



# Havering

LONDON BOROUGH

## REGULATORY SERVICES COMMITTEE AGENDA

7.30 pm

Thursday  
14 May 2015

Havering Town Hall,  
Main Road, Romford

Members 11: Quorum 4

**COUNCILLORS:**

**Conservative  
( 5)**

Robby Misir (Chairman)  
Ray Best (Vice-Chair)  
Philippa Crowder  
Steven Kelly  
Michael White

**Residents'  
( 2)**

Stephanie Nunn  
Reg Whitney

**East Havering  
Residents'( 2)**

Linda Hawthorn  
Ron Ower

**UKIP  
( 1)**

Phil Martin

**Independent  
Residents  
( 1)**

Graham Williamson

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

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

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

Reporting means:-

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

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

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

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

## **AGENDA ITEMS**

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

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

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

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

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

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

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

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

(if any) - receive.

### **3 DISCLOSURE OF PECUNIARY INTERESTS**

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

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

### **4 MINUTES (Pages 1 - 22)**

To approve as a correct record the minutes of the meetings of the Committee held on 2 April and 23 April 2015 and to authorise the Chairman to sign them.

### **5 PLANNING APPLICATIONS - SEE INDEX AND REPORTS (Pages 23 - 88)**

- 6      **P0283.15 - UPMINSTER RFC, HALL LANE UPMINSTER** (Pages 89 - 96)
  
- 7      **P0049.15 - MOSS LANE NURSERY, MOSS LANE, ROMFORD** (Pages 97 - 116)
  
- 8      **P0267.15: 23 TEMPEST WAY, RAINHAM** (Pages 117 - 128)
  
- 9      **APPLICATION FOR THE STOPPING UP OF AND DIVERSION OF PUBLIC FOOTPATH 198 ADJACENT TO ST MARY'S LANE UPMINSTER** (Pages 129 - 136)
  
- 10     **APPLICATION FOR THE STOPPING UP OF HIGHWAY LAND AT ONGAR WAY GARAGES, RAINHAM** (Pages 137 - 142)
  
- 11     **URGENT BUSINESS**

To consider any other item in respect of which the Chairman is of the opinion, by reason of special circumstances which will be specified in the minutes, that the item should be considered at the meeting as a matter of urgency

**Andrew Beesley**  
**Committee Administration**  
**Manager**

**MINUTES OF A MEETING OF THE  
REGULATORY SERVICES COMMITTEE  
Havering Town Hall, Main Road, Romford  
2 April 2015 (7.30 - 10.30 pm)**

**Present:**

**COUNCILLORS:** 11

**Conservative Group** Robby Misir (in the Chair) Ray Best (Vice-Chair),  
Philippa Crowder, Steven Kelly and John Crowder

**Residents' Group** Reg Whitney and Nic Dodin

**East Havering  
Residents' Group** Linda Hawthorn and Ron Ower

**UKIP Group** David Johnson

**Independent Residents  
Group** Graham Williamson

Apologies were received for the absence of Councillors Michael White, Phil Martin and Stephanie Nunn.

+ Substitute Member: Councillor John Crowder (for Michael White), Councillor David Johnson (for Phil Martin) and Councillor Dodin (for Stephanie Nunn).

Councillors Alex Donald, David Durant, Brian Eagling, Michael Deon-Burton, Robert Benham, Phil Martin, Keith Roberts, Frederick Thompson and Jeffery Tucker were also present for parts of the meeting.

About 40 members of the public were present for parts of the meeting.

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.

## 231 **MINUTES**

The minutes of the meetings of the Committee held on 29 January, 19 February and 5 March 2015 were agreed as a correct record and signed by the Chairman subject to an amendment that Councillor Linda Hawthorn declared an interest as a Friend of Upminster Windmill, and not as stated in the minute Old Windmill Hall, at the 5 March 2015 meeting.

232 **P0014.15 - 5 PETERSFIELD CLOSE, ROMFORD**

The report before the Committee sought permission for a first floor side extension over the existing garage and the creation of loft accommodation with a rear dormer window and roof lights. The report detailed that associated works included three roof lights on the front roof slope and a first floor flank window in the side of the extension.

Members were informed of three late letters in support of the development.

Members noted that the application had been called in by Councillor Phil Martin for the Committee to consider. The reasons for the call in were the proposal fitted in with the street scene and replicated the terrace properties of which it was a part, the symmetry of the terrace was preserved and the proposed dormer was behind the house and hidden from the street which preserves the streetscene. No objections had been received from any of the neighbours.

With its agreement Councillor Phil Martin addressed the Committee. Councillor Martin commented that he was in support of the proposal. No objections had been received to the development. The roof line to the end of terrace property had been reduced to preserve a symmetry of the terrace. Councillor Martin also commented that the extension would blend in with the streetscene and that there were many similar properties with dormer windows in the vicinity. Councillor Martin concluded by commenting that the proposal would have a minimum impact in the area would not be intrusive or overbearing on the streetscene.

During a brief debate, the Committee sought clarification on the extent of any overlooking from the rear elevation; whether any objections were received; the retention of a parking provision at the property. The report recommended that planning permission be refused, however following a motion to grant planning permission which was carried, it was **RESOLVED** to grant planning permission subject to conditions covering the following plus any further conditions that the Head of Regulatory Services considered reasonable and appropriate:

Standard Time Limit  
Accordance with plans  
Materials  
Obscure Glazing

The reasons for approval were that the design and bulk of the development would be proportionate to the existing house and would not harm the appearance of the terrace in the streetscene.

233 **P0090.15 - 1 ALBERT ROAD, ROMFORD**

The application before Members sought planning permission for the demolition of an existing two storey commercial building and the

construction of five new two-storey four bedroom dwellings with off street car parking for ten vehicles, landscaping and private amenity space.

One late letter from English Heritage did not raise any issues about the development.

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

The objector commented that he had lived in the area for over twenty years. The objector disagreed that there was sufficient separation between the development and his property. The objector raised concerns about the height of a proposed brick wall which was described as being visually over bearing and unattractive. The objector also commented that the developer had made no attempt to soften the impact of the wall on neighbouring properties. The objector noted that a previous application, with marginally different separation distances, had been refused on the basis of insufficient separation with existing dwellings.

In response the applicant's agent commented that the development removed an industrial type use from the area and replaced it with new dwellings which had adequate separation from neighbouring properties. The speaker stated that the development would not result in a loss of amenity and endorsed the report.

During a brief debate a Member commented that this was a good proposal as it would remove an industrial use from a residential area. Members received clarification from officers that the development included a total of ten car parking spaces.

The Committee noted that the proposed development qualified for a Mayoral CIL contribution of £6,400 and **RESOLVED** that the proposal was unacceptable as it stood but would be acceptable subject to the applicant entering into a Section 106 Legal Agreement under the Town and Country Planning Act 1990 (as amended), to secure the following:

- A financial contribution of £30,000 to be used towards infrastructure costs and paid prior to the commencement of development in accordance with the Planning Obligations Supplementary Planning Document.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 Agreement to the date of receipt by the Council.
- The Developer/Owner to pay the Council's reasonable legal costs in association with the preparation of a legal agreement, prior to completion of the agreement, irrespective of whether the legal agreement was completed.

- The Developer/Owner to pay the appropriate planning obligations/ monitoring fee prior to completion of the agreement.

That the Head of Regulatory Services be authorised to enter into a legal agreement to secure the above and upon completion of that agreement that the Committee delegate authority to the Head of Regulatory Services to grant planning permission subject to the conditions as set out in the report.

234 **P0021.15 - 43 GORDON AVENUE, HORNCHURCH**

The application before Members sought planning permission to retain the single storey rear extension which measured approximately five metres deep, 6.4 metres wide with a height of approximately 3.8 metres adjacent to the dwelling with this increasing to approximately 4.05 metres adjacent to the garden due to the substantial drop in ground level. The proposal outlined that steps would be provided from the extension into the rear garden.

The report detailed that the proposed single storey side extension could be completed under permitted development and would measure approximately 2.12 metres wide, 4.2 metres deep and 2.55 metres in height but the applicant had decided to show this element within the proposal due to the amount of interest in the application.

One late letter of representation from a local resident objecting to the proposal was received.

Members noted that the application had been called in by Councillor Jody Ganly on the grounds that the height of the proposed roof blocked out natural light to the neighbouring property and the proposal did not adhere to the original plans.

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

The objector raised concerns over the conduct of the applicant stating that the development that had been built was not that which had been shown on the approved plans of the original planning permission. The objector stated that the height of the extension blocked light from the dining room of the neighbouring property. In relation to working hours the objector commented that work had been carried out on the loft extension at 5am.

In response the applicant commented that during inspection, the building inspector had requested a different roof design on the extension. The applicant commented that the objections were more of a neighbour dispute than planning issues.



With its agreement Councillor Jody Ganly addressed the Committee. Councillor Ganly commented that the development had been built in breach of planning regulations. Councillor Ganly stated that the roof had been erected higher than that approved and this had led to unacceptable adverse impact on the amenity of neighbours. Councillor Ganly stated that the increased height had led to a loss of light in the neighbour's dining room. Councillor Ganly commented that the applicant had breached policy DC61 and conditions 2 and 4 of the original planning permission. Councillor Ganly stated that objections to the original planning application had only been withdrawn when the scheme had been revised to take account of neighbours' concerns. But the development was not carried out in accordance with the approved plans.

During the debate Members discussed the design and height of the roof and the hours of working at the site. Members raised concerns over the breach of planning control and the adverse impact of the development on the amenity of neighbours.

The report recommended that planning permission be granted, however following a motion to refuse the granting of planning permission it was **RESOLVED** that planning permission be refused on the grounds that the design and bulk would harm the rear garden environment and amenity of the neighbouring properties.

The vote for the resolution to refuse planning permission was carried by 7 votes to 4.

Councillors Best, Philipa Crowder, John Crowder and Kelly voted against the resolution to refuse the granting of planning permission

235 **P0082.15 - 23 DORIAN ROAD, HORNCHURCH**

The application before members was for an outbuilding to be used as a playroom/gym at the rear of the garden. The report detailed that the proposed structure measured 9.70m in width, 5.00m in depth with a hipped roof eaves height of 2.50m and ridge height of 3.70m. Two windows and double glazed doors would be included to the front elevation with one small window to the flank.

Members noted that the application had been called in by Councillor Jody Ganly on the grounds that the scale of the outbuilding was too large for a playroom/gym and concerns had been raised relating to the excessive amount of concrete that had been laid within the garden area.

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

The objector raised concerns over the possible commercial use that the development could be put to in the future. The objector raised specific concerns about the hard standing concrete area that had been laid which

could be used in association with the applicant's double glazing business. The objector also objected to the removal of mature trees; the increase in noise and traffic disruptions to the road.

In response the applicant stated that the proposed development was to be used as a playroom and gym. The applicant also commented that the hard standing concrete area at the rear of the garden was to be used to secure his vehicle. The applicant explained that he had no intention of operating a business from this premises.

With its agreement Councillor Jody Ganly addressed the Committee. Councillor Ganly commented that there were concerns about the scale of the outbuilding as it appeared too large for a playroom and gym. Councillor Ganly also commented that a bathroom was to be installed as part of the development. Councillor Ganly commented that residents in Gardner Close were not notified of the application and that the development was in breach of policy DC 61. Councillor Ganly also commented that the development had an overbearing effect on a neighbouring property.

During the debate Members discussed the nature of the development, the extent of the hard standing and the potential for commercial use. Members gave consideration to the need for the self-employed to be able to park a commercial vehicle at a residential property.

The Committee also received clarification on whether a restriction on commercial vehicles could be imposed on the rear garden environment. Members were informed that the hard standing forming a drive way was permitted development and did not require planning permission.

Members had concerns that the rear building may be used for commercial purposes resulting in harm to the amenity of neighbours.

The report recommended that planning permission be granted however it was **RESOLVED** that consideration of the report be deferred to enable officers to:

- clarify with the applicant, the exact intended use for the building and driveway;
- and consider whether a restriction on any commercial vehicle parking/movement anywhere in the rear garden environment would be enforceable.

236 **P0219.15 - 44 BERWICK ROAD, RAINHAM**

The application before Members sought planning permission for the erection of a detached single storey rear outbuilding to form a 'granny annexe' in the rear garden.

The proposed building was intended to be used as annexe living accommodation for the elderly grandparents in association with the main family dwelling at 44 Berwick Road. The development would include an open plan kitchen and living area, double bedroom and en-suite, with the main entrance doorway to the building taken from the rear garden of the existing dwelling.

The application has been called-in by Councillor David Durant on the grounds that a 'granny annexe' would set an over-development precedent in the area.

With its agreement Councillor David Durant addressed the Committee. Councillor Durant commented that the development would be the first of its kind (crossing the back of the garden) in that part of Rainham and could set a precedent for Rainham and the rest of the borough. Councillor Durant commented that the proposal was contrary to policy DC61 and would adversely affect the character and appearance of the rear garden environment. Councillor Durant sought clarification on whether the annex, if approved, would set a precedent.

With its agreement Councillor Jeff Tucker addressed the Committee. Councillor Tucker stated that he was speaking in support of the applicant and the recommendation in the report. Councillor Tucker commented that the proposal did not affect the surrounding area and that no objections had been received to the application. Councillor Tucker added that the application was for use by the applicant's family who had lived in the area for many years

During the debate members sought and received clarification on whether controls could be put in place to regulate the occupancy of the annex. Members were of the view that the application was made in response to a genuine need by the family. Members received advice that an appropriately worded condition, restricting the occupation of the annex to those with a blood link to the occupants of the main dwelling house, could be appropriate in controlling its future use.

It was **RESOLVED** that planning permission be granted subject to the conditions as set out in the report and subject to two additional conditions the precise wording of which was delegated to the Head of Regulatory Services concerning:

1. The future occupation of the annex to be restricted to immediate family members (e.g. parents, siblings) of the family occupying the main house at 44 Berwick Road for residential purposes and shall not be occupied by any other persons.
2. That the annex shall not be arranged or disposed of as a separate unit of accommodation from the use of the main dwelling.

237 **P0968.14 - 93 SHEPHERD HILL, HAROLD WOOD**

The planning application before Members sought retrospective consent for the change of use of the rear portion of the garden at 93 Shepherds Hill to a hardstanding car park (permeable surface), which was annexed to the Shepherd & Dog Public House as an overspill car park that comprised of 27 car parking spaces.

Members noted that the application had been called in by Councillor Eagling on the grounds that there was a parking concern for local residents and this overflow car park alleviated heavy parking when it occurred in Shepherds Hill.

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

The objector raised concerns over the nature of the application and its effect on Metropolitan Green Belt. The objector stated that there were no very special circumstances that would alleviate the harm to the green belt. Members were informed that the hardstanding surface caused disturbance from noise and car lights and attracted littering adversely affecting residential amenity. The objector also commented that the hardstanding surface did not have a soak away resulting in localised flooding of neighbouring gardens.

In response the applicant's agent stated that the applicant had put forward substantial very special circumstances justifying development in the Green Belt. The agent stated that the site originally had a concrete surface and that the surface was permeable. The speaker stated the reason for the application was to help alleviate parking issues that existed on busy nights at the Public House.

With its agreement Councillors Alex Donald and Robert Benham addressed the Committee.

Councillor Donald commented that the development had no real impact on neighbouring properties and that there were sufficient very special circumstances to justify approving the application. The Committee was advised that the land was predominantly covered in gravel which was pre-existing. Councillor Donald disagreed that the use was out of character in the rear garden environment stating that the use alleviated parking congestion on the public highway. Councillor Donald was of the view that the use removed cars from the highway into a contained area therefore reducing noise and disturbance to local residents.

Councillor Benham commented that the Shepherd & Dog Public House had been a victim of its own success. Councillor Benham commented that he disagreed with the refusal reasons and was of the view that the benefits of the application would outweigh the potential adverse impact. Councillor Benham stated that there were no parking restrictions in Shepherds hill and

when busy customers of the public house would be forced to park in neighbouring roads causing disturbance. Councillor Benham questioned who the application would adversely affect.

During the debate Members discussed the inappropriate nature of the development in the Green Belt land and whether the applicant had advanced sufficient very special circumstances to outweigh any harm. Members suggested that if the application was granted, parking restrictions should be considered on the road. Members were of the view that the application would improve highway safety and that a precedent for such already existed at Coopers Company & Coborn School. Members also noted that the site was previously used commercially. The committee received confirmation that there had not been any complaint since the site had been in operation as an overflow car park. Members were of the view that there was no material physical harm to the openness of the Green Belt and that the harm caused was outweighed by the removal of parked vehicles from the public highway improving safety and amenity.

The report recommended that planning permission be refused, however following a motion to approve planning it was **RESOLVED** that planning permission be granted subject to a condition requiring that the overspill car parking not to be used except during the licensed hours of the main premises (with the addition of a reasonable period of time for drivers to depart).

The vote for the resolution was carried by 10 votes to 1 against.

Councillor Whitney voted against the resolution.

The reason for approval was that the harm caused to the Green Belt by reason of the inappropriate development, but no material harm to openness, was outweighed by the proposal to reduce parking from the highway during busy periods to benefit safety and amenity.

238 **P1730.14 - 12 CARLTON ROAD, ROMFORD**

The Committee considered the report noting that a late letter objecting to the proposal had been received and without debate **RESOLVED** that planning permission be granted subject to the conditions as set out in the report.

239 **P0040.15 - 168/170 SOUTH STREET, ROMFORD**

The application before Members was for a change of use of the first floor retail and storage space to form three self-contained apartments. The development would consist of one one-bedroom flat and two two-bedroom flats with additional windows and alterations to the South Street elevation.

The Committee was informed that a prior approval had been granted for the conversion of the second floor of the building in to flats. One late letter was also detailed from the developer responding to the objections in the report.

Members noted that the application had been called in by Councillor Joshua Chapman on the grounds of overdevelopment of the site.

With its agreement Councillor Frederick Thompson spoke on behalf of Councillor Chapman and addressed the Committee. Councillor Thompson raised concerns over overdevelopment of the site and the refuse disposal arrangement not being adequately addressed.

Following clarification on parking issues, it was **RESOLVED** that planning permission be granted subject to the conditions as set out in the report and delegated to the Head of Regulatory Services to enter into a Section 106 Legal Agreement under the Town and Country Planning Act 1990 (as amended), to secure the following:

- A financial contribution of £18,000 to be used towards infrastructure costs and paid prior to the commencement of development in accordance with the Planning Obligations Supplementary Planning Document.
- Save for the holders of blue badges that the future occupiers of the proposal would be prevented from purchasing parking permits for their own vehicles for any existing, revised or new permit controlled parking scheme
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 Agreement to the date of receipt by the Council.
- The Developer/Owner to pay the Council's reasonable legal costs in association with the preparation of a legal agreement, prior to completion of the agreement, irrespective of whether the legal agreement was completed.
- of the Developer/Owner to pay the appropriate planning obligations/ monitoring fee prior to completion of the agreement.

The vote for the resolution was carried by 10 votes to 0 with 1 abstention.

Councillor Best abstained from voting.

240 **P0152.15 - 2 BERTHER ROAD, HORNCHURCH**

The Committee considered the report noting that planning application P1243.12 was withdrawn and without debate **RESOLVED** that planning permission be granted subject to the conditions as set out in the report.

241 **P0182.15 - 361 LONDON ROAD, ROMFORD**

The planning application before Members proposed a two storey side extension, single storey front, side and rear extensions.

The Committee was informed that there had been two previous applications for this development.

Members noted that the application had been called into the Committee for a decision by Councillor Robert Benham for the reasons stated below:

"That the applicant had contacted him on three occasions to explain that he had a number of concerns with his previous application (P0172.14) and some of the conditions that had been placed upon it, namely multiple roof hips and one metre recess.

While visiting the location the applicant showed Councillor Benham a number of similar properties in the location that did not appear to have the same conditions on their extensions. The applicant commented that the conditions were perhaps unfair and would cost a considerable amount in extra building materials. The applicant had expressed a wish to present his plans to the Committee for them to take his arguments into consideration."

With its agreement Councillor Robert Benham addressed the Committee.

Councillor Benham commented that the main concern was a condition requiring a one metre recess from the front elevation at first floor level that was deemed unnecessary and the implementation of which would be costly for the applicant to incorporate. The Committee was informed that no objection had been received from neighbouring residents and that the application site had an eight feet hedge and fence that in his own view negated the impact of overbearing and did not harm anyone. Councillor Benham informed the committee that there were approximately 12 properties in close proximity to the application site, with similar extensions, where a recess had not been incorporated.

During a brief debate Members sought clarification on why the recess was required. In reply the committee was informed that in Havering, the rule was to apply and have a set back along the front of properties but older properties would not necessarily have such a recess. The committee was informed that this was guidance. The Committee was of the view that the extension would not have an unbalancing effect or cause a terracing effect harmful to streetscene.

The report recommended that planning permission be refused, however following a motion to grant planning permission which was carried, it was **RESOLVED** to grant planning permission subject to conditions covering the following plus any further conditions that the Head of Regulatory Services considered reasonable and appropriate:

Standard Time Limit  
Accordance with plans  
Materials

The reason for approval was that the extension would not unbalance the pair of semidetached dwellings or cause a terracing effect harmful to the streetscene.

242 **P1467.14 - 1 FOUR WANTZ COTTAGES, HALL LANE UPMINSTER**

The Committee considered the report and without debate **RESOLVED** that planning permission be granted subject to the conditions as set out in the report.

243 **P1468.14 - 45-47 WHITE HART LANE ROMFORD**

The Committee considered the report and without debate **RESOLVED** that planning permission be granted subject to the conditions as set out in the report.

244 **P1589.14 - RISE PARK JUNIOR SCHOOL, ANNAN WAY**

The Committee considered the report and without debate **RESOLVED** that planning permission be granted subject to the conditions as set out in the report.

245 **P1594.14 - PHASE4B, HAROLD WOOD HOSPITAL, GUBBINS LANE**

The Committee considered the report and without debate **RESOLVED** that planning permission be granted subject to the conditions as set out in the report.

246 **P1448.14 - DOVETAIL HOUSE, 58-60 STATION ROAD, UPMINSTER**

The Committee considered the report noting that the proposed development qualified for a Mayoral CIL contribution of £4,160 and without debate **RESOLVED** that the proposal was unacceptable as it stood but would be acceptable subject to the applicant entering into a Legal Agreement under



Section 106 of the Town and Country Planning Act 1990 (as amended), to secure the following:

- A financial contribution of £30,000 to be used towards infrastructure costs in accordance with the Policy DC72 of the LDF Core Strategy and Development Control Policies Development Plan Document and the Planning Obligations Supplementary Planning Document.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the Legal Agreement prior to the completion of the agreement irrespective of whether the agreement is completed.
- Payment of the appropriate planning obligations monitoring fee prior to the completion of the agreement.

That the Head of Regulatory Services be authorised to enter into a legal agreement to secure the above and upon completion of that agreement, grant planning permission subject to the conditions set out below.

#### 247 **SUSPENSION OF STANDING ORDERS**

During the discussion of the reports the Committee **RESOLVED** to suspend Committee Procedure Rule 8 in order to complete the consideration of the remaining business of the agenda.

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**Chairman**

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# Public Document Pack

**MINUTES OF A MEETING OF THE  
REGULATORY SERVICES COMMITTEE  
Havering Town Hall, Main Road, Romford  
23 April 2015 (7.30 - 9.05 pm)**

**Present:**

**COUNCILLORS:** 11

**Conservative Group** Robby Misir (in the Chair) Ray Best (Vice-Chair),  
Philippa Crowder, Steven Kelly and +Melvin Wallace

**Residents' Group** Stephanie Nunn and Reg Whitney

**East Havering  
Residents' Group** Linda Hawthorn and Ron Ower

**UKIP Group** Phil Martin

**Independent Residents  
Group** Graham Williamson

An apology was received for the absence of Councillor Michael White.

+Substitute members: Councillor Melvin Wallace (for Michael White).

Councillors Roger Ramsey, Frederick Thompson and John Glanville were also present for parts of the meeting.

35 members of the public and a representative of the Press were present.

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

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

## 248 **MINUTES**

The minutes of the meeting held on 12 March 2015 were agreed as a correct record and signed by the Chairman.

## 249 **P0146.15 - 2 WALDEN WAY, HORNCHURCH**

The application before Members sought planning permission for demolition of the existing detached bungalow and garage/store and the erection of a

new detached house with integral garage plus the erection of a new front wall and gates.

Members noted that the application had been called in by Councillor Ron Ower on the grounds of the size of the proposed dwelling and by Councillor Roger Ramsey on the grounds of the impact on the adjoining property.

In accordance with the public speaking arrangements the Committee was addressed by a representative of the objector with a response from the applicant.

The representative advised that he was speaking on behalf of the owners of the adjacent property to the application site. The representative commented that application site was a triangular plot and that previous applications though different to the current proposal to develop on the site had been refused following appeals to the Planning Inspectorate. The representative considered that the planning inspectorates decision to refuse previous applications material. The representative also commented that the current application was for a much bigger two storey property which would have an overbearing effect, lead to a loss of light and create a sense of enclosure for the neighbouring property.

In reply the applicant commented that the application had met with all the planning policies and that no overlooking would arise from the proposed development. The applicant also commented that the application site was surrounded by seven two storey properties and that the design had been sympathetic to neighbouring properties. The applicant also confirmed that letters of support for the development had been received from over thirty neighbouring properties.

With its agreement Councillors John Glanville and Roger Ramsey addressed the Committee.

Councillor Glanville commented that the applicants had been suffering with problems of damp, mould and Asbestos in the current dwelling. Councillor Glanville commented that the key factor in the application was the wedge shaped plot. Officers had mentioned planning policy DC61 in their support of the scheme however DC61 also stated that developments must respect the surrounding physical context. Councillor Glanville also commented on the Planning Inspectorates previous comments that the mass of the proposed development would result in a unpleasantly overbearing effect on the neighbouring property. Councillor Glanville considered that the massing of the development may conflict with Policy DC61 and considered that it was a judgement call for Members to make.

Councillor Ramsey commented that the proposal was a judgement call and needed careful consideration from the Committee. Councillor Ramsey also commented on the triangular nature of the plot and considered that the height and bulk of the proposed development would have an impact on the amenity of the neighbouring property.

During the debate Members received clarification of the distance of the current dwellings and the proposed dwellings from neighbouring property. Members also discussed the size of the plot and whether the development would impact on the amenity of the neighbouring property.

Members also received clarification on the aspect of the proposed development which confirmed that there would be no overlooking onto the neighbouring property. Officers confirmed the fenestration arrangements for the development would include obscured glass to the only window facing the neighbouring property.

Following a motion to refuse the granting of planning permission which was lost by 3 votes to 7 with 1 abstention it was **RESOLVED** that planning permission be granted subject to the conditions as set out in the report.

The vote for the resolution to grant permission was carried by 7 votes to 3 with 1 abstention.

Councillors Misir, Best, Crowder, Kelly, Wallace, Hawthorn and Ower voted for the resolution to grant planning permission.

Councillors Nunn, Whitney and Martin voted against the resolution to grant planning permission.

Councillor Williamson abstained from voting.

250 **P1120.14 - THE BREWERY SHOPPING CENTRE, ROMFORD**

The application before Members detailed an application to demolish an existing retail pavilion, Erection of a two-storey drive-through restaurant (688sqm) in use classes A3 and A5, Erection of a stand-alone, single storey commercial building to provide 107sqm in Use Class A1 and/or A2 and/or A3, Erection of a welfare building for use by bus drivers (33sqm), Erection of a stand-alone refuse and recycling storage building (15sqm) and re-arrangement and re-provision of a bus interchange.

Members noted that the application had been called in by Councillor Frederick Thompson on the grounds of:

Additional traffic and noise due to 24 hour opening would could impact on Waterloo Road residents, especially from unnecessarily loud music

Additional littering in the bus area at night

Light pollution from illuminated signs

Extra congestion during daylight hours on roundabout blocking A118.

Delivery vehicles may also lead to queues due to difficulties in accessing site

Could encourage dangerous traffic movements connected with bus egress

Members were advised that a letter of representation had been received from Councillor Joshua Chapman objecting to the scheme on the grounds of the 24 hour opening, loitering and increased litter.

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

The objector commented that the A118 ring road was a main TfL route through the town centre that already suffered from gridlocking on occasions. The objector also commented that noise and air pollution would rise from increased vehicle movements and that the opening times of the restaurant and drive-thru were excessive.

In reply the applicant's representative commented that the development was replacing a similar suite of uses in the area, that the Council's streetcare Department had not objected and TfL recommendations regarding traffic movements had been incorporated into the designs and that the effects on air quality had been assessed and considered acceptable.

With its agreement Councillor Frederick Thompson addressed the Committee.

Councillor Thompson commented that there would be an impact on the residents living in Waterloo gardens and instances of loud music, littering and vehicle movements would harm resident's amenity. Councillor Thompson also cited possible delivery vehicle movements as being harmful to traffic flow. Councillor Thompson voiced concerns in respect of proliferation of fast food outlets and the adverse affects on health and the light pollution from increased signage and use.

During the debate Members discussed possible increase in noise and pollution and the effect the restaurant could have on the town centre's limited Police resources.

Members received clarification from officers of the traffic routing system on the site and also discussed the opening times of both the restaurant and drive-thru.

Members paid particular attention to the comments made by the Metropolitan Police Designing Out Crime Officer which had recommended an earlier closing time for the restaurant as opposed to the drive-thru.

Following a motion to approve with additional conditions restricted opening hours for the restaurant and drive through and to provide CCTV which was approved by 7 votes in favour to 4 against it was **RESOLVED** that planning permission be granted subject to the conditions as set out in the report and to include the following additional condition:

- Restricting both the restaurant and the drive-through to opening only between 6.30am – 11.30pm on any day.
- Installation of CCTV.

The votes for the motion and resolution to grant planning permission were both carried by 7 votes to 4.

Councillors Misir, Hawthorn, Ower, Nunn, Whitney, martin and Williamson voted for the resolution to grant planning permission.

Councillors Best, Crowder, Kelly and Wallace voted against the resolution to grant planning permission.

251 **P0261.15 - LODGE COTTAGE, THE CHASE, UPMINSTER**

The application before Members sought planning permission for the erection of one 2 storey detached dwelling with four bedrooms including living accommodation in the roof space.

