



# Haverling

LONDON BOROUGH

## PLANNING COMMITTEE AGENDA

**7.30 pm**

**Thursday  
8 April 2021**

**VIRTUAL MEETING**

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:**

**Taiwo Adeoye - 01708 433079  
taiwo.adeoye@onesource.co.uk**

**To register to speak at the meeting please call 01708 433100  
before Tuesday 6 April 2021**

## **Protocol for members of the public wishing to report on meetings of the London Borough of Havering**

Members of the public are entitled to report on meetings of Council, Committees and Cabinet, except in circumstances where the public have been excluded as permitted by law.

Reporting means:-

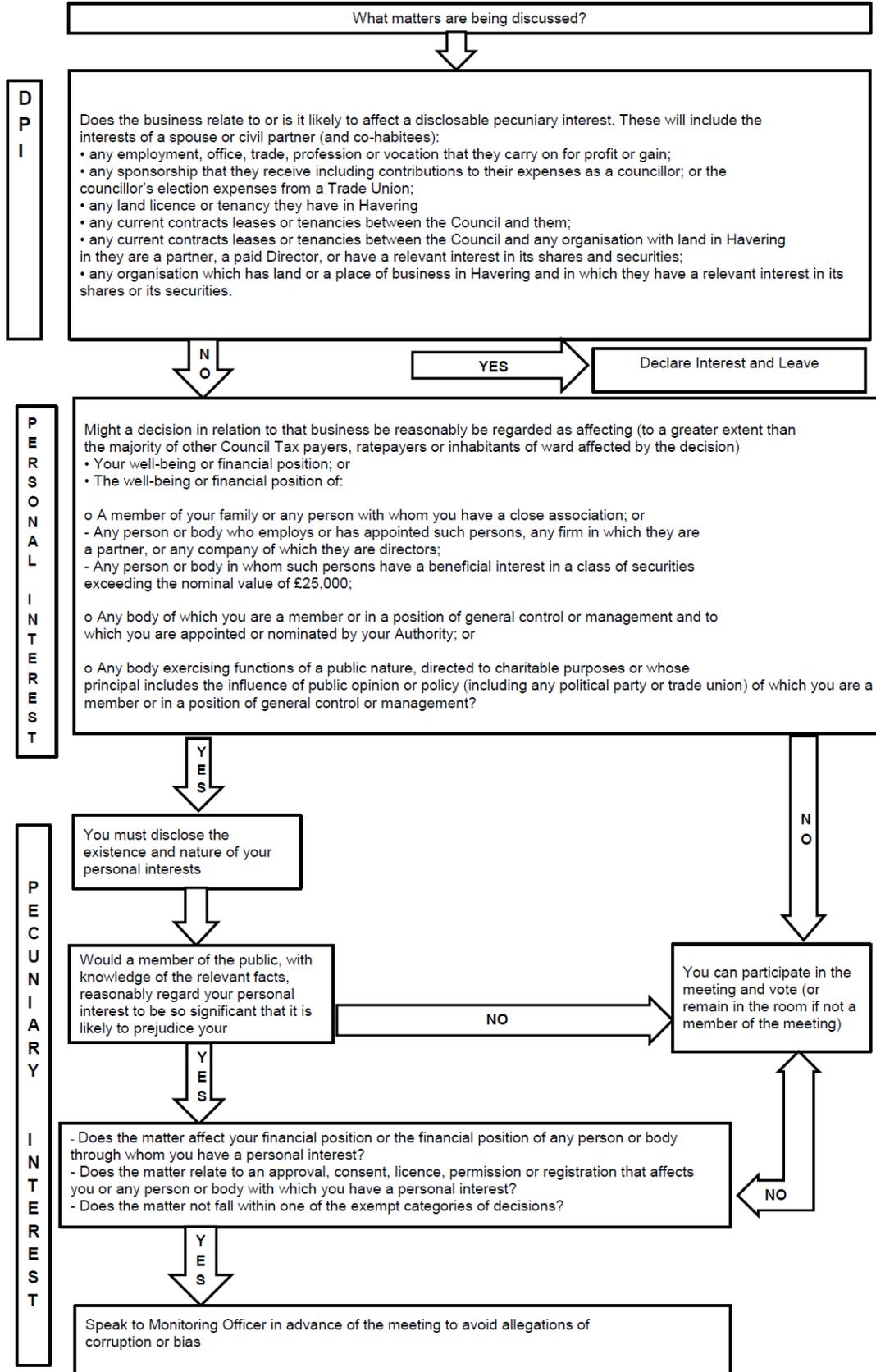
- filming, photographing or making an audio recording of the proceedings of the meeting;
- using any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later; or
- reporting or providing commentary on proceedings at a meeting, orally or in writing, so that the report or commentary is available as the meeting takes place or later if the person is not present.

Anyone present at a meeting as it takes place is not permitted to carry out an oral commentary or report. This is to prevent the business of the meeting being disrupted.

Anyone attending a meeting is asked to advise Democratic Services staff on 01708 433076 that they wish to report on the meeting and how they wish to do so. This is to enable employees to guide anyone choosing to report on proceedings to an appropriate place from which to be able to report effectively.

Members of the public are asked to remain seated throughout the meeting as standing up and walking around could distract from the business in hand.

DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF



## **AGENDA ITEMS**

### **1 CHAIRMAN'S ANNOUNCEMENTS**

The Chairman will announce details of the arrangements for the meeting.

