



# Havering

LONDON BOROUGH

## PLANNING COMMITTEE AGENDA

<b>7.30 pm</b>	<b>Thursday 23 November 2023</b>	<b>Havering Town Hall, Main Road, Romford</b>
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Members 7: Quorum 4

**COUNCILLORS:**

**Conservative Group  
(3)**

Robby Misir  
Philippa Crowder  
Carol Smith

**Havering Residents' Group  
(3)**

Bryan Vincent (Chairman)  
Reg Whitney (Vice-Chair)  
Gerry O'Sullivan

**Labour Group  
1**

Matthew Stanton

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**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 21 November 2023 on the week of the meeting**

***Under the Committee Procedure Rules within the Council's Constitution the Chairman of the meeting may exercise the powers conferred upon the Mayor in relation to the conduct of full Council meetings. As such, should any member of the public interrupt proceedings, the Chairman will warn the person concerned. If they continue to interrupt, the Chairman will order their removal from the meeting room and may adjourn the meeting while this takes place.***

***Excessive noise and talking should also be kept to a minimum whilst the meeting is in progress in order that the scheduled business may proceed as planned.***

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

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

Reporting means:-

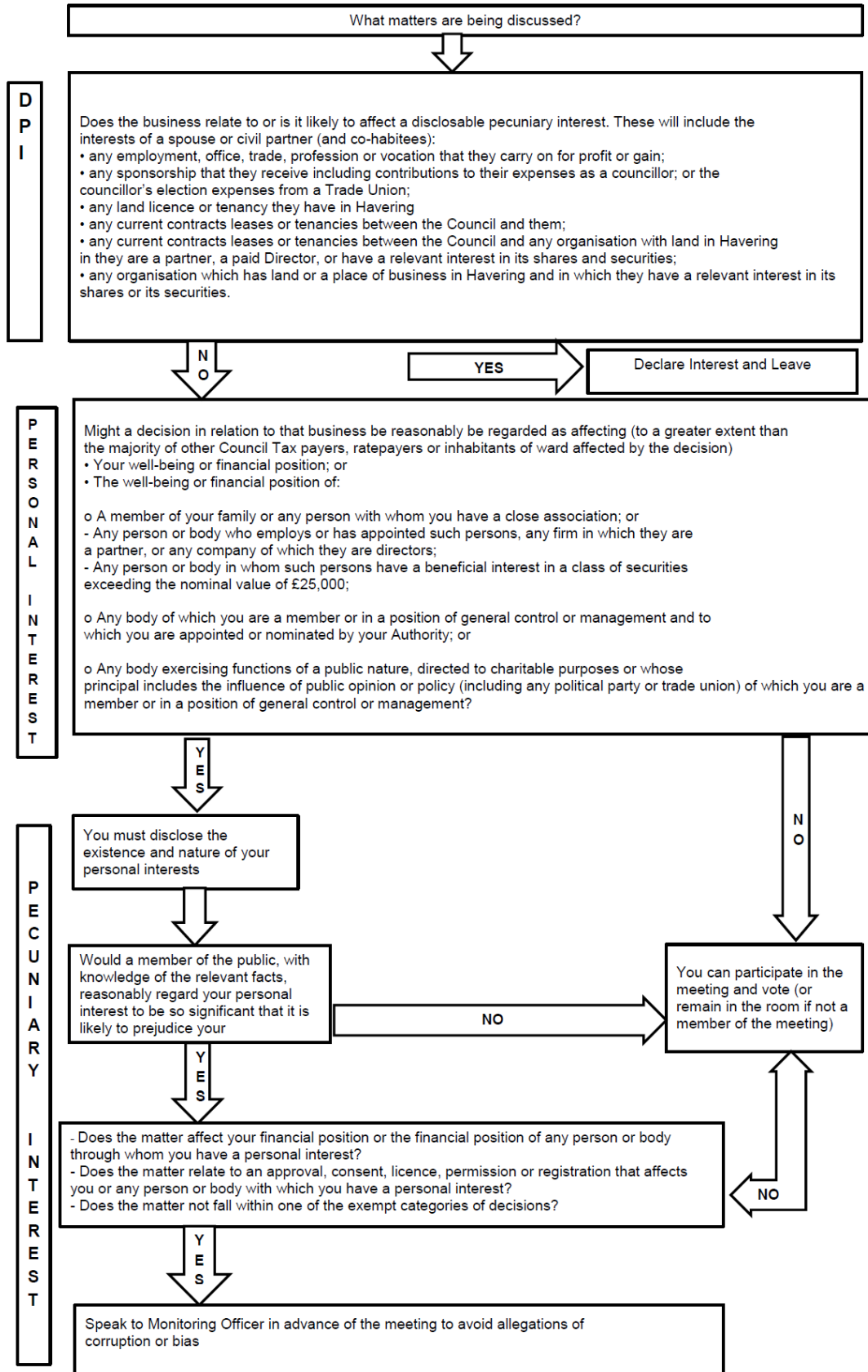
- filming, photographing or making an audio recording of the proceedings of the meeting;
- using any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later; or
- reporting or providing commentary on proceedings at a meeting, orally or in writing,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

