of the development.
- 3.7 It is considered that the most effective way to accommodate the proposed highway layout is by stopping up parts of the existing highway. Officers therefore consider that there would be no significant disadvantages suffered by the public or by those with properties near or adjoining the existing highway. In contrast, there are advantages of stopping up the highway rights as doing so would enable the development to be carried out (subject to the grant of planning permission).

## **4 Planning History**

The following planning decisions are relevant to the application:

P1604.17 – Outline planning application for the demolition of all buildings and redevelopment of the site for residential use providing up to 239 units with ancillary car parking, landscaping and access –  
Decision Pending

The stopping up is necessary in order that development can be carried out subject to the grant of planning permission.

## **5 Consultation**

- 5.1 The Council's highway officer has no objection to the proposed stopping up order.

- 5.2 No public or external consultation has been carried out by the Council in respect of the current stopping up application; however, should the Committee approve the stopping up before making the order, the Council would carry out consultation as required by Section 252 of the Act. This would involve consulting statutory undertakers, posting site notices and publishing the proposed orders in a local newspaper and the London Gazette. A 28-day consultation period would allow interested parties to respond.
- 5.3 Under Section 252(4)(b) of the Act if an objection is received from any local authority, undertaker or gas transporter on whom a notice is required to be served, or from any other person appearing to the council to be affected by the order and that objection is not withdrawn (through negotiation between the objector and the applicant) the Council must:
- (i) notify the Mayor; and
  - (ii) cause a local inquiry to be held.
- 5.4 If however, none of the objections received were made by a local authority or undertaker or transporter then, under Section 252(5A) of the Act, the Mayor shall decide whether, in the “special circumstances of the case” the holding of such an inquiry is unnecessary, and if he decides that it is unnecessary he shall so notify the Council which may dispense with the inquiry.
- 5.5 If there are no objections, or all the objections are withdrawn, then the Council may confirm the stopping up order without an inquiry.

## **6 Conclusion**

It is considered that the proposed stopping up of the areas of land is necessary to enable development to proceed subject to the grant of planning permission and is acceptable in highway terms. It is noted, however, that there remain obligations relating to consultation and a local inquiry may be held, should the stopping up be approved by the Committee.

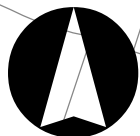
### Appendix A

Plan reference(s): PA-2602-SU-P5

# STOPPING UP PLAN

## PLOT 5

Easting: 551095  
Northing: 182792  
OS Grid Reference: TQ 51095 82792  
Plot Width: 0.5 metres  
Plot Length: 1 metres  
Plot Description: 1 square metres of grass  
verge to highway known as New Road,  
Rainham



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## **AGENDA ITEM 7**

### **Items for Information**

#### **Introduction**

1. This part of the agenda is for the committee to receive reports and other items for information purposes only.
2. The items on this part of the agenda will not normally be debated and any questions of clarification need to be agreed with the chair.
3. The following information and advice only applies to reports in this part of the agenda.

#### **Public speaking**

4. The Council's Constitution only provides for public speaking rights for those applications being reported to Committee in the "Applications for Decision" parts of the agenda. Therefore, reports on this part of the agenda do not attract public speaking rights.


#### **Late information**

5. 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**

6. The Committee is not required to make any decisions with respect to the reports on this part of the agenda. The reports are presented for information only.

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 <b>Havering</b> LONDON BOROUGH	<b>Planning Committee</b> <b>13 February 2019</b>
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**Subject:** Quarterly Planning Performance Update Report.

**Report Author:** Simon Thelwell, Head of Strategic Development

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## **1 BACKGROUND**

- 1.1 This quarterly report produces a summary of performance on planning applications/appeals and planning enforcement for the previous quarter, October to December 2020.
- 1.2 Details of any planning appeal decisions in the quarter where committee resolved to refuse planning permission contrary to officer recommendation are also given.
- 1.3 The Government has set performance targets for Local Planning Authorities, both in terms of speed of decision and quality of decision. Failure to meet the targets set could result in the Council being designated with applicants for planning permission being able to choose not to use the Council for determining the application

## **2 RECOMMENDATION**

That the report be noted.

## **3 QUALITY OF PLANNING DECISIONS**

- 3.1 In accordance with the published government standards, quality performance with regard to Major (10 or more residential units proposed or 1000+ sq m new floorspace or site area greater than 0.5 hectares), County Matter (proposals involving minerals extraction or waste development) and Non-Major applications are assessed separately. If more than 10% of the total decisions in each category over the stated period were allowed on appeal, the threshold for designation would be exceeded. Due to the fact that 10% of the number of non-major decisions made exceeds the total number of appeals,

there is no chance of designation so the performance against the non-major target will not be published in this report, although it will still be monitored by officers.