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 PROTOCOL ON THE OPERATION OF PLANNING COMMITTEE MEETINGS DURING THE COVID-19 PANDEMIC RESTRICTIONS (Pages 1 - 6)**

Protocol attached to be noted by the Committee.

### **5 MINUTES (Pages 7 - 8)**

To approve as a correct record the minutes of the meeting of the Committee held on 11 March 2021 and to authorise the Chairman to sign them.

### **6 APPLICATIONS FOR DECISION (Pages 9 - 12)**

See attached document

- 7 P0187.20 - FATLING AND FIRKIN, HIGH STREET, HORNCHURCH** (Pages 13 - 18)  
Report attached.
- 8 P0198.21 - 6 BEVERLEY GARDENS, HORNCHURCH** (Pages 19 - 24)  
Report attached.
- 9 P1091.20 - HAREFIELD MANOR HOTEL, 33 MAIN ROAD, ROMFORD RM1 3DL**  
(Pages 25 - 32)  
Report attached.

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

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## **PROTOCOL ON THE OPERATION OF THE PLANNING COMMITTEE MEETINGS DURING THE COVID-19 PANDEMIC RESTRICTIONS**

### **1. Introduction**

In accordance with the Local Authority and Police Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panels Meetings (England and Wales) Regulations 2020, all Planning Committee hearings held during the Covid-19 restrictions will take place using a 'virtual' format. This document aims to give details on how the meetings will take place and establish some rules of procedure to ensure that all parties find the meetings productive.

### **2. Prior to the Meeting**

Once the date for a hearing has been set, an electronic appointment will be sent to all relevant parties. This will include a link to access the virtual meeting as well as guidance on the use of the technology involved.

### **3. Format**

For the duration of the Covid-19 restrictions period, all Planning Committee meetings will be delivered by conference call using Skype software. This will be able to be accessed using any of a PC, laptop, I-Pad etc or mobile/landline telephone and the instructions sent with meeting appointments will cover how to do this.

### **4. Meeting Agenda**

An agenda setting out the items for the meeting will be issued in advance to all parties involved in accordance with statutory timetables. This will include details of the planning application together with all representations on the matter. The agenda will also be published on the Council's website – [www.havering.gov.uk](http://www.havering.gov.uk) in the normal way.

### **5. Format of the Meeting**

Although held in a virtual format, Planning Committee meetings will follow the standard procedure with the following principal stages

The procedure for considering applications where there are public speakers shall be as follows:

- The [Head of Planning], or his/her representative, will introduce the development the subject of the application;
- Public speaking in accordance with Rule 3 of the Planning Procedure Rules (Public Speaking Procedure) will take place;

- The [Head of Planning], or his/her representative, will present the material planning considerations and address, where necessary, any issues raised during public speaking; and
- The Committee will consider the item and reach a decision.

The procedure for considering applications where there are no public speakers shall be as follows:

- If requested by the Chairman, the [Head of Planning], or his/her representative, will present the main issues; and
- The Committee will consider the item and reach a decision.

## **6. Meeting etiquette and rules**

For some participants, this will be their first conference call or virtual meeting. In order to make the meeting productive for everyone, the following rules must be adhered to and etiquette observed:

All parties should be aware that the sheer volume of virtual meetings now taking place across the country has placed considerable strain upon broadband network infrastructure. As a result, conference calls such as those used for the meeting may experience intermittent faults whereby participants lose contact for short periods of time before reconnecting to the call. The guidance below explains how the meeting is to be conducted, including advice on what to do if participants cannot hear the speaker, and etiquette of participants during the call.

- The meeting will be presided over by the Chairman who will invite participants to speak individually at appropriate points. All other participants will have their microphones muted by the Clerk until invited by the Chairman to speak;
- If invited to contribute, participants should make their statement, then wait until invited to speak again if required;
- If at all possible, participants should find a quiet location to take the Skype call where they will not be disturbed. Background noise can affect participants;
- The person speaking should not be spoken over or interrupted and other participants will normally be muted whilst someone is speaking. If there are intermittent faults during the call then the speaker will repeat from the point where the disruption started. Whilst intermittent disruption is frustrating, it is important that all participants remain professional and courteous.

## **7. Public speaking and running order**

If the application has not been called-in by a ward Councillor or member of a neighbouring ward Councillor then the Committee will go straight to consideration of the application.

If the application **HAS** been called-in by a ward Councillor or Councillor of a neighbouring ward then the following speaking rights will apply:

1. The Council's Constitution allows for public speaking on these items in accordance with the Constitution and the Chair's discretion.
2. 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
3. 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**

4. 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**

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

At the conclusion of the deliberation of the item the Committee, together with the assistance, if needed, of the legal advisor will come to a decision on whether the application is approved or refused.

The clerk will then ask each Member in turn if they wish vote in favour, against or abstain from voting and this will be confirmed by the clerk so all participants are aware of the final voting record.

#### **8. After the Hearing**

The notice of the decision of the committee will be circulated to all participants within five working days of the meeting. Minutes of the meeting will also be published on the Council's website.

For any further information on the hearing, please contact [richard.cursons@onesource.co.uk](mailto:richard.cursons@onesource.co.uk), tel: 01708 432430.