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

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

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

**DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF**



## **AGENDA ITEMS**

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

The Chairman will announce details of the arrangements in case of fire or other events that might require the meeting room or building's evacuation.

These are the arrangements in case of fire or other events that might require the meeting room or building's evacuation. (Double doors at the entrance to the Council Chamber and door on the right hand corner (marked as an exit).

Proceed down main staircase, out the main entrance, turn left along front of building to side car park, turn left and proceed to the "Fire Assembly Point" at the corner of the rear car park. Await further instructions.

I would like to remind members of the public that Councillors have to make decisions on planning applications strictly in accordance with planning principles.

I would also like to remind members of the public that the decisions may not always be popular, but they should respect the need for Councillors to take decisions that will stand up to external scrutiny or accountability.

Would members of the public also note that they are not allowed to communicate with or pass messages to Councillors during the meeting.

### **2 APOLOGIES FOR ABSENCE AND ANNOUNCEMENT OF SUBSTITUTE MEMBERS**

(if any) - receive.

### **3 DISCLOSURE OF INTERESTS**

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

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

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

To approve as a correct record the minutes of the meeting of the Committee held on 6 July 2023 and to authorise the Chairman to sign them.

**5 APPLICATIONS FOR DECISION (Pages 9 - 12)**

See attached document

**6 P1225.23 - 148A CHASE CROSS ROAD (Pages 13 - 24)**

Report attached

**7 STOPPING UP ORDER - LAND AT HILLDENE CLOSE (Pages 25 - 32)**

Report attached

**Zena Smith  
Head of Committee and Election  
Services**

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# Public Document Pack Agenda Item 4

**MINUTES OF A MEETING OF THE  
PLANNING COMMITTEE  
Havering Town Hall, Main Road, Romford  
6 July 2023 (7.30 - 8.00 pm)**

**Present:**

**COUNCILLORS:**

<b>Conservative Group</b>	Robby Misir, Carol Smith and Philippa Crowder
<b>Havering Residents' Group</b>	Reg Whitney (in the Chair) Gerry O'Sullivan and Julie Wilkes
<b>Labour</b>	Matthew Stanton

Councillor John Crowder was also present at the meeting.

A member of the public was present.

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

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

**1 APOLOGIES FOR ABSENCE AND ANNOUNCEMENT OF SUBSTITUTE MEMBERS**

Apologies were received from Councillor Bryan Vincent (Councillor Julie Wilkes substituted).

**2 DISCLOSURE OF INTERESTS**

There were no disclosures of interest.

**3 MINUTES**

The minutes of the meeting of 13 April 2023 were agreed as a true record of the same and the Chair was authorised to sign them.

**4 LAND TO THE REAR OF 158-160 VICTORIA ROAD**

The report before the Committee was an application for a two storey, 4-bed detached dwelling with associated parking and amenity space to include habitable loft and two front dormers.

In accordance with the Committee consideration criteria a Councillor call-in had been received.

The application had been called-in by a Ward Councillor. With its agreement Councillor Judith Holt addressed the Committee.

Following consideration, it was **RESOLVED** that **PLANNING PERMISSION BE GRANTED** subject to conditions in the report.

