



REGULATORY SERVICES COMMITTEE

REPORT

11 September 2014

Subject Heading:

Planning Contravention
Cash Generator
15 South Street. Romford

Report Author and contact details:

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Policy context:

Local Development Framework

Financial summary:

Enforcement action and a defence of the Council's case in any appeal will have financial implications.

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

Ensuring a clean, safe and green borough	<input type="checkbox"/>
Championing education and learning for all	<input type="checkbox"/>
Providing economic, social and cultural activity in thriving towns and villages	<input type="checkbox"/>
Value and enhance the life of our residents	<input checked="" type="checkbox"/>
Delivering high customer satisfaction and a stable council tax	<input type="checkbox"/>

SUMMARY

15 South Street Romford is a retail shop within the Romford Conservation Area. The shop owner has covered the first floor windows with uPVC cladding without planning permission. The cladding was put in place following the removal of a number of unauthorised advertisements that also covered these windows. Further the owner of the premises has erected without planning permission unauthorised box roller-shutters. Despite protracted negotiations with the owner it has not been possible to reach a solution on this matter by either the removal of the cladding and the box roller shutter or the submission of a retrospective planning application to

seek retention of it, however as the uPVC cladding and box roller-shutter are contrary to planning policy in the development plan retrospective consent is unlikely to be forthcoming.

RECOMMENDATIONS

That the committee consider it expedient that an Enforcement Notice be issued and served to require, within 3 months:

1. Remove from the land the unauthorised uPVC cladding covering the windows at first floor level
2. Restore the windows to their condition prior to the cladding and the previously removed unauthorised advertisements being installed
3. Remove the unauthorised boxed roller-shutter to the ground floor front of the Shop premises from the land.

Time for compliance: 3 months from the effective date of this

In the event of non-compliance and if it is deemed expedient; that legal proceedings be instituted under the provisions of the Town and Country Planning Act 1990.

REPORT DETAIL

1. **Site Description**

This property is at the northern end of South Street and sits within the Romford Conservation Area and it outlined black on the plan attached.

The accepted use of this shop is for A1 retail purposes.

2. **Relevant Planning and Enforcement History**

P1231.12 – Retention of External Roller Shutters - Refused

No known previous Enforcement or Appeal history.

3. **The Alleged Planning Contravention**

In 2012 the Planning Enforcement service received complaints regarding the premises in that a number of unauthorised advertisements had been put into place and the shop-front altered by the placement of a new external roller shutter. Initial negotiations with the company operating the shop were successful in that the

unauthorised advertisements were removed however the windows at the first floor level were subsequently covered by uPVC cladding. Despite protracted negotiations with the company it has not been possible to secure the removal of this cladding which makes this property look out of place alongside the adjacent properties. The unauthorised roller-shutters have not been removed despite requests to do so.

4. **Policy and Other Material Considerations**

The uPVC cladding is regarded as visually intrusive in the streetscene given the prominence and location of the property. The alterations made detract from the appearance of the property itself as well as the character of the conservation area.

Policies DC61 and DC68 of the LDF apply as do the Heritage SPD and NPPF.

Consideration has been made as to whether a planning application would be granted but it has been concluded that planning conditions would not overcome the harm identified.

The unauthorised roller-shutter was erected without planning permission to the ground floor front of the shop premises at 15 South Street Romford. The installation of the boxed roller-shutter in question was substantially completed less than four years ago. The site lies within the Romford Conservation Area. The roller-shutter with its associated box appears as a dominant addition to the shop-front that is visually intrusive in the street-scene and fails to enhance or preserve the character of the Conservation Area. It is contrary to development plan policies and harmful to the visual amenities of the area. The Council do not consider that planning permission should be given, because planning conditions could not overcome these problems.

In making its decision to issue this Notice the Council considered that the unauthorised use is contrary to the following policies of the Local Development Framework: policies DC61, DC68 and the Havering Shopfront Design SPD 2013.

5. **Recommendation for action**

Given the location of this shop and the harm to the character and appearance of the area identified it is considered that formal enforcement action by the service of an Enforcement Notice would be expedient to overcome these breaches of planning control.

Authorisation for the service of an Enforcement Notice is therefore requested.

IMPLICATIONS AND RISKS

Financial implications and risks:

Enforcement action may have financial implications for the Council.

Legal implications and risks:

Enforcement action, defence of any appeal and, if required, prosecution procedures will have resource implications for the Legal Services.

Human Resources implications and risks:

No implications identified.

Equalities implications and risks:

Section 149 of the Equality Act 2010 (EA) came in to force on 1st April 2011 and broadly consolidates and incorporates the 'positive equalities duties' found in Section 71 of the Race Relations Act 1976 (RRA), Section 49 of the Disability Discrimination Act 1995 (DDA) and section 76(A)(1) of the Sexual Discrimination Act 1975 (SDA) so that due regard must be had by the decision maker to specified equality issues. The old duties under the RRA, DDA and SDA remain in force.

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.

Having considered the above duty and the Human Rights Act 1998 there are no equality or discrimination implications raised.

BACKGROUND PAPERS

- 1. Non-exempt notes and correspondence on case file*
- 2. Aerial Photographs*
- 3. Relevant Planning History*