## **Appendix A - Guidance on the Role of the Committee**

### **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.

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**MINUTES OF A MEETING OF THE  
PLANNING COMMITTEE  
VIRTUAL MEETING  
11 March 2021 (7.30 - 7.45 pm)**

**Present:**

**COUNCILLORS: 8**

**Conservative Group** Carol Smith (in the Chair) Philippa Crowder,  
Matt Sutton and +Ray Best

**Residents' Group** Stephanie Nunn

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

**Independent Residents  
Group** David Durant

**Labour** Paul McGeary

An apology was received for the absence of Councillor Robby Misir.  
+ Councillor Ray Best substituted for Councillor Misir.

Councillor Nisha Patel was also present for the meeting.

**41 DISCLOSURE OF INTERESTS**

There were no disclosures of interest.

**42 PROTOCOL ON THE OPERATION OF PLANNING COMMITTEE  
MEETINGS DURING THE COVID-19 PANDEMIC RESTRICTIONS**

The Committee noted the protocol on the operation of its meetings during  
the pandemic period.

**43 MINUTES**

The minutes of the meeting held on 11 February 2021 were agreed as a  
correct record and would be signed by the Chairman at a later date.

44 **P1091.20 - HAREFIELD MANOR HOTEL, 33 MAIN ROAD, ROMFORD  
RM1 3DL**

The Committee noted that the application was previously deferred in order for members of the committee undertake a site visit. At the request of officers the Committee considered and **RESOLVED** to defer the matter to allow the applicant supply the appropriate drawings for the application.

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**Chairman**

## Agenda Item 5

### Applications for Decision

#### Introduction

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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>08 April 2021</b>
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<b>Application Reference:</b>	<b>P0187.20</b>
<b>Location:</b>	<b>Fatling and Firkin, High St, Hornchurch</b>
<b>Ward:</b>	<b>St. Andrew's</b>
<b>Description:</b>	<b>Installation of a free standing food servery unit. Removal of two fixed jumbrellas and replaced with a new pergola.</b>
<b>Case Officer:</b>	<b>Aidan Hughes</b>
<b>Reason for Report to Committee:</b>	<b>A Councillor call-in has been received which accords with the Committee Consideration Criteria.</b>

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## **1. BACKGROUND**

- 1.1 This application was called in by Councillor Paul Middleton for the Planning Committee to review and citing the following reason: the location of the proposed build is across a right of way between Leather Lane and Hornchurch High St. A right of way that has existed for many years.

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

- 2.1 The proposed installation of a free standing food servery unit, removal of two fixed jumbrellas and replaced with a new pergola, replacement lighting and festoon line is proposed as part of the proposal. It is considered that the proposal is acceptable and not out of keeping with the locality or the use in conjunction with the Public House. Furthermore, the scale and siting of the building and the associated works is not judged to result in material harm to neighbouring amenity. No material amenity issues or parking and highway issues are considered to result.

## **3 RECOMMENDATION**

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

### **Conditions**

1. SC04 – Time Limit of 3 years to implement.
2. SC10C – Materials as per application form.
3. SC32 – Accordance with plans.
4. Restricted Permitted Cooking Methods to prohibit the use of grills, fryers & charcoal grills.
5. Hours of Operation for the takeaway from 1100h-2100h

### **Informatives**

1. No negotiation required
2. The applicant should note that planning permission does not override any other rights in regard to rights of way.

## **4 PROPOSAL AND LOCATION DETAILS**

### **Proposal**

- 4.1 Planning permission is sought for the proposed installation of a free standing food servery unit, removal of two fixed jumbrellas and replaced with a new pergola. Although, not outlined on the description, replacement lighting and a festoon line is proposed as part of the proposal.

### **Site and Surroundings**

- 4.2 The application property comprises of the Fatling & Firkin public house located on the northern side of the High Street, Hornchurch. Sainsbury's supermarket is located to the west and there is a beer garden and a parade of shops to the east.

### **Planning History**

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

P0909.13 - Alteration to entrance lobby roof with addition of gable & bay window to side elevation timber panelling to flank elevation – Approved.

A0016.97 - Erection of brewery signage - illuminated – Approved.

## **5 CONSULTATION RESPONSES**

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

- 5.2 The following were consulted regarding the application:

- 5.3 Highways: No objection to the proposal.

- 5.4 Environmental Health: No objection on air quality grounds, however, it is requested that a condition be imposed should consent be given in respect to restricted permitted cooking methods.

- 5.5 Waste and Recycling Department advised that a suitable commercial waste arrangement will be required.

## **6 LOCAL REPRESENTATIONS**

6.1 During the consultation process, residents were notified and no representations were received in response to the application.

6.2 The following Councillor made representations:

Councillor Paul Middleton wishes to call the application in on the grounds the location of the proposed build is across a right of way between Leather Lane and Hornchurch High St. A right of way that has existed for many years.

## **7 MATERIAL PLANNING CONSIDERATIONS**

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

- Any physical Impacts of the proposal.
- The impact of the proposal on neighbouring amenity
- Highways and parking issues
- Conditions to be brought forward

### Physical Impacts

7.2 The proposed development would be visible from the street-scene in this instance from Hornchurch High Street and from Leather Lane to the rear and the car park.

7.3 No issues are raised regarding the visual appearance of the proposed free standing serving unit due to the backdrop of the two storey structure which comprises of a commercial unit at ground floor and residential above. The proposed free standing serving unit will be located in the walkway between the High Street and Leather Lane to the rear.