The vote for the resolution to grant planning permission was unanimous.

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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 Adopted March 2021
  - Havering Local Plan 2016 – 2031(2021)
  - Site Specific Allocations (2008)
  - Site Specific Allocations in the 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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 <p><b>Havering</b> LONDON BOROUGH</p>	<p><b>Planning Committee</b> <b>23 November 2023</b></p>
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<b>Application Reference:</b>	P1225.23
<b>Location:</b>	148a Chase Cross Road
<b>Ward</b>	Havering Park
<b>Description:</b>	Variation of condition no. 2 of planning permission P0450.21 dated 5th April 2022, to extend hours of use to Monday to Friday 12:00-19:30, Saturday, Sunday and Bank Holidays 12:00-17:30
<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

There have been a number of recent planning applications seeking to vary a condition which restricts the hours of operation of the site. The most recent application was refused by the Planning Committee on 1st July 2021. However, the subsequent appeal against this decision was allowed on 5th April 2022 subject to conditions, including a condition for a trial period of 18 months to monitor and assess the operation of the use within the restricted hours. The trial period expired on 5th October 2023 and this application seeks to continue the operation of the site with the same restrictive hours as the trial period.

## 2 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- 2.1 This application seeks to continue the hours of the operation for the site between 12 noon and 7:30, (Monday to Friday) and 12 noon to 5:30pm

on Saturday, Sunday and Bank Holidays. It is considered that subject to other conditions controlling the activities of the community centre, the extended hours of use would continue to be acceptable in relation to any impacts upon the amenities of the neighbouring properties and all other respects.

### **3 RECOMMENDATION**

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

#### **Conditions**

1. The premises shall only be used for a place of worship and religious instruction as set out in the Management Plan submitted with the application hereby approved and for no other purpose, including uses falling within Class F1 of the Town and Country Planning Use Classes Order 1987 as amended.
2. The premises shall at all times operate in complete accordance with the Management Plan submitted with the application hereby approved.
3. The visitor numbers of people on the premises at any time shall not exceed 35.
4. No amplified music or speech shall be relayed on the site including within the building.
5. The hours of operation of the premises shall be limited to 1200 to 1930 Monday to Friday and 1200 to 1730 Saturdays, Sundays and Bank Holidays.
6. Parking for nine cars shall be retained on the site in accordance with drawing numbers 99091.1 and 99091.3 approved as part of planning permission P0729.99, dated 5 August 1999. No vehicle parking shall take place other than for those attending the premises during the authorised hours of operation.
7. The car parking area shall not be used for any activities and its use shall be limited to car parking purposes only.
8. There shall be no obstruction or obstacle above 600mm in height in the area of the accessway hatched in red on the plans approved as part of planning permission P0729.99, dated 5 August 1999.

### **4 PROPOSAL AND LOCATION DETAILS**

#### **Site and Surroundings**

- 4.1 The application site is located on the east side of Chase Cross Road on land to the rear of No. 148 Chase Cross Road and backing onto a private road known as Cardiff Close. The site contains a single storey building which is finished in facing brick.

- 4.2 There are car parking spaces on the site for approximately nine vehicles without hindering access to and from the site onto Chase Cross Road, as approved on the original consent P0729.99. The surrounding area is characterised by single and two storey dwellings of various styles and designs.
- 4.3 The building was constructed in the early 00s following the grant of planning permission subject to conditions including one that restricted the hours of operation. The building has been used for religious purposes for a considerable period of time. The building is currently occupied as a place of worship for the Islamic faith.