The application followed the refusal of planning application P0902.14 in August 2014 for the erection of one detached dwelling. The refusal reasons related to inappropriate development in the Green Belt, the bulk and size of the proposed dwellings resulting in a visually intrusive form of development detrimental to the open character of the Green Belt, as well as harmful to the character of the Cranham Conservation Area.

Members noted the comments of a letter of representation from Councillor Lawrence Webb and without debate **RESOLVED** that planning permission be refused as per the reasons contained within the report with the following amendment to reason number 3 to read:

- Removal of reference to Planning Obligations SPD
- Insertion of reference to Policy DC72.

The vote for the resolution to refuse the granting of planning permission was carried by 10 votes to 0 with 1 abstention.

Councillor Martin abstained from voting.

252 **P1160.14 - 11 PARKSTONE AVENUE, HORNCHURCH**

The application before Members proposed the demolition of the existing detached dwelling and the re-development of the plot with a replacement detached five bedroom house and a boundary wall to the front.

Members noted that the application had been called in by Councillor Steven Kelly on the grounds that the applicant had altered substantially the original

rejected plan with the height being reduced considerably and the overall footprint being moved back from the neighbouring plots/road. The application was now one of judgment and the Committee was the best arena for this to be determined.

During a brief debate Members discussed the proposed development and how it would sit within the existing streetscene.

Members considered that the proposal was not unique and conformed with the Emerson Park SPD which afforded protection to large architecture within spacious grounds.

The report recommended that planning permission be refused however following a motion to grant planning permission which was carried unanimously it was **RESOLVED** to delegate to the Head of Regulatory Services the drafting of the precise wording of the following planning conditions to which the planning permission was subject :

- Time limit
- Landscaping and boundary treatment
- Submission of materials
- Visibility splay
- Obscure glazed windows
- Non-use of flat roofs as balconies
- Construction hours/construction method
- Permitted development

The reason for approval agreed by the committee was that the proposal resulted in a large, architecturally varied dwelling set in a spacious plot in keeping with other properties in the locality. Through the application's design it would integrate satisfactorily in the streetscene and would not cause any harm to amenity or safety as visibility impact could be mitigated through a planning condition. The development would therefore respect the character and amenities of Emerson Park in accordance with LDF policies and guidance.

253 **P0049.15 - MOSS LANE NURSERY, MOSS LANE, ROMFORD**

It was **RESOLVED** that consideration of this item be deferred at officer's request to have regard to the anticipated external legal advice on Section 106 obligations which had not yet been received.



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**Chairman**

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## Regulatory Services Committee

14 May 2015

<b>Application No.</b>	<b>Ward</b>	<b>Address</b>
P0082.15	Hylands	23 Dorian Road, Hornchurch
P0096.15	Brooklands	143 North Street (rear of), Romford
P0106.15	Cranham	151 Avon Road, Upminster
P0235.15	Upminster	1b Sunnyside Gardens, Upminster
P0245.15	Upminster	2 Springfield Gardens, Upminster
P0390.15	Romford Town	22 Eastern Road (Blackburn House), Romford
P1578.14	Rainham & Wennington	The Paddocks, Moor Hall Farm, Aveley
P1637.14	Rainham & Wennington	Little Gerpins 2 (Fishers), Berwick Pond Road, Rainham

## OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 14th May 2015

APPLICATION NO.	P0082.15	
WARD:	Hylands	Date Received: 26th January 2015 Expiry Date: 20th May 2015
ADDRESS:	23 Dorian Road Hornchurch	
PROPOSAL:	Proposed outbuilding in rear garden	
DRAWING NO(S):	JND/0574/41 JND/0574/40	
RECOMMENDATION	It is recommended that <b>planning permission be GRANTED</b> subject to the condition(s) given at the end of the report	

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### CALL-IN

This application has been 'called in' to Committee by Councillor Jody Ganly for the reasons stated below:

The scale of the outbuilding is too large for a playroom/gym with concern raised to the excessive amount of concrete that has been laid within the garden area.

### BACKGROUND

This application is being re-presented to Committee Members following a deferral from 2nd April Committee meeting.

Council Members at that time requested further clarification of the intended use of the proposed building and driveway leading to it; whether a restriction on commercial vehicle parking/movement anywhere in the rear garden environment is enforceable and raised concern that although the driveway was permitted development, there was potential risk that the use of the rear building may result in a commercial use, harmful to residents' amenity.

The applicant's agent has advised that the outbuilding would be used for a playroom/gym and partially for keeping tools. As a self employed tradesman the applicant needs to keep his tools secure as he has previously had tools stolen from his van. Although the van is clamped overnight, the tools need to be unloaded and stored away securely so vehicular access is required to the outbuilding. This was the reason for the concrete driveway being laid.

The householders children will also use the concrete path for cycling in summer.

The applicant has 2 vans only one of which is in use at any one time with the other, older model as a backup. One of the vehicles is always parked outside the house.

As previously discussed in the report below, in the event of an approval, conditions would be attached to restrict the use of the outbuilding to purposes ancillary to the main dwelling.

In relation to the use of the hard standing and driveway Members are advised that in the event of an approval for the outbuilding, a condition related to the use of the driveway would not be

reasonable as this element would not be relevant to the permission being sought for the outbuilding. Accordingly a condition relating to the hard-standing and driveway could not be imposed.

However, an informative could be used to advise that in the event of the nature of the use intensifying or changing to the point where the residential character of the property is affected, further investigation could be carried out to establish whether a material change of use had occurred.

In this respect, as with most enforcement matters, any investigation would be complaint led and would depend upon an alleged change of use or intensification being brought to staff's attention.

This case is therefore being presented upon its own merits. The original report below has been updated to reflect the fact that the applicant also intends to store his tools in the outbuilding.

### **SITE DESCRIPTION**

The application site is a detached bungalow with a pitch roof and two front dormers within the roof space. The property is finished in a red brick and there is a hard standing to the front and side of the property providing parking off street parking.

The area is characterised by a mixture of one and two storey dwellings, some detached and some semi-detached.

The garden areas to this south side of Dorian Road are characteristically large and well landscaped.

### **DESCRIPTION OF PROPOSAL**

The application seeks planning permission for an outbuilding at the rear of the garden to be used as a playroom/gym and for the storage of tools .

The proposed structure measures 9.70m in width, 5.00m in depth with a hipped roof eaves height of 2.50m and ridge height of 3.70m.

Two windows and double glazed doors will be included to the front elevation with one small window to the flank.

### **RELEVANT HISTORY**

- P0117.15 - Retrospective planning permission for Side Gates  
Awaiting Decision
- P0066.15 - Single storey rear conservatory extension  
Apprv with cons 18-03-2015
- D0157.14 - Certificate of Lawfulness for a rear dormer window  
PP not required 03-09-2014
- P0305.92 - Single storey rear extension and dormer windows to front roof slope. (Revised plans received 15/7/92)  
Apprv with cons 17-08-1992

### **CONSULTATIONS / REPRESENTATIONS**

Five neighbouring properties have been notified with 9 representations received.

Objections received included the following comments:

- Concern that a WC and shower was to be installed and could be used as a dwelling or work place with access for vehicles.
- Increase in the amount of artificial light and rising heat.
- The hard standing concrete area that has been laid is to be used for parking vehicles for the applicant's double glazing business and access road creating noise and traffic disruptions to the road.
- The outbuilding is oversized
- The proportions and amenities appear to be for living accommodation, creating an increase in noise level and people movement.
- An access road has already been formed down the side of the property to the rear.
- The heavy concreting in the garden area will cause problems with water drainage and possible flooding of adjacent areas.
- concern that the outbuilding is to be used as a commercial premises and used at all hours.
- The proposal decreases the amount of green space.

It is understood that the applicant runs his own double glazing business and residents are concerned that the Outbuilding will be used for a commercial business.

In the event of an approval, conditions would be attached to restrict the use of the outbuilding to purposes ancillary to the main dwelling, but excluding living accommodation, trade or business use.

It appears that one writer had not been notified of the proposal and was only made aware of the application through neighbours and a circular from Hornchurch Residents Association.

Upon receipt of a planning application it is normal practice to notify adjoining occupiers whose boundaries directly adjoin the subject site together with others that may be reasonably affected by the development. At that time, it was considered all relevant neighbours had been included.

#### **RELEVANT POLICIES**

Residential Extensions and Alterations SPD and Policies DC33 and DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.

#### **MAYORAL CIL IMPLICATIONS**

N/A

#### **STAFF COMMENTS**

The issues arising from this application are the visual impact of the proposed outbuilding, its impact on neighbouring amenity and parking/highway issues.

The Council is in receipt of two separate planning applications, one for a rear conservatory and one for retrospective permission for side gates P0117.15. These have been considered separately from this application,

Staff note that representations have made reference to a large area of hard-standing concrete formed within the rear garden area and to the side of the property. This hardstanding does not form part of the proposal. Planning permission is not normally required in any event to lay hardstanding in a rear garden where it is required for any purposes incidental to the enjoyment of the dwellinghouse. If the hardstanding is put into use for purposes that are not incidental to the enjoyment of the dwelling then this could be looked at through a separate enforcement investigation and has no bearing on the merits of the proposal for an outbuilding.

The agent has confirmed that the use of the building would be solely used for a playroom and gym and for the storage of tools. A condition could be used to ensure the outbuilding is used for domestic purposes ancillary to the use of the main dwelling.

### **DESIGN / IMPACT ON STREET / GARDEN SCENE**

The proposed outbuilding is located within the rear garden and will not be visible within the streetscene therefore no issues arise in this respect.

An outbuilding should normally only be used for purposes incidental to the enjoyment of the house. Examples could include common buildings such as garden sheds, other storage buildings, garages, and summer houses. A purpose incidental to a dwelling house does not include use as separate self-contained accommodation, or other primary living accommodation incorporating such components as a bedroom, bathroom, or kitchen, nor does it include use for business purposes. The storage of tools used in connection with the applicant's business would not constitute business use.

The outbuilding should be subordinate in scale to the existing dwelling and to the plot. In assessing proposals, the Council will consider factors such as the scale, height, proximity to boundaries, roof design, finishing materials and prominence in the street scene or rear garden environment. As with all extensions, outbuildings should not detract from the character of the area and should be unobtrusively located to the side and rear of the existing dwelling.

The design of outbuildings should reflect their intended use. Outbuildings should not cause undue loss of light to neighbouring properties or adversely affect the living conditions of neighbouring properties.

The garden area is substantial in scale with the proposed outbuilding sited a good distance from the main dwelling. The proposal is proportionate to its surroundings and the main dwelling and will fit comfortably at the far end of the garden.

The proposal is set in 1 metre from the shared boundary and is formed with a hipped roof reducing the appearance of bulk. Although substantial in width, the depth is not excessive allowing ample garden amenity.

Although there are no other similar structures within the surrounding rear environment, due to the location of the outbuilding at the far end of this large plot, the proposal is not considered to look unduly out of place or overly large within the rear garden environment.

Therefore, Staff consider the proposed development causes little impact within the rear garden environment and is an acceptable development in this instance.

## **IMPACT ON AMENITY**

The detached neighbouring properties either side of the subject dwelling benefit from substantially large, well landscaped gardens. These dwellings are sited a sufficient distance away from the proposal with high fencing lining the common boundaries.

The proposed outbuilding is located at the far end of the garden and is unlikely to impact on the amenity space of the neighbouring properties. The garden area of no.20 Guardian Close which backs onto the subject site is screened with high fencing and lies to the south and is also unlikely to be affected by any loss of light or amenity.

In all, the proposed development is not considered to cause any undue impact on the surrounding neighbouring properties.

The use of the building is intended to be as a playroom/gym and for the storage of tools. Such uses are considered to be compatible with a residential environment and would not to cause material harm to amenity through noise and disturbance. A condition is however recommended to ensure the building is used for purposes ancillary to the residential use of the dwelling.

## **HIGHWAY / PARKING**

Parking arrangements remain the same, therefore no issues arise.

## **KEY ISSUES / CONCLUSIONS**

The proposal under consideration meets the aims and objectives of Policies DC33 and DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document, as well as the Residential Extensions and Alterations SPD.

The proposal is considered to be acceptable and is recommended for approval.

## **RECOMMENDATION**

It is recommended that **planning permission be GRANTED** subject to the following conditions:

### **1. SC4 (Time limit) 3yrs**

The development to which this permission relates must be commenced not later than three years from the date of this permission.

Reason:-

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

### **2. SC10 (Matching materials)**

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.

Reason:-

To safeguard the appearance of the premises and the character of the immediate area, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

### **3. SC32 (Accordance with plans)**

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).

Reason:-

The Local Planning Authority consider it essential that the whole of the development is carried out and that no departure whatsoever is made from the details approved, since the development would not necessarily be acceptable if partly carried out or carried out differently in any degree from the details submitted. Also, in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

**4. SC33 (Workshops etc. - Restricted Use)**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 the outbuilding hereby permitted shall be used only for for purposes incidental to the enjoyment of the dwelling house and not for any trade or business nor as living accommodation.

Reason:-

To restrict the use to one compatible with a residential area, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

**5. SC46 (Standard flank window condition)**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), no window or other opening (other than those shown on the submitted and approved plan,) shall be formed in the flank wall(s) of the building(s) 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.

Reason:-

In order to ensure a satisfactory development that will not result in any loss of privacy or damage to the environment of neighbouring properties which exist or may be proposed in the future, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

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**INFORMATIVES**

**1. Approval - No negotiation required**

Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: 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.

**2. Non Standard Informative 1**

The applicant is advised that use of the garden, driveway or outbuilding for any business related use could be subject to investigation to establish whether it results in a change to the residential character of the dwelling, which may constitute a material change of use and could be subject to enforcement action.

## OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 14th May 2015

APPLICATION NO. P0096.15  
WARD: Brooklands Date Received: 27th January 2015  
Expiry Date: 28th April 2015

ADDRESS: 143 North Street (Rear of)  
Romford

PROPOSAL: Demolition of the existing Buildings and Construction of 40 No flats in two  
Blocks with parking and landscaping.

DRAWING NO(S): 3166 L01  
3166 PL01F  
3166 PL02A  
3166 PL03B  
3166 PL04A  
3166 PL05B.1  
3166 PL08A  
13/24c/243/01  
CIV SA 95 0006 A04  
CIV SA 95 0009 A01  
CIV SA 95 0007 A03  
CIV SA 95 0008 A02  
3166 PL05B.2

**RECOMMENDATION** It is recommended that **planning permission be REFUSED** for the reason(s)  
given at the end of the report

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### **CALL-IN**

The application has been called in to committee by Councillor Steven Kelly on the basis that the proposal is a major development of 40 flats and should not be decided under delegated powers; that the reason for refusal is access and as this is a site with heavy industrial usage residential usage would be less; and that this is a poor area in need of development.

### **SITE DESCRIPTION**

The application site is an irregularly shaped area of land on which are a number of buildings being used for the servicing and repair of motor vehicles. The site is located between the River Rom and North Street, approximately 200m to the northwest of Romford Town Centre. The site's northern boundary is located alongside an existing residential development; the eastern boundary adjoins North Street; the southern boundary runs alongside a retail warehouse and its servicing yard, along with a building in use as a cafe/dwelling; whilst the western boundary runs alongside the River Rom, which is a culverted watercourse at that point. Flatted residential properties are located to the west, beyond the River Rom.

### **DESCRIPTION OF PROPOSAL**

This planning application proposes the demolition of the site's existing buildings and the erection of 40 flats based in two flat-roofed blocks. One block is four storeys in height and would contain 32 flats, the other three storeys in height and would contain 8 flats. The 40 flats would include four 1-bed units, twelve 2-bed units and twenty-four larger 2-bed units. The four storey block would be located at the western end of the site, its main elevations facing east and west. The

three storey block would be located alongside the southern boundary, its main elevations facing north and south.

An internal access road would run from North Street along the site's northern boundary, and would terminate in an undercroft carpark located beneath the four storey block. The undercroft carpark would contain 29 parking spaces along with a bicycle store. 11 parking spaces would be provided at ground floor level. A refuse store is provided within the 3 storey block along with a store for 12 cycles. All of the proposed units would include private amenity space in the form of balconies, whilst communal amenity spaces, amounting to around 1400sqm in total, would be located alongside the proposed blocks.

## **RELEVANT HISTORY**

Application No. P1319.14 - Demolition of the existing buildings and the construction of 40 flats in two blocks with parking and landscaping. Permission was refused under delegated powers on 23 January 2015 for the following reason:

It is considered that the proposed access onto the public highway would not provide sufficient visibility between drivers exiting the site and pedestrians using the public footpath along the western side of North Street. It is therefore considered that the proposal would result in a significant adverse impact on highway safety and amenity. Moreover, insufficient information has been provided to demonstrate that two vehicles could pass one another or that the borough's refuse vehicles could properly manoeuvre within the site, both of which could lead to traffic conflict at the interface between the site's access and the public highway. The proposal is therefore considered to be contrary to Policy DC32 of the Development Control Policies DPD.

## **CONSULTATIONS / REPRESENTATIONS**

Notification letters were sent to 99 neighbouring properties. The proposal was also advertised by site notice and an advertisement placed in the local press. One communication has been received objecting to the proposal on the following grounds:

- a) The proposal would result in an over development of the site and its surroundings;
- b) There would be a significant impact on highway safety on North Street;
- c) The proposal would result in harm to neighbouring occupiers from noise, disturbance, overlooking, loss of privacy and overshadowing;
- d) The visual impact of the development;
- e) Loss of views from neighbouring properties.

Comments have been received from the following consultees:

Environment Agency - No objections; condition recommended.

English Heritage - No objections; condition and informative requested.

Designing Out Crime Officer - No objections; condition and informative recommended.

Environmental Health - no objections raised; conditions recommended relating to the control of noise, contaminated land, and limitations relating to construction times. Essex and Suffolk Water - no objection subject to condition that a new water main be laid in the highway and a metered water connection made to the network for each new dwelling for revenue purposes.

Thames Water - No objection subject to the imposition of a condition requiring the submission and implementation of a drainage strategy.

Highways - object to the proposal due to the lack of pedestrian visibility splays to the rear of the footway. The site is accessed from North Street which is part of the pan-London strategic road network and therefore minimum visibility requirements should be met for the safety of pedestrians. The lack of pedestrian visibility splay does not accord with the principles of DC32 and DC34.

## **RELEVANT POLICIES**

The following policies of the LDF Core Strategy and Development Control Policies DPD ("the LDF") are of relevance:

- CP1 - Housing Supply
- DC2 - Housing Mix and Density
- DC3 - Housing Design and Layout
- DC6 - Affordable Housing
- DC27 - Provision of Community Facilities
- DC32 - The Road Network
- DC33 - Car Parking
- DC34 - Walking
- DC35 - Cycling
- DC61 - Urban Design
- DC63 - Delivering Safer Places
- DC70 - Archaeology and Ancient Monuments
- DC72 - Planning Obligations
- Residential Design SPD
- Heritage SPD

The following national planning guidance is also of relevance:

The National Planning Policy Framework ("the NPPF")

## **MAYORAL CIL IMPLICATIONS**

The proposal would provide 2,754sqm of new floor space, giving rise to a Mayoral CIL contribution of £55,080.

## **STAFF COMMENTS**

This application attempts to address the reason for refusal on highway grounds earlier this year for application P1319.14 (see history above). Tracking drawing has been provided showing a large refuse vehicle accessing the site from North Street and turning on site; two cars passing each other in the access road and a pedestrian visibility splay of 2.1 metres by 2.1 metres at the site access.

As with the previous application the main issues are considered to be the principle of development, the impact upon the character and appearance of the street scene, impact upon neighbouring occupiers and access considerations.

## **PRINCIPLE OF DEVELOPMENT**

Policy CP1 of the LDF states that outside town centres and the Green Belt, priority will be made on all non-specifically designated land for housing. The application proposes the erection of new housing on unallocated land. The proposal is considered to be acceptable in principle.

## **DESIGN / IMPACT ON STREET / GARDEN SCENE**

Policy DC2 of the LDF stipulates the appropriate residential densities in given areas of the borough. Policy DC61 states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area. The SPD contains guidance in relation to the design of residential development.

The Council has adopted policy, which seeks to guide a higher density of development to those parts of the Borough having good access to public transport. In this instance the application site is ranked as being within a moderate to high Public Transport Accessibility Level Zone (PTAL 4-5). The recommended density range in an "urban" location with a PTAL rating of 5 would be between 165 and 275 dwellings per hectare where flats are proposed. The density of the proposed development would be approximately 133 units per hectare, and this is considered suitable given its location, and considering the parking and amenity space provision that is achieved within the site.

Policy 3.5 of the London Plan stipulates the minimum internal space standards for new residential development. The submitted details indicate that the proposed units would be in accordance with these requirements.

The site is located between the town centre and more residential areas, and this location is characterised by a range of uses and a mixed character. The site itself contains a number of buildings associated with its use for vehicle repairs. To the south and along North Street are retail premises, some of which have residential uses above the ground floor. To the north and west are flatted residential developments, typically around three storeys in height.

Neighbouring occupiers have objected to the proposal on the grounds that its height would be detrimental to visual amenity, and that the proposal would result in an over development of the site.

It is considered that the the proposal would result in a visual improvement to the site insofar as it would result in the replacement of development that has a run-down, industrial appearance. It is considered that the proposed buildings would not be out of character in an area characterised by a range of building types, including modern residential developments of a broadly similar form and scale. It is considered that adequate provision is made for vehicle parking, amenity spaces, and sufficiently sized accommodation, and therefore that this site, located a short distance from Romford town centre, would not be overdeveloped if the scheme were to proceed.

Conditions could be imposed requiring the submission of details relating to the proposed use of building materials, boundary treatment, and landscaping works, for the approval of the local planning authority, to ensure that the development would have an acceptable visual impact.

Given the nature of the proposal, including its appearance, height, bulk, and massing in relation

to the street scene, it is considered that the proposal would not result in any significant adverse impacts on the character of the area, and that it would be in accordance with Policy DC61 of the LDF.

### **IMPACT ON AMENITY**

Policy DC61 of the LDF states that planning permission will not be granted for proposals that would significantly diminish local and residential amenity. The Residential Design SPD provides guidance in relation to the provision of adequate levels of amenity space for the future occupiers of new dwellings.

The proposed amenity spaces, comprising outdoor communal garden areas and balconies for each of the 40 units, are considered to be sufficient to provide adequate amenity spaces for the enjoyment of future occupiers.

There are a number of neighbouring residential properties located in close proximity to the proposed development. Brant Court and Allendar Court are three storey apartment blocks located several metres beyond the site's northern boundary; these buildings would be located approximately 10m from the proposed three storey block, and around 12m from the proposed four storey block. Two three-storey blocks of flats located at Romside Place, beyond the site's western boundary, would be located between 11m and 20m from the proposed four-storey block, the main elevations of which would be located between 18m and 20m from these buildings. The proposed three-storey block would be located approximately 12m from a flat located above No.143 North Street. Given the siting of the proposed buildings in relation to neighbouring properties, along with their height, overall scale, and the locations of openings, it is considered that the proposal would not result in any significant loss of privacy, daylight, or outlook in relation to neighbouring occupiers.

In terms of the standard of accommodation intended for the occupiers of the proposed development: the proposed units would exceed the minimum space standards required by the London Plan, and it is considered that the proposed private and communal amenity spaces would be sufficient. The two blocks would be located alongside a large retail outlet, with the 3-storey block facing a servicing yard associated with that development. A survey submitted by the applicant indicates that the servicing yard would not result in significant noise impacts in relation to the proposal's future occupiers providing mitigation measures, including an acoustic screen and alternative forms of internal ventilation, are provided. A condition can be imposed requiring the approval and implementation of a scheme of noise mitigation measures. The Council's Environmental Health officers have raised no objections to the proposal subject to the use of a further condition to secure noise mitigation measures.

Subject to the use of the aforementioned conditions, it is considered that the proposal would not result in any significant adverse impacts on the amenity of neighbouring occupiers, and that it would provide an acceptable standard of accommodation for future occupiers. In this regard, the proposal is considered to be in accordance with Policy DC61 of the LDF and the guidance contained in the Residential Design SPD.

### **HIGHWAY / PARKING PARKING**

Forty parking spaces are provided within the site which is one space per residential unit. This level of parking complies with policy and is considered to be acceptable.

## VISIBILITY SPLAYS

The proposed development would be accessed from North Street with the access crossing over the footpath on the western side of the highway. The access road to the site passes between two adjoining properties: to the north is 1-9 Allender Court, which is a flatted residential development, and to the south is 143 North Street which is a ground floor cafe with residential accommodation above and a car park to the front. The mouth of the site access road lies between railings and vegetation to the front of Allender Court and the parking area of the cafe.

The Council's Highways team have objected to the proposal on the grounds that there is a lack of a good pedestrian visibility splay at the entrance to the site and that this would result in a danger to pedestrians on the footpath of North Street who would be unable to see cars exiting the site.

The applicant has taken steps to mitigate the problem by arranging to have a section of the railings between the access road and Allender Court to the north removed thus increasing visibility, in addition the section of car park nearest to the south side of the access has been marked out as being for the parking of motorcycle to help prevent the parking of larger vehicles in this area of the car park. However as these areas are not a part of the application site they cannot be made subject to a condition of any planning permission. It is therefore not possible to ensure that these areas will remain unobstructed and the issue remains unresolved.

The applicant has pointed out that the access, with the current visibility splays, is already heavily used by commercial traffic. However an unsatisfactory situation being pre-existing is not a justification for its perpetuation and the 40 new residential units would exacerbate the problem by increasing pedestrian use of the footway.

## ACCESS ROAD

In addition to the issue of poor visibility splays it is considered that the access to the site is not pedestrian friendly and would be unsuitable for a residential development such as that proposed. The 4.72 metre width access road has a length of 23 metres and a 1.2 metre width colour demarked path for pedestrians on the same level as the access road is shown on submitted plan PL08A. This leaves a width of 3.52 metres available for vehicles. While a tracking drawing has been submitted showing that two cars can pass each other in the access road, this would be at the expense of pedestrians who would be unable to use the footpath while this was occurring.

## OTHER ISSUES

The Environment Agency have requested conditions requiring the approval of details in relation to landscaping between the proposed four storey block and the River Rom, with a view to enhancing the ecological value around the river banks, along with details of a scheme to provide living roofs within the development. It is recommended that both conditions be employed should planning permission be granted.

The Council's Environmental Health officers have recommended the use of conditions in relation to contaminated land. It is recommended that these be employed should planning consent be granted.

Havering's Designing Out Crime Officer has recommended a condition requiring the submission of details relating to the way in which "Secured by Design" standards will be achieved, accompanied by an informative. In the interests of designing out crime, this condition and informative can be imposed should planning permission be granted.

The site is located on land designated as an Archaeological Priority Zone in the Heritage SPD. Policy DC70 of the LDF states that planning permission will only be granted where satisfactory provision is made in appropriate cases for preservation and recording of archaeological remains. English Heritage has commented on the application and recommends that a condition be imposed, should planning permission be granted, requiring the implementation of a programme of archaeological works, in accordance with a scheme to be approved by the LPA. An informative is also recommended.

Policy DC6 states that the Council will aim to achieve 50% of all new homes built in the borough as affordable housing. The applicants are proposing that no affordable housing be provided and a financial viability appraisal has been submitted with the application in an attempt to justify this. The submitted information has been independently assessed and it is concluded that the provision of no affordable homes in this case can be justified on the basis that the scheme would be a marginal one. However, this is on the assumption that the anticipated sale values predicted in the appraisal would not be exceeded. The assessment concludes that the proposal a review mechanism should be secured as part of a legal agreement, with the potential for financial contributions to be made towards affordable housing should the scheme achieve higher returns than stipulated in the appraisal.

The submitted information assumes that a financial contribution of £6000 per unit will be made in accordance with the Council's Planning Obligations SPD. However, the SPD states that contributions would be pooled to be used for infrastructure, but since 6th April 2015, the CIL Regulations prevent the pooling of 5 or more contributions. The technical appendices to the Planning Obligations SPD clearly show the impact of new development on infrastructure and that on grounds of viability a £6,000 contribution should be sought. It is therefore considered necessary to require £6,000 per additional dwelling to be used for specific infrastructure projects, with the funding being used together with up to 4 other contributions on those specific projects. This would amount to a total contribution towards local infrastructure projects of £240,000, which would need to be secured by means of a Section 106 agreement.

## **KEY ISSUES / CONCLUSIONS**

The proposal is considered to be acceptable in all material respects, except in relation to its impact on highway safety and, in the absence of a Section 106 agreement, the Council's ability to secure contributions towards infrastructure. The proposal is therefore considered to be contrary to Policies DC32 and DC72 of the LDF.

## **RECOMMENDATION**

It is recommended that **planning permission be REFUSED** for the following reason(s):

### **1. Refusal non standard Condition**

A consistently adequate level of visibility between drivers exiting the site and pedestrians using the



public footpath along the western side of North Street cannot be ensured. This is because areas within the relevant sight lines do not lie within the site boundary and therefore cannot be kept clear by an appropriately worded planning condition. Moreover, it is considered that there would be an unacceptable degree of conflict between vehicles and pedestrians using the access road to the site. It is therefore considered that the proposal would result in a significant adverse impact on highway safety and amenity and that the proposal is contrary to Policy DC32 of the Development Control Policies DPD.

**2. Refusal non standard condition**

In the absence of a legal agreement to secure contributions towards local infrastructure projects necessary as a result of the impact of the development, the proposal is considered to be contrary to Policy DC72 of the Development Control Policies DPD.

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**INFORMATIVES**

**1. Refusal - No negotiation ENTER DETAILS**

Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: Consideration was given to seeking amendments, but given conflict with adopted planning policy, notification of intended refusal and the reason(s) for it was given to the agent.

**2. Refusal and CIL (enter amount)**

The proposal, if granted planning permission on appeal, would be liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be £55,080 subject to indexation. Further details with regard to CIL are available from the Council's website.

## OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 14th May 2015

APPLICATION NO. P0106.15  
WARD: Cranham Date Received: 4th February 2015  
Expiry Date: 1st April 2015  
ADDRESS: 151 Avon Road  
Upminster  
PROPOSAL: New Class A1 shop kiosk style unit on vacant land adjoining 151 Avon Road  
DRAWING NO(S): 3561/100 Rev. P2  
3561/101 Rev. PL4  
3561/500 Rev. PL2  
RECOMMENDATION It is recommended that **planning permission be GRANTED** subject to the condition(s) given at the end of the report

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### CALL-IN

The application has been called to committee by Councillor Gillian Ford on the following grounds:

- The application is totally out of keeping with the street scene.
- There is no requirement for such a venue in the area.
- Impact on a busy junction

### SITE DESCRIPTION

The application site comprises a rectangular parcel of land situated at the eastern end of a parade of shops with flats above within a Major Local Centre. The parade is located at the junction of Avon Road and Front Lane. There is presently a parking lay-by at the front of the parade and a service road at the rear. The existing parade is of a straightforward design, three storeys high and has a pitched roof with gable ends. The flats on the upper floors of the parade are accessed from the rear service road and an external staircases attached to the flank wall of No. 151 Avon Road and at the other end of the parade. The rear service road also serves some garages.

The site itself is open with paving and there is some street furniture which is located within the application site boundaries. It is understood that while the items have been placed on the land by the Council, that this was with the permission of the owner.

The surrounding area is predominantly residential in character with mainly two-storey detached and semi detached houses, although there are two- and three-storey flats on the opposite side of Avon Road to the south of the junction with, and further north along Front Lane. To the east on the opposite side of the highways are open grassed areas, mainly located between Front Lane and Moultrie Way. Ground levels fall to the East.

### DESCRIPTION OF PROPOSAL

The application is a resubmission following three refusals and dismissal of the last three schemes: P1537.09 at appeal in July 2010; P0175.11 at appeal in November 2011 and P1160.12 at Appeal in November 2013.

The application seeks full planning permission for a new A1 single storey shop kiosk style unit on vacant land adjoining 151 Avon Road.

The proposal would measure 5m in width and have a maximum depth of 12.4m. The proposal will be finished with a flat roof, 2.9m in height.

The proposed building would be finished in facing brickwork to match the existing parade.

The main difference between this scheme and the previously refused/dismissed schemes is the reduction in height from two storeys with a pitched roof to a single storey building with a flat roof.

## **RELEVANT HISTORY**

- P1160.12 - Proposed ground floor shop(A1/A2) with 2 bedroom maisonette over.  
Refuse 15-05-2013
- P0175.11 - Proposed ground floor shop(A1/A2) with 3 bedroom maisonette over  
Refuse 18-05-2011
- P1537.09 - Retail unit A1/A2 to ground floor, three bedroom maisonette at first floor, side dormer, amenity space and external staircase.  
Refuse 05-01-2010
- P1278.09 - Erection of 3 storey attached building comprising retail unit A1/A2 to ground floor and three bedroom maisonette over with external stairs and amenity space  
Refuse 28-10-2009

## **CONSULTATIONS / REPRESENTATIONS**

Neighbour notification letters have been sent to adjoining occupiers and previous objectors. There have been 8 response making objections on the following grounds:

- hazardous corner that would be made worse by the development
- pavement not big enough to build extension
- this playing space for children would be unsafe if reduced
- will add to the rubbish being dropped
- single storey building will look out of keeping
- increased rubbish and noise nuisance
- not needed as there are various open shops in the area

Highways has raised no objection to the proposal.

## **RELEVANT POLICIES**

### LDF

- CP17 - Design
- CP4 - Town Centres
- DC15 - Retail and Service Development
- DC33 - Car Parking
- DC61 - Urban Design

### OTHER

- LONDON PLAN - 2.15 - Town Centres
- LONDON PLAN - 4.7 - Retail and town centre development

LONDON PLAN - 4.8 - Supporting a successful and diverse retail sector  
LONDON PLAN - 4.9 - Small shops  
LONDON PLAN - 6.13 - Parking  
LONDON PLAN - 7.4 - Local character  
NPPF - National Planning Policy Framework

## **STAFF COMMENTS**

The issues raised by this application are the principle of development, the design/impact on the street scene, impact on amenity and highways and parking issues.

## **PRINCIPLE OF DEVELOPMENT**

The application site is designated as being within a Major Local Centre. Policy DC15 encourages proposals that will increase retail floor space. Policy DC16 states that planning permission for retail uses (Class A1) and other uses, appropriate to a shopping area (Classes A2, A3, A4, A5) in the Borough's Major Local Centres, will be granted at ground floor level. As such, the principle of an additional commercial unit of either A1 (shop) or A2 (financial and professional services) uses in this location is considered to be acceptable in principle, subject to meeting the stated criteria.

Since the proposal would be in addition to the existing shopping provision, it is considered that it could not have any adverse impact on the existing frontage's retail use provision. The proposal would provide an additional A1 unit which would increase both the percentage and length of units in retail use in this parade.

It is considered that the proposed use of the ground floor unit would be acceptable in principle.

## **DESIGN / IMPACT ON STREET / GARDEN SCENE**

The Planning Inspector considered the only issue in dismissing the previous schemes on appeal, was the impact of the proposed development on the character and appearance of the host building and of the area in general.

The current proposal differs from those previously dismissed on appeal, in that it has a reduction in height from the previous two storeys with a pitched roof to proposed single storey with a flat roof.

The current proposal is for a single storey side addition to an overall height of 2.9m. Staff do not consider this modest addition to have an unacceptable impact on the streetscene given the varied front building lines within Front Lane. Although the front of the building would be slightly forward of the residential properties along Front Lane the rear of the property would be in line. Also given that Avon House, which is situated on the opposite corner, across from Avon Road, is situated very close to Front Lane would be further mitigation for the potential impact on the streetscene.

Staff consider the previous reason for refusal to have sufficiently been addressed and consider the proposal to have an acceptable impact on the streetscene. The proposals have been revised since initially submitted to reduce the width of the extension and to introduce a landscaped area to the flank. It is considered that this would improve the appearance of the extension as viewed from the east and would prevent an overbearing appearance in the streetscene.

## **IMPACT ON AMENITY**

The building would be located directly to the east of No. 151 Avon Road. Given that the proposal is single

storey and the front and rear building lines would be the same as that of No. 151 Avon Road, Staff do not consider the proposal to result in an impact on neighbouring amenity. The new single storey structure would be situated approximately 8m from the nearest property to the north at No. 251 Front Lane.

## **HIGHWAY / PARKING**

The LDF seeks 1 parking space to be provided for the retail unit for the retail unit. No on site parking is provided.

The Planning Inspector did not consider this to be an issue in considering the previously refused applications. The NNPF places an emphasis upon a reduced need for car parking spaces and encourages local planning authorities to be flexible with parking standards. Although there is some residents parking in garages, many of the retail units and upper floor flats within the parade do not benefit from their own allocated parking. Lay-by car parking in Avon Road and wheel-up parking in Front Lane provides parking for shop users on a short-term basis. The application site is located on a bus route. It is therefore considered that a shortfall in car parking would be acceptable in this instance.

## **KEY ISSUES / CONCLUSIONS**

The proposed development of a new attached single storey ground floor retail unit is considered to be acceptable in principle as it would be consistent with the objectives of Council policy and government guidance for the re-use of urban land. Staff consider the previous streetscene reason for refusal to have sufficiently been addressed. It is therefore considered that the proposed development would be acceptable in the streetscene and would not have an adverse impact on neighbouring amenity. The proposal is recommended for approval.

## **RECOMMENDATION**

It is recommended that **planning permission be GRANTED** subject to the following conditions:

### **1. SC4 (Time limit) 3yrs**

The development to which this permission relates must be commenced not later than three years from the date of this permission.

Reason:-

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

### **2. SC10 (Matching materials)**

All new external finishes shall be carried out in materials to match those of the existing building at No. 151 Avon Road to the satisfaction of the Local Planning Authority.

Reason:-

To safeguard the appearance of the premises and the character of the immediate area, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

### **3. SC11 (Landscaping) (Pre Commencement Condition)**

No works shall take place in relation to any of the development hereby approved until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping, which shall include indications of all existing trees and shrubs on the site, and details of any to be retained, together with measures for the protection in the course of development. 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.

Reason:-

Insufficient information has been supplied with the application to judge the appropriateness of the hard and soft landscaping proposed. Submission of a scheme prior to commencement will ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61. It will also ensure accordance with Section 197 of the Town and Country Planning Act 1990.

**4. SC19 (Restricted use) ENTER DETAILS**

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) the use hereby permitted shall be A1 only and shall be used for no other purpose(s) whatsoever, unless otherwise agreed in writing by the Local Planning Authority.

Reason:-

To restrict the use of the premises to one compatible with the surrounding area and to enable the Local Planning Authority to exercise control over any future use not forming part of this application, and that the development accords with the Development Control Policies Development Plan Document Policy DC61

**5. SC27A (Hours of use) ENTER DETAILS**

The premises shall not be used for the purposes hereby permitted other than between the hours of 09:00 and 18:00 on Mondays to Saturdays and not at all on Sundays, Bank or Public holidays without the prior consent in writing of the Local Planning Authority.

Reason:-

To enable the Local Planning Authority to retain control in the interests of amenity, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

**6. SC32 (Accordance with plans)**

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).

Reason:-

The Local Planning Authority consider it essential that the whole of the development is carried out and that no departure whatsoever is made from the details approved, since the development would not necessarily be acceptable if partly carried out or carried out differently in any degree from the details submitted. Also, in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

**7. SC58 (Refuse and recycling)**

No building shall be occupied or use commenced until refuse and recycling facilities are provided in accordance with details which shall previously have been submitted to and approved in writing by the Local Planning Authority. The refuse and recycling facilities shall be permanently retained thereafter.

Reason:-

Insufficient information has been supplied with the application to judge how refuse and recycling will be managed on site. Submission of this detail prior to occupation in the case of new building works or prior to the use commencing in the case of changes of use will protect the amenity of occupiers of the development and also the locality generally and ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

**8. SC62 (Hours of construction)**

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.

Reason:-

To protect residential amenity, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

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## **INFORMATIVES**

### **1. Fee Informative**

A fee is required when submitting details pursuant to the discharge of conditions. In order to comply with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which came into force from 22.11.2012, a fee of £97 per request or £28 where the related permission was for extending or altering a dwellinghouse, is needed.

### **2. Approval following revision ENTER DETAILS**

Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: In accordance with para 186-187 of the National Planning Policy Framework 2012, improvements required to make the proposal acceptable were negotiated with the agent. The revisions involved reducing the width of the extension, relocating the stairway and introducing a landscaped area to the flank of the extension. The amendments were subsequently submitted on 1 May 2015.

## OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 14th May 2015

APPLICATION NO.	P0235.15	
WARD:	Upminster	Date Received: 23rd March 2015 Expiry Date: 18th May 2015
ADDRESS:	1b Sunnyside Gardens Upminster	
PROPOSAL:	Change of use of single storey building from A2 (office ) use to A4 (drinking establishment) use	
DRAWING NO(S):	Site location/block plan	
RECOMMENDATION	It is recommended that <b>planning permission be GRANTED</b> subject to the condition(s) given at the end of the report	

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### CALL-IN

This application has been called-in by Councillor Ron Ower and Councillor Linda Van den Hende for the following reasons:

- \* Inappropriate use in the area which is primarily residential;
- \* There are flats immediately adjacent to the site;
- \* Parking in Sunnyside Gardens is already difficult. The exit from petrol station opposite the site is already hindered by parked cars and there is a need to keep the adjacent access to undertakers clear;
- \* Noise from drinkers and smokers standing outside;
- \* Most customers would use cars rather than walk;
- \* Increase in traffic using Sunnyside Gardens.

### SITE DESCRIPTION

The application site lies with Upminster town centre behind the main retail frontage in St Marys Lane at its junction with Sunnyside Gardens. It comprises a single storey building which was erected for A2 (office) use. The site has previously been occupied as a garden centre and for shed sales. The building is finished in painted render (off-white) under a low pitched tiled roof and with upvc windows and door. There is a block paved forecourt area with railings and a gate along the highway boundary.

Adjoining the site to the north is an opticians which is a corner unit with frontages onto Sunnyside Gardens and St. Marys Lane. Adjoining to the east is a restaurant which also has a frontage on St. Marys Lane. There is a two storey rear extension to the opticians which includes a first floor flat. The frontage units have flats above over two storeys. The flats above the corner unit (no.172 St Marys Lane) have rear windows that overlook the forecourt area. On the opposite corner of Sunnyside Gardens is a petrol filling station which has access from St Marys Lane and exit onto Sunnyside Gardens. Immediately to the south of the building is an access to the rear of funeral directors at 178 St Marys Lane, beyond which are residential properties.

### DESCRIPTION OF PROPOSAL

Change of use of the existing single storey office building (A2 use) to a drinking establishment (A4 use). It is proposed to operate as a 'micro pub' which is a small freehouse selling mainly traditional beer and ciders. There would be no electronic music, television or hot food preparation. The proposed opening would be 11:00 to 23:00 and the bar would employ two full time and three part time staff. No external seating or parking is proposed.



## **RELEVANT HISTORY**

P1473.08 - Two no. 1 bedroom flats, amenity and parking to the rear - withdrawn

P0454.09 - Proposed two storey building to provide two no. 1 bedroom flats - refused

P1201.09 - Development of a single storey A2 office building; amenity and parking to the rear of 172 St Mary's Lane - approved

## **CONSULTATIONS / REPRESENTATIONS**

Streetcare - no objections

132 neighbour letters have been received; 68 in support and 64 against mainly from residents in the immediate area. In addition there is a 69 signature petition from local residents against and a 15 signature petition in support, mainly from businesses in St. Marys Lane.

Objections raised on the following grounds:

- \* Stated address incorrect;
- \* Noise from customers coming and going and drinking outside;
- \* Adequate drinking establishments in the locality;
- \* Parking problems;
- \* Property in quiet residential road and use should be restricted to residential;
- \* Anti-social behaviour;
- \* Inappropriate use close to a primary school;
- \* Reduction in house values;
- \* Substandard building;
- \* Increase in litter;
- \* No room for deliveries;
- \* Building too small;
- \* Contrary to LDF policies

Support for the following reasons:

- \* Need for a decent real ale bar in the area;
- \* Good venture for local businesses and local community;
- \* Would provide a new style of bar with a quiet atmosphere- a relaxing place to drink that will not attract younger drinkers;
- \* Asset to a town full of coffee bars and restaurants;
- \* Can access without the need for use of car or for parking.

## **RELEVANT POLICIES**

### LDF

CP4 -	Town Centres
DC16 -	Core and Fringe Frontages in District and Local Centres
DC23 -	Food, Drink and the Evening Economy
DC33 -	Car Parking
DC34 -	Walking
DC55 -	Noise
DC61 -	Urban Design

## OTHER

LONDON PLAN - 4.7 - Retail and town centre development

LONDON PLAN - 6.10 - Walking

LONDON PLAN - 6.13 - Parking

NPPF - National Planning Policy Framework

## **MAYORAL CIL IMPLICATIONS**

No additional floorspace is to be created so the development would not be liable for Mayoral CIL.

## **STAFF COMMENTS**

### **PRINCIPLE OF DEVELOPMENT**

The site lies within a fringe frontage of the Upminster town centre as defined on the LDF proposals map. Within the fringe areas A4 uses will be granted at ground floor level under LDF Policy DC16. The policy refers to A2, A3, A4 and A5 uses as being appropriate to a shopping area. Therefore the proposed change of use from A2 to A4 would be in accordance with the LDF.

The policy also sets criteria for non-retail uses in fringe areas which require that the use:

- has an active frontage;
- is open during shopping hours;
- would not significantly harm the character, function and vitality and viability of the centre.

The proposed development would meet these criteria and can be considered acceptable in principle in this town centre location. The policies of the NPPF supports proposals that help to maintain the viability and vitality of town centres and provide customer choice. The NPPF also sets a presumption in favour of sustainable development which means that proposals that accord with the development plan should be approved without delay.

### **DESIGN / IMPACT ON STREET / GARDEN SCENE**

No external changes are proposed to the building so there would be no impact on the streetscene.

### **IMPACT ON AMENITY**

The application site lies within the town centre, however, there are residential properties in close proximity, including the flats above no.172 St Marys Lane. Accordingly, there is the potential for an adverse impact on the amenities of these nearby occupiers. The area to the south is also residential, although the nearest property is separated from the application site by an access track adjacent to the application building. Concerns have been raised by local residents mainly about noise impact from customers entering and leaving the premises and those, especially smokers who would stand outside to drink. Concerns have also been raised about car parking in adjoining residential streets and the disturbance that could occur with customers returning to their cars after closing.

LDF Policy DC16 sets criteria for new A4 uses in fringe areas of town centres which would be met by this proposal. However, it is also necessary to consider the proposals under Policy DC61 in terms of the impact on residential amenity. In considering this aspect significant weight needs to be given to Policy DC16 which

states that planning permission will be granted subject to the three criteria being met. Planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise. Such considerations could include the impact on residential amenity.

LDF policy DC23 seeks to discourage proposals that would result in a concentration of A4 and other uses in one area that could cumulatively result in an adverse impact on the amenities and safety of an area. In this case there are no other drinking establishments in the immediate area. Policy DC61 seeks to protect residential amenity from unreasonable adverse effects, including as a result of noise.

There are other pubs and bars in Upminster town centre which are close to residential properties, but are within the main shopping frontage. For example the Crumpled Horn in Corbets Tey Road has flats above and there are also flats close to the Essex Yeoman and Platform 7 in Station Road.

In determining whether the level of any adverse impact would be acceptable consideration needs to be given to controls that could be imposed through planning conditions and whether these would satisfactorily address the impacts. The premises have been granted a licence which would allow opening between 11:00 and 23:00. The same hours could be imposed through a planning condition. there could also be restrictions on amplified music and on external seating areas. However, it would not be possible to effectively control customers who wish to drink within the forecourt area. In granting the premises licence consideration was given to public safety, crime and disorder and public nuisance matters. However, impact on amenity is a separate issue and is not part of the premises licence considerations.

It is anticipated that there would be some additional adverse impact on residential amenity as a result of these proposals. However, this needs to be assessed in the context of the town centre location where there are other activities taking place. Given the size of the premises the level of additional impact is not considered to be significantly adverse such as to justify refusal of planning permission. The main impacts would be in the evenings when a number of restaurants in St. Marys Lane would also be open, some beyond 23:00. The petrol filling station opposite is also open to 23:00.

It will be for members to judge whether the potential for adverse impacts are sufficiently strong to override the presumption in favour of the development which accords with Policy DC16 and the guidance in the NPPF.

## **HIGHWAY / PARKING**

No additional parking is proposed for the change of use. Two parking spaces were required for the offices use, although only one is proposed to be retained. Any on site parking would be likely to be for staff rather than customers and any such parking would restrict the area of forecourt available to customers. A condition requiring two spaces to be maintained is therefore suggested. No cycle storage is proposed for staff or customers, however, the premises are below the threshold set in the London Plan for such provision. LDF Policy DC33 and Annex 5 sets maximum parking standards and for A4 uses the proposed floor area would generate a requirement for a maximum of six spaces. However, this can be relaxed where 'on-street' parking is not considered likely to result in a serious road safety hazard, a significant increase in congestion and the amenity of neighbouring residents would not be significantly affected. It is also relevant to consider that the site is within an area with high public transport accessibility. There are daytime parking restrictions in Sunnyside Gardens, but parking is available in St Marys Lane. There are also public car parks elsewhere in the town centre.

Local residents have raised concerns regarding traffic congestion in Sunnyside Gardens and that the proposal would exacerbate the existing situation. However, the deficiency based upon the maximum standard is only four spaces and it is considered that this could be accommodated on local roads in accordance with Policy DC33 and Annex 5. No objections have been raised by the Highway Authority. On this basis the development is judged to be acceptable in highway terms.

## **KEY ISSUES / CONCLUSIONS**

The proposal is for a change of use of existing premises from an office (A2) to a drinking establishment (A4) which is considered to be acceptable within a town centre location in accordance with Policy DC16 of the LDF. Development that accords with the development plan should be granted unless there are other material considerations that indicate otherwise. The proposal has the potential to have an adverse impact on residential amenity, in particular on occupiers of the flats above no. 172 St. Marys Lane where there are windows overlooking the forecourt area. However, subject to restrictions on amplified music and external seating through conditions staff consider as a matter of judgement that any impact would not be significant. In reaching this conclusion regard has been had to the size of premises involved and the other activities in the area, including the petrol filling station opposite and nearby restaurants and take aways. The development is considered acceptable in parking and highways terms. Any impact of additional on-street parking generated by the development is not considered significant.

Overall staff consider that, on balance the development is acceptable and that planning permission should be granted, subject to conditions, in accordance with the provisions of the LDF and the NPPF.

## **RECOMMENDATION**

It is recommended that **planning permission be GRANTED** subject to the following conditions:

### **1. SC4 (Time limit) 3yrs**

The development to which this permission relates must be commenced not later than three years from the date of this permission.

Reason:-

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

### **2. External seating**

No external seating shall be provided in the forecourt area outside of the premises for use by customers in connection with the approved use as a drinking establishment.

Reason:-

To protect the amenities of nearby residential occupiers in accordance with Policy DC61 of the Core Strategy and Development Control Policies DPD.

### **3. Amplified music**

No amplified music shall be played at the premises in connection with the use of the premises as a drinking establishment.

Reason:-

To protect the amenities of nearby residential occupiers in accordance with Policy DC61 of the Core Strategy and Development Control Policies DPD.

### **4. SC27 (Hours of use) ENTER DETAILS**

The premises shall not be used for the purposes hereby permitted other than between the hours of

11:00 and 23:00.

Reason:-

To enable the Local Planning Authority to retain control in the interests of amenity, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

**5. Restriction of use**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015(or any Order revoking and/or re-enacting that Order) the use hereby permitted shall be A4 only and shall be used for no other purpose(s) whatsoever including any other use as set out in Schedule 2, Part 3 of the Order.

Reason:-

To restrict the use of the premises to one compatible with the surrounding area and to enable the Local Planning Authority to exercise control over any future use not forming part of this application, and that the development accords with the Development Control Policies Development Plan Document Policy DC61.

**6. SC05A (Number of parking spaces) ENTER NO.**

Before the building(s) hereby permitted is first occupied, provision shall be made within the site for two car parking spaces and thereafter this provision shall be made permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

Reason:-

To ensure that adequate car parking provision is made off street in the interests of highway safety and in accordance with Policy DC33 and Annex 5 of the Core Strategy and Development Control Policies DPD.

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**INFORMATIVES**

**1. Approval - No negotiation required**

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.

## OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 14th May 2015

**APPLICATION NO.** P0245.15  
**WARD:** Upminster **Date Received:** 25th February 2015  
**Expiry Date:** 30th June 2015  
**ADDRESS:** 2 Springfield Gardens  
Upminster  
**PROPOSAL:** Retrospective planning permission for Summerhouse and Outdoor Shed  
**DRAWING NO(S):** 1887-P-S01  
Floor Plans  
**RECOMMENDATION** It is recommended that **planning permission be GRANTED** subject to the condition(s) given at the end of the report

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### **CALL-IN**

This application has been called in to Committee by Councillor Linda Hawthorn who wishes the proposal to be discussed by Councillors 'in case it sets a precedent'.

### **SITE DESCRIPTION**

The application site is a detached two storey dwelling with a pitch roof that benefits from a two storey side extension. The property is finished in a part red brick and part painted render

There is an integral garage and a hard standing to the front of the property providing off street parking.

The subject dwelling faces Springfield Court and is the only house sited within this part of Springfield gardens. The area is characterised predominantly by residential dwellings with retail and commercial premises to the west located in Corbets Tey Road.

### **DESCRIPTION OF PROPOSAL**

The application seeks retrospective planning permission for an outbuilding to be used as a playroom/gym/sauna/shower/wc room and office.

The outbuilding is sited in a T shape with a total width of 10.300m to the rear at a depth of 2.00m, decreasing in width to 6.50m set 2 metres in from the boundaries and then increases in depth by 8.00m.

This results in a total depth of 10 metres. A flat roof height of 2.80m set in 2 metres from the boundary and a flat roof height of 2.30m to the rear and flank where it abuts the shared boundaries.

The middle section of the outbuilding will have glazed sliding doors to the front with a door to each recessed flank. There are large windows to the south flank measuring 850mm wide x 1.40m each with two windows to the east flank, one measuring 500mm wide x 1.10m and one measuring 1.15m wide x 500mm. There are no windows or doors to the rear of the outbuilding.

### **RELEVANT HISTORY**

D0229.13 - Certificate of lawfulness for proposed erection of outbuilding (6.5m wide x 8m deep); sewers connected to existing as host property. Proposed use incidental to existing dwelling house.

PP not required 16-01-2014

## CONSULTATIONS / REPRESENTATIONS

Six neighbouring properties have been notified with 2 representations received.

Issues raised included the following:

- \* Concern that the proposed outbuilding would be used as residential accommodation or for commercial use.
- \* The flank windows were high and overlooked the rear of the neighbouring garden causing loss of privacy.
- \* Security concerns as access could be achieved across the roof of the building into neighbouring gardens from the adjacent garages and parking area.
- \* Excessive scale and over-development within close proximity to the boundaries.
- \* The flow of water from the roof causing rot and potential flash flooding issues.
- \* The removal of an abundance of tall trees to the flank boundary providing screening and privacy have now been removed allowing full view from the flats to the rear.

These comments have been noted and all relevant issues are included in the report below.

In the event of an approval being granted, a condition would be imposed restricting use of the outbuilding for recreational use only ancillary to the main dwelling.

## RELEVANT POLICIES

### LDF

CP17 -	Design
DC33 -	Car Parking
DC61 -	Urban Design
SPD4 -	Residential Extensions & Alterations SPD

### OTHER

LONDON PLAN - 7.4 -	Local character
LONDON PLAN - 7.6 -	Architecture
NPPF -	National Planning Policy Framework

## MAYORAL CIL IMPLICATIONS

N/A

## STAFF COMMENTS

The issues arising from this application are the visual impact of the proposed outbuilding and its impact on neighbouring amenity.

This application was submitted by the applicant following an investigation from the Council's Enforcement Team acting upon a complaint that had been received.

The applicant had obtained a Certificate Of Lawfulness in 2013 for an outbuilding that was 2 metres away from the common boundaries, this was granted under reference D0229.13.

When inspecting the site, it was established that the outbuilding being constructed did not comply with

permitted development criteria or resemble the submitted plans that were approved when a Certificate of Lawfulness was granted.

An additional section had been joined to the rear of the outbuilding which abutted the boundaries, this then created a building that did not comply with an overall height of 2.50m for permitted development.

The applicant was advised that planning permission was required and Staff also requested confirmation from the applicant as to the use of the intended outbuilding.

The applicant subsequently confirmed that the outbuilding will be for a Summerhouse for the sole use of the family and has submitted a supporting statement to this effect.

In response to the removal of a number of tall trees along the boundary, the applicant has advised that was done in order to reduce the costs of the foundations works. It is the intention of the applicant to replace these trees without detriment to the existing outbuilding in order to regain the lost privacy.

This Outbuilding is therefore being judged upon it's own merits.

In considering this proposal, Staff are aware of previous applications of a similar nature that have been refused and subsequently granted on Appeal by the Planning Inspectorate. Recent examples of these would be planning applications, P0280.14 for a detached Summerhouse/Gym at 64 Penrith Road, Romford and P0743.14 for a Summerhouse at 75 Ambleside Avenue, Hornchurch.

#### **DESIGN / IMPACT ON STREET / GARDEN SCENE**

An outbuilding should normally only be used for purposes incidental to the enjoyment of the house. Examples could include common buildings such as garden sheds, other storage buildings, garages, and summer houses. A purpose incidental to a dwelling house does not include use as separate self-contained accommodation, or other primary living accommodation incorporating such components as a bedroom, bathroom, or kitchen. Nor does it include use for business purposes.

The outbuilding should be subordinate in scale to the existing dwelling and to the plot. In assessing proposals, the Council will consider factors such as the scale, height, proximity to boundaries, roof design, finishing materials and prominence in the street scene or rear garden environment. As with all extensions, outbuildings should not detract from the character of the area and should be unobtrusively located to the side and rear of the existing dwelling.

The design of outbuildings should reflect their intended use. Outbuildings should not cause undue loss of light to neighbouring properties or adversely affect the living conditions of neighbouring properties.

Although substantial in depth, the main body of the outbuilding is set in 2 metres from the shared boundaries and is formed with a 2.80m high flat roof reducing the appearance of bulk. The section of the outbuilding that lies in close proximity along the shared boundaries to the rear of the structure, is 2 metres in depth along the flank boundaries and is formed with a lower roof height of 2.30m.

In this respect if the outbuilding was assessed individually in two parts, each element would conform to permitted development criteria.



The garden area is substantial in scale with the proposed outbuilding sited a good distance from the main dwelling. The proposal is proportionate to its surroundings and the main dwelling and fits comfortably within the plot.

There is ample garden amenity retained and the outbuilding is placed at the far end of the garden area.

When viewed within the surrounding rear garden environment, the property is flanked to the west by garages and a parking area sited to the rear of the retail units in Corbets Tey Road.

In this respect, the rear garden environment is fairly diverse in appearance and therefore Staff consider that the outbuilding does not appear out of place or unduly obtrusive within the rear garden environment.

In addition, there are various large outbuildings within the immediate garden areas, in particular no. 2 Meadow Way and no.129 Corbets Tey Road.

The outbuilding is to be finished in a stained timber weather boarding and is considered to blend well within the surrounding area.

On balance, Staff consider the development causes little impact within the rear garden environment and is an acceptable development in this instance.

#### **IMPACT ON AMENITY**

The subject dwelling is a stand alone detached property flanked to the west by a parking yard and a row of commercial premises with flats above. These premises are considered unlikely to be affected by the development.

When viewed from the east, the property is flanked by the rear gardens of the neighbouring properties located in Meadow Way.

The most affected by the development is no.8 Meadow Way to the east.

In this respect, the part of the outbuilding that is in close proximity to the rear boundary of this neighbouring property to the east is 2.30m in height and 2m in depth and is sited at the far end of this neighbouring garden. This element would comply with usual criteria for permitted development and as such is not considered to cause any undue harm. The section that is formed with a higher roof height of 2.80m is set 2 metres in from the boundary and therefore is also considered to cause no undue harm.

Staff are mindful, that individually, both sections of this building could be achievable within the criteria for permitted development if sited separately.

In this circumstance, when considering the structure as a whole, Staff consider that any potential impact would be minimal and acceptable in this instance.