7.4. The introduction of a free standing serving unit would not appear incongruous given the context of its surroundings.

7.5 The introduction of a pergola seating area presents no issues given that it would serve an existing commercial use. Similar seating areas are present within the rear gardens of Public Houses.

### Impact on Amenity

7.6 Consideration is given to the amenity of nearby residents. Whilst the use of the Public House has been long established and other commercial uses operate within the immediate locality, the surrounding area is predominantly commercial units with some having residential accommodation above.

7.7 It is considered that the proposal would not be harmful to amenity in any respect, as Sainsbury's supermarket is located to the west of the site and the backdrop of the two storey structure which comprises of a commercial unit at ground floor and residential above to the east.

7.8 The agent has confirmed that the serving station would operate when the pub is open – takeaway from 11am to 9pm. The serving unit would be staffed at all

times for takeaway and serve guests using the pub and passing trade on the High Street. Ample bins would be provided for customers to use. Floor staff would be working at all times to ensure the trading area and the area around the site is kept clean and free from litter.

- 7.9 The introduction of a fixed seating area would introduce a degree of permanence to the use of the current outdoor area in association with the current public house. It is reasonable to conclude that this may result in an intensification of the use of the outdoor seating area. Staff have reviewed the history of the application premises and there does not appear to be a formal restriction on the use of this area for patrons.
- 7.10 Given the siting of the pergola, it is considered unlikely that any significant impact on amenity would result, as there would be a substantial separation from the boundaries of the site and nearby residential premises. Staff have considered restricting the use of the outdoor seating area, particularly in light of the fact that there does not exist a formal restriction on the rear garden as a whole, however given that it would be an extension of the existing outdoor seating area there is unlikely to be any material greater impact to the relationship with nearby residential premises.

#### Parking and Highway Implications

- 7.11 The proposed development would result in no loss of parking and no alteration is shown to the existing arrangement.
- 7.12 No objection has been made by the Highway Authority.
- 7.13 The call-in reason has been cited as the proposal affecting a footway between High Street and Leather Lane. During the planning process, the case officer contacted the Land Charges Department and other internal departments to seek clarity in respect to any Public Right of Way (PROW) as cited by the ward councillor.
- 7.14 From all the responses provided, it was indicated that this was not a registered public right of way.
- 7.15 The agent has provided information on the ownership of the land with the applicant's ownership and not subject to any rights over the land.
- 7.16 The effect of a development on a right of way is a material planning consideration. However, there is no evidence that this is a right of way in the legal sense. The proposed food servery unit would mean a less direct route between High Street and Leather Lane, but the plans do not indicate that this route would be unavailable as a result of the development. The grant of planning permission does not grant the right to close, alter or build over a right of way (should it subsequently be shown that such a right exists). Therefore it

is considered that there are insufficient grounds to refuse planning permission on the grounds of obstruction/inconvenience.

## **8 Conclusions**

- 8.1 All other relevant policies and considerations have been taken into account, planning permission should be granted for the installation of a free standing food servery unit, removal of two fixed jumbrellas and replaced with a new pergola for the reasons set out above. The details of the decision are set out in the RECOMMENDATION.

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<b>Application Reference:</b>	<b>P0198.21</b>
<b>Location:</b>	<b>6 Beverley Gardens, Hornchurch</b>
<b>Ward:</b>	<b>Emerson Park</b>
<b>Description:</b>	<b>Erection of a 1.2m high screen, pump housing and low level decking (12cm high) adjacent to existing above ground pool.</b>
<b>Case Officer:</b>	<b>Aidan Hughes</b>
<b>Reason for Report to Committee:</b>	<b>A Councillor call-in has been received which accords with the Committee Consideration Criteria.</b>

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## **1. BACKGROUND**

- 1.1 This is re-submission of two previously refused planning applications P0992.19 and P0975.20. P0992.19 was also dismissed on appeal, under reference APP/B5480/D/20/3244592. Both of these applications were in respect to “Retrospective planning permission for the erection of a deck adjacent to above ground pool with a pumping house and storage shed”.
- 1.2 The above applications were submitted following a complaint from residents, which Planning Enforcement investigated. Applications were submitted to regularise the structure, however both of the applications were refused.
- 1.3 The above planning applications were refused for the following reason:

The raised decking adjacent to the swimming pool at the bottom of the garden, by reason of its, height, position and proximity to neighbouring properties is

considered to give rise to overlooking and loss of privacy which would have a serious and adverse effect on the living conditions of adjacent occupiers.

1.4. The Planning Inspector commented as part of the appeal that:

“The proposal, in its existing proposed form, would allow those using the pool to have clear uninterrupted views into the rear living environments of the adjoining properties. This would result in a significant loss of the privacy to those adjoining occupiers. For this reason, the proposed development would be harmful to the occupiers of these properties as it would substantially diminish the privacy that those occupiers should reasonably expect to enjoy”.

The existing refers to the works already undertaken without planning consent to be retained.

1.5 Following the refusal of the above applications and the dismissed appeal, the applicant has removed the unauthorised development as described above following an enforcement notice being served as part of ENF/372/19.

1.6 This application differs from the previously refused schemes P0992.19 and P0975.20 in the following key areas:

- The wooden steps from the decking to the pool have been removed.
- Lounge seat base and elevated flat section have been deleted.
- Flat section on top of screen fencing and pump housing removed.