#### **Proposal**

- 4.4 The permitted hours of operation are from 6.00am to 3.00pm on Sundays and from 6.00pm to 9.00pm on Mondays. The proposal is to continue the use of the premises with extended hours of operation: Monday to Friday 12:00-19:30, Saturday, Sunday and Bank Holidays 12:00-17:30 on a permanent base.
- 4.5 The applicant's agent has provided the following information as part of the proposal;
1. IECC is a registered charity and offers a long list of facilities and services, not only to promote and teach Islam within the Muslim community but also to offer support and guidance to people in need around them, regardless of their beliefs and liaise with neighbours to address their concerns.
  2. The Centre offers many services and facilities to the local community, both Muslim and non-Muslim, including:
    - Family and social support - providing religious and emotional support and guidance in times of crisis, illness and bereavement, including support for elderly people living alone
    - Offering to counsel for those affected by domestic violence, family disputes, etc.
    - Islamic education and teaching children Quran.
    - Participate in the Havering Interfaith Forum - promoting cohesion and religious harmony, enhancing communication between faith communities and other agencies
    - Host local primary school visits to educate children about Islam
  3. In respect of IECC's use of the premises, the nature of Islamic worship means five obligatory prayers per day. Although the current proposed timing will not allow attendees to observe five prayers daily, because Prayer times are determined by the position of the sun in the sky, but it would allow prayers during the allowed times.
  4. Typically each prayer lasts no more than 10-15 minutes. Even allowing time for worshippers (approximately 2 to 20 regular

attendees) to arrive and leave, it is unusual for a prayer visit to extend beyond 30 minutes.

5. For Islamic education we will have a 1.5 hour session on Saturdays and Sundays between 2pm and 3.30pm for children aged between 6 and 12. They will be taught reading Quran in Arabic and Cultural manners. There will be between 15 and 20 attendees.
6. The car park at IECC is sufficient for regular daily prayers. IECC have nominated individuals to monitor and control the flow of the traffic during prayers to eliminate traffic problems.
7. The steps taken by IECC to eliminate traffic problems.
  - Educate the attendee's to park responsibly.
  - Distribute flyers of DOS and DONTs of parking near dropped kerbs.
  - Nominate parking marshals.

The applicant has also explained that;

- There is generally lack of facilities within the borough to worship and growing Muslim population.
- No other place of worship has restricted hours, which are also located close to similar residential settings.
- There is no evidence that the extension of hours would have a significant increase in noise or traffic.
- The Centre is within walking distance of many of worshipers
- All other such facilities are located at a significant distance requiring use of private motor car or by taxi

### **Planning History**

4.6 The following planning decisions are relevant to the application:

1. On 5<sup>th</sup> August 1999 planning permission (Ref; P0729.99) was granted for the erection of a single storey building with car parking and entrance drive for use as a meeting room. A condition was imposed restricting the hours of the operation between the hours of 6.00am and 3.00pm on a Sunday and from 6.00pm to 9.00pm on a Monday. The reason given for the condition is: In order to minimise the impact of the use on the surrounding residential area.
2. On 27<sup>th</sup> April 2017 a Lawful Development certificate (E0001 7) was applied for the use of the property as a church on Sundays 6.00 - 21 .00, Saturdays 8.00 -21 .00 and Weekdays 12.00 - 21 .00. Some evidence was produced to show the long term use of the premises aligned with the



above description. However, the application was subsequently withdrawn on 24.July.2017.

3. On 1<sup>st</sup> October 2019 planning permission (Ref; P0729.19) was refused to extend the hours of operation to 06:00 -21:30 (October to February),04:00 to 23:30 (March to September) for the following reason;

*The cumulative impact of extending the hours of use of the premises which would result a greater intensity and frequency of use, and the location of the existing building, would result in unacceptable levels of noise, disturbance and light pollution associated with vehicles manoeuvring, harmful to the residential amenity of neighbouring properties contrary to Policies DC55 and DC61 of the L DF Development Control Policies DPD and the National Planning Policy Framework.*

4. The subsequent appeal Ref: APP/B5480/W/19/3243037 against the refusal was dismissed on 14th May 2020.
5. On 3<sup>rd</sup> February 2021, planning application (Ref P1850.20) (under delegated authority) was refused for the " to extend opening hours to Monday to Friday to Friday 0700-2100, Saturday and Sunday 0800-17:30 and Bank Holidays 0900-1300 for the same reason as with respect to the previous proposal.
6. On 5<sup>th</sup> July 2021, planning permission, Ref P0450.21, was refused for the change to hours of operation to Monday to Friday 12:00-19:30, Saturday, Sunday and Bank Holidays 12:00-17:30. This application was presented to Planning Committee with an officer recommendation for approval. However, the committee overturned the recommendation and refused the application.
7. The applicant then submitted an appeal against both decisions P1850.20 referenced by the Inspector as appeal A and with respect to Ref P0450.21, appeal B.
8. Appeal A was dismissed by the inspectorate whilst appeal B: (APP/B5480/W/21/3278982) was allowed, subject to the following conditions;
  1. The premises shall only be used for a place of worship and religious instruction as set out in the Management Plan submitted with the application hereby approved and for no other purpose, including uses falling within Class F1 of the Town and Country Planning Use Classes Order 1987 as amended.