The rear of the outbuilding flanks the far end garden of the neighbouring property to the rear, no. 129 Corbets Tey Road. This neighbour benefits from a substantial outbuilding that is sited directly behind the subject development that also lies within very close proximity of the rear boundary. In this respect, Staff consider this neighbouring property is unlikely to be affected.

In all, Staff consider the development causes little or no impact on the surrounding neighbouring properties.

## **HIGHWAY / PARKING**

Parking arrangements remain the same, therefore no issues arise.

## **KEY ISSUES / CONCLUSIONS**

The proposal under consideration meets the aims and objectives of Policies DC33 and DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document, as well as the Residential Extensions and Alterations SPD.

The proposal is considered to be acceptable and is recommended for approval.

## **RECOMMENDATION**

It is recommended that **planning permission be GRANTED** subject to the following conditions:

### **1. SC08 (Garage - restriction of use)**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 the Outbuilding hereby permitted shall only be used for purposes ancillary to the main dwelling and not for any other purpose including living accommodation or any trade or business.

Reason:-

To provide satisfactory off-street parking at the site, and that the development accords with the Development Control Policies Development Plan Document Policy DC61

### **2. SC32 (Accordance with plans)**

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).

Reason:-

The Local Planning Authority consider it essential that the whole of the development is carried out and that no departure whatsoever is made from the details approved, since the development would not necessarily be acceptable if partly carried out or carried out differently in any degree from the details submitted. Also, in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

### **3. Materials (details no samples)**

Before the development hereby permitted is clad externally, written specification of external walls and roof materials to be used in the construction of the building(s) shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed with the approved materials.

Reason:-

Insufficient information has been supplied with the application to judge the appropriateness of the materials to be used. Submission of a written specification prior to commencement will ensure that the appearance of the proposed development will harmonise with the character of the surrounding area and comply with Policy DC61 of the Development Control Policies Development Plan Document.

### **4. SC46 (Standard flank window condition)**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order), no window or other opening (other than those shown on the submitted and approved plan,) shall be formed in the flank wall(s) of the building(s) 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.

Reason:-

In order to ensure a satisfactory development that will not result in any loss of privacy or damage to the environment of neighbouring properties which exist or may be proposed in the future, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

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## INFORMATIVES

### 1. **Approval - No negotiation required**

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.

## OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 14th May 2015

APPLICATION NO. P0390.15  
WARD: Romford Town Date Received: 25th March 2015  
Expiry Date: 20th May 2015  
ADDRESS: 22 Eastern Road (Blackburn House)  
Romford  
PROPOSAL: Proposed change of use from B1 solicitors office to D1 clinical research centre.  
DRAWING NO(S): 831.01  
831.03  
831.02  
RECOMMENDATION It is recommended that **planning permission be GRANTED** subject to the condition(s) given at the end of the report

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### SITE DESCRIPTION

The application relates to the property at Blackburn House, 22 Eastern Road, Romford. This is a large detached five-storey office building with a frontage onto Eastern Road backing onto a railway line to the rear. The building is laid out with an 'L-shaped' footprint and a car parking area to the rear accessed through an undercroft section. The building consists of office accommodation on the ground and upper floor levels. The site is located within land designated as the Romford Office Quarter and lies partially within Flood Zone 3.

### DESCRIPTION OF PROPOSAL

The application is seeking planning permission for the change of use of the ground floor from a B1 solicitors office to a D1 clinical research centre.

The proposal would not alter the external appearance of the building, utilising the existing entrance and access arrangements. Internally the existing 539 square metre ground floor unit would be slightly reconfigured with additional partitions to provide consultancy rooms, treatment rooms and a reception area.

In terms of car parking the proposed use would utilise 4no. of the existing spaces located to the side of the site.

The proposed clinical research centre would employ 20 full time members of staff.

### RELEVANT HISTORY

- P1055.10 - Provision of new entrance door to 22-26 Eastern Road within existing glass curtain wall, with new steel framed canopy with curved roof. New block paving to existing gravel area forming access to new door. Minor internal alterations converting 1 No. enclosed office space into reception area  
Apprv with cons 14-09-2010
- P2173.07 - Non-structural internal alterations to the fourth floor, installation of 15 ventilation louvre stackc to the flat roof, installation of 5 roof mounted air conditioning condenser units.  
Lapsed application 28-11-2011
- P1476.05 - Change of use from B1 offices to D1 (Non Residential Institutions) for use as an Occupational Health Centre  
Apprv with cons 03-10-2005

## **CONSULTATIONS / REPRESENTATIONS**

Notification letters were sent to 42 properties and no representations have been received.

Network Rail - no objection.

Environment Agency - no objection.

Emergency Planning - no objection.

Environmental Health - no objection, recommended a condition relating to noise levels for any new plant or machinery.

Local Highway Authority - no objection.

## **RELEVANT POLICIES**

### LDF

CP17 -	Design
CP8 -	Community Facilities
DC26 -	Location of Community Facilities
DC33 -	Car Parking
DC34 -	Walking
DC35 -	Cycling
DC48 -	Flood Risk
DC55 -	Noise
DC61 -	Urban Design
ROM13 -	Romford Office Quarter

### OTHER

LONDON PLAN - 2.15 -	Town Centres
LONDON PLAN - 3.17 -	Health and social care facilities
LONDON PLAN - 5.12 -	Flood risk management
NPPF -	National Planning Policy Framework

## **MAYORAL CIL IMPLICATIONS**

There are no Mayoral CIL implications relating to the proposal as the application concerns a change of use without the creation of net additional gross internal floorspace.

## **STAFF COMMENTS**

This proposal is put before the Regulatory Services Committee as the proposal would involve a departure from the Development Plan.

The main considerations relate to the principle of the change of use within the Romford Office Quarter, the impact on the surrounding residential amenity and the implications for highway safety and parking.

## **PRINCIPLE OF DEVELOPMENT**

LDF Policy DC26 advises that new community facilities will only be granted where they are accessible,

especially to groups that rely upon public transport, do not have an adverse effect upon residential amenity; that on-street parking should not be of detriment to pedestrian and highway safety and that the buildings should be multi-use and adaptable. The proposed use is considered to meet all of the requirements for the location of community facilities.

Blackburn House is located within the Romford Office quarter where Policy ROM13 encourages proposals to increase the office accommodation. This policy also allows residential and A3 uses subject to certain criteria, including that there would not be any net loss of office space. Other uses, such as that being proposed are not referred to. It is considered that the proposal would be contrary to this policy as it would result in the net loss of office space. However, it is considered that there are material considerations that overcome the proposal's departure to the policy, which are considered later in this report.

### **DESIGN / IMPACT ON STREET / GARDEN SCENE**

Policy DC61 states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area.

The proposed change of use would result in no alteration to the external appearance of the building.

### **IMPACT ON AMENITY**

Policy DC61 of the LDF states that planning permission will not be granted for proposals that would significantly diminish local and residential amenity.

No adverse impact upon amenity is anticipated. The use will not be noise generating so the impact upon the occupiers of the adjacent offices would be minimal.

### **HIGHWAY / PARKING**

Policy DC32 of the LDF states that development will only be permitted where it can be demonstrated that there would be no significant adverse impacts on the road network.

The site is located in the centre of Romford in close proximity to the train and bus stations which is reflected in the site's Public Transport Accessibility Zone (PTAL) rating of 6a; meaning that the premises has excellent access to a variety of public transport facilities. Government guidance encourages a relaxation in parking and other standards in town centre locations, particularly where there is good access to public transport and the proposal accords with this advice.

Nevertheless, according to the accompanying supporting statement patients attending the centre would be by GP referral only and they would be transported to and from their appointments by taxi. In addition a local taxi company operates from immediately outside the building.

In terms of off street car parking provision; the lease of the unit includes 4no. car parking spaces to the side of the site that would be utilised by senior members of staff.

The Local Highway Authority have raised no objection to the proposal.

### **OTHER ISSUES**

According to the supporting statement the purpose of this facility would be to conduct Phase III research

into new medicines to use in the treatment of diabetes. As such it would not provide Phase I or II testing as this work is carried out within a hospital environment. Phase III is the final stage before a product goes to market and volunteers are usually referred by their GP to provide them with an opportunity to improve the symptoms of Diabetes.

Blackburn House is considered to be ideally situated in a central location, close to the community that it would serve, with excellent transport routes and access to public transport.

The proposal would provide an important health-related facility in easy reach of the local community. The proposal involves the ground floor of the building only and the existing occupants of the ground floor also occupy the other floors into which they are consolidating. The office space on the upper four floors would therefore continue to be available and the re-use of the ground floor will result in an increase in the numbers or workers within the building overall.

## **FLOOD RISK**

The site is located within Flood Zone 3 which is classified as having a high risk of flooding. The existing and proposed uses are both classified as being 'Less Vulnerable' to flood risk by 'Table 2: Flood Risk Vulnerability Classification' of the Flood Risk and Coastal change guidance of the NPPG.

The Environment Agency has therefore raised no objections to proposed change of use. However, some uses within the D1 use class are classified as 'More Vulnerable' such as educational and day care facilities and nurseries.

As a consequence it is considered necessary and reasonable in this instance to restrict the use to a clinical research centre only in order to safeguard future flood risk by preventing a permitted change to another use within the D1 classification which may be categorised as more vulnerable in flood risk terms.

## **KEY ISSUES / CONCLUSIONS**

The proposal would provide an important health-related use, which would be ideally located for the community that it serves. It is considered that there are material considerations that outweigh the proposed departure from Development Plan policy.

The proposal is considered to be acceptable having had regard to Policies DC26, DC32, and DC61 of the LDF and in all other respects and it is therefore recommended that planning permission be granted subject to conditions.

## **RECOMMENDATION**

It is recommended that **planning permission be GRANTED** subject to the following conditions:

**1. SC4 (Time limit) 3yrs**

The development to which this permission relates must be commenced not later than three years from the date of this permission.

Reason:-

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

**2. SC32 (Accordance with plans)**

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).

Reason:-

The Local Planning Authority consider it essential that the whole of the development is carried out and that no departure whatsoever is made from the details approved, since the development would not necessarily be acceptable if partly carried out or carried out differently in any degree from the details submitted. Also, in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

**3. SC45B (Restriction of use)**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) the premises shall only be used for the purposes specified in the application as a Clinical Research Centre and for no other purpose (including any other purpose in Class D1) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or any provision equivalent to that Class in any Statutory Instrument revoking and/or re-enacting that Order).

Reason:-

This use only is permitted and other uses, either within the same Use Class, or permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 are not acceptable to the Local Planning Authority in this location because some other uses within the D1 use class are classified as 'More Vulnerable' with regard to 'Table 2: Flood Risk Vulnerability Classification' of the Flood Risk and Coastal change guidance of the NPPG.

**4. Noise - New Plant or Machinery (Pre Commencement Condition)**

If any new plant or machinery are to be installed, before any works commence 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 property shall not exceed LA90 -10dB and shall be maintained thereafter to the satisfaction of the Local Planning Authority.

Reason:-

To prevent noise nuisance to adjoining properties in accordance with the recommendations of the NPPF, and in order that the development accords with the Development Control Policies Development Plan Document Policies DC55 and DC61.

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## INFORMATIVES

**1. Approval - No negotiation required**

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.



## OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 14th May 2015

**APPLICATION NO.** P1578.14  
**WARD:** Rainham & Wennington **Date Received:** 12th November 2014  
**Expiry Date:** 14th March 2015

**ADDRESS:** The Paddocks  
Moor Hall Farm  
Aveley  
Essex

**PROPOSAL:** Importation of suitable reclamation materials to re-restore uneven land caused by differential settlement from past landfilling.

**DRAWING NO(S):** 0128/P/SC/1  
0128/P/A/1  
0128/P/A/2  
0705 19  
0128/P/R/1  
0128/MP/1  
0705 20  
0128/P/O/1

**RECOMMENDATION** It is recommended that **planning permission be GRANTED** subject to the condition(s) given at the end of the report

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### BACKGROUND

This item was deferred by Members at the meeting that took place on 5th March 2015 for further information to be provided. The applicant has provided the following additional information in response.

1) Additional background to the proposal - The whole site known as Moor Hall Farm was purchased by the applicants in 2000/01. The sale included a 15 acre "Paddocks" and single width shared access road to Romford Road, both located within Thurrock. The land within Havering was farmed with the Paddocks and used for horse grazing. Due to the poor state of the land, the applicant explored the possibility of developing a golf course. The Paddocks were not considered as part of the golf course as they are poorly located in terms of the design of the course. Consideration of the future of the Paddocks has in effect been put on hold whilst efforts have been concentrated on the golf course. The reason for the current proposal is that the applicant has gained considerable experience in improving previously poorly restored mineral working sites and the current works to form the golf course allow soils to be imported through the active site. The applicant has provided further information in relation to the likely number of lorry movements as a result of the proposal. The anticipated number of lorry movements needed to import the remainder balance of material for the golf course is 52,500 (26,250 each way). As it is intended to have imported the bulk of the material by the end of the year, this gives a daily average of 236 movements (118 in, 118 out). The proposal for the Paddocks would generate 11,000 movements - a corresponding time frame to the end of the year would be 64 movements (32 in, 32 out). These are only averages as deliveries depend on the availability of material. Historically on very busy days the site has received up to 350 loads (exceptionally due to Crossrail project having no alternative for a short period), whilst on quiet days it has been no more than 30 loads. The

expected daily maximum is expected to be 400 movements (200 in, 200 out). In order to gauge the level of tipper lorry traffic generated by the golf course, the applicants undertook a survey on 14th April. There were 177 loads to the golf course, representing 344 movements, whilst the total number of tipper lorries heading in either direction was 771. The golf course accounts for about 50% of the tipper usage of the A1306.

2) Purpose of the landfill including relationship with golf course - The applicants have stated that it is incorrect to refer to the proposed works as landfill, rather it is the use of selected materials arising from excavation at construction sites. The top soil on the application site is sufficient for re-use in the proposal and therefore no treatment or sorting of material is proposed as takes place in respect of the golf course works. The majority of the material required for the golf course would be imported by the end of this year with works complete by Spring/Summer 2017 for full opening the following Spring (2018). The proposal for the Paddocks envisages a 12 month programme, with completion by Spring/Summer 2016. The applicant states that re-restoration of the Paddocks will not impact upon the programmed final construction works for the golf course.

3) Reason why access cannot be from Romford Road, Aveley - The applicant has stated that wherever possible they would try to provide access to the A class network. The site is part of the wider land that has historically had access from Launder Lane, just off New Road. The alternate access from Romford Road is a single width access that is shared with several properties and use would not be very practicable. In addition, this part of Romford Road is primarily residential. The applicants state that, compared to the New Road access, the Romford Road access is not suitable.

4) Wish to have legal agreement requiring applicant to either undertake or pay for the daily washing of the A1306 - The applicant accepts that there have been complaints regarding mud and debris on the road but that complaints investigated by Highway Officers and/or the Police have found that no material has been deposited on the road. In damp weather and as a result of the wheel and chassis cleaning procedures, vehicles drip discoloured water onto the road. The applicants already use a road sweeper which uses a brush, vacuum and spray to keep the road clean and free of debris. At present all lorries before leaving the site: i) go through a dry wheel spinner to remove any mud etc that may be adhered to the wheels/axles; ii) then go through a full wheel and under chassis power wash; iii) visibly inspected by operatives with hand held power sprays. The applicant would be happy to consider alternatives, but consider that any cost should be proportionate to the level of usage of the applicant within the overall traffic flow.

5) Wish to have a legal agreement that controls the routes lorries can take, avoiding Rainham Village, Wennington and access only from A13/A1306 junction - The applicants do not consider that there is a need for a legal agreement. The lorries for the golf course development already travel from the A13 junction - all material is sourced from known contracts and the hauliers are instructed to use this route. Both Wennington and Rainham Village are subject to weight restriction orders and the applicant is not aware of any concerns or complaints from these areas in regard to the golf course construction. Despite this lack of evidence, the applicants are prepared to agree one, relating solely to the Paddocks.

Staff still consider that the proposal is acceptable and that planning permission should be granted, subject to conditions. Members will need to consider whether to require the applicant to enter into

an agreement under S106 of the Town and Country Planning Act 1990 as intimated when this application was first considered, in the light of comments from the applicant which have been outlined above.

The washing of the road using a sweeper is something the applicant has voluntarily carried out to date and says that they would continue with. Given the timing of the proposed works coinciding with continuing works on the golf course development, the number of lorry movements being low compared to existing and the proposed tighter condition (Condition no.9) regarding vehicle cleaning, it is considered by Staff that a legal agreement is not necessary. Furthermore, there is risk in getting the applicant to pay the Council for road cleansing that the Council would then become responsible for road cleaning and mud clearance, rather than the applicant taking responsibility. If Members were still concerned that a sweeper was necessary, it is considered that a condition requiring this would be more suitable than a legal agreement.

The routing of lorries is not something that has to date caused any issues and it is considered by Staff that a legal agreement is not necessary given existing weight restrictions and the limited number of lorry movements.

The report to committee of 5th March is reproduced below.

## **SITE DESCRIPTION**

The application site comprises around 7 hectares of open grassland located within the borough of Thurrock, along with land located within Havering, which would be used to provide vehicular access to the land in Thurrock, where the main development activities would be undertaken. The access through the land in Havering would be taken from New Road, through the Ingrebourne Links golf Course (under construction), and through the eastern perimeter of the golf course into Thurrock.

The site is located in the Green Belt and on land designated as Thames Chase Community Forest.

## **DESCRIPTION OF PROPOSAL**

This planning application proposes the importation of around 50,000 cubed metres of material to restore the land located within Thurrock. Survey data demonstrates that the Thurrock land was poorly restored using mixed waste following mineral extraction in the 1960s. The site has experienced differential settlement and is in a generally poor condition. The proposal would involve removing the existing topsoil layer and part of the clay cap, spreading the imported material across the site to an average depth of 1 metre, and then replacing the topsoil layer. The site would be converted to agricultural use with a 5 year aftercare scheme. It is anticipated that the importation of material will be completed within 12 months. It is estimated that the 50,000cum of material would equate to 5,500 HGV loads, and therefore around 17 loads per day (34 movements) based on 27 working days per month.

## **RELEVANT HISTORY**

### **HAVING**

P1531.14 - Temporary change of use for a material storage area - Approved (16th January, 2015).

P00568.14 - Temporary change of use for a material storage area - Approved (18th July, 2014).

P0084.12 - Temporary change of use for a material storage area - Approved (10th April, 2012).

P0319.09 - Construction of a 'links' style golf course, club house, car parking and ancillary facilities

using treated indigenous and imported materials - Approved (25th May 2010).

## THURROCK

14/01239/FUL - Importation of suitable reclamation materials to re-restore 7ha of land currently subject to differential settlement from past land filling - Approved (10th February, 2015).

### CONSULTATIONS / REPRESENTATIONS

Notification letters were sent to 18 neighbouring properties; a site notice was placed in the vicinity of the site; and advertisements have been placed in the local press. No representations have been received.

Highways - No objections; condition recommended.

### RELEVANT POLICIES

The following policies of the LDF Core Strategy and Development Control Policies DPD ("the LDF") are of relevance:

- DC22 - Thames Chase Community Forest
- DC33 - Car Parking
- DC45 - Appropriate Development in the Green Belt
- DC55 - Noise
- DC61 - Urban Design

National Planning Guidance

National Planning Policy Framework

### STAFF COMMENTS

Planning permission has been granted by Thurrock Council (reference 14/01239/FUL) for the land restoration works proposed within their borough, subject to a range of conditions. The relevant decision notice is appended to this report. The material considerations in Havering's case are much more limited, mainly relating to the proposed access arrangements. Conditions 1 (commencement date), 2 (completion date), 4 (approved plans), 11 (vehicle movement limits), 12 (haul road details), 16 (operating hours), 24 (importation monitoring), and 26 (implementation date) of the Thurrock permission are considered to be of relevance to those material matters relating to the Havering part of the proposal. It is recommended that these conditions be imposed, should planning permission be granted for the Havering part of the proposal, with the following exceptions:

- Condition 2 should be adapted to state that the importation of material shall be completed within 12 months from the date of commencement;
- A condition should be added requiring the approval of a scheme of wheel washing.

To the extent that the proposal would directly affect land within Havering, namely in the creation of the haul road and the installation of any additional wheel washing equipment, the land will be restored in accordance with the planning permission for the golf course. It is still anticipated that the golf course development will be completed around the end of 2015, and the cessation of importation relating to the Thurrock site would

occur at around the same time.

## **HIGHWAY / PARKING**

Policy DC32 of the LDF states that the proposals will not be granted planning permission where they would result in significant adverse impacts on the functioning of the road network.

The Council's Highways officers have been consulted about the proposal but raised no objections subject to the use of a condition requiring the approval of wheel washing details. Further conditions are also recommended, as discussed earlier in this report, which would also be pertinent to the proposal's highways impact.

Incidents of mud being tracked into the highway from the golf course development have been reported in the past year and this proposal offers another opportunity to enhance the wheel washing facilities serving both the proposed land restoration in Thurrock and the ongoing golf course development. A more robust wheel washing condition, developed in conjunction with highways officers, is therefore recommended.

Subject to the use of the afore mentioned conditions, it is considered that the proposal would not result in any significant adverse impacts on highway safety and amenity.

## **OTHER ISSUES**

To the extent that the proposed development would result in any direct impact upon land within Havering, the main impacts are highways related. It is considered that the proposal would not result in any significant adverse visual, amenity, or Green Belt related impacts, given that the proposed haulage route would proceed through an existing development site, which will be completed around the same time as the development under consideration. Subject to the conditions referred to earlier in this report, it is considered that the proposal would be in accordance with Policies DC45 and DC61, along with the guidance contained in the NPPF.

## **KEY ISSUES / CONCLUSIONS**

The proposed development is considered to be acceptable having had regard to Policies DC22, DC32, DC45, DC55, and DC61 of the LDF, and all other material considerations.

## **RECOMMENDATION**

It is recommended that **planning permission be GRANTED** subject to the following conditions:

### **1. Non Standard Condition 31**

The development hereby permitted must be begun not later than the expiration of 3 years from the date of this permission.

Reason:

In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

### **2. Non Standard Condition 32**

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

Reason:

The Local Planning Authority consider it essential that the whole of the development is carried out

and that no departure whatsoever is made from the details approved, since the development would not necessarily be acceptable if partly carried out or carried out differently in any degree from the details submitted. Also, in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

**3. Non Standard Condition 33**

The importation of material used in the restoration to the site and all infilling operations on the site shall cease and all restoration shall be completed by 18 months after the commencement of development unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure prompt, effective and satisfactory restoration of the site without harm to the amenities of the locality.

**4. Non Standard Condition 34**

Vehicle movement associated with the importation of material to the site shall not exceed a maximum of 500 loads per calendar month unless otherwise first agreed in writing with the Local Planning Authority.

Reason:

In order to minimise any adverse impacts arising from the construction of the development in accordance with Policy DC61 of the Development Control Policies Development Plan Document.

**5. Non Standard Condition 35**

The development hereby permitted shall not commence until the haul road to and from the site as detailed on plan ref: ref: 0128/P/A/2 has been formed.

For the duration of site operations vehicular access to the site shall be to and from the haul road between the site and the A1306 as detailed on plan ref: 0128/P/A/2 only and there shall be no other means of vehicular access to the site. No access shall be obtained from the road immediately south of the site and its junction with Romford Road.

Reason:

In the interests of highway safety and amenity in accordance with policies DC32 and DC61 of the Development Control Policies Development Plan Document.

**6. Non Standard Condition 36**

The operations and works hereby permitted (including materials movement of and deposition of material) and deliveries to the site shall only be carried out during the following times:

07:00 - 18:00 Monday to Friday  
07:00 - 13:00 Saturday.

Unless in association with an emergency or the prior written approval of the local planning authority has been obtained. There shall be no operations or works at any time on any Sunday or Bank / Public Holiday.

Reason:

In the interest of protecting surrounding residential amenity and in accordance with Policy DC61 Development Control Policies Development Plan Document.

**7. Non Standard Condition 37**

Prior to the commencement of development a Scheme of Recording Measures shall be submitted to and agreed in writing with the Local Planning Authority. The Scheme of Recording Measures shall include proposed measures and procedures to:

Provide the Local Planning Authority with details of the quantum of materials disposed of on-site.

From the date the commencement the operator(s) shall maintain records in line with the Scheme of Recording Measures and shall make them available to the Local Planning Authority in accordance with the agreed scheme of recording measures or upon request. All records shall be kept for the duration of the permission and shall be available to the Local Planning Authority upon request.

Reason:

To allow the Local Planning Authority to monitor adequately activity at the site and to ensure compliance with the permission.

**8. Non Standard Condition 38**

The Local Planning Authority shall be notified in writing within 7 days of the dates of the following:

- a) Implementation of planning permission;
- b) Commencement of restoration;
- c) Complete and final restoration under this planning permission.

Reason:

To enable the Local Planning Authority to control and monitor the site to ensure compliance with the planning permission.

**9. Non Standard Condition 39**

Before the development hereby permitted is first commenced, vehicle cleansing facilities to prevent mud being deposited onto the public highway during construction works shall be provided on site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be retained thereafter and used at relevant entrances to the site throughout the duration of construction works.

The submission will provide;

- a) A plan showing where vehicles will be parked within the site to be inspected for mud and debris and cleaned if required. The plan should show where construction traffic will access and exit the site from the public highway.
- b) A description of how the parking area will be surfaced, drained and cleaned to prevent mud, debris and muddy water being tracked onto the public highway;
- c) A description of how vehicles will be checked before leaving the site - this applies to the vehicle wheels, the underside of vehicles, mud flaps and wheel arches.
- d) A description of how vehicles will be cleaned.
- e) A description of how dirty/ muddy water be dealt with after being washing off the vehicles.
- f) A description of any contingency plan to be used in the event of a break-down of the wheel washing arrangements.

Reason:

In order to prevent materials from the site being deposited on the adjoining public highway, in the interests of highway safety and the amenity of the surrounding area, and in order that the development accords with the Development Control Policies Development Plan Document Policies DC61 and DC32.

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## INFORMATIVES

**1. Fee Informative**

A fee is required when submitting details pursuant to the discharge of conditions. In order to comply with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which came into force from 22.11.2012, a fee of £97 per request or £28 where the related permission was for extending or altering a dwellinghouse, is needed.

**2. Approval - No negotiation required**

Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: 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





## OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 14th May 2015

**APPLICATION NO.** P1637.14  
**WARD:** Rainham & Wennington **Date Received:** 2nd December 2014  
**Expiry Date:** 30th June 2015

**ADDRESS:** Little Gerpins 2 (Fishers)  
Berwick Pond Road  
Rainham

**PROPOSAL:** Engineering earthworks to remediate damaged land using imported inert soils, including temporary treatment, improved access, internal roads, ancillary plant and buildings and overnight security to provide a managed woodland area with recreational and amenity after use.

**DRAWING NO(S):** 0912/G2/L  
0912/G2/SC/1  
IT1155G/TS/02  
0912/G2/O/1  
0912/G2/R/1  
0912/G2/A/1

**RECOMMENDATION** It is recommended that **planning permission be GRANTED** subject to the condition(s) given at the end of the report

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### **SITE DESCRIPTION**

The application site has an area of approximately 7 hectares and is in the shape of an east-west orientated rectangle. The land lies between the Forestry Commission parks of Bonnets Wood to the east and Berwick Glades to the west. To the north is open farmland and to the south is Berwick Pond Road which curves around the plot to form the eastern boundary of the site. The land has, in the past, been mined for aggregates and subsequently infilled with mixed wastes. Subsidence has occurred subsequent to this infill and the land now slopes down towards the middle. There is a single agricultural entrance in the northeast corner of the site which provides access from Berwick Pond Road. The land is currently given over to rough grazing.

The site forms a part of the Thames Chase Community Forest within the Metropolitan Green Belt and is within a designated Minerals Safeguarding Area.

### **DESCRIPTION OF PROPOSAL**

The proposed development involves the creation of earthworks using imported inert soils to remediate the land. The completed project would see the land sloping up towards the centre where the height relative to the perimeter would be 7 metres. The resulting hill would be planted with trees and with shrubs around the lower levels. Attenuation ponds are proposed to be located in the northwest and southeast corners of the site and these would be fed by drainage ditches/swales. The perimeter is to be planted with grass and a 2.5 metre wide track is proposed within the northern perimeter of the site providing a connection between the Forestry Commission parks of Bonnets Wood to the east, via an existing access to the site, and Berwick Glades to the west. An existing footpath running west from Bonnetts Wood and which currently ends abruptly at a barbed wire fence across Berwick Pond Road to the east of the site would thereby be connected to a footpath running east-west through Berwick Glades and leading to the Ingrebourne Valley.

Site preparation involves the recovery of any reusable soil using excavators and storing it in perimeter bunds for later use as topsoil. The volume of these bunds would be increased using a topsoil substitute to form a continuous 3 metre high boundary along the perimeter of the site to the south, east and west. The perimeter bunds would be planted with grass to ensure good water runoff and would provide visual and noise protection particularly to users of the Forestry Commission parks to the east and west. Access to the site would be from Berwick Pond Road via the existing agricultural access to the north east, this would be improved with the formation of a bell mouth entrance with good sight lines in both directions. A receiving area would be located to the east of the site and would contain a site/mess office, a weighbridge and wheel cleaning facilities. This receiving area would be strengthened using imported hard-core and used as a turning area linked to the site entrance by a short section of hard surfaced road.

Imported material would be quality assessed on arrival before being spread, with unsuitable material being sent away or quarantined. Where material is required to be screened it would be fed into a mobile screening machine which sorts it into differing granular sizes. The reclaimed hard-core would be used on site for hard surfacing roadways and for the all ability trail with the surplus being marketed as secondary construction material.

### **RELEVANT HISTORY**

There is no planning history for the site itself. the 'Little Gerpins' site to the east comprised land in a similar condition to that of the application site. Planning permission was granted under application nos. P1426.96 and P1471.09 to remediate this land by the importation of inert tipping materials. The remediation has been carried out and the site is now Forestry Commission park open to the general public.

### **CONSULTATIONS / REPRESENTATIONS**

The applicant undertook a public consultation exercise prior to the submission of the application. This involved visiting the occupiers of the properties closest to the site and explaining the proposals to occupiers, an Information Sheet was also provided.