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

2.1 The screen fence, pump housing and low level decking to the existing above ground level pool would be acceptable and not have an unacceptable impact on the locality from a visual point of view. It is considered that the proposal would not result in material harm to neighbouring amenity. No material amenity issues or parking and highway issues are considered to result.

## **3 RECOMMENDATION**

3.1 That the Committee resolve to GRANT planning permission subject to conditions.

3.2 That the Head of Planning is delegated authority to issue the planning permission and impose conditions and informative to secure the following matters:

### **Conditions**

1. SC04 - Time limit – 3 years
2. SC32 – Accordance with plans.
3. Notwithstanding plans, approval only for the decking, screen to pool and pump housing. Nothing shall be affixed to the decking, pool housing or screen.

### **Informative**

1. INF28 No negotiation required

## **PROPOSAL AND LOCATION DETAILS**

### **Proposal**

- 4.1 Planning permission is sought for the installation of a 1.2m high screen above the decking, pump housing and low level decking (12cm high) adjacent to existing above pool. The proposal is located at the bottom of the garden.

### **Site and Surroundings**

- 4.2 The application site is located within Beverley Gardens and comprises of a semi-detached bungalow and associated garden area. The subject property is not a listed building, nor is it within a Conservation Area.
- 4.3 At the far end of the garden there is an above ground swimming pool. There is also a garden shed adjacent to No.4 Beverley Gardens and a large outbuilding on the other side adjacent to No.8 Beverley Gardens. The application site is bounded by a close boarded fence on either side.

### **Planning History**

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

P0092.19 - Retrospective application for a rear garden raised decking platform for access to an existing swimming pool and alterations/extension to the existing shed – Refused and dismissed on appeal under reference APP/B5480/D/20/3244592.

P0975.20 - Retrospective planning permission for the erection of a deck adjacent to above ground pool with a pumping house and storage shed – Refused.

## **5 CONSULTATION RESPONSE**

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

## **6 LOCAL REPRESENTATION**

- 6.1 Neighbouring properties were notified about the application and invited to comment.
- 6.2 The number of representations received from neighbours and other residents from within the borough in response to notification and publicity of the application were as follows:

No of individual responses: 14 which objected, some were multiple representations.

- 6.3 The following Councillor made representations:

Councillor Roger Ramsey wishes to call the application in on the grounds that:

- On the basis of risk of detriment to the amenities of adjoining properties.

## **Representations**

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

### **Objections**

- Loss of privacy from the elevated position.
- Concerns regarding the height and potential use as a ledge to stand on.
- Concerns regarding the noise from the pump and pool parties.
- Concerns regarding the smells of the chemicals used for the pool.
- Visual impact from the screen fence from neighbouring residents
- Pool should be sunk into the ground and fence erected around it.
- Do not want see bathers due to the pool's height.
- The proposal does not constitute as good design or enhances the property.

### **Non-material representations**

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

- 6.6 The swimming pool itself does not form part of the application, as this can be done under permitted development and therefore does not require planning consent. The applicant has confirmed that the pool steps which were supplied with this pool, will not be fixed in the latest planning application and will be removed when the pool is not in use, this is to allow the pool to be covered – on that basis, the steps are a moveable piece of equipment and does not represent development requiring planning permission.

- 6.7 The swimming pool did not form part of the previous refused schemes or the dismissed appeal.

- 6.8 Noise from the pool pump and pool parties and also the smell from the pool chemicals would be a Public Protection issue and this would need to be investigated should the matter arise. The application can only be considered on its merits and as described on the application form which is for the installation of a 1.2m high screen above the decking, pump housing and low level decking (12cm high) adjacent to existing above pool.

## **7 MATERIAL PLANNING CONSIDERATIONS**

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

- The visual impact arising from the design and appearance.
- The impact of the development on neighbouring amenity (privacy).

### **Physical Impacts of the proposal**

- 7.2 The proposal is to the rear of the dwelling and would be located at the bottom of the garden and it would therefore not have an impact on the street scene.

- 7.3 The proposal is not considered visually intrusive in the rear garden environment as it would be screened by the neighbouring boundary fence and outbuilding. The decking is deemed not to be unduly high or prominent and the proposal is located at the bottom of the rear garden, therefore no objections are raised from a visual point of view.

### **Impact on Amenity**

- 7.4 It is considered the potential impact of the development on the amenity of neighbouring properties to be the most sensitive issue in this case and care will need to be exercised.
- 7.5 As mentioned previously, the proposal is for the installation of a 1.2 metre high screen fence adjacent to the above ground level swimming pool, pump housing and low level decking (12cm high).
- 7.6 The swimming pool itself does not form part of the application, as this can be done under permitted development and therefore does not require planning consent. It should be noted that the screen fencing fronting the pool can be done under permitted development and would not normally require planning consent as this is allowed up to 2 metres in height.
- 7.7 The height of decking at 12cm can be done under permitted development. The only reason the proposal required planning consent is due to the fact that the cumulative height of the decking and the pump housing cover is deemed to be an elevated platform more than 30cm in height. In view of this, the cover to the proposed pump housing cannot be done under permitted development and therefore requires planning consent.
- 7.8 The wooden steps and platform from the previous applications have been removed and the metal frame ladder for the pool which has been used prior to the submission of the two previously refused planning applications will be used.
- 7.9 Staff acknowledge the concerns in the representations. When reviewing the merits of this application, consideration was given to the fact that the swimming pool is permitted development. In addition, the applicant has advised in writing that the metal ladder will be removed when the pool is not in use, so the swimming pool can be covered. It is considered that it would be difficult to demonstrate the harm arising from the height of the decking at 12cm. The screen fencing in front of the swimming pool could be erected under permitted development. The limited height of the decking (12cm) would not provide any significant elevated view. The pool housing has a steeply sloping top and is unlikely to be used as a platform to access the pool nor to gain any vantage point. The top of the screen is very narrow at circa 10cm wide and is unlikely to be used as a platform for the pool. In all these circumstances, it is considered that the proposal is not deemed to be materially harmful to neighbouring amenity to substantiate a refusal on appeal.
- 7.10 It is not considered the proposal would give rise to significant levels of noise and disturbance which would be materially harmful to neighbouring residential