2. For a period of 18 months from the date of this permission, the premises shall only operate between the hours of 12:00 to 19:30 on Monday to Friday inclusive and 12:00 to 17:30 on Saturday, Sunday and Bank Holidays. Unless otherwise agreed by the local planning authority, from the end of this 18 month period the premises shall only operate between the hours of 06:00 to 15:00 on Sunday and 18:00 to 21:00 on Monday, with no operation at all on any other day of the week.
3. The premises shall at all times operate in complete accordance with the Management Plan submitted with the application hereby approved.
4. The visitor numbers will be monitored regularly and reviewed after six and 12 months from the commencement of this permission in the form of an updated survey of visitor numbers and travel modes to be submitted to the local planning authority.
5. No amplified music or speech shall be relayed on the site including within the building.
6. Parking for nine cars shall be retained on the site in accordance with drawing numbers 99091.1 and 99091.3 approved as part of planning permission P0729.99, dated 5 August 1999. No vehicle parking shall take place other than for those attending the premises during the authorised hours of operation.
7. The car parking area shall not be used for any activities and its use shall be limited to car parking purposes only.
8. There shall be no obstruction or obstacle above 600mm in height in the area of the accessway hatched in red on the plans approved as part of planning permission P0729.99, dated 5 August 1999.
9. On 28<sup>th</sup> September 2023, application (Ref; Q0072.23) for the discharge condition 4 of the appeal decision with respect to the visitor's number was approved

## **CONSULTATION RESPONSE**

- 5.1 The views of the Planning Service are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.
- 5.2 A total of 39 neighbouring properties were notified about the application and invited to comment.
- 5.3 The number of representations received from neighbours, local groups etc in response to notification and publicity of the application were as follows:
- 5.4 5 objections have been received. 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:
  - This is not a suitable site for a community use
  - Parking issues including lack of on-site parking and parking over drives.

- There has not been a significant amenity issue since the hours of operation was imposed and seemingly the applicants have adhered to the restrictive hours. However, it is feared that once a permanent permission is granted then there would be likelihood of breach of planning by extending the hours of operation. Therefore, if planning permission were to be granted it should be for another temporary period of 18months.
- There have been 3 serious accidents.
- The car park area are sometimes used for playing by children

5.6 The application had also been called into committee by Councillor Ray Best for the following reasons;

The increase in hours of operation would cause amenity issue to the neighbouring properties and parking problems.

5.7 In response to the above comments, the information submitted has been accepted in good faith. The details of the Iqra Educational & Cultural Centre being a registered charity is not a material planning consideration. The application under consideration is for the changes of hours as on the application form and as described on the notification letters.

5.8 With respect to the comment "no other place of worship is subject to restricted hours", it should be noted that each planning application is considered on its own merit.

5.9 With respect to the comment this is not location for a community use, it should be noted the application site has emerged following a grant of planning permission for a community use.

5.10 In addition, it is noted that the Council's Highways and Environmental Health Department have not objected to the proposal. However, these issues would be further discussed below

## 6 MATERIAL PLANNING CONSIDERATIONS

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

Impact upon the amenities of the adjoining occupiers

Impact upon highways condition;

6.1 The site is located in a sensitive location. The residential properties are located immediately to the north and north east on Chase Cross Road and to the properties to the south along the private road of Cardiff Close.

The entrance to the centre is located on the north elevation of the building fronting to Chase Cross Road. The main planning issues raised by the application that the committee must consider are, the impact on neighbouring amenities and highways safety conditions.