The application has been advertised by the Council by means of site notices and a press advertisement. Neighbour notification letters have been sent to 5 local addresses. As a result the following representations have been received from London Essex and Hertfordshire Amphibian and Reptile Trust and Essex Wildlife Trust:

- o a full reptile survey should be carried out and steps taken to relocate them;

and from Havering Friends of the Earth:

- o steps should be taken to allow animals to roam freely about the site during the development;
- o conditions should be imposed to monitor the height of the resulting infill, test incoming materials, prevent the use of chemical weed killers, mitigate air pollution;
- o a maintenance plan should be put in place for the drainage system;
- o assurances should be given that there will not be damage to road surfaces.

Comments have also been received from the following consultees:

Environment Agency - no objection but have requested that a condition is imposed relating to the submission and subsequent approval of a detailed surface water drainage scheme for the site.

Natural England - no objection.

Essex and Suffolk Water - no objection.

London Borough of Havering Environmental Health - no objection. Have requested conditions relating to hours of work and dust suppression.

London Borough of Havering Highways - no objection, subject to conditions.

Greater London Authority - The proposal would be an acceptable development within the Green Belt and would provide opportunities for outdoor recreation.

Thames Chase Trust - The Thames Chase Trust is supportive of the scheme.

## **RELEVANT POLICIES**

### **NATIONAL PLANNING POLICY**

National Planning Policy Framework ("the NPPF")

### **REGIONAL PLANNING POLICY**

The London Plan:

Policy 5.13 (Sustainable Drainage);

5.18 (Construction, Excavation, and Demolition Waste);

5.21 (Contaminated Land);

6.1 (Strategic Transport Approach);

6.3 (Assessing Effect on Transport Capacity);

6.9 (Cycling);

6.10 (Walking);

6.13 (Parking);

6.14 (Freight);

7.3 (Designing Out Crime);

7.4 (Local Character);

7.8 (Heritage Assets and Archaeology);

7.14 (Improving Air Quality);

7.15 (Reducing Noise and Enhancing Soundscapes);

7.16 (Green Belt);

7.19 (Biodiversity and Access to Nature);

8.2 (Planning Obligations).

Joint Waste Plan for East London (the Waste DPD):

Policy W4 (Disposal of inert waste by landfilling);

W5 (General considerations with regard to waste proposals).

## LOCAL PLANNING POLICY

Local Development Framework Core Strategy and Development Control Policies Development Plan Document:

Policy CP13 (Minerals Extraction);

CP15 (Environmental Management);

CP16 (Biodiversity and Geodiversity);

DC22 (Countryside Recreation);

DC32 The Road Network);

DC33 (Car Parking);

DC34 (Walking);

DC36 (Servicing);

DC40 (Waste Recycling);

DC42 (Minerals Extraction);

DC43 (Ready Mixed and Processing Plant);

DC45 (Appropriate Development in the Green Belt);

DC48 (Flood Risk);

DC49 (Sustainable Design and Construction);

DC52 (Air Quality);

DC53 (Contaminated Land);

DC55 (Noise);

DC58 (Biodiversity and Geodiversity);

DC60 (Trees and Woodlands);

DC61 (Urban Design);

DC72 (Planning Obligations).

Landscaping SPD.

Sustainable Design and Construction SPD.

Planning Obligations SPD.

## STAFF COMMENTS

The application is supported by an Environmental Impact Assessment, which has involved a number of detailed surveys and analysis of the proposal's likely impacts, to support a consideration of the proposal's acceptability in relation to planning policy and any other material planning considerations. A detailed consideration of the proposal's impact on the highway network, neighbouring occupiers, visual amenity, ecology, hydrology, ground conditions, and air quality amongst other things.

The main issues to be considered in the determination of this application are considered to be the principle of development, the impacts on visual and residential amenity, impact on the openness of the Green Belt, access arrangements, air quality, flood risk, ground and surface waters, ecology, and other considerations.

## PRINCIPLE OF DEVELOPMENT

The submitted information states that the proposal would remediate a former mineral extraction site which would be planted to provide community woodland. A path through the site would provide a 'missing link' connecting a path through Bonnetts Wood to the east with Berwick Glades to the west. Policy CP13 states that mineral workings should be restored to the highest standards using progressive restoration techniques, and should secure an acceptable after use in line with Green Belt objectives. The proposal would involve the progressive restoration of the site, with the final after use being a public open space and woodland. The final use would be consistent with Green Belt objectives - Paragraph 75 of the NPPF states that planning policies should protect and enhance public rights of way and access and local authorities should seek opportunities to provide better facilities for users, for example by adding links to existing rights of way networks. Officers are satisfied that a high standard of site restoration can be achieved. In addition to the indicative information contained in the application, it is recommended that a condition be imposed requiring the approval of a detailed restoration and after care scheme.

Policy W4 of the Waste DPD states that planning permission for waste disposal by landfilling will only be granted provided the waste to be disposed of cannot practicably and reasonably be reused. The policy also states that the proposal should be both essential to, and involve the minimum quantity of waste necessary for, restoring current or former mineral workings sites and facilitating a substantial improvement in the quality of land. The proposed fill material will need to be approved separately by the Environment Agency, however, the intention is to use inert fill material - primarily construction, demolition, and excavation waste derived from building projects. The proposal would involve the recycling of material suitable for use as a recycled aggregate, and which would not be suitable for the proposed development. The remaining soil material is not likely to have any significant use value or ability to be recycled further, and its use as fill material is therefore considered to be suitable.

The submitted information states that the proposed operations are intended, in part, to improve the restoration a former mineral working site. The amount of material to be deposited and the resulting land levels are dictated by the need to ensure that the woodland after use is achievable. The differential settlement has to be addressed with a capping layer, the integrity of which has to be protected, and a deep soil profile established that is sufficient to provide an adequate root depth to support tree planting. To satisfactorily meet these objectives inert solid material will need to be imported, quality assured and treated to ensure consistency and structure. Suitable soils sourced from development projects that meet the necessary specifications are to be placed in layers on the site. The remediation will require the import of some 170,000 cubic metres of inert engineering material. It is considered, on balance, that the proposal would employ the minimum amount of material required to achieve the land improvement objectives. In terms of the principal of development, the proposal is considered to be in accordance with Policy W4 of the Waste DPD.

Policy DC45 of the LDF states that planning permission will only be granted for development in the Green Belt that is for given purposes providing other policies in the LDF are complied with. Policy DC45 has been superseded by guidance contained in the NPPF.

The preliminary assessment when considering proposals for development in the Green Belt is as follows:-

- a) It must be determined whether or not the development is inappropriate development in the Green Belt. The NPPF and the LDF set out the categories of development not deemed to be inappropriate.
- b) If the development is considered not to be inappropriate, the application should be determined on its own

merits.

c) If the development is inappropriate, the presumption against inappropriate development in the Green Belt applies, except in very special circumstances.

In terms of Green Belt policy, the proposed development would include building and engineering operations, along with a material change of use involving the creation of a temporary material processing area.

Paragraph 89 of the NPPF states that building operations constitute inappropriate development in the Green Belt, except in given circumstances. The proposal would result in the installation of a temporary container unit to provide an office and staff facilities. Wheel washing and weighbridge installations are also proposed. The building is not included in the NPPF's definition of appropriate building operations, and are therefore considered to constitute inappropriate development in the Green Belt.

Paragraph 90 of the NPPF states that "certain other forms of development", that are separate from building operations, may constitute appropriate development in the Green Belt providing they preserve the openness of and do not conflict with the purposes of including land in the Green Belt. These include engineering operations. The proposed engineering operations would, first and foremost, result in a permanent new landform of substantial scale. The proposal would also include the formation of temporary screening bunds, which would also serve the purpose of storing soils, along with the laying out of operational areas, such as the treatment area.

Whilst temporary in nature, it is considered that the proposed bunds would amount to noticeable additions to the open character of the landscape, in terms of their height, form, and bulk. The building and treatment area, which would include the presence of stockpiled material, heavy goods vehicles and other equipment, would result in a significant increase in the intensity of the site's use, which it is considered would reduce openness. In terms of the proposed landform it is considered that the proposal would be capable of blending in effectively with the surrounding landscape and would, on completion, provide an area of openness and a use that is suitable in the Green Belt. Nevertheless, in terms of the site's existing form and appearance, it is difficult to avoid the conclusion that the proposal would diminish the existing openness of the Green Belt during the 2 year period of construction. Given the impact on the openness of the Green Belt, the proposed engineering operations and associated development are considered to constitute inappropriate development.

The proposed treatment area would involve a material change of use of the land. Although the treatment area could be considered as ancillary to the land raising activities, given that the material deposited must be of a suitable grade and standard, it could also be argued that the engineering material could be processed elsewhere, at non Green Belt sites. The NPPF is silent in relation to material changes of use, and this aspect of the proposal is therefore considered to be inappropriate development.

While the proposal is considered to constitute inappropriate development in the Green Belt, it is considered that as this part of the development is temporary and would result in visual, ecological, and public benefits compared to the existing situation it constitutes very special circumstances.

As the proposal is considered to constitute inappropriate development in the Green Belt, it is incumbent upon the applicant to demonstrate that there are very special circumstances that outweigh the harm by reason of inappropriateness and any other harm. This matter will be addressed later in this report.

## **DESIGN / IMPACT ON STREET / GARDEN SCENE**

Policy DC61 of the LDF states that development proposals should not result in significant harm to the visual amenity. Policy W4 of the Waste DPD states that proposals for landfilling should incorporate finished levels that are compatible with the surrounding landscape, and that the levels are the minimum required to restore the land to the agreed after use.

It has already been concluded that aspects of the proposal would be detrimental to the openness of the Green Belt. That the proposal would be harmful to the openness of the Green Belt is considered to be an indication that it may be harmful to the visual amenities and landscape character of the area. However, the impact on openness is only one factor involved in the consideration of visual impact.

When viewed from within the site, or from the air, the proposal would result in significant permanent changes to the appearance of the landscape. Nevertheless following the site's restoration, it is considered that the proposal would blend in with its open, landscaped surroundings, and would be an improvement upon the existing situation where a footpath leading west through Bonnets Wood Forestry Commission Park ends abruptly at a barbed wire fence opposite the application site and there is no connectivity with Berwick Glade to the west. Moreover, the existing area is covered in poor quality grassland which is considered to be of limited landscape character and interest.

During the construction phase of the development, it is considered that the proposal would have a detrimental impact on the character of the site. Particularly in terms of the proposed treatment area, bunding, building, and general construction activity. However, these aspects of the development would be of a temporary nature, and with appropriate mitigation measures, restoration, and aftercare, need not result in significant visual harm when considered at ground level and from beyond the site boundaries.

The proposal would involve the use of 3m high screening bunds around the perimeter of the working areas. Moreover, much of the site would be screened by existing vegetation to the south and east which would help to limit the impact of the proposal.

The proposed locations of the building, plant, and wheel washing equipment are such that, when their scale and surrounding screening works are considered, they would not be significantly visible from beyond the site's boundaries and would, in any case, appear as small additions in relation to the overall scale of the site under consideration. The proposed screening bunds and stockpiles would amount to noticeable visible additions within the local landscape, however, the use of grass seeding, to be secured by condition would enable them to blend in reasonably well within what is a generally green landscape.

Except to the extent that the development as a whole would be detrimental to the openness of the Green Belt, which is a form of visual harm, it is considered that the various mitigation measures and the nature of the proposal would limit harm to the visual amenities and character of the surrounding landscape, when considered from beyond the site's boundaries.

The proposed restoration scheme would result in the restoration of the site to a landscaped area of public open space. The proposed screening, stockpiles, buildings, and structures would be removed, and an aftercare scheme would ensure that the site is properly restored to public open space and that the proposed planting schemes are successful. The proposed indicative restoration and aftercare schemes are considered to be sufficient to enable the site to be properly restored to an appropriate after-use, following the completion of infilling works.

Conditions have been recommended that would require the submission and approval of detailed restoration and aftercare schemes; the completion of the development within a given time period to ensure that the site is restored as soon as possible; the grass-seeding of screening bunds; and the prevention of stockpiling above a certain level.

The proposal, by its very nature, would result in significant changes to the appearance of the site itself, and it is already acknowledged that the proposal would result in significant harm in terms of its impact on the openness of the Green Belt during the period of operations. Despite the temporary nature of the proposed development, the proposed mitigation measures, restoration and aftercare schemes, and recommended conditions; it is considered that the proposal, by reason of its harm to the openness of the Green Belt, would have a harmful visual impact in what is otherwise a relatively open landscape.

### **IMPACT ON AMENITY**

Policy DC61 of the LDF states that development proposals should not result in significant adverse impacts on local or residential amenity. Policy W5 of the Waste DPD states that planning permission for waste related development will only be granted where it can be demonstrated that there would not be significant harm to people.

To the north of the site the nearest residential property is 500 metres away at Rainham Lodge Farm where there are 2 two storey houses, the dwellings are orientated east-west and with the exception of one small first floor gable end window the site will not be visible from these; to the south at a distance of 380 metres is Berwick Ponds Farm from which the site cannot be seen because of intervening trees and the orientation of the farmhouse; 460 metres to the east are Gerpins Farm and the house 'Dun Graftin' which are screened from the site by mature woodland; to the west there are no buildings for approximately 2000 metres. It is not considered that there would be any loss of visual amenity to any of these properties and given the proposed bunding and the distances involved it is not considered that there would be any loss of amenity from noise provided a suitable condition is imposed restricting the hours during which operations can take place.

While there will undoubtedly be some temporary loss of visual amenity and noise disturbance to users of the Forestry Commission Parks to the east and west of the site. It is considered that the beneficial outcome to these users in the form of the new facilities will more than compensate the inconvenience.

The Council's Environmental Health officers have been consulted about the proposal, with no objections being received in relation to noise impacts. Conditions have been requested relating to dust suppression and adherence to limited operating hours.

Operations involving the deposition, processing, and storage of soils have the potential to give rise to significant problems in relation to dust-drift, particularly during dry weather conditions. However, this problem can be adequately controlled through the use of appropriate measures, such as the planting of vegetation on storage mounds and bunds along with the use of wheel washing equipment, bowsers, and sprinklers to keep exposed areas damp. A number of conditions are recommended, which it is considered would adequately control this potential problem.

Conditions are recommended that would require the approval of details for the control of noise and external lighting; limit the operating hours of the development and control dust drift from the site. Subject to the use of these conditions, it is considered that the proposal would not result in significant harm to the amenities of



neighbouring occupiers. In this regard, the proposal is considered to be in accordance with Policy DC61 of the LDF and Policy W5 of the Waste DPD.

## **HIGHWAY / PARKING**

Policy DC32 states that development will only be permitted that would not result in adverse impacts on the functioning of the road network.

The submitted information states that the proposal, based on the estimated timescale of 18 months, would result in a daily average of 132 vehicle movements (66 vehicles in, and 66 vehicles out). The proposal would employ an existing access onto Berwick Pond Road and an internal haulage road for the delivery of material to the proposed receiving area. A wheelspinner and lorry bath in combination with a concrete access road are proposed to prevent the tracking of material into the public highway.

## **OTHER ISSUES**

### **AIR QUALITY**

Policy W5 of the Joint Waste DPD states that planning permission for waste proposals will only be granted where there would be no significant adverse impacts on air quality.

The Council's Environmental Health officers have been consulted about the proposal. No objections have been raised, subject to the use of a condition relating to dust suppression. The proposal is considered to be in accordance with Policy W4 of the Joint Waste DPD.

### **ECOLOGY**

Policy DC58 of the LDF states that the biodiversity and geodiversity will be protected and enhanced by protecting and enhancing Sites of Special Scientific Interest and Importance for Nature Conservation.

The application is accompanied by ecological surveys, which consider the impacts the proposal is likely to have on different species and sites of ecological value. The Environment Agency and Natural England have no objection to the proposal. Natural England has commented that while the site is in close proximity to the Ingrebourne Marshes Site of Special Scientific Interest, it is satisfied that the SSSI does not represent a constraint in determining the application. The Essex Wildlife Trust and the London Essex and Hertfordshire Amphibian and Reptile Trust and Essex Wildlife Trust have requested that a full reptile survey should be carried out prior to the proposed development being carried out and steps taken to relocate reptiles found.

With reference to the concern raised by a consultee regarding access of the site to wildlife during the development, the Environmental Statement confirms that escape routes for foraging badgers will be provided.

It is considered that the site's restoration, which would involve a substantial amount of tree planting and the establishment of grassland areas and aquatic habitats would result in significant ecological enhancements compared to the existing situation. It is proposed that, should permission be granted, a condition is imposed requiring the submission, approval and implementation of a reptile translocation scheme prior to commencement of development.

### **RESTORATION**

Policy W4 of the Joint Waste DPD states that planning permission for landfilling operations will only be granted where site workings would be restored to high standards, enhancing overall environmental quality, nature and geological conservation and public accessibility. Officers are satisfied that the proposed development can be restored to an acceptable standard and that the proposed after-use would be appropriate in the Green Belt. Given the proposed improvement in the network of public rights of way, it is considered that the restoration of the site would result in visual, ecological, and public benefits compared to the existing situation. Conditions have been imposed requiring the approval of detailed restoration and aftercare schemes to ensure the site is properly restored to an appropriate standard.

Policy DC22 states that within the Thames Chase Community Forest, that opportunities will be sought to increase the recreational, landscape, and biodiversity quality of land, along with public accessibility, supporting other strategies such as the London Green-Grid. As discussed in the previous paragraph, it is considered that the proposal would help to achieve these objectives. The proposal would help to enhance linkages between Bonnets Wood to the east and Berwick Glades to the west, integrating the two into a wider network of green spaces.

A range of conditions have been recommended, which are intended to prevent any loss or damage to the site's existing sub and topsoils, which should be imposed if planning permission is to be granted.

#### VERY SPECIAL CIRCUMSTANCES

The applicant has submitted a statement of very special circumstances to address the possibility that the development would constitute inappropriate development in the Green Belt. The very special circumstances cited are as follows:

"It is considered that the very short term engineering operations are not inappropriate development in the Green Belt being an appropriate Green Belt activity, however, if harm is caused then Very Special Circumstances exist to outweigh any perceived harm, including that on openness.

·the objective is to remediate damaged land that together with the managed woodland planting will blend in with the surrounding countryside which is a benefit to the local landscape as well as to returning the area to full forestry after use, (consistent with NPPF para. 90 and NPPW para 7 point 6,)

·the local landscape will be enhanced as will visual amenity together with providing a good quality environment for people, additional access to the countryside, encouraging outdoor recreation and provide opportunities for additional areas of nature conservation interest and wildlife, (Thames Chase, Beam & Ingrebourne Area framework),

·the completed site will improve connections between Ingrebourne Hill and Hornchurch Country Park to the 'Berwick Link' which is part of the All London Green Grid Programme and vital to creating a continuous network of pathways and woodland areas, (consistent with the London Plan policy 2.18),

·'brownfield' land will be regenerated using the least amount of material necessary and making best use of soil materials arising from the construction industry which is recognised as being sustainable and beneficial to land reclamation as these soil materials will replace other materials that could have been used, thereby, conserving natural resources, (consistent with NPPF para.143 bullet 8 and NPPW Appendix A),

·the proposed earthworks depend on the soils being fit for purpose in order to meet the specifications within Best Practice Guidance Note 5 published by the Forestry Commission for planting onto 'Brownfield', landfill or otherwise disturbed sites',

·any treatment of the reclamation materials is a necessary and complementary part of the project but will only ever be ancillary and restricted to the duration of the project,

·the reclamation of the site secures the final restoration to a high quality of land that has been worked for minerals by providing for informal recreation, reinforcing woodland planting, conserving and recreating habitats. (in accordance with an approved Thames Chase Community Forest Plan, consistent with NPPF para. 92 Community Forests).

·the completed site will provide considerable opportunities for increasing the biodiversity of the locality, consistent with NPPF para.118 and Planning Practice Guidance Note 11 'Conserving and enhancing the natural environment',

·the completed site will meet the aspirations of the local Council and in the wider context will fulfil those of the All London Green Grid project, the Green Arc initiative which promotes the positive management and use of the urban fringe to provide a good quality environment for people, provide additional access to the countryside, encourage outdoor recreation and provide opportunities for additional areas of nature conservation interest and wildlife, (consistent with NPPF para. 73), and

·the inclusion of the All London Green Grid as a material planning consideration in DPDs is recommended in para. 3.13 in the All London Green Grid SPG March 2012,

The above constitute Very Special Circumstances that supports the re-restoration scheme as it will result in a permanent benefit to the locality without compromising Green Belt objectives."

It was concluded earlier on in this report that the proposal would be detrimental to the openness of the Green Belt and that this would result in a degree of visual harm within the wider landscape. It was also concluded that the proposed material treatment area would constitute inappropriate development in the Green Belt.

It is considered that the visual harm of the proposal would be limited and that the proposed mitigation measures and conditions would significantly reduce any visual harm over and above the impact on openness. The proposed treatment area and other operations would be well screened. Following the completion of the proposed development, it is considered that the proposal would meet a number of policy objectives, delivering significant landscape, biodiversity, access, and public health benefits, meeting strategic objectives for the creation of a green network of connected public open spaces. Whilst the proposal would result in a degree of harm during its construction, this would be for a limited period and could be sufficiently controlled by conditions. To the extent that the harm to the openness of the Green Belt would also be harmful to the visual amenities of the site and surrounding area, it is considered that there are material considerations that outweigh this.

Officers conclude that, in this case, there are very special circumstances that outweigh the identified harm to the Green Belt and any visual harm.

## FLOOD RISK

Policy W5 of the Joint Waste DPD states that planning permission for waste proposals will only be granted where there would be no adverse impacts in relation to flooding, hydrogeology, and drainage arrangements.

The Environment Agency has been consulted about the proposal with no objections being raised. A condition has been requested relating to the submission and subsequent approval of a detailed surface water drainage scheme for the site and this has been included in the recommendation section of this report.

Subject to the use of the aforementioned condition, it is considered that the proposal would have an acceptable impact in relation to flood risk and drainage arrangements.

## KEY ISSUES / CONCLUSIONS

The proposed development has been assessed in relation to the following matters:

- o The principle of development, in particular, whether the proposal would constitute appropriate development in the Green Belt, and whether the proposal would be in accordance with policies relating to the disposal of inert waste by landfilling;
- o The visual impact of the proposal;
- o Whether the proposal can be operated in a manner that is not significantly harmful to local amenity, or the amenities of neighbouring occupiers;
- o Whether the proposed access arrangements and generation of traffic would be significantly harmful to highway safety;
- o Whether the proposal would have an acceptable impact in relation to a range of environmental considerations, including air quality, flood risk and drainage and ecology;
- o Whether the proposal can be restored to an acceptable standard;
- o Whether very special circumstances exist that clearly outweigh the harm, by reason of inappropriateness and any other harm.

On balance, officers conclude that there are very special circumstances in this case, which outweigh the harm to the openness of the Green Belt, and any associated visual harm, in particular the improvements to recreation, open space and nature conservation compared to the existing situation. In all other respects, the proposal is considered to be acceptable. However, this is a balancing exercise, and Members may reach a different conclusion.

Officers consider the proposal to be acceptable having had regard to Policies CP13, CP15, CP16, DC22, DC32, DC33, DC34, DC36, DC40, DC42, DC43, DC45, DC48, DC49, DC52, DC53, DC55, DC58, DC59, DC60, DC61, DC70 and DC72 of the LDF and all other material considerations. It is recommended that planning permission be granted subject to the recommended planning conditions.

## RECOMMENDATION

It is recommended that **planning permission be GRANTED** subject to the following conditions:

### 1. SC4 (Time limit) 3yrs

The development to which this permission relates must be commenced not later than three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

**2. SC32 (Accordance with plans)**

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).

Reason: The Local Planning Authority consider it essential that the whole of the development is carried out and that no departure whatsoever is made from the details approved, since the development would not necessarily be acceptable if partly carried out or carried out differently in any degree from the details submitted. Also, in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

**3. Commencement of Development (Pre Commencement Condition)**

Written notification shall be submitted to the Local Planning Authority at least 7 days in advance of the commencement of development.

Reason: Written notification prior to commencement will help ensure that operations take place in an orderly fashion and result in proper restoration of the site to agriculture with minimum harm to the amenities of the area

**4. Trees and Hedgerows (Pre Commencement Condition)**

No development shall take place until there has been submitted to and agreed in writing by the Local Planning Authority, details of all existing trees and hedgerows on the land, and details of those to be retained, together with measures for their protection during the course of the development. The development shall be undertaken in accordance with the approved details.

Reason: Insufficient information has been supplied with the application to judge the appropriateness of the works in relation to the existing trees and hedgerows. Submission of this detail prior to commencement will help to protect the amenity and biodiversity value afforded by the trees and hedgerows in accordance with policies DC58 (Biodiversity) and 60 (Trees and Woodlands) of the Core Strategy and Development Control Policies Development Plan Document.

**5. Site Restoration (Pre Commencement Condition)**

No development shall take place until a detailed scheme of restoration, relating to all areas of the application site, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the use and depths of soil material; final levels and contours (shown at 1 metre intervals); along with details of all planting, boundary treatment, proposed access arrangements, a restoration programme and timetable, and drainage works.

The site's restoration shall be undertaken in accordance with the approved details, including timeframes within which the approved details will be implemented. Written notification to the Local Planning Authority shall be provided within 7 days of the completion of final restoration.

Reason: The submission of the scheme prior to commencement, and restoration in accordance with the approved details will ensure that operations take place in an orderly fashion with minimum harm to the amenities of the area and to ensure proper restoration of the site to agriculture.

**6. Wheel washing (Pre Commencement Condition)**

Before the development hereby permitted is first commenced, vehicle cleansing facilities to prevent mud being deposited onto the public highway during construction works shall be provided on site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be retained thereafter and used within the application site at relevant entrances to the site throughout the duration of construction works.

The submission will provide;

- a) A plan showing where vehicles will be parked within the site to be inspected for mud and debris and cleaned if required. The plan should show where construction traffic will access and exit the site from the public highway.
- b) A description of how the parking area will be surfaced, drained and cleaned to prevent mud, debris and muddy water being tracked onto the public highway;
- c) A description of how vehicles will be checked before leaving the site - this applies to the vehicle wheels, the underside of vehicles, mud flaps and wheel arches.
- d) A description of how vehicles will be cleaned.
- e) A description of how dirty/ muddy water be dealt with after being washing off the vehicles.
- f) A description of any contingency in the event of a break-down of the wheel washing arrangements and should debris be tracked into the public highway.

Reason: The submission of the scheme prior to commencement, and its subsequent approval will help to ensure the implementation of an effectual scheme which will prevent materials from the site being deposited on the adjoining public highway, this is in the interests of highway safety and the amenity of the surrounding area, and in order that the development accords with the Development Control Policies Development Plan Document Policies DC61 and DC32.

#### **7. Operations Methodology (Pre Commencement Condition)**

No development shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority making provision for an Operations Method Statement to control the adverse impact of the development on the amenity of the public and nearby occupiers. The Operations Method statement shall include details of:

- a) parking of vehicles of site personnel and visitors;
- b) storage of plant and materials;
- c) measures for minimising the impact of noise and, if appropriate, vibration arising from extraction and infilling activities;
- d) predicted noise and, if appropriate, vibration levels for the proposed operations, using methodologies and at points agreed with the local planning authority;
- e) scheme for monitoring noise and if appropriate, vibration levels using methodologies and at points agreed with Mineral Planning Authority; siting and design of temporary buildings;
- f) scheme for security fencing/hoardings, depicting a readily visible 24-hour contact number for queries or emergencies;
- g) details of the disposal of waste arising from the operational programme, including from any buildings. The burning of waste on the site at any time is specifically precluded.

The development shall be carried out in accordance with the approved scheme and statement.

Reason: The submission of the scheme prior to commencement, and its subsequent approval will help to ensure the implementation of an effectual scheme which will protect residential amenity and ensure that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61.

#### **8. Delivery and Service Plan (Pre Commencement Condition)**

No development shall take place until a delivery and servicing plan has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide details of how the operator will manage traffic movements to and from the site to ensure that Heavy Goods Vehicle movements are optimised to avoid daily peak hour periods.

The approved scheme shall be implemented and retained for the life of the development.

Reason: The submission of the plan prior to commencement, and its subsequent approval will help to ensure highway safety and amenity and comply with policies CP10, CP17, and DC61 of the LDF Development Control Policies Development Plan Document.

#### **9. Highways (Pre Commencement Condition)**

The necessary agreement, notice or licence to enable the proposed alterations to the Public Highway shall be entered into and completed prior to the commencement of development.

Reason: The agreement and completion of the alterations prior to the commencement of the development is in the interests of ensuring good design and ensuring public safety and will help the scheme to comply with policies CP10, CP17, and DC61 of the Core Strategy and Development Control Policies Development Plan Document.

#### **10. External Lighting (Pre Commencement Condition)**

Prior to the commencement of the development a scheme for the lighting of external areas of the development, including the access roads and working areas, shall be submitted to and approved in writing by the Local Planning Authority. The scheme of lighting shall include details of the extent of illumination together with precise details of the height, location and design of the lights.

The installation of any external lighting shall be undertaken in accordance with the approved scheme.

Reason: The submission of details for the lighting for the development and its approval and subsequent implementation prior to the commencement of development is in the interests of highway safety and amenity. It will also ensure that the development accords with Policies DC32 and DC61 of the LDF Development Control Policies Development Plan Document.

#### **11. Cycle Storage (Pre Commencement Condition)**

Prior to the commencement of waste importation works, cycle storage of a type and in a location previously submitted to and agreed in writing by the Local Planning Authority shall be provided and retained until such time as the relevant site area is to be restored.

Reason: The submission of details for the cycle storage and their approval and subsequent installation of the facilities prior to the commencement of waste importation is in the interests of providing a wide range of facilities for members of staff on site, in the interests of sustainability and in order that the development accords with Policy DC36 of the LDF Development Control Policies Development Plan Document.

#### **12. Dust Management (Pre Commencement Condition)**

No development shall take place until a scheme for the prevention, monitoring, and control of dust drift and deposition has been submitted to and approved in writing by the Local Planning Authority.

The development shall thereafter be undertaken in accordance with the approved details. Should any dust be observed crossing the site's boundaries, then all infilling and processing operations shall cease until such time as the dust drift has been brought under control.