amenity, over and above normal parameters. Any subsequent issues arising regarding noise or disturbance could to be investigated by the Council's Public Protection Department.

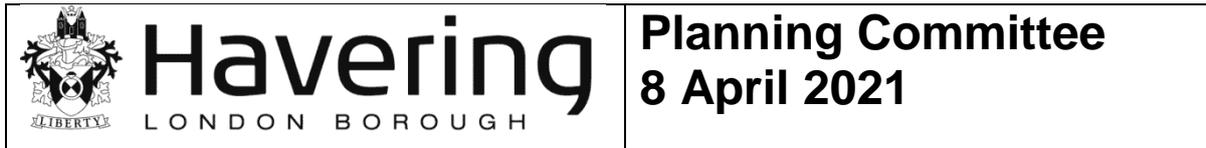
- 7.11 Staff are of the view that the installation of a 1.2m high screen, pump housing and low level decking (12cm high) adjacent to existing above pool would be in accordance with provisions of Policy DC61 and the Residential Extensions & Alterations SPD.

**Parking and Highway Implications**

- 8 No highway or parking issues would arise as a result of the proposal.

**Conclusions**

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



Application Reference: P1091.20

Location: Harefield Manor Hotel, 33 Main Road, Romford RM1 3DL

Ward: Romford Town

Description: Variation of condition no.2 (Drawings) of Planning Permission P1866.18 dated 19/02/2019 to allow for amendments to dormers, windows and roof profile of the extended main hotel building at 33 Main Road

Case Officer: Jessica Denison

Reason for Report to Committee:

- A Councillor call-in has been received which accords with the Committee Consideration Criteria.

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## 1. BACKGROUND

- 1.1. Application P1866.18 was approved in February 2019 allowing '*...extensions on the first floor to the Main hotel building*'
- 1.2. Enforcement case ENF/458/20 was raised in July 2020 siting concerns that what was being constructed on site did not match the approved plans
- 1.3. This current application was submitted in August 2020. The application as originally submitted did not seek to retain what was being built on site at the time of submission. Put another way, the application sought permission for an alternative version of the approved scheme.
- 1.4. The application was called in by Councillor Chapman in September 2020.
- 1.5. During the course of the application, the only construction to occur has been to reduce the size of the dormers as built (to what was previously approved) and to make the construction site weather-proof.
- 1.6. Aside from the dormer windows, the other roof alterations shown on the plans are proposed.
- 1.7. The application was considered by members of the Planning Committee at the meeting held on 17 December 2020 where it was deferred to enable a site visit to better understand the relationship of the development and the neighbouring property.

- 1.8. Due to ongoing social distancing measures and travel restrictions related to the Covid-19 pandemic, a decision was taken in consultation with the Chair to use video submissions instead.
- 1.9. Videos were then submitted by the applicant and the main objector in February 2021 and these have been previously shared with the Committee members.
- 1.10. The application was presented again at the meeting held on 11 March 2021. It was deferred at Officers' request to enable corrections to be made to the submitted plans to ensure their accuracy.
- 1.11. A further set of revised plans were submitted on 12 March 2021 to address those inaccuracies.
- 1.12. The report is now brought back to members with a summary of the response to the above matters set out in the following section of this report.

## **2 SUMMARY OF KEY CHANGES TO PLANS**

- 2.1. The submitted plans under assessment seek to amend only the elevation drawings. The location, context and floorplans will all remain as approved under P1866.18
- 2.2. The revised elevation drawings show an additional dormer window, slightly taller dormer windows overall, changes to roof profile and height as well as other minor corrections.
- 2.3. These are detailed further in the proposal section.

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

- 3.1. The proposed amendments are minor in contrast to what was previously approved
- 3.2. Although the approved plans showed dormers to every new bedroom on the floor plans, one was not shown on the elevations, so the purpose of this application (following enforcement investigation) is to rectify this and allow each bedroom to have good daylight provided by a dormer. The proposed 'additional' dormer is therefore not 'new' but an update to the proposals reflecting what was intended.
- 3.3. The proposed development would remain adequately designed, and provide a good quality of accommodation. The development would have an acceptable impact on: the streetscene, the amenity of neighbouring properties, the highway, and the road network more generally.

## **4 RECOMMENDATION**

- 4.1. That the Committee resolve to GRANT planning permission subject to the suggested planning conditions.