- 6.2 The recent planning history reveals the premises has been subject to two recent appeals in relation to operating hours. One for extension to extend opening hours to Monday to Friday 0700-2100, Saturday and Sunday 0800-17:30 and Bank Holidays 0900-1300 (appeal A) and the other Monday to Friday 12:00-19:30, Saturday, Sunday and Bank Holidays 12:00-17:30 (appeal B). The appeals were considered simultaneously by the same appeal inspector.
- 6.3 The inspector in dismissing appeal A was concerned with the disturbance to the amenities of the local residents during the early and later operation when residents are at home and require period of peace and tranquillity. .
- 6.4 However, in allowing the appeal B (subject of this application), the Inspector explained “while the building would be in use every weekday, the start and finish times are materially shorter, particularly in the morning, and would coincide with periods when residents are more likely to be at work or otherwise away from home. The proposed times of use at weekends would also be considerably shorter by starting four hours later than proposed under Appeal A. As such, with the attendance levels and vehicular visits indicated in the appeal submissions, these periods of use are unlikely to result in material harm. I note in this regard that both main parties suggest a temporary permission to enable the effects of the proposed use to be monitored and assessed.”
- 6.5 The inspector also agreed, “the temporary period would be appropriate and necessary in the circumstances and am also mindful of the capacity of the main hall, which could result in an increase in visitor numbers over time. This could lead to greater vehicle movements and other associated noise and disturbance that could be harmful to neighbours' living conditions. I see no basis currently for limiting the number of users of the building at any one time to 30, as the appellant suggests. It is unclear what the effects of this would be and, therefore, any effects related to this or other levels of use above those indicated in the appeal submissions that might arise would need to be monitored and assessed.”
- 6.6 From the comments and the conditions imposed by the inspector it is clear the hours of operation could be acceptable so long as other mitigating measure secured through conditions are complied with appropriately. In particular the number of the visitors to the centre would be a significant issue. This is the reason why the inspector recommended condition 4

which sought to assess whether a condition restricting the number of the visitors to the site would be justifiable. Further, consideration was given to appropriate behaviour of the visitors to the centre with reference to parking and avoiding loud or amplified sound and music.

- 6.7 In accordance with Condition 4, the applicant has provided monitoring records with respect to the attendance at the centre for the period of 6 and 12 months. The information provided indicated that degree of attendance varied on any given day. Overall the number of attendance is quite low (generally less than 20 at any given time). The exception being on days the centre offers Quran classes where high number (max 23) have been recorded to attend.
- 6.8 From the consultation exercise it would appear whilst some issues remain a source of concern, by and large it seems that the applicants have adhered to the hours of conditions as well as those of other mitigating measures including appropriate parking. With respect to previous application, the council received over 60 objections, whilst the number of objections have been reduced to 5 in respect of the current application. In addition, some have commented that the impacts have been acceptable, albeit they are concerned that the grant of a permanent planning permission may alter the situation.
- 6.9 In terms of the impacts from the operation, it is apparent that the level of impact is limited due to the attendance levels which are relatively low compared to the likely maximum capacity of the premises. It is therefore considered reasonable and necessary to impose a condition limiting maximum attendance to 35 people at any one time. Should attendances increase beyond this level, an application to vary the maximum numbers will enable the Local Planning Authority to consider such impact including temporary periods to monitor any impact of additional attendees and any further control measures.
- 6.10 It is therefore considered that hours of operation are acceptable subject to other mitigating measure to be in place. Hence, approval is recommended subject to the necessary conditions set out above.

## **7 Highway issues;**

- 7.1 The Highways Department has no objection in respect to the proposal.
- 7.2 There are bus stops very close by and those cycling can leave their bikes inside the building. The venue has an off road car park that accommodates nine vehicles. The application is supported by a transport impact assessment, which also includes the details of monitoring of arriving by different modes of transport. Whilst the data indicates that the percentage of those arriving by cars are higher than those using other

modes of transport, in comparison with the predicted level, the overall number of arrival by cars remain quite low.

## **8. Public Sector Equality Duty;**

8.1 The Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010 ('EA') requires the Council, when exercising its functions, to have due regard to:

- (i) the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- (ii) the need to advance equality of opportunity between persons who share protected characteristics and those who do not, and;
- (iii) foster good relations between those who have protected characteristics and those who do not.