- 3.2 On 29 November 2018, MHCLG announced that there would be two periods assessed for purposes of designation:

- decisions between 1 April 2016 and 31 March 2018, with subsequent appeal decisions to December 2018

- decisions between 1 April 2017 and 31 March 2019, with subsequent appeal decisions to December 2019.

- 3.3 The first period (2016-18) has passed with the Council not at risk of designation for this period.

- 3.4 With regard to the period of decisions between 1 April 2017 and 31 March 2019, with subsequent appeal decisions to December 2019, the period has passed with the final figure at 6.7% appeals allowed for major applications and 0% for county matter applications. Therefore the Council is not at risk of designation for this period.

- 3.5 Although there has been no confirmation from MHCLG, it is reasonable to assume that the designation criteria will continue for the next two year rolling period which would cover all decisions for the period April 2018 to March 2020. The current figures for this are:

Total number of planning decisions over period (to date): 58

Number of appeals allowed: 2

% of appeals allowed: 3.4%

Appeals still to be determined: 2

Refusals which could still be appealed: 1

County Matter Applications:

Total number of planning decisions over period (to date): 8

Number of appeals allowed: 0

% of appeals allowed: 0%

Appeals still to be determined: 1

- 3.6 Due to the low number of decisions that we take that are majors or county matters, any adverse appeal decision can have a significant effect on the figure. Consequently, it is considered that at this time there is a risk of designation. The figure will continue to be carefully monitored.

- 3.7 As part of the quarterly monitoring, it is considered useful to provide details of the performance of appeals generally and summarise any appeal decisions received where either the Regulatory Services Committee/Strategic Planning



Committee/Planning Committee resolved to refuse planning permission contrary to officer recommendation. This is provided in the table below.

<b>Appeal Decisions Oct-Dec 2019</b>				
<b>Total Number of Appeal Decisions - 28</b>				
<b>Appeals Allowed - 3</b>				
<b>Appeals Dismissed - 25</b>				
<b>% Appeals Allowed - 10.7%</b>				
<b>Appeal Decisions where Committee Decision Contrary to Officer Recommendation</b>				
<b>Total Number of Appeal Decisions - 0</b>				
<b>Appeals Allowed - 0</b>				
<b>Appeals Dismissed - 0</b>				
<b>% Appeals Allowed - N/A</b>				
Appeal Decisions Oct-Dec 2019				
Decision by Committee Contrary to Officer Recommendation				
<b>Date of Committee</b>	<b>Application Details</b>	<b>Summary Reason for Refusal</b>	<b>Appeal Decision</b>	<b>Summary of Inspectors Findings</b>
N/A	N/A	N/A	N/A	N/A

#### 4 SPEED OF PLANNING DECISIONS

- 4.1 In accordance with the published government standards, speed of decision applies to all major and non-major development applications, with the threshold for designation set as follows:

Speed of Major Development (and County Matters) – 60% of decisions within timescale (13 or 16 weeks or such longer time agreed with the applicant)

Speed of Non-Major Development - 70% of decisions within timescale (8 weeks or such longer time agreed with the applicant)

- 4.2 On 29 November 2018 MHCLG announced that there would be two periods assessed for the purposes of designation:

- Decisions made between October 2016 and September 2018
- Decisions made between October 2017 and September 2019

- 4.3 For the period October 2017 to September 2019, performance was above the stated thresholds and there is no risk of designation.

- 4.4 Although no announcement has been made, it would be reasonable to assume that a further period for assessment would be for decisions made between October 2019 and September 2020. Performance to date on this is as follows:

Major Development – 82% in time

County Matter – 80% in time

Non-Major Decisions - 91% in time

- 4.5 Based on the above performance, the Council is not at risk of designation due to speed of decision. The figure for future periods will continue to be monitored.

## 5 PLANNING ENFORCEMENT

- 5.1 There are no designation criteria for planning enforcement. For the purposes of this report, it is considered useful to summarise the enforcement activity in the preceding quarter. This information is provided below:

Oct – Dec 2019	
Number of Enforcement Complaints Received: 187	
Number of Enforcement Complaints Closed: 225	
Number of Enforcement Notices Issued: 8	
Enforcement Notices Issued in Quarter	
Address	Subject of Notice
Land Adjoining 1A Willoughby Drive, Rainham	Unauthorised mobile home
73 Cross Road, Romford	Use of property for vehicle hire
Car Park, Lennards Public House, New Road, Rainham	Commercial yard, storage of materials, residential use and containers
106 Kenilworth Gardens, Hornchurch	Unauthorised rear dormer
18 Ingrebourne Road, Rainham	Unauthorised rear dormer
38 Corbets Tey Road, Upminster	Unauthorised ducting and raised patio
Burns Court, 102 Balgores Lane, Romford	Breach of conditions – no renewable energy details submitted and satellite dish erected
33 Carter Drive, Romford	Unauthorised rear dormer