### **Conditions**

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

- 2) Notwithstanding the details shown on the submitted plans, this permission relates solely to the dormer windows and main roof profile of the main hotel building and to no other matters whatsoever.
- 3) All new external finishes shall be carried out in materials to match those of the existing building(s) to the satisfaction of the Local Planning Authority.
- 4) Prior to occupation a scheme for any new plant or machinery shall be submitted to the local planning authority to achieve the following standard. Noise levels expressed as the equivalent continuous sound level LAeq (1 hour) when calculated at the boundary with the nearest noise sensitive premises shall not exceed LA90 -10dB and shall be maintained thereafter to the satisfaction of the Local Planning Authority.
- 5) All proposed hard and soft landscaping shall be carried out as shown on previously approved plan 2881\_PL118 as part of condition discharge application Q0310.19. All planting, seeding or turfing comprised within the scheme shall be carried out in the first planting season following completion of the development and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local Planning Authority.
- 6) The vehicle cleansing facilities to prevent mud being deposited onto the public highway during construction works shall continue to be provided on site in accordance with previously approved plans 2881\_PL115A and 2881\_PL117 as part of condition discharge application Q0310.19. The approved facilities shall be retained thereafter and used at relevant entrances to the site throughout the duration of construction works. If mud or other debris originating from the site is deposited in the public highway, all on-site operations shall cease until it has been removed.
- 7) The development hereby permitted shall continue to be carried out in accordance with the previously approved Construction Method Statement prepared by Dovetail Architects Ltd, dated July 2019 as part of condition discharge application Q0310.19.
- 8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, no window or other opening (other than those shown on the submitted and approved plan) shall be formed in the northern or eastern flank walls of the main building hereby permitted, unless specific permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.
- 9) All building operations in connection with the construction of external walls, roof, and foundations; site excavation or other external site works; works involving the use of plant or machinery; the erection of scaffolding; the delivery of materials; the removal of materials and spoil from the site, and the playing of amplified music shall only take place between the hours of

8.00am and 6.00pm Monday to Friday, and between 8.00am and 1.00pm on Saturdays and not at all on Sundays and Bank Holidays/Public Holidays.

### **Informatives**

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

## **5 PROPOSAL AND LOCATION DETAILS**

### **Proposal**

- 5.1. The application is seeking planning permission for a variation of condition no.2 (Drawings) of Planning Permission P1866.18 dated 19/02/2019 to allow for amendments to dormers, windows and the roof profile of the previously approved extension.
- 5.2. The submitted plans under assessment seek to amend the elevation drawings to show:

- Additional dormer window (total of 5 instead of 4 previously shown)
- The dormers are all positioned 4.20m above the ground, a 0.20m increase on what was previously approved
- The dormer window height has also increased by 0.10m, now having dimensions of: 1.40m width (same) and 2.40m height
- The roof profile has been corrected to show revised ridge lengths of 5.65m (previously 4.80m) and 7.15m (previously 8.10m)
- The height of the extension has also been amended to show a maximum height of 7.40m (an increase of 0.50m) for the lower crown roof section, with the middle crown roof remaining the same with a maximum height of 8.30m
- Corrected location of chimneys, doors and servicing equipment (e.g. drain pipe)

### **Site and Surroundings**

- 5.3. 'Harefield Manor Hotel' is split across two buildings at No. 33 Main Road and No. 48 Main Road.
- 5.4. The main building, which is the subject of this application, is located at No.33 Main Road, on the corner of Pettits Lane. The 3-storey building is finished in face brick with a pitched roof and has been extended on numerous occasions over the years.
- 5.5. The annexe building at No. 48 Main Road, is located diagonally opposite on the junction with Erroll Road and will not be affected as part of this proposal.

### **Planning History**

- 5.6. P1866.18 was granted approval on 19 February 2018. The description states 'The Proposal is for the addition of lift access and addition of roof accommodation to the annex along with extension to the rear of the annex (2-3 storeys). The Proposal is also for extensions on the first floor to the Main hotel building'.
- 5.7. Enforcement case ENF/458/20 was created in July 2020 noting that the roof and dormers of the development were not being built in accordance with plans.
- 5.8. Revised plans have been submitted in response as part of planning application P1091.20 to address the issues raised.
- 5.9. It is noted that a section 73 application, if consented, would result in a new permission, therefore regard must be given to the extant consent in regard to conditions.
- 5.10. Planning Permission P1866.18 imposed nine (9) conditions, five (5) of which have been brought forward as set out in proposed condition No.'s 1, 2, 3, 4 and 5 in Section 2 (Recommendation) above.
- 5.11. Three (3) conditions (relating to Landscaping, Wheel Washing and Construction Methodology) were discharged as part of application Q03110.19, with the remaining one (1) condition relating to construction starting within 3 years, which it has.

## **6 CONSULTATION RESPONSE**

- 6.1. The views of the Planning Service are expressed in section 6 of this report, under the heading "MATERIAL PLANNING CONSIDERATIONS".
- 6.2. The following were consulted regarding the application:

**LB Havering Street Management (Highways)**

**LB Havering Waste and Recycling**

**Romford Civic Society**

**Heritage Consultants (Place Services)**

**Thames Water**

- 6.3. All had previously been consulted as part of the application P1866.18 and provided no further comments as part of this amendment application.

## **7 LOCAL REPRESENTATION**

- 7.1. An overall total of 79 neighbouring properties were notified about the application and invited to comment. The first consultation period included 33 neighbours, with responses required by 1<sup>st</sup> September 2020.