8.2 The protected characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

8.3 "Due regard" is the regard that is appropriate in all the circumstances. The weight to be attached to each need is a matter for the Council. As long as the Council is properly aware of the effects and has taken them into account, the duty is discharged. Depending on the circumstances, regard should be had to the following:

- (i) the need to enquire into whether and how a proposed decision disproportionately affects people with a protected characteristic. In other words, the indirect discriminatory effects of a proposed decision;
- (ii) the need to remove or minimise disadvantages suffered by persons who share a protected characteristic that are connected to that characteristic;
- (iii) the need to take steps to meet the needs of persons who share a protected characteristic that are different from the needs of persons who do not share it. For example, meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities;

- (iv) the need to encourage persons who share a protected characteristic to participate in public life (or in any other activity in which participation by such persons is disproportionately low); and
  - (v) the need to tackle prejudice and promote understanding.
- 8.4 The duties under Section 149 of the EA do not require a particular outcome and what the decision making body decides to do once it has had the required regard to the duty is for the decision making body subject to the ordinary constraints of public and discrimination law including the Human Rights Act 1998 (the HRA). This planning application engages certain human rights under the I-IRA, which prohibits unlawful interference by public bodies with conventions rights. The term 'engage' simply means that human rights may be affected or relevant.
- 8.5 This application has the legitimate aim of amending the hours of operation for a place of worship. The rights potentially engaged by this application, including the right to the peaceful enjoyment of one's possessions, and the right to respect for private and family life are not considered to be unlawfully interfered with by this proposal.
- 8.6 As part of the appeal, the Planning Inspector "had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Since the appeal requests an extension of the operating hours of the premises for the purposes of Islamic worship, the attendees are persons who share a protected characteristic for the purposes of the PSED".
- 8.7 However in dismissing the appeal A and restricting the hours of operation through condition with respect to appeal B, the Planning Inspector commented that "the opportunity to worship on the premises would be limited. However, it does not follow from the PSED that the hours should be increased to the extent of those sought. Whilst I note that the National Planning Policy Framework at paragraph 92 states that planning decisions should look positively on the provision and use of community facilities, I must also have appropriate regard to the significant harm to the living conditions of nearby occupiers that I have identified in coming to my decision".

### **Summary and Conclusion**

- 9.1 This application is resubmission of an application which has already been approved for a temporary period. It appears that the impact upon the amenities with respect to activities associated with the use of the premises, through the mitigating measures have been carried out to an acceptable level.
- 9.2 It is considered that subject to the conditions set above the proposed hours of operation on a permanent basis would not likely have an unacceptable impact upon the amenities of the adjoining occupiers..

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



 <p><b>Havering</b> LONDON BOROUGH</p>	<p><b>Planning Committee</b> <b>23 November 2023</b></p>
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<b>Application Reference:</b>	<b>Stopping Up Order</b>
<b>Location:</b>	<b>Land at Hilldene Close</b>
<b>Ward:</b>	<b>Harold Hill</b>
<b>Description:</b>	<b>Stopping up of Highway</b>
<b>Case Officer:</b>	<b>Inioluwa Owoyemi</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 16 November 2022 the Council resolved to grant planning permission under application reference P0461.22, subject to completion of a deed under s106 of the Town and Country Planning Act 1990, for demolition of the existing buildings and structures and redevelopment of the site consisting of the erection of a part 2, part 3, part 4-storey building (with additional plant and enclosures at 5-storey level) to provide for a new hostel facility (Use Class Sui Generis) with 74 rooms for short-term emergency accommodation and 1,499 square metres (GIA) of floorspace for a Health Centre (Use Class E(e)), along with associated hard and soft landscaping, parking, access and highway works. 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 Hilldene Close, Stopping Up Plan Project No. 332410673/400 Rev. P06 at Appendix A (“the Plan”) to enable the development to be carried out subject to the grant of planning permission under application reference number P0461.22.