Reason: The submission of a scheme for dust management, its approval prior to the commencement of development and subsequent implementation will help to ensure that minimum harm is caused to the amenities of the area and those of local residents and comply with Policy DC61 of the LDF Development Control Policies Development Plan Document.

#### **13. Hydrology (Pre Commencement Condition)**

The development hereby permitted shall not be commenced until a detailed surface water drainage scheme for the site, based on the agreed flood risk assessment (FRA) "Hydrological Study Of Little Gerpins2 Site" Ref: 60982R5 and subsequent emails to the Environment Agency from Jonathan Kinnear, ESI, dated 13/02/2015 and 19/02/2015 have been submitted to and approved in writing by the local planning authority. The drainage strategy shall include a restriction in run-off and surface water storage on site as outlined in the FRA.

The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: The submission of a scheme for surface water drainage, its approval prior to the commencement of development and subsequent implementation will help to prevent increased risk of flooding, improve and protect water quality, improve habitat and amenity and comply with Policy DC48 of the LDF Development Control Policies Development Plan Document.

#### **14. Reptile Translocation (Pre Commencement Condition)**

No development shall take place until a detailed scheme of reptile translocation, relating to all areas of the application site, has been submitted to and approved in writing by the Local Planning Authority.

The reptile translocation shall be undertaken in accordance with the approved details before development commences on the site.

Reason: The submission of the scheme prior to commencement, and translocation in accordance with the approved details will ensure that there is minimal impact on protected species and will ensure the scheme complies with policies CP16 and DC58 of the Core Strategy and Development Control Policies Development Plan Document.

#### **15. Site investigation**

The deposit of waste materials shall not commence until a site investigation has first been undertaken to ascertain the level of any landfill gas which may be present and an assessment has been carried out to establish whether or not there is a risk from migrating landfill gas as a result of these proposals.

The assessment and any necessary works required to mitigate the effects of gas shall be carried out in accordance with details which have been previously submitted to and agreed in writing by the Local Planning Authority.

Reason: There is a risk that gases from the landfill could affect the proposed development. Based on the risk assessment, there may be a need for certain precautionary measures to be incorporated into the design of the proposed development.

#### **16. Landscaping scheme**

Within six months of the commencement of the development authorised by this permission, a scheme

of landscaping and restoration shall be submitted to the Local Planning Authority for approval setting out details of the proposals shown generally on Drawing Nos. Proposed Contours 0526 12; Revised Restoration Proposals 0912/LG/R/1b. This scheme shall include at least details of tree and shrub planting, footpath and bridleway creation and areas of public access. The site shall be restored in accordance with the approved scheme within two years of the completion of infilling.

Reason: To ensure that operations take place in an orderly fashion with minimum harm to the amenities of the area and to ensure proper and expeditious restoration of the site to amenity and nature conservation use.

#### **17. Aftercare**

An after-care scheme, requiring that such steps as may be necessary to bring the land to the required standard for use for amenity and nature conservation, shall be submitted for the approval of the Local Planning Authority not later than six months from the date that operations authorised under this permission have commenced.

The submitted after-care scheme shall:

(i) Provide an outline strategy for the maintenance of the restored land. This shall specify the steps to be taken and the period during which they are to be taken. The scheme shall include measures for the management and maintenance of:

- (a) grass and herbaceous vegetation;
- (b) the new areas of tree and shrub planting;
- (c) existing trees and scrub; and
- (d) paths, fences and roadways.

(ii) Provide the annual meetings between the applicants and the Local Planning Authority during the after-care period.

(iii) Subject to (iv) below, the after-care of the site shall be carried out in accordance with the after-care scheme as approved by the Local Planning Authority.

(iv) Where the Local Planning Authority agree in writing with the person or persons responsible for undertaking the after-care steps that there shall be lesser steps or a different timing between steps, the after-care shall be carried out in accordance with that agreement.

Reason: To ensure that operations take place in an orderly fashion with minimum harm to the amenities of the area and to ensure proper and expeditious restoration of the site to amenity and nature conservation use.

#### **18. Restoration**

In the event of the cessation of operations for a period exceeding 12 months at any time before the site is fully restored, a reinstatement and low level restoration and aftercare scheme shall be submitted for the written approval of the Local Planning Authority, at the latest, within 2 months of the end of that 12 month period. The scheme shall provide details of final levels, soiling and landscaping, and a proposed timescale for implementation, and shall be implemented within 1 month of the scheme being approved.

Reason: To ensure that the site is restored in a prompt and acceptable manner.

#### **19. Working Hours**

With the exception of water pumping and office-based activities, no activities authorised by this permission shall take place, except between the following times:

0700 - 1800 hours Monday to Friday, and

0700 - 1300 hours on Saturdays

No operations shall take place on Sundays, Bank and public holidays.

Reason: In the interests of residential amenity and in accordance with the Development Control Policies Development Plan Document Policy DC61.

#### **20. Restoration Materials**

None of the existing topsoil, subsoil, or overburden shall be removed from the site.

Reason: To ensure any soils and overburden stripped from the site are used in the site's restoration, and to reduce the amount of material needing to be imported for the site's restoration.



## **21. Soil Handling**

No topsoil or subsoil shall be stripped, moved or replaced except in dry weather conditions and when the soils are in a correspondingly dry and friable condition. Soil handling and movement shall not take place between November and March in any year. Topsoils shall not be traversed by vehicles at any time during the course of the development, except for the purposes of stripping or reinstatement.

Reason: To minimise damage to surface soils during stripping and re-spreading operations thereby helping improve the quality of final restoration of the site.

## **22. Infill Material**

Only inert waste material shall be imported to the site for the purposes of infilling and restoration. Material shall not be stockpiled more than 4m above ground level.

Reason: In the interests of local amenity and in accordance with Policy DC61 of the Core Strategy and Development Control Policies Development Plan Document.

## **23. Restoration**

Any areas of the site filled to final levels but not available for final restoration shall be temporarily seeded with grass in the first available planting season.

Reason: To ensure that minimum harm is caused to the amenities of the area and those of local residents.

## **24. Tonnages**

No more than 260,000 tonnes of material shall be imported to, and no more than 90,000 tonnes of the 260,000 tonnes that may be imported shall be exported from the site in total. Written records of the vehicle loads and tonnages removed from and imported to the site shall be kept for the duration of the operations on site and made available to the Local Planning Authority on request within seven working days.

Reason: The development has been assessed on the basis that a given amount of material will be transported to and from the site per annum.

## **25. Vehicle Movements**

Heavy goods vehicle movements into the approved site access shall not exceed 100 movements in and 100 movements out per day for the duration of the development, unless otherwise agreed in writing by the Local Planning Authority. Written records detailing the daily vehicle movements to and from the site over the duration of the development, including the tonnages of material imported and exported, shall be retained at the site at all times, and shall be made available for inspection by the Local Planning Authority. A copy of the aforementioned record shall also be provided to the Local Planning Authority on request within seven working days of request.

Reason: To help to ensure highway safety and amenity and comply with policies CP10, CP17, and DC61 of the LDF Development Control Policies Development Plan Document.

## **26. Timescales**

The importation of material shall cease within 2 years of the commencement of development. The whole of the application site shall be fully restored, in accordance with the approved restoration scheme, within 28 months of the commencement date.

Reason: In the interests of ensuring the site is restored as soon as possible.

## **27. Vehicular Access**

All vehicular access to the site for the purpose of infilling and restoration shall be via the existing access in the northwest corner of the site onto Berwick Pond Road.

Reason: To ensure that operations take place in an orderly fashion with minimum harm to the amenities of the area and to ensure proper and expeditious restoration of the site to amenity and nature conservation use.

## **28. Buildings and plant**

The proposed building and plant hereby permitted shall not be erected or located on site until details of their design/construction and siting have first been submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure that operations take place in an orderly fashion with minimum harm to the amenities of the area and to ensure proper and expeditious restoration of the site to amenity and nature conservation use.

### **29. Settlement**

In the event that any areas of uneven settlement occur during the restoration and after-care period, these shall be made good with suitable imported soils to the satisfaction of the Local Planning Authority prior to the end of the after-care period.

Reason: To ensure that operations take place in an orderly fashion with minimum harm to the amenities of the area and to ensure proper and expeditious restoration of the site to amenity and nature conservation use.

### **30. Topsoil**

The final layer of cover shall comprise of at least 0.6m of topsoil, subsoil or other such soil forming material as may be agreed in writing with the Local Planning Authority. This layer of material shall be kept free of all materials likely to interfere with the final restoration.

Reason: To ensure that operations take place in an orderly fashion with minimum harm to the amenities of the area and to ensure proper and expeditious restoration of the site to amenity and nature conservation use.

### **31. Contours**

The final soil layer shall be graded so as to form the approved final contours and to provide an even surface to enable the land to be planted and sown with grass seed. The finished surface shall be subsoiled in such a manner as to disturb the whole soil profile to a depth of 0.4m to alleviate any compacted layers.

Reason: To ensure that operations take place in an orderly fashion with minimum harm to the amenities of the area and to ensure proper and expeditious restoration of the site to amenity and nature conservation use.

### **32. Materials**

No heaps of overburden or other materials shall be left on the site after the completion of restoration works.

Reason: To ensure that operations take place in an orderly fashion with minimum harm to the amenities of the area and to ensure proper and expeditious restoration of the site to amenity and nature conservation use.

### **33. Soakaways**

No soakaways shall be constructed into any part of the site which is underlain by previously deposited waste materials.

Reason: To prevent pollution of ground water.

### **34. Replaced dead planting**

Any trees or shrubs which within a period of five years following planting are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In accordance with Section 197 of the Town & Country Planning Act 1990 to enhance the visual amenities of the development to ensure appropriate provision for nature conservation and to ensure that the development has due regard to the concept of the Thames Chase Community Forest.

### **35. Road Safety Audit**

Prior to opening, the pedestrian access/ crossing point on Berwick Pond Road should be subjected to a Stage 3 road safety audit as defined in either HD 19/15 of the Design Manual for Roads & Bridges or Transport for London SQA-0170 May 2014 and recommendations reasonably dealt with.

Reason: In the interests of ensuring good design and ensuring public safety and to comply with policies of the Core Strategy and Development Control Policies DPD, namely CP10, CP17, DC32 and DC61.

### **36. Public Access**

Upon completion of the development hereby approved, public access within and through the site shall be provided in accordance with a scheme of public access previously submitted to and approved in writing by the Local Planning Authority.

Reason: In order to ensure that the proposal provides a suitable recreational facility in the Green Belt, in accordance with the NPPF.

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## **INFORMATIVES**

### **1. Environmental Permit Informative**

This development will involve the permanent deposit of material on land, therefore will require an Environmental Permit under the Environmental Permitting (England and Wales) Regulations 2010 from the Environment Agency. As landfill is a waste disposal operation it must comply with the requirements of the Landfill Directive.

### **2. Highways Informatives**

The Applicant is advised that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted, considered and agreed. Any proposals which involve building over the public highway as managed by the London Borough of Havering, will require a licence and the applicant must contact StreetCare, Traffic & Engineering on 01708 433750 to commence the Submission/ Licence Approval process.

Should this application be granted planning permission, the developer, their representatives and contractors are advised that this does not discharge the requirements under the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works) required during the construction of the development.

The developer is advised that if construction materials are proposed to be kept on the highway during construction works then they will need to apply for a license from the Council.

### **3. Approval - No negotiation required**

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.

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# REGULATORY SERVICES COMMITTEE

# REPORT

**Subject Heading:**

P0283.15 Installation of 6no. 13 metre high galvanised steel columns with floodlighting to serve the existing Rugby pitch and adjacent training areas.

Upminster RFC, Upminster Hall Playing Fields, Hall Lane, Upminster

**Ward**

Cranham

**Report Author and contact details:**

Suzanne Terry  
Interim Planning Manager  
[suzanne.terry@havering.gov.uk](mailto:suzanne.terry@havering.gov.uk)  
01708 432755

**Policy context:**

Local Development Framework  
The London Plan  
National Planning Policy Framework

**Financial summary:**

None

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

Havering will be clean and its environment will be cared for	[x]
People will be safe, in their homes and in the community	[x]
Residents will be proud to live in Havering	[x]

**SUMMARY**

This application has been called-in for consideration by the committee by Councillor Gillian Ford on the grounds of the potential impact on a large number of residential properties.

The application concerns the erection of six 13 metre lighting columns to illuminate a rugby pitch and training area within Upminster Hall Park for both matches and training. It would replace existing mobile lighting units. The detailed specification and light spillage calculations demonstrate that the proposal would meet the guidance levels set by the Institution of Lighting Professionals on the impact of artificial light. On balance the visual impact of the proposed columns is also judged to be acceptable given that the proposed six columns would minimise light spillage whilst maximising lighting effectiveness. As a consequence Staff consider that the proposed development would, on balance, not have a significant adverse impact on the amenities of nearby residents or on the character and appearance of the area. The grant of planning permission is recommended accordingly, subject to conditions.

**RECOMMENDATIONS**

It is recommended that planning permission is granted subject to the following conditions:

1. The development to which this permission relates must be commenced not later than three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The floodlights hereby permitted, excepting for the five minute safety period, shall not be illuminated between 21:30 hours and 15:30 hours the following day, and shall be fitted with a time switch so that the lights are not illuminated between those times.

Reason: In order to minimise the impact of the development on surrounding areas in accordance with policies DC56 and DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.

3. The floodlights hereby approved shall be used only on Mondays to Saturdays and not at all on Sundays, Bank or Public Holidays.

Reason: In order to minimise the impact of the development on surrounding residents in accordance with policies DC56 and DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.

4. The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans, particulars and specifications, including the luminaire details set out in the design and access statement.

Reason: In the interests of residential and visual amenity in accordance with policies DC56 and DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document. The Local Planning Authority consider it essential that the whole of the development is carried out and that no departure whatsoever is made from the details approved, since the development would not necessarily be acceptable if partly carried out or carried out differently in any degree from the details submitted.

Informatives:

1. Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: 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.

## REPORT DETAIL

### **Call-in**

The application has been called in for determination by the committee by Councillor Gillian Ford on the grounds of the potential impact on a large number of residential properties.

### **1. Site Description**

- 1.1 The application site comprises a grassed area at the western end of Upminster Hall Park which is used as a rugby pitch and an adjoining area of grass used for training. The site lies to the north of the park pavilion and surfaced play and sports areas and to the south of the park boundary with houses in Chelmer Road. There is a belt of trees at the western end of the pitch. The area around the park is mainly residential. The nearest properties are about 95metres away from the pitch. Vehicular access to the site is from Hall Lane and there are various pedestrian access points from other roads adjoining the park.

### **2. Description of Proposal**

- 2.1 The application seeks permission for the erection of 6no. 13 metre high galvanised steel lighting columns which would support 10no. downlighting luminaries. 8 of the luminaries would serve the main pitch and 2 to serve the training area to the south. The lighting would be controlled through a meter located in the clubhouse fitted with a one hour time clock. One of the lights would remain on for 5 minutes after the agreed cut-off time to allow players to safely exit the playing field area. The columns would have a

diameter of 0.3 metre at the base tapering towards the top. It is proposed to use the lights between September and April from 16:00 to 21:30 Mondays to Saturdays, although it would not be on every day.

### 3. **History**

- 3.1 P1398.12 – 6 no. floodlights to rugby pitch – withdrawn for further consultation with land owner
- 3.2 P0195.04 – Use of portable floodlights and the erection of metal fence for sports equipment storage, including football and rugby posts – withdrawn
- 3.3 P0998.91 - Erection of floodlights for training purposes -refused

### 4. **Consultation/Representations**

- 4.1 110 neighbours were notified of the application and 14 responses have been received raising the following matters:
  - Would undermine the current rural feeling of the park;
  - Visual impact of lighting columns would have urbanising effect and will be present even when rugby is not being played;
  - Rugby club has played in the park for many years without the need for lights;
  - Light interference to nearby houses would be an invasion of privacy;
  - Temporary lighting currently used is adequate and not on site all year round;
  - Would increase the amount of car parking associated with the use and activity in the vicinity of the clubhouse;
  - Could lead to further pitches being lit;
  - Increased noise levels through wind blowing around the structures
- 4.2 Streetcare has no objections.
- 4.3 Public Protection requests a condition on details of external lighting.

### 5. **Relevant Policy**

- 5.1 Policies CP7 (Recreation & Leisure); DC18 (Protection of public open space, recreation, sports and leisure; DC55 (Noise); DC56 (Light); and DC61 (Urban design) of the Core Strategy and Development Control Policies and the guidance in the National Planning Policy Framework are material considerations.

### 6. **Staff Comments**

- 6.1 The NPPF states that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities.



Development Plan Planning Policy DC18 states that the Council will seek the retention and enhancement of all public open space and recreation, sports and leisure facilities that are in private and public ownership.

- 6.2 The proposed works would replace the existing mobile lighting to provide more effective lighting of the pitch area. It would allow the more effective use of the pitch during winter months. The proposal would allow members of the community to participate more in recreational activity and the proposed development is therefore considered to be in accordance with the above intentions of the NPPF and Policy DC18, subject to the impact of the proposal on neighbours' living conditions and on the appearance of the surrounding area.
- 6.3 The main issues arising are the impact on the character and appearance of the area from the six lighting columns and the potential for light spillage from the site into residential properties and the increase in noise disturbance from any additional usage of the pitch.

#### Visual Impact

- 6.4 Given the openness of the park the lighting columns and luminaires would be readily visible from residential properties around the park and from within the park itself. The impact would be during the day and during the winter evenings when the pitch is illuminated. The floodlighting design, including column height, seeks to optimise the angle of the luminaires to minimise light spillage whilst maximising the light of the pitch. The columns are higher than at other sports pitches in Havering, such as St. Georges Playing Fields, but the extra height means that the number of columns is less for the same light coverage. Lower columns also result in a greater area of light spillage because of the reduced light angle. Lower columns would also give rise to health and safety issues as the ball would be much less visible when it is kicked into the air.
- 6.5 The columns taper towards the top and would be grey in colour. During the day they would be seen mainly against the sky which would limit their prominence. There are also trees around parts of the park boundary and to the west of the pitch which would also help to reduce the visual prominence. The columns would be set back over 100 metres from Hall Lane and therefore, not readily visible from the public highway.
- 6.6 Whilst the columns would be much more prominent than other structures within the park, such as the rugby posts (which are removed at the end of the season) and the mobile floodlights staff judge that the columns would not appear overly intrusive or out of character within the context of a public sports field. The park is within the urban area and the floodlighting of sports pitches is not an uncommon feature. The layout proposed strikes a balance between the number and height of the columns for the required light coverage and helps to limit light spillage.

#### Impact on amenity

- 6.8 The guidance in the NPPF is that planning decisions should seek to limit the impact of light pollution from artificial light on local amenity and on intrinsically dark landscapes. LDF Policy DC56 considers that in order to minimise the intrusion of artificial lighting, planning permission should only be granted for development, including artificial lighting, where it does not have a negative impact on the amenity of residents or public safety. Planning conditions should be used to control impact by setting lighting levels and hours of operation. Policy DC61 seeks to protect the amenities and privacy of existing occupiers from the adverse impacts of new development.
- 6.8 There are two main potential impacts – light spillage and noise from increased use of the rugby pitch. Details submitted with the application demonstrate that the light spillage, glare and upward leakage would accord with guidance produced by the Institution of Lighting Professions. The scheme has been assessed as being within an area of ‘low district brightness’ such as a ‘relatively dark outer suburban location’ which best describes this location. The light spillage has been calculated for the nearest properties in Chelmer Road and Hall Lane. At both locations the spillage would be below the guidance levels. The source intensity (glare) would also be within the guideline levels. This demonstrates that the proposed lighting would not result in a material adverse impact on residential amenity, especially light intrusion through windows.
- 6.9 The installation of permanent lighting could increase the usage of the pitch during winter evenings. This could adversely affect residential amenity through increased noise during sessions and increased traffic on local roads. Objectors have referred to parking in neighbouring streets on match days. Whilst permanent lighting could result in increased activities the application details state that the pitch would not be used every evening and activities would cease by 21:30. A condition is recommended to control hours and should members be concerned about the number of times a week the pitch is used then a condition could be imposed restricting this to say, two or three evenings. In considering the need for a restriction regard should be had to the current situation where there are no controls over the number of evenings or on the use of mobile lighting.
7. Other Considerations
- 7.1 There would be no light spillage onto any of the nearby roads, in particular Hall Lane which is the main route carrying any significant traffic. All roads are over 100metres away from the proposed columns. Therefore, there would be no adverse impacts on highway safety.
- 7.2 As no new floor space would be created by the development it would not be liable for any Mayoral CIL payment.
8. Conclusions

- 8.1 The proposed lighting columns are intended to replace the current use of mobile lighting.
- 8.2 As a matter of judgement Staff consider that the proposed lighting would not be materially harmful to the character and appearance of the surrounding area and would not be materially harmful to the amenities of nearby residents. Whilst there would be some adverse impact staff consider that on balance the proposal is acceptable.
- 8.3 The proposals would accord with the relevant guidance in the NPPF, the guidance issued by the Institution of Lighting Professions and policies DC56 and DC61 of the Core Strategy and Development Control Policies DPD. The grant of planning permission subject to conditions is recommended accordingly.

## IMPLICATIONS AND RISKS

**Financial Implications and risks:** None

**Legal Implications and risks:** None

**Human Resource Implications:** None

**Equalities and Social Inclusion Implications:** The Council's planning policies are implemented with regard to equality and diversity.

## BACKGROUND PAPERS

1. Planning application and supporting documents received on 02-03-2015

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**REGULATORY  
SERVICES  
COMMITTEE**

**REPORT**

14 May 2015

**Subject Heading:**

P0049.15 – Moss Lane Nursery, Moss Lane, Romford - A mixed development of residential housing comprising 3 No 2 bed homes, 2 No 3 bed homes and 2 No 4 bed homes (received 22/01/15, revision received on 02/03/15)

**Ward:**

Romford Town

**Report Author and contact details:**

Suzanne Terry  
Interim Planning Manager  
[suzanne.terry@havering.gov.uk](mailto:suzanne.terry@havering.gov.uk)  
01708 433100

**Policy context:**

Local Development Framework  
The London Plan  
National Planning Policy Framework

**Financial summary:**

None

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

Havering will be clean and its environment will be cared for	[x]
People will be safe, in their homes and in the community	[x]
Residents will be proud to live in Havering	[x]

## SUMMARY

This planning application relates to the demolition of an existing bungalow and the construction of residential housing comprising 3 no. 2 bed homes, 2 no. 3 bed homes and 2 no. 4 bed homes.

The application was deferred at the last Committee meeting on 23 April 2015 to enable staff to update on the S106 position.

In the event that Members are content with the details of the application it is recommended that the decision be delegated to the Head of Regulatory Services including the determination of whether to seek a contribution for infrastructure projects and the quantum of any such contribution.

## RECOMMENDATIONS

That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable fee is based on an internal gross floor area of 134m<sup>2</sup> (328m<sup>2</sup> minus existing floor area of 194m<sup>2</sup>) and amounts to £2,680 (subject to indexation).

If Members are content with the details of the proposal that the decision to grant planning permission be delegated to the Head of Regulatory Services, including a determination of whether to seek a contribution for infrastructure projects and the quantum of any such contribution and subject to the following conditions:.

1. Time Limit: The development to which this permission relates must be commenced not later than three years from the date of this permission.

**Reason:** To comply with the requirements of section 91 of the Town and Country Act 1990.

2. Accordance with plans: The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans listed on page 1 of this decision notice.

**Reason:** The Local Planning Authority consider it essential that the whole of the development is carried out and that no departure whatsoever is made from the details approved, since the development would not necessarily be acceptable if partly carried out or carried out differently in any degree from the details submitted. Also, in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

3. Parking standards: Before the building(s) hereby permitted is first occupied, provision shall be made for 16 no. off-street car parking spaces (inclusive of 2 garage spaces to units 1 and 2) within the site as shown on drawing No. 05/2013/07a and thereafter this provision shall be made permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To ensure that adequate car parking provision is made off street in the interests of highway safety.

4. Materials: Before any of the development hereby permitted is commenced, samples of all materials to be used in the external construction of the building(s) shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed with the approved materials.

**Reason:** To ensure that the appearance of the proposed development will harmonise with the character of the surrounding area and comply with Policy DC61 of the Development Control Policies Development Plan Document.

5. Landscaping: No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping, which shall include indications of all existing trees and shrubs on the site, and details of any to be retained, together with measures for the protection in the course of development. All planting, seeding or turfing comprised within the scheme, which shall include an additional tree in front of 167 Brentwood Road, 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.

**Reason:** In accordance with Section 197 of the Town and Country Planning Act 1990 and to enhance the visual amenities of the development, and that the development accords with the Development Control Policies Development Plan Document Policy DC61

6. Standard flank wall condition: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no window or other opening (other than those shown on the submitted and approved plans,) shall be formed in the flank wall(s) of the building(s) 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.

**Reason:** In order to ensure a satisfactory development that will not result in any loss of privacy or damage to the environment of neighbouring properties which exist or may be proposed in the future, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

7. Cycle storage: Prior to completion of the works hereby permitted, cycle storage of a type and in a location previously submitted to and agreed in writing by the Local Planning Authority shall be provided and permanently retained thereafter.

**Reason:** In the interests of providing a wide range of facilities for non-motor car residents, in the interests of sustainability.

8. Hours of construction: 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.

**Reason:** To protect residential amenity, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

9. Construction Method Statement: Before commencement of the proposed development, a scheme shall be submitted to and approved in writing by the Local Planning Authority making provision for a Construction Method Statement to control the adverse impact of the development on the amenity of the public and nearby occupiers. The Construction Method statement shall include details of:

- a) parking of vehicles of site personnel and visitors;
- b) storage of plant and materials;
- c) dust management controls;
- d) measures for minimising the impact of noise and, if appropriate, vibration arising from construction activities;
- e) predicted noise and, if appropriate, vibration levels for construction using methodologies and at points agreed with the Local Planning Authority;
- f) scheme for monitoring noise and if appropriate, vibration levels using methodologies and at points agreed with the Local Planning Authorities;
- g) siting and design of temporary buildings;
- h) scheme for security fencing/hoardings, depicting a readily visible 24-hour contact number for queries or emergencies;
- i) details of disposal of waste arising from the construction programme, including final disposal points. The burning of waste on the site at any time is specifically precluded.



And the development shall be carried out in accordance with the approved scheme and statement.

**Reason:** To protect residential amenity, and in order that the development accords the Development Control Policies Development Plan Document Policy DC61.

10. Vehicle access: The necessary agreement, notice or licence to enable the proposed alterations to the Public Highway shall be entered into prior to the commencement of development. This shall include the removal of all redundant vehicle crossings and the provision of dropped-kerb style vehicle crossings serving each parking area.

**Reason:** In the interests of ensuring good design and ensuring public safety and to comply with policies of the Core Strategy and Development Control Policies DPD, namely CP10, CP17, and DC61.

11. Secured by Design/Crime Prevention: Prior to the commencement of the development hereby approved a full and detailed application for the Secured by Design award scheme shall be submitted to the Local Planning Authority, setting out how the principles and practices of the Secured by Design Scheme are to be incorporated. Once approved in writing by the Local Planning Authority in consultation with the Metropolitan Police Designing Out Crime Officers (DOCOs), the development shall be carried out in accordance with the agreed details.

**Reason:** In the interest of creating safer, sustainable communities, reflecting guidance set out in the National Planning Policy Framework, Policy 7.3 of the London Plan, and Policies CP17 'Design' and DC63 'Delivering Safer Places' of the LBH LDF.

12. Refuse and recycling: Prior to the first occupation of the development hereby permitted, provision shall be made for the storage of refuse and recycling awaiting collection according to details which shall previously have been submitted to and agreed in writing by the Local Planning Authority.

**Reason:** In the interests of amenity of occupiers of the development and also the visual amenity of the development and the locality generally, and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61

13. Permitted Development rights: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 Article 3, Schedule 2, Part 1, Classes A, B, C, D and E which amends the Town and Country Planning (General Permitted Development) Order 1995 ("the 1995 Order"), no extensions, roof extensions, roof alterations or outbuildings to the detached dwelling shall take place unless 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

**Reason:** In the interests of amenity and to enable the Local Planning Authority to retain control over future development, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

14. Screen fencing: Prior to the commencement of the development, all details of boundary screening shall be submitted to and approved in writing by the Local Planning Authority the approved details shall be implemented immediately on approval and shall be permanently retained and maintained thereafter to the satisfaction of the Local Planning Authority.

**Reason:** To protect the visual amenities of the development and to prevent undue overlooking of adjoining properties.

15. Vehicle cleansing: Before the development hereby permitted is first commenced, vehicle cleansing facilities to prevent mud being deposited onto the public highway during construction works shall be provided on site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be retained thereafter and used at relevant entrances to the site throughout the duration of construction works.

The submission will provide;

- a) A plan showing where vehicles will be parked within the site to be inspected for mud and debris and cleaned if required. The plan should show where construction traffic will access and exit the site from the public highway.
- b) A description of how the parking area will be surfaced, drained and cleaned to prevent mud, debris and muddy water being tracked onto the public highway;
- c) A description of how vehicles will be checked before leaving the site – this applies to the vehicle wheels, the underside of vehicles, mud flaps and wheel arches.
- d) A description of how vehicles will be cleaned.
- e) A description of how dirty/ muddy water be dealt with after being washing off the vehicles.
- f) A description of any contingency plan to be used in the event of a break-down of the wheel washing arrangements.

**Reason:** In order to prevent materials from the site being deposited on the adjoining public highway, in the interests of highway safety and the amenity

of the surrounding area, and in order that the development accords with the Development Control Policies Development Plan Document Policies DC61 and DC32.

16. Pedestrian Visibility Splay: The proposals should provide a 2.1 by 2.1 metre pedestrian visibility splay on either side of the proposed access, set back to the boundary of the public footway. There should be no obstruction or object higher than 0.6 metres within the visibility splay.

**Reason:** In the interests of highway safety, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC32.

17. Car Parking Management: Prior to the occupation of the first dwelling of the proposed development a car parking management scheme shall be submitted to and approved in writing by the Local Planning Authority. The car parking management scheme shall include details of:

- a) Measures to control access to parking on the site;
- b) Measures to enforce parking controls.
- c) Allocation of parking spaces.