- 7.2. Re-consultation was required as some neighbours were missed given the odd arrangement of the site(s), and a second consultation including 72 neighbours overall was carried out, with responses required by 5<sup>th</sup> November 2020.
- 7.3. A third consultation including 79 neighbours overall (those originally notified plus third parties who had submitted comments) was carried out in March 2021 to ensure that neighbours were aware that revised plans had been submitted to address the inaccuracies that were shown previously. This consultation closed on 26<sup>th</sup> March 2021
- 7.4. The number of representations received from neighbours, local groups etc. in response to notification and publicity of the application were as follows:
- 7.5. No of individual responses: 19 submissions, of which: 18 objected, and 1 was a Councillor comment.
- 7.6. The following Councillor made representations:
- Councillor Joshua Chapman objected on the following grounds:
    - That the revision is overbearing to neighbours and the surrounding properties.
    - There is also a query surrounding the height of the windows, which may create overlooking and would like the chance to explore this more fully at committee.

### **Representations**

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

### **Objections**

- 7.8. It must be noted that officers can only take into account comments that concern relevant material planning considerations and not those based on personal dislikes, grievances, land disputes, values of properties, covenants and non-planning issues associated with nuisance claims and legal disputes, etc.
- 7.9. As such, the comments on the application can be summarised below:
- Point 1 - Cramped overdevelopment of site
  - Point 2 - Detrimental impact upon the character and appearance of the area
  - Point 3 - Increased noise disturbance and light pollution
  - Point 4 - Overlooking and loss of privacy
  - Point 5 - Loss of amenity and light afforded to neighbouring residents
  - Point 6 - Lack of adequate parking provision
  - Point 7 - Misleading and unclear submitted information

## 8 MATERIAL PLANNING CONSIDERATIONS

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

- Built Form, Design and Street Scene Implications
- Impact on Neighbouring Amenity
- Transport
- Other Planning Issues

### **Built Form, Design and Street Scene Implications (Points 1 and 2)**

8.2. The proposed 'additional' dormer would face into the rear garden and parking area of the subject site. The dormer would be set well within the roof and appear subordinate to the main building.

8.3. The 'new' dormer will align with the four other (previously approved) dormers in terms of size and style, and so would fit well within the previously approved design.

8.4. The main (front) elevation to Petits Lane would see the height of the lower crown roof increase from 6.90 to 7.40 metres, the dormer windows height from the ground increase from 4.00 to 4.20 metres and the chimneys location corrected.

8.5. The neighbouring (rear) elevation abutting No. 16 Sydenham Close would see the introduction of the 'new' dormer, and a slightly revised roof and dormer profile as described above.

8.6. The secondary street (side) elevation to Main Road has been updated to reflect the corrected roof profile as detailed above.

8.7. The elevation fronting the car park (side) and garden scene has also been revised to detail the 'new' dormer, roof profile changes, as well as show the correct locations of windows, doors, chimneys and drainage pipes.

8.8. Overall, these changes to both street and garden scenes are considered minimal in the context of the development and would not have a detrimental impact.

### **Impact on Neighbouring Amenity (Points 3, 4 and 5)**

8.9. Abutting the site to the east is No.16 Sydenham Close. The proposed 'additional' dormer would face the front garden and driveway area of the neighbour, and be positioned over 10 metres away from the shared boundary. The minor changes to the roof levels and chimney location are similarly setback from the neighbouring property.

8.10. It is considered that any potential impact would be directed towards the front garden and driveway area of the neighbouring property, rather than towards any sensitive windows or rear garden private amenity spaces.

8.11. After considering the siting of the neighbouring buildings, the orientation of the properties and the extent of the works proposed as part of this amendment

application to the main hotel building, officers do not envisage the scheme resulting in an adverse impact upon the level of amenity available in this direction.

- 8.12. Overall, the scale of the proposed works would be relatively minor, and would not warrant specific consideration in relation to neighbouring amenity.

#### **Transport (Point 6)**

- 8.13. Traffic and parking were considered in the original approval under P1866.18. The access and parking arrangements are not proposed to change as part of this amendment application. The proposed site plan has not changed.
- 8.14. It is considered that the hardstanding around both the main hotel and the annexe is able to continue to satisfy the requirements of the site.
- 8.15. Furthermore, the Highways consultee has not objected to the scheme on highways grounds, and therefore the development complied with HCS policies DC32 and DC33.

#### **Other Planning Issues (Point 7)**

- 8.16. Objectors had questions about the proposal description, as it included the description of P1866.18 within it and so caused confusion. The description has now been revised to better reflect what is being applied for.
- 8.17. Planning permission is only sought for variation to drawings regarding the Main Building to allow for amendments to dormers, windows and the roof profile as shown on elevations, and does not involve any other changes.
- 8.18. Comments were also received regarding 'additional' features to the building. Servicing fittings and fixtures such as air conditioning units and vents fall outside of this planning application.
- 8.19. It is noted that some doubt has been raised about the lawfulness of the extended part of the 'conservatory' as shown on the approved plans under P1866.18. The extended conservatory is not covered by this planning application. For the avoidance of any doubt on this specific issue, a condition is attached to make clear that this permission does not apply to the extended conservatory in any way.

#### **Conclusions**

- 8.20. All other relevant policies and considerations have been taken into account. It is recommended that planning permission be granted for the reasons set out above. The details of the decision are set out in the RECOMMENDATION section of this report (section 2).