- 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 Hilldene Close, Harold Hill 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 P0461.22;
- 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 have already been considered and approved (subject to completion of a deed under s106 of the Town and Country Planning Act 1990) under application ref P0461.22 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 is one area of land to which the application to stop up relates. The area is footway and grass verge measuring approximately: 59 meters squared in length (at its widest point) and approximately 8 meters squared in width (at its widest point) sited between OS grid reference points: 553672.025E, 192232.975N (point A on the Plan); 553678.900E, 192237.150N (point B on the Plan); 553706.672E, 192185.352N (point F on the Plan) and 553672.200E, 192231.300N (point G on the Plan)
- 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:

P0461.22 – demolition of the existing buildings and structures and redevelopment of the site consisting of the erection of a part 2, part 3, part 4-storey building (with additional plant and enclosures at 5-storey level) to provide for a new hostel facility (Use Class Sui Generis) with 74 rooms for short-term emergency accommodation and 1,499 square metres (GIA) of floorspace for a Health Centre (Use Class E(e)), along with associated hard and soft landscaping, parking, access and highway

works – resolution to grant planning permission subject to completion of a deed under s106 of the Town and Country Planning Act 1990

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**

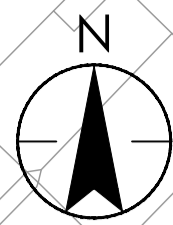
It is considered that the proposed stopping up of the areas of land is necessary to enable development to proceed in accordance with planning permission and is acceptable in highway terms. It is noted, however, that there remain

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): Hilldene Close, Stopping Up Plan Project No. 332410673/400  
Rev. P06

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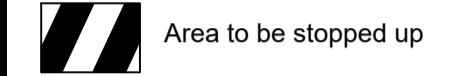
### Notes

UTILITIES NOTE: The position of any existing public or private sewers, utility services, plant or apparatus shown on this drawing is believed to be correct, but no warranty to this is expressed or implied. Other such plant or apparatus may also be present but not shown. The Contractor is therefore advised to undertake their own investigation where the presence of any existing sewers, services, plant or apparatus may affect their operations.

### Notes

- 1. All dimensions shown are in meters unless noted otherwise.

### Key



### OS Grid Coordinates

Point Number	Easting	Northing
A	553672.025	192232.975
B	553678.900	192237.150
C	553678.400	192235.750
D	553706.350	192186.050
E	553707.100	192185.550
F	553706.672	192185.352
G	553672.200	192231.300

### Dimensions

Point Numbers	Distance (m)
A to B	8.043
B to C	1.487
C to D	57.020
D to E	0.901
E to F	7.983
F to G	56.573
G to A	1.684
Width across at D	7.566
Width across at G	7.596

P04 Dimensions table updated	AGM	AGM	2023.08.09	
P05 Dimensions added to table	AGM	AGM	2023.08.09	
P04 Dimensions added	AGM	CA	2023.08.07	
P03 Coordinates updated	AGM	CA	2023.08.04	
P02 Coordinates added	AGM	CA	2023.08.03	
P01 FIRST ISSUE	AGM	CA	2023.08.02	
Issued/Revision	By	Appd	YYYY.MM.DD	
	AGM	-	CA	2023.08.09
	Dwn.	Dsgn.	Chk.	YYYY.MM.DD

### Issue Status

## S2 - FOR INFORMATION

This document is suitable only for the purpose noted above. Use of this document for any other purpose is not permitted.

### Client/Project Logo

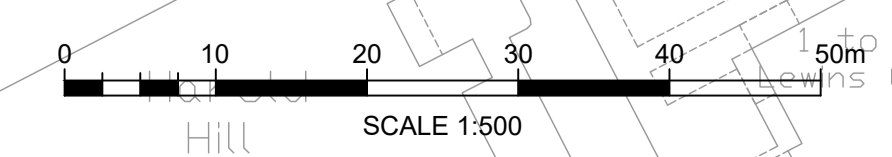
Client/Project  
**LONDON BOROUGH OF HAVERING**

### Title

**HILLDENE CLOSE  
STOPPING UP PLAN**

Project No. 332410673/400 A1 Scale 1:500

Revision P06 Drawing No. 332410673\_400\_01



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