The car parking control measures approved under this condition will be retained and managed thereafter in accordance with the car parking management scheme unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To prevent unauthorised parking on the site in the interests of highway safety and to ensure that car parking accommodation is made permanently available for residents, visitors and disabled users in accordance with Development Control Policies DPD Policy DC33.

## INFORMATIVES

1. Fee Informative:

A fee is required when submitting details pursuant to the discharge of conditions. In order to comply with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which came into force from 22.11.2012, a fee of £97 per request or £28 where the related permission was for extending or altering a dwellinghouse, is needed.

2. Planning Obligations

The planning obligations recommended in this report have been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the obligations are considered to have satisfied the following criteria:-

- (a) Necessary to make the development acceptable in planning terms;
  - (b) Directly related to the development; and
  - (c) Fairly and reasonably related in scale and kind to the development.
3. The applicant is advised that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted, considered and agreed. Any proposals which involve building over the public highway as managed by the London Borough of Havering, will require a licence and the applicant must contact StreetCare, Traffic and Engineering on 01708 433750 to commence the Submission / Licence Approval process.
  4. The developer, their representatives and contractors are advised that planning permission does not discharge the requirements under the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works) required during the construction of the development.
  5. The applicant is advised that if construction materials are proposed to be kept on the highway during construction works then they will need to apply for a license from the Council.
  6. With regards to surface water drainage it is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.
  7. In aiming to satisfy condition 11 the applicant should seek the advice of the Police Designing Out Crime Officers (DOCOs). The services of the Police DOCOs are available free of charge and can be contacted via docomailbox.ne@met.police.uk or 0208 217 3813. It is the policy of the local planning authority to consult with the DOCOs in the discharging of community safety condition(s).
  8. Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: Improvements required to make the proposal acceptable were negotiated and submitted, in accordance with para 186-187 of the National Planning Policy Framework 2012.

### **Mayoral CIL**

That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable fee is based on an internal gross floor area of 134m<sup>2</sup> (328m<sup>2</sup> minus existing floor area of 194m<sup>2</sup>) and amounts to £2,680 (subject to indexation).

## REPORT DETAIL

### **Background**

The application was deferred from the previous meeting of the Committee on 23 April 2015 to enable staff to update the position on the potential S106 Agreement.

### **1. Site Description**

- 1.1 The application site comprises of a plot of land in Moss Lane, which includes a single storey 'L' shaped bungalow in the north eastern corner. There are some outbuildings adjacent to the north western boundary of the site. There are various changes in ground levels across the site. The highest ground level appears to be in the north eastern corner of the site where the dwelling is located. Ground levels slope downhill from north west to south east as well as north east to south west.
- 1.2 There is Kingdom Hall of Jehovah's Witnesses and associated hardstanding area to the rear, which abuts the south western boundary of the application site. Moss Lane abuts the north western boundary of the site. There are two storey detached, semi-detached and terraced properties in the vicinity of the site. There is a Tree Preservation Order on the site - TPO 12-89.

### **2. Description of Proposal**

- 2.1 The application seeks planning permission for a mixed development of residential housing comprising 3 no. 2 bed homes, 2 no. 3 bed homes and 2 no. 4 bed homes.
- 2.2 The two link detached properties would have a combined width of 18.4 metres, a maximum depth of 11 metres and a height of 8.1 metres with gabled roofs.
- 2.3 The five terraced properties would have a combined width of 28.3 metres, a depth of 7.1 metres and a height of between 8.1 and 8.3 metres with gabled roofs.

2.4. The access road to the site would be located adjacent to No. 167 Brentwood Road and would serve units 1-6. Unit 7 would be accessed from Moss Lane. There are a total of 16 off street car parking spaces.

2.3 Cycle and refuse storage will be provided to the rear of the property.

### **3. History**

3.1 P0725.14 - A mixed development of residential housing comprising 3No 2 bed homes, 2No 3 bed homes and 2No 4 bed homes - Refused

3.2 P2363.07 - Residential housing comprising 4No. 1 bed flats, 5No. 2 bed houses and 4No.3 bed houses - Refused and Dismissed on Appeal

3.3 P2315.04 - Proposed domestic apartments (resubmission of P1549.04) – Approved

3.4 P1549.04 - Proposed Domestic Apartments - Outline - Withdrawn

### **4. Consultation/Representations**

4.1 Notification letters were sent to 48 neighbouring properties and 5 letters of objections was received raising the following concerns:

- Parking issues
- Loss of privacy, overlooking neighbouring garden
- Site is unsuitable for development due to its back garden location with no direct access to a road.
- Proposed access is unsuitable and dangerous
- Traffic congestion
- Not enough parking spaces
- Increased risk of crime
- Increase in noise
- The application does not appear to have changed from the one that was recently refused planning permission

4.2 The Council's Environmental Health Service requested a sound insulation condition.

4.3 The Highway Authority has raised no objection to the proposal however requested conditions for visibility splays, vehicle access and vehicle cleansing in the event of an approval.

4.4 The London Fire and Emergency Planning Authority have raised no objection to the proposal.

### **5. Relevant Policies**

5.1 Policies CP1 (Housing Supply), CP17 (Design), DC3 (Housing Design and Layout), DC33 (Car parking), DC35 (Cycling), DC55 (Noise), DC61 (Urban

Design), DC63 (Crime) and DC72 (Planning Obligations of the Local Development Framework Core Strategy and Development Control Policies Development Plan Documents and the Residential Extensions and Alterations Supplementary Planning Document (SPD), Planning Obligations SPD and the Residential Design SPD are also relevant.

- 5.2 Policies 3.3 (Increasing Housing Supply), 3.4 (Optimising Housing Potential), 3.5 (Quality and Design of Housing Developments), 3.8 (Housing Choice), 6.9 (Cycling), 6.10 (Walking), 6.13 (Parking), 7.1 (Building London's Neighbourhoods and Communities), 7.2 (Inclusive Design), 7.3 (Designing out Crime), 7.4 (Local Character), 7.5 (Public Realm), 7.6 (Architecture) of the London Plan (2011).
- 5.3 National Planning Policy Framework (NPPF) Section 6 "Delivering a wide Choice of Homes", and Section 7 "Requiring Good Design".

## **6. Staff comments**

- 6.1 This proposal is put before the Committee as the development is for more than two dwellings. The main issues to be considered by Members in this case are the principle of development, amenity space, design/street scene issues, amenity implications, and parking and highways issues.

### *6.2 Background*

- 6.2.1 A previous application for the same amount of units was refused permission under P0725.14 for the following reasons:

- The proposed layout of the development would be inadequate resulting in substandard accommodation for future residents through failure to adhere to designing out crime principles contrary to Policies CP17, DC61 and DC63 of the LDF Core Strategy and Development Control Policies DPD and London Plan Policy 3.5.

- Unit 7 adjacent to the north western boundary of the application site, would by reason of its gabled roof, height, scale, bulk, mass and siting, be an un-neighbourly development and appear overbearing, dominant and visually intrusive in the rear garden environment harmful to the amenity of adjacent occupiers, particularly No.'s 40 and 42 Milton Road, contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.

- Units 3-7 would, due to their gabled roofs, height, scale, bulk, mass, siting and proximity to the north eastern boundary, be an un-neighbourly development and appear overbearing, dominant and visually intrusive in the rear garden environment and would also result in undue overlooking and loss of privacy to neighbouring occupiers, particularly No.'s 183 and 185 Brentwood Road contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.

- In the absence of a mechanism to secure a planning obligation towards the infrastructure costs of new development the proposal is contrary to the provisions of the Havering Planning Obligations Supplementary Planning Document and Policy DC72 of the LDF Core Strategy and Development Control Policies DPD.

- The layout of the site would, by reason of the siting and narrow width of the access road, combined with the poor visibility emerging onto Brentwood Road, be harmful to pedestrian and highway safety contrary to Policies DC32, DC34, DC35 and DC62 of the LDF Core Strategy and Development Control Policies DPD.

6.2.2 The main differences to the current proposal are as follows: In relation to the first reason for refusal, the developer has addressed previous secure by design concerns related to unit no. 7 by moving the location of the front door so that it is now overlooked and improving the passive surveillance of the parking area. In relation to the second reason for refusal the developer has provided additional drawings (05/2013/09 and 05/2013/07a) to show the proposed building in comparison with the existing mass of the bungalow and indicating 4 new trees on the north eastern boundary which visually falls between plots 1&2 and the rear gardens of the houses in Milton Road. The roof of unit 7 has also been amended from a gable end to a hipped end. In relation to the third reason for refusal the developer has stated that the units 3-7 have their gable roofs arranged so as to minimize mass and bulk when considered from the rear gardens of adjacent properties in Brentwood Road. The separation between the properties is considerable however to further reduce any element of overlooking drawing 05/2013/07a identifies addition of 2 new trees to the rear boundary of plot 3. This drawing also identifies close boarded fencing to a height of 1.8m to all boundary lines thus eliminating any overlooking at ground floor level. Fenestration has carefully designed to minimize any overlooking. The proposed arrangement of properties is very similar to that found on the corner of Boundary Road and Moss Lane (no's 1-7) some 20m from the site. In relation to reason for refusal 4 the developer has stated that they would be happy to pay the planning obligation fee. In relation to reason for refusal 5 the developer has made revisions to the access arrangements in line with the Highway department's comments. Highways have not raised an objection to the current proposal.

### 6.3 *Principle of Development*

6.3.1 Policy CP1 indicates that outside town centres and the Green Belt, priority will be made on all non-specifically designated land for housing. The proposal is for redevelopment of a derelict site within an existing residential area. The proposal is therefore acceptable in principle and in accordance with Policy CP1 and policy 3.3 of the London Plan which seeks to increase London's housing supply.

6.3.2 Policy 3.8 of the London Plan states that DPD policies should offer a range of housing choices, in terms of the mix of housing sizes and types, taking



account of the housing requirements of different groups. Policy 3.5 states that Local Development Frameworks should incorporate minimum space standards. The Mayor has set these at 50m<sup>2</sup> for a 1-bed 2-person flat, 61m<sup>2</sup> for a 2-bed 3-person flat, 74m<sup>2</sup> for a 3-bed 4-person flat and 106m<sup>2</sup> for a 4-bed 5-person three storey house. Apart from the 3-bed-4-person flat which at 73.2m<sup>2</sup> is only marginally below the requirement, the proposed flats and detached house are in line with these minimum guidelines and considered acceptable.

#### 6.4 *Site Layout / Amenity Space*

6.4.1 The application site covers an area of approximately 0.1772 hectares and is located within PTAL zone 1-2, where the advised range for residential development in this part of the borough is 30-50 dwellings per hectare. For this proposal of seven dwellings this equates to a density of 39 dwellings per hectare, which is within the range anticipated by Policy DC2 for housing density, although this is only one part of the assessment.

6.4.2 The Council's Design for Living SPD in respect of amenity space recommends that every home should have access to suitable private and/or communal amenity space in the form of private gardens, communal gardens, courtyards, patios, balconies or roof terraces. In designing high quality amenity space, consideration should be given to privacy, outlook, sunlight, trees and planting, materials (including paving), lighting and boundary treatment. All dwellings should have access to amenity space that is not overlooked from the public realm and this space should provide adequate space for day to day uses.

6.4.3 Staff are of the view that the proposed rear garden areas for the proposed semi-detached and terraced dwellings are acceptable in terms of area and would provide future occupiers with a useable external space for day to day activities such as outdoor dining, clothes drying and relaxation.

6.4.4 It is noted that the rear garden of No. 167 Brentwood Road would be reduced in depth to accommodate the access road and one car parking space for the proposed development. Nevertheless, it is considered that the remaining rear garden would provide a usable amenity space for current occupiers of No. 167 Brentwood Road.

6.4.5 The Council's Designing Out Crime Officer previously raised concerns regarding Unit 7. In response to these concerns Unit 7 has been 'handed' to reverse the door entrance configuration preventing a hiding point and giving better views over the entrance from other parts of the development. A dawn to dusk light is to be fitted to the outside of the entrance canopy. Fencing has been introduced between Plot 7 and the rest of the units with the addition of a key coded security gate to prevent short cuts through the development. In addition a fence has been provided to the most northerly side of plot 7 with a pedestrian access gate and a fence and gate have also been supplied adjacent to unit 3. These changes have addressed the

concerns raised such that a reason for refusal on grounds of security concerns could no longer be sustained.

## 6.5 *Impact on Local Character and Street Scene*

6.5.1 Policy DC61 states that new properties should respond to distinctive local building forms and patterns of development and respect the scale, massing and height of adjoining properties. It is considered that the external design and appearance of the dwellings would integrate satisfactorily with the streetscene. Staff consider that the height and scale of the proposed development is compatible with the prevailing scale and character of development within the locality.

6.5.2 The proposed dwellings would utilise a mixture of materials including render, yellow stock brickwork with a red stock brickwork soldier course and red concrete pan tiles with white UPVC windows. Staff are of the view that the proposed materials would be acceptable. A written specification of external walls and roof materials will be secured by condition if minded to grant planning permission.

## 6.6 *Impact on Amenity*

6.6.1 Staff consider that the semi-detached dwellings would not result in a significant loss of amenity to neighbouring dwellings in Boundary Road, as there would be separation distance of approximately 32 metres between the rear facade of terraced properties No.'s 1-7 Boundary Road and the south western flank of unit 1.

6.6.2 It is considered that the creation of the access road and the proposed dwellings would not result in a significant loss of amenity to No. 165 Brentwood Road, given its use as a Kingdom Hall of Jehovah's Witnesses with an associated hardstanding parking area to the rear.

6.6.3 It is further considered that the semi-detached dwellings Units 1 and 2 would not result in a significant loss of amenity including loss of light and overlooking, to neighbouring dwellings in Milton Road, as there would be a separation distance of between approximately 29 and 33 metres between the rear facades of No.'s 30 to 38 Milton Road and the rear facades of units 1 and 2.

6.6.4 It is noted that the rear gardens of No.'s 40 and 42 Milton Road are located at an oblique angle from these dwellings. Also, the rear garden of No. 40 Milton Road tapers in width and is located in close proximity to the north western flank wall of the existing bungalow within the application site, which is single storey and has a hipped roof, which minimises its bulk.

6.6.5 Staff consider that the terraced dwellings would not result in a significant loss of amenity including loss of light to No.'s 40 and 42 Milton Road, as there would be a separation distance of between approximately 17 and 18 metres between the rear facades of these neighbouring properties and the

north western flank of unit 7. Previous concerns were raised regarding the height and bulk of unit 7 in relation to the properties at No. 40 and 42 Milton Road. The developer has addressed the concerns by changing the roof to the northern elevation from a gable end to a hipped roof thereby reducing the overall bulk when viewed from No. 40 and 42 Milton Road. Although the change is modest, given the degree of separation from the boundary Staff consider the change to have sufficiently addressed the previous reason for refusal.

- 6.6.6 It is noted that the two storey terraced dwellings (units 3-7) have first floor windows on their rear facades, which serve habitable rooms. Previous concerns were raised regarding the overall bulk and mass of this terrace, its close proximity to the eastern boundary and the potential for overlooking the rear gardens of properties along Brentwood Road. The developer has added additional trees to the eastern boundary to the rear of unit 3 in order to address the overlooking concerns raised. Although it is acknowledged that there has not been a major change to the development to address the 3<sup>rd</sup> reason for refusal, Staff are of the opinion that given the long rear gardens of No's 183 and 185 Brentwood Road any overlooking would occur to the part of the rear garden furthest away from the rear of the properties and would not therefore unduly affect the most private area closest to these properties. Any bulk and mass would also be most prevalent when viewed further into the rear garden of these properties with a back to side separation distance of approximately 18m remaining between unit 3 and the property at No. 183 Brentwood Road. Staff consider any visual impact and overlooking concerns to be acceptable and it is worthy of note that no objection has been received from 183 Brentwood Road, however Members may attach different weight to the potential harm to the residential amenity of these neighbouring properties resulting from this relationship.
- 6.6.7 Staff consider that the semi-detached and terraced dwellings would not result in a significant loss of amenity to the neighbouring properties at No.'s 167-177 Brentwood Road, as the application site is located to the north and there would be a separation distance of between approximately 21 and 30 metres between the nearest units 1, 2 and 3 and the rear facades of No.'s 167-177 Brentwood Road, which would help to mitigate the impact of the proposal.
- 6.6.8 Unit 7 does not feature any flank windows which might otherwise adversely affect the amenity of properties in Milton Road. Unit 3 features a ground floor window and some bi-fold doors and details of boundary fencing and landscaping can be secured by condition if minded to grant planning permission to avoid any undue overlooking or loss of privacy.
- 6.6.9 No. 167 Brentwood Road has various window openings on its south western flank. From front to back, the first window serves a lounge and is a secondary light source with a window on its front facade. There are windows either side of the front door, which serve the hallway. The last window serves a living room and is a secondary light source, with windows

and doors on its rear facade, which open out onto a conservatory. The applicant has advised that the front door to No. 167 Brentwood Road will be infilled and relocated on the opposite flank wall of the dwelling.

6.6.10 It is considered that the creation of the access road would not result in significant levels of noise and disturbance to No. 167 Brentwood Road and furthermore boundary treatment and landscaping can be designed to help absorb any noise and light spillage resulting from vehicles using the drive.

## 6.7 *Highways / Parking Issues*

6.7.1 Policy DC33 seeks to ensure all new developments make adequate provision for car parking. It is noted that units 1 and 2 have garages and there are sixteen car parking spaces in total for the seven dwellings, which although in excess of the Council's guidelines is not objectionable. It is noted that there is only one car parking space to the front of unit 6, which is rather impractical. A condition to require a car parking management plan is suggested to allocate spaces before it becomes an issue of dispute between neighbouring properties.

6.7.2 The parking spaces for unit 7 would be accessed from Moss Lane. Access to the remaining units would be from Brentwood Road.

6.7.3 Following previous concerns from the Highways Department a further detailed plan was provided showing junction details drawing no. 05/2013/08 and following discussions with the officer drawing 05/2013/10 was also provided displaying compliance with the vehicle to vehicle site visibility splays. The access road was checked for compliance with department of transport requirements for type 3 and 5 turning heads which enables refuse vehicles to turn and manoeuvre on the site. The results of the checks were that the layout was found to comply with the requirements. The applicant also confirmed that the fence to the western boundary is in their ownership and that two panels could be lowered to provide adequate pedestrian site splays as shown on drawing 05/2013/08. The Highways Department has confirmed that they do not have any objection to the current proposal. Staff consider the changes made to have sufficiently addressed the previous reason for refusal.

6.7.4 Conditions will be attached in the event of an approval for site visibility splays.

6.7.5 A condition will be attached in the event of an approval to provide details of the cycle storage.

## 6.8 *Trees*

6.8.1 There is a Tree Preservation Order on the site - TPO 12-89. The applicant has advised that the proposed road construction will comprise of a geo textile breathable membrane, which will be laid at existing ground level. The proposed new levels will then be achieved utilising single size stone in

diminishing sizes which retains the vapour permeability, allows free drainage and enables a solid road construction close to existing root systems. The applicant proposes a British Standard approved vehicle exclusion zone and a root protection zone to protect the health of the trees. It was noted that there is a lot of dead wood in the trees which will need removal for safety purposes by an approved arboricultural contractor. Any works within the root protection zone shall be carried out by hand.

- 6.8.2 The Council's Tree Officer has visited the site and advised that the two cedars and the walnut at the southern side of the site (T12, 13 and 14) can be retained as the ground on their northern sides needs to be made up. This can be done with porous materials obviating the risk that would ordinarily be caused by the construction of the proposed adjacent roadway. The three trees would only need to have the deadwood removed for their crowns, so there is no need for tree surgery which would cause them any stress during the construction period.
- 6.8.3 The removal of trees on the northern side of the site along Moss Lane is considered acceptable, because they are relatively small and can be replaced by new trees without long term detriment to the amenity of the local area. The loss of multi stemmed bay trees on the northern side of the site is not resisted as the trees sucker profusely and expand their overall size too quickly for small spaces.
- 6.8.4 It is suggested that a new tree is planted in the front of the proposed parking spaces at the front of 167 Brentwood Road to offset the loss of vegetation that currently runs the length of the front boundary between the existing house and the New Kingdom Hall, which can be included within a landscaping condition if minded to grant planning permission.

#### *The Mayor's Community Infrastructure Levy*

- 6.8.1 The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable fee is based on an internal gross floor area of 455.5m<sup>2</sup> (724.2m<sup>2</sup> minus existing floor area of area of 134m<sup>2</sup> (328m<sup>2</sup> minus existing floor area of 194m<sup>2</sup>) and amounts to £2,680 (subject to indexation).

#### *6.9. Planning Obligations*

- 6.9.1 The submitted information assumes that a financial contribution of £6000 per unit will be made in accordance with the Council's Planning Obligations SPD. However, the SPD states that contributions would be pooled to be used for infrastructure, but since 6th April 2015, the CIL Regulations prevent the pooling of 5 or more contributions. The technical appendices to the Planning Obligations SPD clearly show the impact of new development on infrastructure and that on grounds of viability a contributions should be sought. However, at present it is unclear whether it is legitimate to seek infrastructure contributions from projects of less than 10 units. Accordingly, if members are content with the details of the application it is suggested

that the decision be delegated to Head of Regulatory Services, including the determination of whether to seek a contribution for infrastructure projects and the quantum of any such contribution.

#### 6.10 *Other Issues*

6.10.1 Policy DC63 requires new development to address safety and security in the design of new development. The proposal is considered acceptable in principle in this respect, subject to the imposition of secure by design conditions.

10.2 A refuse area has been provided to the front of the development along the access road. A condition will be imposed to provide detail of the refuse and recycling arrangements.

### 11. **Conclusion**

11.1 Overall, Staff are of the opinion that the amendments to the scheme, although modest, are nonetheless sufficient to overcome the previous reasons for refusal. On this basis it is not considered that the proposal would detract from the character of the surrounding area or neighbouring properties, nor would it appear as unacceptably dominant or visually intrusive. It is considered that the proposal would have an acceptable appearance and that it would not result in any materially harmful impact on neighbouring amenity. Although staff acknowledge that there are some concerns relating to visual impact and potential overlooking to no. 183 Brentwood Road, these are not considered to be of sufficient magnitude to warrant refusal of permission. . Whilst it is acknowledged that there are fine judgements involved and that Members could come to a different conclusion, staff are satisfied that the development to complies with Policy guidance and the provisions of the LDF Development Plan Document. Approval is recommended accordingly.

## IMPLICATIONS AND RISKS

### **Financial Implications and risks:**

Financial contributions are required through a legal agreement.

### **Legal Implications and risks:**

Legal resources will be required to prepare and complete the legal agreement.

There is a risk that the weight accorded to the Development Plan Policy and Supplementary Planning Document on Planning Obligations may be challenged at appeal or through judicial challenge.

**Human Resource Implications:**

None

**Equalities and Social Inclusion Implications:**

None

**BACKGROUND PAPERS**

1. Application forms and plans received on 22/01/15, revision received on 02/03/15.

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# REGULATORY SERVICES COMMITTEE

# REPORT

**Subject Heading:**

**P0267.15: 23 Tempest Way, Rainham**

**Proposed single / double storey rear extension and reconfiguration of internal layout to provide 2 x 1 bedroom maisonettes.**

**Ward**

Elm Park

**Report Author and contact details:**

Suzanne Terry  
Interim Planning Manager  
[suzanne.terry@havering.gov.uk](mailto:suzanne.terry@havering.gov.uk)  
01708 432755

**Policy context:**

Local Development Framework  
The London Plan  
National Planning Policy Framework

**Financial summary:**

None

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

Havering will be clean and its environment will be cared for	<input type="checkbox"/>
People will be safe, in their homes and in the community	<input type="checkbox"/>
Residents will be proud to live in Havering	<input checked="" type="checkbox"/>

## SUMMARY

This planning application has been called in by Councillor Julie Wilkes, owing to the following concerns:

- Conversion to maisonettes out of character and would result in greater noise disturbance
- Two storey rear extension would spoil the open view of rear gardens and impact on privacy
- Inadequate provision of parking
- Overdevelopment

The Local Authority are in receipt of an application which seeks planning permission for a part single storey, part two storey rear extension and the subsequent subdivision of the dwelling house to two, one bedroom self-contained units with private amenity space to the rear.

The Proposal is considered acceptable in all material respects, including design and layout, impact on neighbouring amenity, environmental impact and parking and highway issues.

In the event that Members are content with the details of the application it is recommended that the decision be delegated to the Head of Regulatory Services including the determination of whether to seek a contribution for infrastructure projects and the quantum of any such contribution.

## RECOMMENDATIONS

That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable fee is based on an internal gross floor area of the extension 31m<sup>2</sup> and amounts to £620 (subject to indexation).

If Members are content with the details of the proposal that the decision to grant planning permission be delegated to the Head of Regulatory Services, including a determination of whether to seek a contribution for infrastructure projects and the quantum of any such contribution and subject to the following conditions.

1. Time Limit - The development to which this permission relates must be commenced not later than three years from the date of this permission.

**Reason:** To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004)

2. Accordance with plans - The development hereby permitted shall not be carried out otherwise than in complete accordance with the following plans and documents approved by the local planning authority:

**Reason:** To accord with the submitted details and LDF Development Control Policies Development Plan Document Policy DC61.

3. Car parking - Before the building(s) hereby permitted is first occupied provision shall be made within the site for 1 No. car parking spaces per dwelling and thereafter this provision shall be made permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To ensure that adequate car parking provision is made off street in the interests of highway safety.

4. Matching Materials – 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.

**Reason:-** To safeguard the appearance of the premises and the character of the immediate area, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

5. Landscaping - No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping, which shall include indications of all existing trees and shrubs on the site, and details of any to be retained, together with measures for the protection in the course of development. 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.

**Reason:** In accordance with Section 197 of the Town and Country Planning Act 1990 and to enhance the visual amenities of the development, and that the development accords with the Development Control Policies Development Plan Document Policy DC61.

6. Removal of permitted development rights - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 Article 3, Schedule 2, Part 1, Classes A, B and C, no extensions, roof extensions, roof alterations shall take place unless 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.

**Reason:** In the interests of amenity and to enable the Local Planning Authority to retain control over future development, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

7. Storage of refuse - Prior to the first occupation of the development hereby permitted, provision shall be made for the storage of refuse and recycling awaiting collection according to details which shall previously have been agreed in writing by the Local Planning Authority.

**Reason:** In the interests of amenity of occupiers of the development and also the visual amenity of the development and the locality generally, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

8. Cycle storage - Prior to completion of the works hereby permitted, cycle storage of a type and in a location previously submitted to and agreed in writing by the Local Planning Authority shall be provided and permanently retained thereafter.

**Reason:** In the interests of providing a wide range of facilities for non-motor car residents, in the interests of sustainability and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC36.

9. Construction Methodology – Before development is commenced, a scheme shall be submitted to and approved in writing by the Local Planning Authority making provision for a Construction Method Statement to control the adverse impact of the development on the amenity of the public and nearby occupiers. The Construction Method statement shall include details of:

- a) Parking of vehicles of site personnel and visitors; b) storage of plant and materials;
- c) Dust management controls;
- d) Measures for minimising the impact of noise and, if appropriate, vibration arising from construction activities;

- e) predicted noise and, if appropriate, vibration levels for construction using methodologies and at points agreed with the Local Planning Authority;
  - f) Scheme for monitoring noise and if appropriate, vibration levels using methodologies and at points agreed with the Local Planning Authorities;
  - g) Siting and design of temporary buildings;
  - h) Scheme for security fencing/hoardings, depicting a readily visible 24-hour contact number for queries or emergencies;
  - i) Details of disposal of waste arising from the construction programme, including final disposal points. The burning of waste on the site at any time is specifically precluded.
- And the development shall be carried out in accordance with the approved scheme and statement.

**Reason:** To protect residential amenity, and in order that the development accords the Development Control Policies Development Plan Document Policy DC61.

10. Secure by design Prior to the commencement of the development hereby permitted, details of the measures to be incorporated into the development demonstrating how 'Secured by Design' accreditation might be achieved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, and shall not be occupied or used until written confirmation of compliance with the agreed details has been submitted to and approved in writing by the LPA

**Reason:** In the interest of creating safer, sustainable communities, reflecting guidance set out in PPS1, Policy 4B.6 of the London Plan, and Policies CP17 'Design' and DC63 'Delivering Safer Places' of the LBH LDF.

11. Boundary Treatment Prior to the commencement of the development hereby approved, details of all proposed walls, fences and boundary treatment shall be submitted to, and approved in writing by, the Local Planning Authority. The boundary development shall then be carried out in accordance with the approved details and retained permanently thereafter to the satisfaction of the Local Planning Authority.

**Reason:** To protect the visual amenities of the development and to prevent undue overlooking of adjoining properties and in order that the development accords with Policies DC61 and DC63 of the LDF Development Control Policies Development Plan Document.

12. No Flank Window Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), no window or other opening (other than those shown on the submitted and approved plan,) shall be formed in the flank wall(s) of the building(s) 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.

**Reason:** In order to ensure a satisfactory development that will not result in any loss of privacy or damage to the environment of neighbouring properties which exist or may be proposed in the future, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

13. Hours of construction No construction works or construction related deliveries into the site shall take place other than between the hours of 08.00 to 18.00 on Monday to Friday and 08.00 to 13.00 hours on Saturdays unless agreed in writing with the local planning authority. No construction works or construction related deliveries shall take place on Sundays, Bank or Public Holidays unless otherwise agreed in writing by the local planning authority.

**Reason:** To protect residential amenity, and in order that the development accords with the Development Control policies Development Plan Document Policy.

## REPORT DETAIL

### 1. Site Description

- 1.1 The application site comprises of a two storey, residential end of terrace property finished in painted render.
- 1.2 The surrounding land use is predominantly residential and the dominant housing form is two storey terraced dwellings.

### 2. Description of Proposal

- 2.1 The Local Authority are in receipt of an application which seeks planning permission for a part single storey, part two storey rear extension. The proposal also seeks consent for the subdivision of the property to form two one bedroom self-contained units.
- 2.2 The proposed extension to 23 Tempest Way will project 3.0m in depth at single storey from the original rear wall of the dwelling house with a sloping roof with eaves of 2.30m and an overall height of 3.28m

- 2.3 The two storey element will be set on the unattached side of the dwelling with a set-back in excess of 3.0m from the adjoining property and would feature a hipped roof with a maximum height of 6.65m.
- 2.4 Parking for two vehicles, one for each unit has been demonstrated on submitted plans.
- 2.5 The proposal would subdivide the existing garden and provide separate private amenity space for each unit, measuring 43.65m<sup>2</sup> and 23.10m<sup>2</sup> respectively. No detail has been given as to the means of subdivision in terms of boundary treatment, however this can be conditioned.

### 3. **History**

ES/HOR/98/52 – Houses - Approved

### 4. **Consultation/Representations**

- 4.1 The application was publicised by way of direct notification of adjoining properties. One letter of objection was received as summarised below
- Noise and disturbance as a result of increased number of residents
  - Loss of outlook
  - Loss of light
  - Loss of privacy
  - Out of character/context

### 5. **Relevant Policy**

- 5.1 London Plan Policies: 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 3.8 (housing choice), 3.9 (mixed and balanced communities), 6.3 (assessing effect on transport capacity), 6.9 (cycling), 6.10 (walking), 6.13 (parking), 7.3 (designing out crime), 7.4 (local character), and 8.2 (planning obligations).
- 5.2 Local Plan Policies: Policies CP1, CP2, CP9, CP10, CP17, DC2, DC3, DC6, DC7, DC30, DC32, DC33, DC34, DC36, DC40, DC49, DC50, DC51, DC53, C55, DC61, DC63, and DC72 of the Local Development Framework Core strategy and Development Control Policies Development Plan Document ("the LDF") are material considerations. In addition, the Residential Design Supplementary Planning Document ("the SPD"), Designing Safer Places SPD, Landscaping SPD, sustainable Design and Construction SPD, and Draft Planning Obligations SPD are also material considerations in this case.
- 5.3 The provisions of the National Planning Policy Framework are also a material consideration.

### 6.0 **Staff Comments**

6.0.1 The issues arising from this application are the principle of the development, the impact of its design, scale and massing upon the character of the area as a result of the proposed extensions. Furthermore, the impact upon neighbours living conditions and parking and highway matters as a result of the subdivision.

6.0.2 Amended drawings have been provided reducing the number of bedrooms to one per unit in order to comply with minimum internal spacing.

## 6.1 Principle of Development

6.1.1 The NPPF and Policy CP1 support the increase in the supply of housing in existing urban areas where development is sustainable.

6.1.2 Policy DC4 states that subdivision of existing units can provide an important source of additional housing for smaller households. As a result the policy supports the subdivision of dwellings to create self-contained residential accommodation provided that the resultant dwelling has reasonable outlook and aspect, a separate sleeping area and safe and secure access from the street.

6.1.3 Consequently, the proposal under consideration complies with the above mentioned policies and is therefore acceptable in principle.

## 6.2 Density and Layout

6.2.1 London Plan Policy 3.5 sets minimum space standards for new dwellings and for one bedroom flats the minimum gross internal area is between 37m<sup>2</sup> and 50m<sup>2</sup> depending on the number of occupants. The proposed flats comprise of one bedroom units. Disregarding circulation space at ground floor that accommodation has a GIA of approximately 56.11m<sup>2</sup>, the accommodation at first floor has a GIA of 53.23m<sup>2</sup> thus complying with London Plan Policy 3.5.

6.2.2 Staff consider that the proposed self-contained units would provide an adequate day to day living environment for future occupants, the internal floor space demonstrated is considered to be sufficient to justify a recommendation to grant planning permission.

6.2.3 The Council's Residential Design SPD recommends that every home should have access to suitable private amenity and/or communal amenity space. In designing high quality amenity space, consideration should be given to privacy, outlook, sunlight, trees and planting, materials (including paving), lighting and boundary treatment. All dwellings should have access to amenity space that is not overlooked from the public realm and this space should provide adequate space for day to day use.

6.2.4 The existing plot will be sub-divided to create 2 separate plots for the ground and first floor residents. The proposed sub-division of the existing



garden would result in an amenity space of approximately 23.10m<sup>2</sup> for one unit and 43.65m<sup>2</sup> in respect of the other unit. Both residential units would benefit from garden space that complies with the relevant guidance and is of an adequate and usable size. Therefore the proposal is considered acceptable.

### **6.3 Design / Impact on Streetscene**

6.3.1 Policy DC61 of the Core Strategy and Development Control Policies DPD seeks to ensure that new developments are satisfactorily located and are of a high standard of design and layout. Furthermore, the appearance of new developments should be compatible with the character of the surrounding area, and should not prejudice the environment of the occupiers and adjacent properties. Policy DC61 of the DPD states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area.

6.3.2 The proposal would result in an additional residential unit, however no external changes to the host building are proposed that would alter the appearance of the dwelling from the street scene thus no objections are raised in this respect. The formation of hard standing to the frontage, in order to provide adequate provision of parking is not considered out of character within the context of the wider street scene. The details of the proposed hard surfacing will form part of a landscaping condition.

6.3.3 The part two storey/part single storey rear extension complies with Local Authority Guidance in respect of its projection and roof design and as such no objections are raised. Staff judge that the proposed rear addition will integrate appropriately with the character of the existing building and that of the rear garden environment.

6.3.4 Therefore it is considered that the proposed development by reason of its positioning, scale and design would not constitute an over bearing garden development or harm the residential appearance of the surrounding area. The proposed additions to the rear elevation would integrate appropriately with the host dwelling and are in accordance with guidance set out in the Residential Extensions and Alterations SPD.

### **6.4 Impact on Amenity**

6.4.1 Policy DC61 of the Core Strategy and Development Control Policies DPD requires new development not to harm the amenities of adjoining occupiers by reason of noise and disturbance, loss of light, overlooking or other material impacts.

6.4.2 Tempest Way predominantly features rows of terraced properties and in the case of 23 Tempest Way, the application dwelling is end of terrace and forms part of a row of only four dwellings which benefit from a building line forward of the row of terraced dwellings to the North.

- 6.4.3 Consequently, as a result of this staggered building line it is the view of staff that the proposed two storey rear extension on the unattached side will not pose any harm to neighbouring amenity. The proposal will be screened in its entirety by the existing dwelling house to the North.
- 6.4.4 The attached neighbour to the South does not benefit from any form of existing development at ground floor level.
- 6.4.5 The proposed rear addition would be single storey on the attached side and would project 3.0m in depth, with an eaves height of 2.30m and an overall height of 3.25m. Staff have given consideration that an extension of this depth and modest height could be achieved under Class A of the GPDO.
- 6.4.6 In respect of the two storey element, the Residential Extensions and Alterations SPD offers guidance which states that two storey rear extensions should be set in from the common boundary with any attached dwelling by not less than 2.0m and project no more than 3.0m. The proposed two storey addition complies with these recommendations in respect of its depth and set back from the attached neighbour. The proposal would measure 3.0m in depth, flush with the single storey element and would feature a set-back in excess of 3.0m from the attached neighbour to the South, thus in accordance with guidance.
- 6.4.7 In summary, staff conclude that the proposed additions at both single/two storeys would result in only a marginal impact to neighbour amenity, not sufficient enough to justify a recommendation for refusal. Due to the unusual building line, it is considered that the form of the original dwelling house of the unattached neighbour to the North would serve to screen the proposed development in its entirety. Any loss of light/harm to amenity to the attached neighbour situated to the South would be negligible as a result of the proposals compliance with Local Authority Guidance and favourable orientation.

## **7. Highway/Parking**

- 7.1 Policy DC33 of the Development Control policies Development Plan Document states that planning permission will only be granted if new developments provide car parking spaces to the standards provided in Annex 5 which are based on those provided in the London Plan. Annex 5 refers to the density matrix in Policy DC2 for residential car parking standards.
- 7.2 The application site is situated in an area which is considered to have poor access to public transport and as such would necessitate 1.5-2 parking spaces per residential unit. In this instance, one parking space per dwelling has been shown.

7.3 In light of the revision to one bedroom units, staff consider this shortfall in the provision of parking to be marginal and consider one parking space per unit to be satisfactory and in keeping with the wider street scene.

## 8. **Mayoral CIL**

8.1 The proposal would result in the formation of 31m<sup>2</sup> new gross internal floor space. The proposal would therefore give rise to the requirement of £620 Mayoral CIL payment (subject to indexation).

## 9. **Planning Obligations**

9.1 The submitted information assumes that a financial contribution of £6000 per unit will be made in accordance with the Council's Planning Obligations SPD. However, the SPD states that contributions would be pooled to be used for infrastructure, but since 6th April 2015, the CIL Regulations prevent the pooling of 5 or more contributions. The technical appendices to the Planning Obligations SPD clearly show the impact of new development on infrastructure and that on grounds of viability a contributions should be sought. However, at present it is unclear whether it is legitimate to seek infrastructure contributions from projects of less than 10 units. Accordingly, if members are content with the details of the application it is suggested that the decision be delegated to Head of Regulatory Services, including the determination of whether to seek a contribution for infrastructure projects and the quantum of any such contribution.

## 10. **Conclusion**

10.1 The proposed development will involve the subdivision of an existing residential unit which will result in an increase of units on the application site. It is considered that the proposed residential accommodation will benefit from reasonable outlook and aspect, internal partitioning of an acceptable size for day to day living and will allow for safe and secure access from the street. The proposal presents no issues for highways or off street car parking or surrounding residential amenity.

10.2 Furthermore, it is considered that the part single storey, part two storey rear extension complies with Local Authority Guidance and due to its siting, and site specific circumstances will not have a materially great impact on neighbouring amenity.

10.3 The application therefore complies with the aims, objectives and policies of the LDF Core Strategy and Development Control policies Development Plan Document, London Plan and the intentions of the National Planning Framework. Approval is thus recommended accordingly.

## IMPLICATIONS AND RISKS

### **Financial Implications and risks:**

None.

### **Legal Implications and risks:**

Legal resources will be required to prepare and complete variation of existing legal agreement.

### **Human Resource Implications:**

None.

### **Equalities and Social Inclusion Implications:**

The Council's planning policies are implemented with regard to Equalities and Diversity.

## BACKGROUND PAPERS

Application form and drawings received 27<sup>th</sup> February 2015.



# REGULATORY SERVICES COMMITTEE

14 May 2015

# REPORT

**Subject Heading:**

**Application for the Stopping Up of and diversion of Public Footpath 198 adjacent to St Mary's Lane Upminster**

**(Application received 1<sup>st</sup> September 2014)**

**Report Author and contact details:**

**Vincent Healy - 01708 432467  
Vincent.healy@havering.gov.uk**

**Policy context:**

**Section 257 Town and Country Planning Act 1990**

**Financial summary:**

**None**

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

Havering will be clean and its environment will be cared for	<input checked="" type="checkbox"/>
People will be safe, in their homes and in the community	<input checked="" type="checkbox"/>
Residents will be proud to live in Havering	<input checked="" type="checkbox"/>

## SUMMARY

This report relates to an application received on 1<sup>st</sup> September 2014 for the stopping up and diversion of part of Public Footpath 198 to facilitate the development of land pursuant to a planning permission (planning reference P1220.14). The planning permission (planning reference P1220.14) dated 2<sup>nd</sup> April 2015 involves the construction of a three storey building comprising 22 retirement living apartments with communal facilities, landscaping and parking (“the Planning Permission”).

The developer has applied to the Council under S.257 of the Town and Country Planning Act 1990 (as amended) (“the Act”) to stop up part of Public Footpath 198 shown by continuous bold line on (Drawing Heading: The Former Old Windmill Hall St Mary’s Lane, Upminster, RM14 2QH) annexed to this report (“the Plan”) so that the development can be carried out and the Public Footpath 198 would be diverted as shown on the attached plan by a bold dashed line. The Council’s rights of way officer has considered the application and concluded that the stopping up is acceptable in highways terms to enable the Planning Permission to be carried out.

## RECOMMENDATIONS

Subject to the developer paying the Council’s reasonable charges in respect of the making of, consultation for, advertising of, and any inquiry costs associated with and the confirmation of the Stopping Up Order should the application be considered by the Secretary of State:-

- 2.1 The Council makes a Stopping Up Order under the provisions of s.257 Town and Country Planning Act (as amended) in respect of the section of Public Footpath 198 to be stopped up shown by continuous black bold line on the attached Plan as the land is required to enable development to be carried out for which the Council has granted the Planning Permission and the diversion of a new section of Footpath 198 is shown by a dashed bold black line on the attached plan.
- 2.2 In the event that no relevant objections are made to the proposal or that any relevant objections that are made are withdrawn then the Order be confirmed without further reference to the Committee.
- 2.3 In the event that relevant objections are raised and are not withdrawn following an opportunity to negotiate the matter may be referred to the Secretary of State for their determination unless the application is withdrawn.

- 2.4 The proposed stopping up and diversion relates respectively to a section of Public Footpath 198 shown by continuous bold black line on the attached plan and an area of diverted footpath shown by a dashed bold black line on the attached plan. The proposed stopping up and diversion are required to facilitate the implementation of development pursuant to the Planning Permission (reference P1220.14). It is therefore recommended that the necessary Order is made and confirmed.

## REPORT DETAILS

- 3.1 On 2<sup>nd</sup> April 2015 the Council granted Planning Permission (planning reference P1220.14) for the construction of a three storey building comprising 22 retirement living apartments with communal facilities, landscaping and parking. The Planning Permission was issued on 2<sup>nd</sup> April 2015 subject to conditions and a planning agreement under Section 106 of the Town and Country Planning Act 1990.
- 3.2 The stopping up is necessary in order that the development can be implemented and it involves the stopping up of a section of Public Footpath 198 and the diversion over a section of new public footpath.
- 3.3 The section of Public Footpath 198 to be stopped up is approximately 92 metres in length, with an approximate width of 1.8 metres. The precise length and the width of the section of Footpath 198 proposed to be stopped up is difficult to ascertain with any degree of certainty as part of the section runs through an unkempt hard-standing and part is an undefined path that runs through Upminster Park. The Ordnance Survey Grid Co-ordinates of the terminal points of the Public Footpath to be stopped up are set out in the Plan attached. The Ordnance Survey Grid Co-ordinates of the terminal points of the Public Footpath that forms the diverted path are also set out in the Plan attached. The section along which the proposed diverted footpath would run is approximately 87 metres in length and 1.8 metres in width. The proposed diversion runs between the Ordnance Survey Grid Co-ordinates on the attached plan and is shown as a bold black dashed line. This section of the proposed diversion of the Public Footpath exists on the ground and is the permissive route that is taken by those using Footpath 198 because access to the path at its junction with St Mary's Lane (at OS Co-ordinate 555812E 186562N) as shown on the Definitive Map and Statement has not been used.
- 3.3 The development under planning permission P1220.14 involves building on land which comprises part of the public footpath 198 which has not been accessible for use by the public for a significant period. In order to facilitate the implementation of the development, the section of public footpath 198 shown by continuous black bold line on the

attached Plan needs to be formally stopped up in accordance with the procedure set out in the Town and Country Planning Act 1990 (as amended) and the public footpath diverted along the route that is already being used by the public on the ground along the permissive path shown on the attached plan as a bold black dashed line. The Stopping Up Order will not become effective however unless and until it is confirmed either by the Council, if there are no relevant objections following negotiation or otherwise by the Secretary of State.

- 3.4 Section 257 of the Town and Country Planning Act 1990 allows a local Planning Authority as “competent authority” to make an Order authorising the stopping up of any highway if it is satisfied that it is necessary to do so in order to enable development to be carried out in accordance with a planning permission.
- 3.5 The Council makes the necessary Order, advertises it, posts Notices on site and sends copies to the statutory undertakers. There is then a 28 day period for objections to be lodged. If there are no objections or any relevant objections that have been made are withdrawn following negotiation the Council may confirm the Order, thereby bringing it into legal effect. If objections are made and not withdrawn then the Council may refer the application to the Secretary of State for determination.

## IMPLICATIONS AND RISKS

### 4.1 **Financial Implications and Risks:**

The costs of the making, advertising and where relevant confirmation (should there be no objections or objections are withdrawn) and any associated costs will be borne by the developer/applicant. Should the draft Order be remitted to the Secretary of State following relevant objection which are not withdrawn and thereafter subject to public inquiry the Secretary of State the Council’s associated costs will be borne by the developer/applicant.

### 4.2 **Legal Implications and Risks:**

Legal Services will be required to draft the Stopping Up Order and Notices as well as carry out the Consultation process and facilitate the mediation and negotiation with objectors. Should relevant objection be made and not withdrawn the application may be remitted to the secretary of state who will then determine the application.

### 4.3 **Human Resources Implications and Risks:**

None directly attributable to the application.

### 4.4 **Equalities and Social Inclusion Implications:**



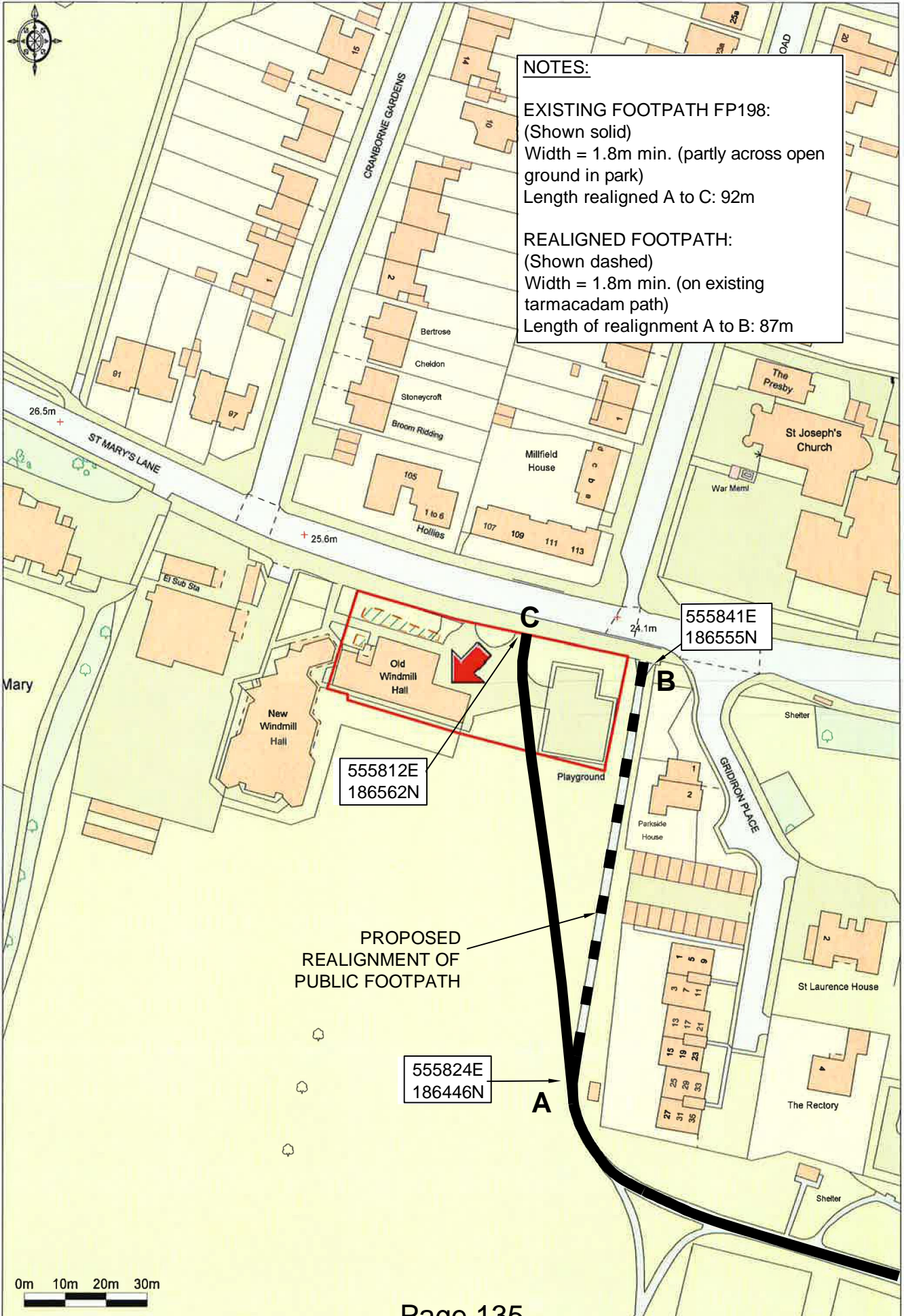
None directly attributable to the application.

**Background Papers List**

1. Report to Regulatory Services Committee of 12<sup>th</sup> March 2015 and the resolution to grant planning permission under planning reference P1220.14 subject to completion of a section 106 agreement.
2. Plan (Drawing Heading:- The Former Old Windmill Hall St Mary's Lane, Upminster, RM14 2QH) showing the area to be stopped up and the section of the diverted footpath proposed.

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The Former Old Windmill Hall St Mary's Lane, Upminster, RM14 2QH  
 1987 Footpath Realignment April 2015



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**REGULATORY SERVICES  
COMMITTEE  
14 May 2015**

?  
**REPORT**

<b>Subject Heading:</b>	<b>Application for the Stopping Up of Highway Land at Ongar Way Garages, Rainham</b>  <b>(Application received 23<sup>rd</sup> April 2015)</b>
<b>Report Author and contact details:</b>	<b>Vincent Healy - 01708 432467 Vincent.healy@havering.gov.uk</b>
<b>Policy context:</b>	<b>Section 247 Town and Country Planning Act 1990 (as amended)</b>
<b>Financial summary:</b>	<b>None</b>

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

Havering will be clean and its environment will be cared for	[x]
People will be safe, in their homes and in the community	[x]
Residents will be proud to live in Havering	[x]

**SUMMARY**

Further to a resolution of the Regulatory Services Committee of 19 February 2015 which this report supersedes, the report relates to an application received on 23 April 2015 for the stopping up of highway to enable the development of land pursuant to a planning permission (planning reference P1644.11). The planning application (planning reference P1644.11) (application received 12 December 2011; revised plans received 8 April 2014) involves demolition of existing garages and construction of 12 no.

dwellings) (“the Planning Application”). The planning permission was issued on 13<sup>th</sup> May 2014. This report relates to a smaller area of highway to be stopped up than that in the resolution of 19<sup>th</sup> February 2015 to minimise any effects of the development under planning reference P1644.11.

The developer has applied to the Council under S.247 of the Town and Country Planning Act 1990 (as amended) (“the Act”) to stop up the area of highway shown zebra hatched on the plan (Drawing titled Ongar Way Stopping Up) annexed to this report (“the Plan”) so that the development can be carried out. The Council’s highway officers have considered the application and consider that the stopping up is acceptable in highways terms to enable the Planning Permission to be carried out.

## **RECOMMENDATIONS**

Subject to the developer paying the Council’s reasonable charges in respect of the making of, advertising of, any inquiry costs associated with and the confirmation of the Stopping Up Order pursuant to Regulation 5 of The London Local Authorities (Charges for Stopping Up Orders) Regulations 2000 that:-

- 2.1 The Council makes a Stopping Up Order under the provisions of s.247 Town and Country Planning Act (as amended) in respect of the area of adopted highway shown zebra hatched on the attached Plan as the land is required to enable development for which the Council has granted the Planning Permission.
- 2.2 In the event that no relevant objections are made to the proposal or that any relevant objections that are made are withdrawn then the Order be confirmed without further reference to the Committee.
- 2.3 In the event that relevant objections are made, other than by a Statutory Undertaker or Transport Undertaker and not withdrawn, that the application be referred to the Mayor for London to determine whether or not the Council can proceed to confirm the Order.
- 2.4 In the event that relevant objections are raised by a Statutory Undertaker or Transport Undertaker and are not withdrawn the matter may be referred to the Secretary of State for their determination unless the application is withdrawn.

## REPORT DETAILS

- 3.1 On 13th May 2014 the Council granted Planning Permission (planning reference P1644.11) for the demolition of existing garages and construction of 12 no. dwellings, at Ongar Way, Rainham. The Planning Permission was issued on 13<sup>th</sup> May 2014 subject to conditions.
- 3.2 The stopping up is necessary in order that the development can be implemented and it involves the stopping up of a section of existing public highway.
- 3.3 The section of public highway to be stopped up comprises all of the areas zebra hatched on the plan annexed to this report. The dimensions in length and width for each of the 4 separate areas identified by letters on the plan are as follows: Point A – 31.67 metres in length by 5.09 metres in width at its widest point; Point B – 12.12 metres in length by 15.10 metres in width; Point C – 7.37 metres in length by 14.67 metres in width and Point D – 22.32 metres in length by 15.09 metres in width.
- 3.3 The development involves building on land which includes areas of highway. In order for this to happen, the areas of the highway shown zebra hatched on the attached Plan need to be formally stopped up in accordance with the procedure set out in the Town and Country Planning Act 1990 (as amended). The Stopping Up Order will not become effective however unless and until it is confirmed.
- 3.4 Section 247 (2A) of the Town and Country Planning Act 1990 allows a London Borough to make an Order authorising the stopping up of any highway if it is satisfied that it is necessary to do so in order to enable development to be carried out in accordance with a planning permission.
- 3.5 The Council makes the necessary Order, advertises it, posts Notices on site and sends copies to the statutory undertakers. There is then a 28 day period for objections to be lodged. If there are no objections or any objections that have been made are withdrawn the Council may confirm the Order, thereby bringing it into legal effect. If objections are made and not withdrawn then the Council must notify the Mayor of London of the objections and the Mayor may determine that a local inquiry should be held. However under Section 252(5A) of the 1990 Act the Mayor of London may decide that an inquiry is not necessary if the objection/s are not made by a local authority, statutory undertaker or transport undertaker and may remit the matter to the Council for confirmation of the Order. If however a Statutory Undertaker of Transport Undertaker makes a relevant objection which is not

withdrawn then the matter may be referred to the Secretary of State for determination.

## IMPLICATIONS AND RISKS

### 4.1 **Financial Implications and Risks:**

The costs of the making, advertising and confirmation and any associated costs, should the Order be confirmed or otherwise will be borne by the developer pursuant to The London Local Authorities (Charges for Stopping Up Orders) Regulations 2000.

### 4.2 **Legal Implications and Risks:**

Legal Services will be required to draft the Stopping Up Order and Notices as well as carry out the Consultation process and mediate any negotiation with objectors.

### 4.3 **Human Resources Implications and Risks:**

None directly attributable to the proposals.

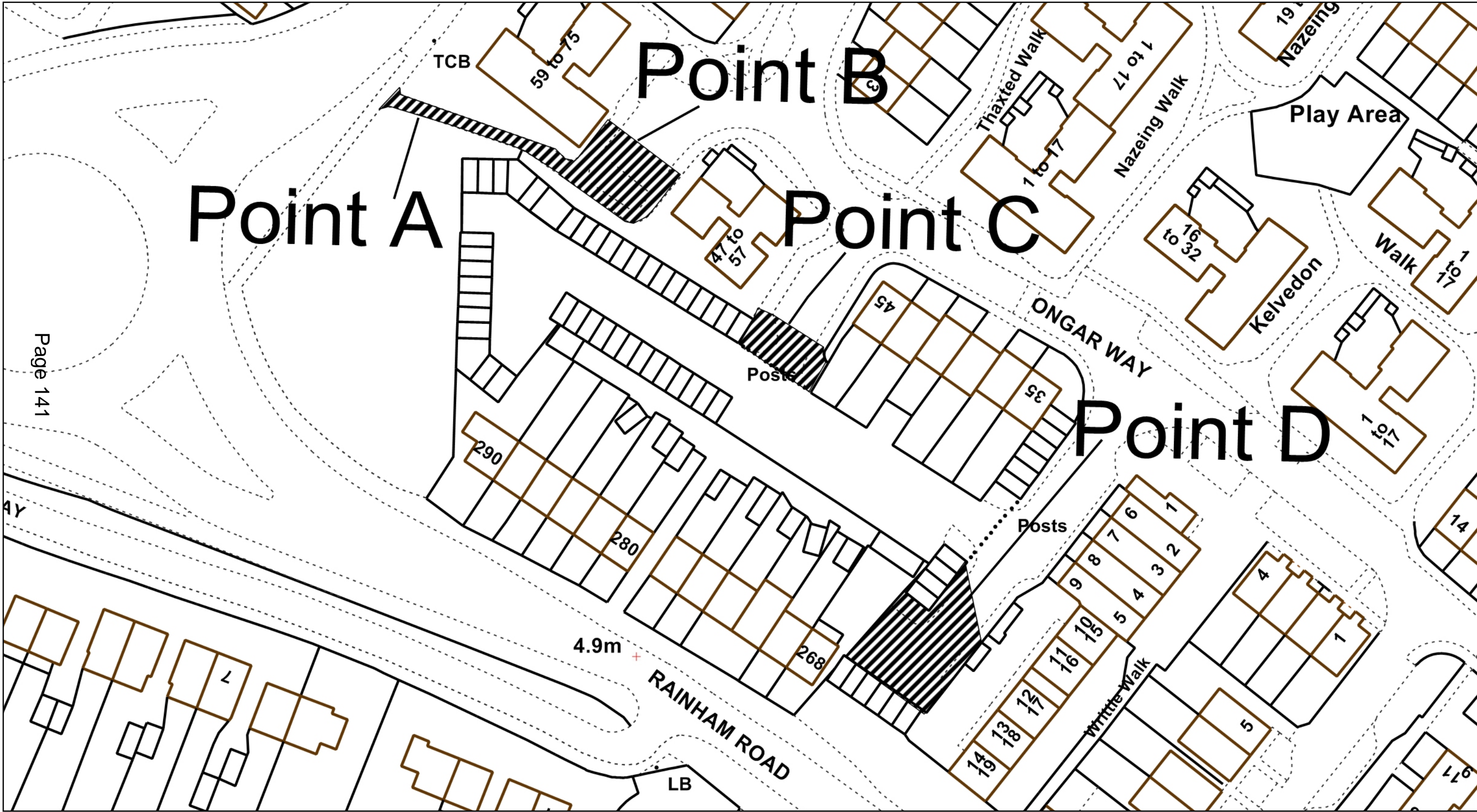
### 4.4 **Equalities and Social Inclusion Implications:**

None directly attributable to the proposal.

### **Background Papers List**

1. Regulatory Services Committee dated 8th May 2014 which granted planning permission under planning reference P1644.14
2. Plan (Drawing titled Ongar Way Stopping Up) showing the area to be stopped up





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Ongar Way Stopping Up N

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